

The Corporation of the City of Pembroke

By-law Number 2014-11

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

Whereas Section 232 of the *Municipal Act*, R.S.O. 1990, c. M.45, as amended, states that By-laws may be passed for licensing, regulating and governing owners and drivers of cabs, limousines, motor or other vehicles used for hire, and 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,

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.
- b. "By-law Enforcement Officer" shall mean the By-law Enforcement Officer of the City of Pembroke and subordinates or assistants.
- c. "Certificate" shall mean a certificate completed by an approved license mechanic and can be referred as a vehicle safety inspection certificate as to the mechanical condition of a vehicle in this By-law.
- d. "Chief Administrative Officer" shall mean the Chief Administrative Officer for the City of Pembroke or his designate.
- e. "City" shall mean the City of Pembroke.
- f. "Council" shall mean the Municipal Council for the City of Pembroke or any of its standing Committees.
- g. "Deficiency Notice" shall mean a notice served on a limousine or luxury limousine owner with respect to major mechanical defect of a limousine.
- h. "License" shall mean a permit granted under the provisions of this By-Law to drive or operate a limousine or luxury limousine.
- i. "Licensee" shall mean a person licensed under this By-law.
- j. "Licensed Premises" shall mean the premises where the licensee carries on the licensed operation.
- k. "Limousine" shall mean a motor vehicle which may bear identification other than the number plate, issued by the Ministry of Transportation for the Province of Ontario, which is kept or used for hire for the conveyance of persons or goods, but shall not include a taxicab.
- l. "Luxury Limousine" shall mean a motor vehicle in excess of (22) twenty-two feet, which is kept or used for the conveyance of passengers on an hourly or flat rate basis.
- m. "Major Mechanical Defect" shall mean a mechanical defect or defects directly or indirectly related to any part or parts 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 limousine or luxury limousine, or having possession or control thereof under an installment purchase agreement or by way or rental.
 - o. "Passenger" shall mean any person in a licensed vehicle under this By-law.
 - p. "Person" shall mean and include not only an individual, but also a partnership and body corporate and 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.
 - q. "Permit" shall mean a permit granted under the provisions of this By-Law to drive or operate a limousine or luxury limousine.
 - 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 the Chief Administrative Officer for the 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 manufacture.

2. Requirement for License

- 2.1 The limousine license applicant must possess a valid Ontario Drivers License void of any restrictions that would prohibit the operation of a limousine or luxury limousine, is not a probationary driver, nor a class G1 or G2 driver.
- 2.2 No person under the age of nineteen (19) years shall be granted a license under this By-law.
- 2.3 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 *Controlled Drugs and Substances Act (Canada)* within the preceding three (3) years;
 - b. the Applicant has not been found guilty of an offence under the *Liquor Control Act of Ontario* pertaining to the illegal sale or purchase of liquor within the preceding three (3) years;
 - 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) yeas;
 - d. the Applicant has not been found guilty of any 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)*.
- 2.4 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 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.
- 2.5 Notwithstanding the foregoing, the City may grant a license to any Applicant providing the City is satisfied that the Applicant, due to special circumstances, should be granted a said license.
- 2.6 All applicants for a limousine driver's license shall submit the following to the City:
- a. a completed application form with consent for a criminal records and driving records check; and,
 - b. three letters of reference excluding employees from the hiring limousine company; and
 - c. a letter from a limousine company stating their 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; and
 - f. driver's abstract from Ministry of Transportation of Ontario.
- 2.7 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.

3. Issuance of Licenses

- 3.1 the limit or cap of licensed limousines and luxury limousines in the City of Pembroke is 12. Any request by a limousine or luxury limousine owner to exceed such a 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.
- 3.2 No person shall use or operate any limousine or luxury limousine 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 license, the fee prescribed for this By-Law.
- 3.3 Every person who keeps a vehicle as a limousine or luxury limousine 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 vehicle operated by the Owner.
- 3.4 Where two (2) or more persons carry on or engage in a partnership in a limousine or luxury limousine, 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.

- 3.5 Limousine or luxury limousine Owners licenses shall expire on the first day of July of each year.
- 3.6 Limousine or luxury limousine Driver's licenses shall expire on the first day of January of each year.
- 3.7 the annual fee for each license is as set out in Schedule "A"
- 3.8 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;
 - b. shall be accompanied by the license fee prescribed by this By-Law; and,
 - c. shall be accompanied by such information and materials may be reasonably be required by the Chief Administrative Officer.
- 3.9 Every application for a limousine or luxury limousine 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;
 - b. shall be accompanied by two satisfactory photographs of the Applicant;
 - c. shall be accompanied by the license fee prescribed by this By-Law;
 - d. 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; and,
 - e. shall be accompanied by such information and material as may be reasonably required by the Chief Administrative Officer.
- 3.10 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.
- 3.11 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. submit a completed Consent for Criminal Record and Driving Records Check as set out in Appendix "A" hereto; and
 - b. submit one (1) passport photo taken within 3 months of the date of the renewal application; and
 - c. not drive any limousine or luxury limousine in the City of Pembroke for longer than 48 hours or 2 days, after the license is submitted for renewal to the City; and
 - d. renew his or her license no later than January 30th of each year; and

- e. pay the fee for such renewal as set out in Schedule "A" of this By-law.
- 3.12 Every application required for a license or renewal of a license 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. The Chief Administrative Officer may refuse to issue a license in cases where it is deemed in the best interest of public safety.
- 3.13 If the required investigation and examination into an examination for a limousine or luxury limousine Owner's license or a limousine or luxury limousine 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.
- 3.14 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 City, if any license is issued subject to conditions, such conditions shall be sent forth on or attached to the license.
- 3.15 The City may refuse to grant a license 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 City Council.
- 3.16 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.
- 3.17 The Chief Administrative Officer, upon the issuance of a license, shall furnish the licensee 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 or to have driven or operated, and in the case of a 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.
- 3.18 A vehicle 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. The license may not be altered or otherwise made to apply to more than one specific vehicle.
- 3.19 No Owner's license issued under the provisions of this By-Law shall be transferable, but the Owner of any limousine or luxury limousine 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 limousine or luxury limousine 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, who may permit the substitutions 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 the current year in respect of each such new or substituted vehicle, and the original Owner's license shall be deemed to be revoked.
- 3.20 In the event of the death of a holder of a 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 license being suspended or, cancelled.

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 City 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.

- 3.21 Upon the expiry, or revocation of a limousine or luxury limousine license, the license shall be returned to the Chief Administrative Officer within forty-eight (48) hours of the expiry or revocation of such license.

A license may be held by an Owner who does not use the license or an active licensed vehicle for a period of twelve (12) months after which time the license shall be returned to the Chief Administrative Officer.

- 3.22 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.

Where a licensee has not renewed a license in accordance with this section, such license is null and void and is no longer in force and effect.

- 3.23 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.
- 3.24 No person shall enjoy a vested right in the continuance of a license and upon the issue, renewal, cancellation or suspension thereof, the value of the license shall be the property of the City.

4. Revocation of License

- 4.1 The City 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 any cases where it is deemed in the best interest of public safety. Any person whose license is suspended or revoked may appeal to the City.
- 4.2 In the event of any license issued under this By-Law being cancelled or revoked, 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 or revocation. Issuance of a new license will have an expiry date consistent with the license time period as outline in this By-Law.
- 4.3 No person with a suspended or revoked limousine driver's license shall occupy the driver's seat of any limousine while their license is suspended or revoked.
- 4.4 The Chief Administrative Officer may, at his discretion, continue the suspension of a license, which has been suspended under Section 4 until he is satisfied that the license should be reinstated, revoked, or until the completion of any investigation into the suspension of the license.
- 4.5 The Chief Administrative Officer may suspend any license for:
- a. any contravention of the Criminal Code of Canada;

- b. any contravention of the Controlled Drugs and Substances 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 or purchase of liquor;
 - e. for 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.
- 4.6 The holder of any license that has been revoked or suspended 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.

5. Duties of the Chief Administrative Officer

- 5.1 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 by the City, 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;
 - d. 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;
 - e. furnish each person who is purchasing a license with a copy of this By-Law;
 - f. 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;
 - g. prosecute all persons who offend against any provisions of this By-Law;
 - h. cause inspections to be made of all limousines or luxury limousines to ensure that the vehicle meets the requirements of this By-law; and
 - i. cause inspections pertaining to a deficiency notice.
- 5.2 The Chief Administration Officer may delegate to 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.

- 5.3 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 limousine or luxury limousine in compliance with this By-Law.
- 5.4 Under an order from the Chief Administrative Officer, any such limousine 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 on the Owner of the limousine and/or the Driver. All costs for an inspection are born by the limousine owner. The limousine license plate and permit are seized until final determination of inspection. Limousine Owners reserve the right to remove and cease to operate the subject limousine 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 plates and permits will become null and void.

6. Regulations for Owners

- 6.1 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.
- 6.2 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.
- 6.3 Except as provided for in this By-Law, no limousine or luxury limousine 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 limousine, or luxury limousine for a period of more than one (1) normal Driver's shift, and, also, any arrangement relating to the use of the limousine or luxury limousine by any person other than bona fide fare enduring or intended to endure for more than one (1) day.
- 6.4 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 limousine or luxury limousine and such records will be retained for at least twelve (12) months. Full information shall be given by the license holder to any 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 passenger or with reference to all matters within his knowledge relating to such passengers.
- 6.5 Every Owner shall notify the Chief Administrative Officer, in writing, of any change of address or the telephone number of the licensee which has previously been given to the Chief Administrative Officer within three (3) days of the change thereof.
- 6.6 Every Owner shall keep his license or a copy thereof in the interior of the vehicle where same shall be clearly visible to any passenger.
- 6.7 Every Owner obtaining a license under this By-Law shall keep his 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 the City, shall produce the license for inspection.

- 6.8 Every Owner shall ensure that all requirements of this By-Law relating to vehicle equipment, Driver's responsibilities and licensing requirements are adhered to.
- 6.9 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 in any period of twenty-four (24) hours.
- 6.10 Every Owner shall submit any vehicle licensed under this By-Law for an inspection required by the Chief Administrative Officer and shall not hinder any Police Officer or Municipal Law Enforcement Officer from entering such vehicle for any inspection thereof.
- 6.11 Every Owner shall file with the Chief Administrative Officer on the last day of June and December, during the currency of the Owner's license, a safety standards certificate which has been issued within the previous thirty (30) days for the subject vehicle certifying that the vehicle is mechanically fit. There shall be no cost to the City for this certificate.
- 6.12 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.
- 6.13 Every Owner shall allow the Chief Administrative Officer, at all reasonable time, 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.
- 6.14 Where a limousine plate has been deemed lost or stolen to the Chief Administrative Officer, the owner of the said limousine plate shall provide sufficient evidence that the limousine plate cannot be recovered and reused at another time. At that time a new numbered limousine plate will be issued and the former limousine plate will become null and void. An administrative fee will be charged for the replacement of the lost or stolen limousine plate as set out in Schedule "A" of this By-Law.
- 6.15 Every Owner shall upon request, submit to the Chief Administrative Officer a list of drivers so employed by the said company and such list shall include full names, addresses and telephone numbers.
- 6.16 Every Owner shall upon request, submit to the Chief Administrative Officer a list of vehicles and properties so used by the limousine company.

7. Drivers Duties and Responsibilities

7.1 Duties of All Drivers

Every licensed limousine and luxury limousine driver shall:

- a. only provide limousine service on a prearranged basis;
- b. only charge for services in accordance with Schedule "B";
- c. keep the interior and exterior of his 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.

- d. upon the request of any passenger give, in writing, his name, limousine or luxury limousine license number issued to him and the Provincial Motor Vehicle License number of the vehicle;
- e. every City of Pembroke limousine and luxury limousine driver while so employed and engaged, shall at all times display its City of Pembroke photo identification/license card inside the limousine vehicle and in such a way that it faces the rear seat of the limousine and is in clear view at all times;
- f. retain his Provincial Driver's license in his possession at all times and shall, upon request, surrender the license to any Police Officer;
- g. every limousine driver shall upon request, furnish their photo identification license card and their Ontario Driver's License to any Police Officer or Provincial Offences Officer authorized under this By-Law by the Chief Administrative Officer or Municipal By-Law Enforcement Officer;
- h. upon the request of any Police Officer or Municipal By-Law Enforcement Officer, provide full information as to the passengers carried;
- i. 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 damaged has been occasion by himself or his vehicle;
- j. punctually keep all his appointments and engagements and 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 his appointments or engagements, except for reasons beyond his control;
- k. travel by the most direct route to the point of destination, unless otherwise directed by the passenger;
- l. while on duty be neat and clean in appearance and display, constantly a limousine or luxury limousine 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;
- m. at the expiration of his work period, return the vehicle to its Owner and shall not, at any time, abandon the vehicle;
- n. report forthwith to the Dispatcher or the Owner, any accident in which case he was involved or any damage caused while operating the vehicle;
- o. while waiting at any public place:
 - i. not obstruct or interfere in any way with the normal use of the public place, or interfere with the surrounding traffic patterns;
 - ii. not make any loud noise or disturbance;
 - iii. not wash the limousine or luxury limousine, and;
 - iv. not make repairs to the limousine or luxury limousine, unless the repairs are immediately necessary;

- p. notify the Chief Administrative Officer, in writing, of any change of address or telephone number of the license which has previously been given to the Chief Administrative Officer, within three (3) days of the change thereof;
- q. report forthwith to the Owner, any accident in which case he was involved or any damage;
- r. 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 suddenly ill and shall be entitled to the fare or charge specified in Schedule "B" attached to this By-Law to be paid by the City;
- s. notify the Chief Administrative Officer, in writing, of any change of address or telephone number of the license which has previously been given to the Chief Administrative Officer, within three (3) days of the change thereof.

7.2 Driver Prohibitions

No licensed limousine or luxury limousine driver shall:

- a. solicit fare or hold himself out as being available to service fares in any public place; and,
- b. subject to Section 7.1 (b) above and except for a tip or gratuity, recover or receive any fare or charge from any passenger or person who requested the trip which is greater or less than the fare or charge authorised by this By-Law; and,
- c. operate a limousine or luxury limousine 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,
- d. make any charge for time lost through defects or inefficiency of the vehicle or the incompetence of the Driver; and,
- e. make any charge for the time elapsed due to early arrival of the vehicle in response to a call for vehicle to arrive at a fixed time; and,
- f. 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 limousine or luxury limousine;
 - ii. in an emergency situation;
- g. knowingly mislead a passenger on time or place of arrival or departure or probably fare; and,
- h. 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,
- i. permit any person other than the Owner, an employee or a person contracted by the Owner to drive his/her vehicle; and
- j.

- i. smoke any product containing tobacco in a limousine or luxury limousine;
 - ii. smoke any product containing tobacco in any device designed for smoking a tobacco product;
 - iii. hold lighted tobacco and or lighted tobacco in a device, in a limousine or luxury limousine;
- k. it shall be unlawful for any limousine or luxury limousine driver or owner to permit, allow or assist any person in a limousine or luxury limousine in contravention of the Smoke Free Ontario Act or any provisions of this bylaw:
- i. 1st Offence – Fine from the Health Unit
 - ii. 2nd Offence – Fine plus a five (5) day limousine license suspension
 - iii. 3rd Offence – Fine plus a ten (10) day limousine license suspension
 - iv. 4th Offence – Fine plus permanent suspension of his or her limousine license
- l. charge a higher fare or an additional fee for persons with disabilities than for person without disabilities for the same trip; and,
- m. charge a fee for the storage of mobility aids or mobility assistive devices.

8. Passenger Fares

- 8.1 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 arrangement for; and,
 - c. provide that the Driver and/or vehicle have complied with all the requirements of this By-Law.
- 8.2 In the event of a dispute between the Driver and a Passenger, they shall submit such a dispute to the Officer in charge of the Ontario Provincial Police and if such dispute cannot be solved amicably, each party shall have his own recourse according to law.
- 8.3 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 limousine or luxury limousine license, the name of the Owner of the limousine or luxury limousine and the date of the transaction.

9. Vehicle Condition and Equipment

- 9.1 Every limousine and luxury limousine shall be equipped with:
- a. the Owner's license, placed in a clear container and displayed in such a way that the license is visible by any passenger in the vehicle; and
 - b. the vehicle number plate which is to be prominently displayed on the rear exterior of the vehicle.
- 9.2 Every Owner and 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.

- 9.3 Every Owner shall check, immediately, any 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.
 - 9.4 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 receipt of such notice, cease to operate his vehicle provided, however, that an Owner be allowed twenty-one (21) days to repair damage to the body of a vehicle as long as such damage does not render the vehicle unsafe or unsightly. In the event that the Owner is unable to repair the vehicle within the twenty-one (21) days due to unavailability of time or materials, the Owner may apply, in writing, to the Chief Administrative Officer for an extension of time to repair the vehicle.
 - 9.5 Notwithstanding the foregoing, the Owner shall file with the Chief Administrative Officer on the last day of June and December, during the currency of the Owner's license, a safety standards certificate which has been issued within the previous thirty (30) days for the subject vehicle certifying that the vehicle is mechanically fit. There shall be no cost to City Council or Chief Administrative Officer for this certificate.
 - 9.6 No motor vehicle for which the model year is more than seven (7) years prior to the year being licensed, may be used as a limousine or luxury limousine, except that City Council, on the recommendation of the Chief Administrative Officer, may approve licenses for vehicles older than seven (7) years.
- 10. Tariffs**
- 10.1 City Council may review the fares permitted to be charged by limousines or luxury limousines for the purpose of establishing new rates.
 - 10.2 The rates of fare to be charged by the Owners or Drivers of limousines or luxury limousines shall be exactly shown in Schedule "B" and no greater or lesser amounts shall be demanded or received.
 - 10.3 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.
 - 10.4 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.
11. 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.
 12. Schedule "A" and "B" are hereby adopted and declared to form part of this By-Law.

13. 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 18th Day of February, 2014.

Mayor

Chief Administrative Officer/Clerk

Read a third time and passed this 18th Day of February, 2014.

Mayor

Chief Administrative Officer/Clerk

Schedule "A"

Number	Fee Description	Fee
1	Limousine or Luxury Limousine Owner License	\$500.00
2	Limousine or Luxury Limousine Owner License Renewal	\$200.00
3	Replacement License for a New Limousine or Luxury Limousine	\$75.00
4	Replacement of Photo Identification License (loss, theft, or change of limousine companies)	\$15.00
5	Replacement license for a new limousine or luxury limousine number plate	\$65.00
6	Limousine or Luxury Limousine Driver License	\$75.00
7	Limousine or Luxury Limousine Driver License Renewal	\$75.00

Limousine or luxury limousine owner license pro-rate fee shall be the \$500 fee divided by the remaining months to the license expiry date.

Schedule "B"

There will be a **minimum** twenty (20) dollar fee for each pick up and drop off within the City of Pembroke boundaries. (For example: a trip from home to the mall would be \$20 and then from the mall back home would be an additional \$20 for a total of 40 dollars.)

All other calls for service outside the City limits will be on a pre negotiated basis with a **minimum** fee of forty (40) dollars for each pick up and drop off, keeping in mind the distance to be travelled, the time it will take to reach the destination and any other circumstances to be considered at the time of service.

A **minimum** hourly fee of seventy (70) dollars will apply to each company.

Appendix "A"

City of Pembroke – Application for a Chauffeurs License

Surname:

Given Names:

Maiden Name (if applicable):

Date of Birth:

Address:

Previous Address (in past five years):

Phone number:

Cell number:

Drivers License:

Class:

Have you ever held a chauffeurs license in the City of Pembroke/County of Renfrew: Yes No

Do you require corrective lenses to drive? Yes No

Has your driver's license ever been suspended? Yes No

Have you ever been convicted of a Criminal Offence for which a Pardon has not been granted? Yes No

Consent to a Criminal Record Check

I hereby certify that the above information on this application is true and correct to the best of my knowledge, and I authorize the Ontario Provincial Police to conduct a background check of local and National databases to search for any criminal Convictions, pardons for Sexual offences, outstanding charges, warrants, prohibition or probation orders, driving convictions, as well as, police contacts and related occurrences. (Information found may require confirmation by fingerprint submissions to the RCMP in some cases).

Signature:

Date:

Police Witness: