

PEMBROKE POLICE SERVICES BOARD

BY-LAW NUMBER 2009 - 01

BEING A BY-LAW TO ESTABLISH RULES AND REGULATIONS
FOR THE LICENCING 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 PEMBROKE POLICE SERVICES BOARD ENACTS AS FOLLOWS:

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SECTION 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, transportation and off-loading of a person with a disability confined to a wheelchair, or other similar devise and is available for providing conveyance service;
- (c) **"BOARD"** shall mean the Pembroke Police Services Board.
- (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/LICENCE PLATE"** shall mean a permit granted under the provisions of 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 OF POLICE"** shall mean the Chief of Police for the City of Pembroke.
- (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) **"LICENCED PREMISES"** shall mean the premises where the owner carries on the licensed operation.
- (l) **"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
- (m) **"OWNER"** shall mean any person owning a taxicab or having possession or control thereof under an installment purchase agreement or by way or rental.
- (n) **"OWNERS PERMIT or PERMIT"** shall mean cab owners 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.
- (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) **"SALE"** shall mean the sale of one or more vehicles in respect to which licenses are issued by the Board, and accompanied by an application to the Board for the issue of a new license.
- (r) **"SEATING CAPACITY"** shall mean the number of passengers limited to the seating capacity of the vehicle as rated by the manufacture.
- (s) **"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.
- (t) **"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.

- (u) **"TAXI DRIVER LICENCE"** 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.

SECTION 2 - DRIVER ADMINISTRATION AND LICENSING

1. The taxi licence applicant must possess a valid Ontario Drivers Licence void of any restrictions 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 the board 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 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) years;
 - (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 a loss 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, the Board may grant a license to any Applicant providing the Board 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)**, and;
 - (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 licence shall submit the following to the Pembroke Police Service:
- (a) A completed application form with consent for a criminal records and driving records check and;
 - (b) Three letters of reference excluding employees from which the taxi company they will be hired 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 of Police.
8. Applicants must submit to a test performed by the Pembroke Police Service. The applicant must display landmark and geographical knowledge of the City of Pembroke. Applicants

must obtain a passing grade of no less than 75% in the oral portion. Applicants must perform a road driving test with a member of the Pembroke Police Service. The applicant will be observed on compliance of the **Highway Traffic Act of Ontario**.

9. Tariff cards and or photo identification licence cards which are lost, stolen or destroyed may be replaced by the Chief of Police, upon verification of its validity and in the case of the photo identification/licence replacement, payment of set fee in Schedule "A", of this By-Law.
10. All applicants who submit a licence for renewal shall:
 - (a) Submit one (1) passport photo taken within 3 months of the date of the renewal application and;
 - (b) Not drive any cab in the City of Pembroke for no longer than 48 hours or 2 days, after the licence is submitted for renewal to the Pembroke Police Service and;
 - (c) Renew his or her licence no later than January 30th of each year and;
 - (d) Pay the fee for such renewal as set out in Schedule "A" of this By-Law and;
 - (e) 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.

SECTION 3 - DRIVER AND OWNER CODE OF CONDUCT

1. Every City of Pembroke taxicab driver while so employed and engaged, shall at all times display its City of Pembroke photo identification/licence 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 the Parking Control By-Law for the City of Pembroke.
3. Every taxi driver shall upon request, furnish their photo identification licence card and their Ontario Drivers Licence to any Police Officer, Special Constable for the

City of Pembroke or Provincial Offences Officer authorized under this By-Law by the Chief of Police.

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 shall use a cellular phone in any manner while operating a taxicab, unless the cellular phone is equipped with a functioning hands free device.
6. No taxi driver or owner shall while conducting business any taxicab, purchase and or transport any liquor product within the boundaries in the City of Pembroke without the possession of a valid licence issued by the Liquor Control Board of Ontario for the transportation of a liquor product and conform to the **Liquor Licence Act**.
7. No taxi driver and or owner shall:
 - (a) smoke any product containing tobacco in a taxicab and or taxi stand;
 - (b) smoke any product containing tobacco in any devise designed for smoking a tobacco product; and
 - (c) Hold lighted tobacco and or lighted tobacco in a device, in a taxicab and or taxi stand.
8. 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) 1st Offence - fine from the Health Unit
 - (b) 2nd Offence - fine plus a five (5) day suspension
 - (c) 3rd Offence - fine plus a ten (10) day suspension
 - (d) 4th Offence - permanent suspension of the taxicab driver's licence

9. Every licensed driver shall:
- (a) 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 of Police; 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 Officer; and
 - (d) upon the request of any Police Officer 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 damaged has been occasion by himself or his vehicle; and
 - (f) 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; 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 to its Owner 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

1. No licensed 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) carry, in a vehicle used for hire, a greater number of occupants or persons that specified by the vehicle manufacturer to that vehicle; and
 - (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) carry any person while on duty and subject to call other than the person or persons employing his service; and
 - (e) drive his vehicle with luggage or other material piled in the front seat in a manner that obstructs his view; and
 - (f) permit any person other than the Owner, an employee or a person contracted by the Owner to drive his vehicle; and
 - (g) permit any immoral, indecent or disorderly conduct in his vehicle; and
 - (h) 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

- (i) possess a radio frequency scanner in a taxicab, or act upon information obtained from a radio frequency scanner; and
- (j) make any change from the time lost through defects or inefficiency of his taxicab or incompetence of the Driver thereof or 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

1. 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) not make any loud noise or disturbance; and
 - (d) be sufficiently close to their taxicab to have it under observation at all times; and
 - (e) not wash the taxicab on city owned property; and
 - (f) not make repairs to the taxicab, unless the repairs are immediately necessary; and
 - (g) 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
 - (h) 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
 - (i) notify the Chief of Police, in writing, of any change of address or telephone number of the license which has previously been issued by the Chief of Police, within three (3) days of the change thereof; and

- (j) make available his trip record and give full information thereof to any Police Officer of Municipal By-Law Enforcement Officer on being required to do so; and
- (k) report forthwith to the Dispatcher or the Owner of any accident in which case he was involved or any damage; and
- (l) 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 Chief of Police; and
- (m) 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

1. No licensed taxicab Driver shall:
 - (a) operate a taxicab when the 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 of Police or the taximeter is not operating properly; and

- (b) operate a taxicab when the taximeter seal is improperly affixed; and
- (c) 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; and
 - (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
- (d) knowingly mislead a passenger on time or place of arrival or departure or probable fare; and
- (e) 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
- (f) 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.
- (g) any taxicab not licensed to operate within the boundaries of the Township of City of Pembroke shall keep the roof sign extinguished while within the boundaries of the City.
- (h) any taxicab not licensed to operate within the City of Pembroke, while in the boundaries of the City and conveying passengers in the taxicab, must be licensed by the City or municipality that the taxicab originates from
- (i) any taxicab not licensed to operate within the boundaries of the City of Pembroke and in compliance with preceding 1(h), may enter the boundaries of the City to receive and or discharge a fare.
- (j) 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 of fuel or a food product.

SECTION 4 CAB OWNER ADMINISTRATION

1. Every Owner shall advise the Chief of Police 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 of Police 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 taxicab and such records will be retained for at least twelve (12) months. Full information shall be given by the license holder to any Pembroke Police Officer, Pembroke Special Constable 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.
5. Every Owner shall notify the Chief of Police, in writing, of any change of address or telephone number of the licensee, which has previously been given to the Chief of Police within three (3) days of the change thereof.
6. Every Owner shall keep his permit or a copy thereof in the interior of the vehicle where it shall be clearly visible to any passenger.
7. Every Owner obtaining a permit under this By-Law shall keep his permit 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 Board, shall produce the permit for inspection.

8. 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.
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 and period of twenty-four (24) hours.
10. Every Owner shall submit any vehicle licensed under this By-Law for inspection as required by the Chief of Police and shall not hinder any Police Officer, Special Constable or Municipal By-Law Enforcement Officer from entering such vehicle for any inspection thereof.
11. 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.
12. Every Owner with 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 within the boundaries of the City of Pembroke must comply with all zoning requirements as set out by the Corporation of the City of Pembroke.
13. Every Owner shall allow the Chief of Police, 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 of Police may inspect any goods, articles, books, records and other documents relating to such trade, calling business or occupation.
14. Every Owner may be charged with, and convicted of an offence under this By-Law for which he himself, an employee, servant, clerk or agent is subject to be charged and upon conviction the licensee is liable to the penalty prescribed for the offence.
15. No taxicab can exceed an age of 10 years. The age of a vehicle is determined by subtracting the production date of the vehicle from the licensing year.
16. An applicant for an owners permit shall submit in writing to the Chief of Police a request for a new permit. As a result, the Chief of Police will notify all other taxi companies of the application and opportunity to comment.

The Chief of Police will bring the application to the Board for consultation and determination. If the application proceeds, the applicant will be notified. Successful applications will have 30 days to comply with all aspects governing licences and plates. Failure to meet all terms in the allotted 30 days will result in the licence being cancelled.

17. Every owner who applies for the transfer of taxi plates to another vehicle must complete the transfer sheet as set out by the Chief of Police.

SECTION 5 CAB OWNER PERMITS

1. An Applicant for a taxi permit/license plate shall:
 - (a) provide evidence that the Owner is presently licensed under the authority of the **Highway Traffic Act (Ontario)**;
 - (b) provide evidence that the vehicle is licensed under the authority of the **Highway Traffic Act (Ontario)** and is mechanically fit;
 - (c) procure in respect to each vehicle licensed under this By-Law, a policy of insurance endorsed to the effect that the Board will be given at least two days notice and shall deposit a copy or certificate thereof with the Board and such policy will be kept in force as long as the vehicle remains licensed under this By-Law, and;
 - (d) insure the 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 (\$2,000,000.00) for all claims in any one accident, exclusive of interest and costs.
2. If the permit 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.
3. No person shall use or operate any taxicab defined in Section 1 within the boundaries of the City of Pembroke without obtaining a permit issued by the Board authorizing them to carry on their business and occupations within the boundaries of the City and for which said person shall pay

the Board, at the time of taking out said permit, the fee prescribed for by this By-Law in Schedule "A".

4. Every person who keeps a vehicle as a taxicab shall obtain a permit issued by the Board 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 permit taken out for every taxicab operated by the Owner.
5. Where two (2) or more persons carry on or engage in a partnership in a taxicab the permit may be issued in the name of the partner only, but when the application for a permit is made, the name and address of each member of the partnership shall be set out therein.
6. When the Chief of Police receives an application for a new Owner's permit for a taxicab he shall give notice of the application to all the operators known to him to be operating in the Municipality, stating therein, that they may make representation, in writing, to the Chief of Police, or on request, orally to the Board as to whether the public interest requires that such license should be granted or refused.
7. Upon completion of his investigations, the Chief of Police shall report to the Board and the Board shall, on receipt of the report and after hearing any representation that any person may desire to make as to whether such permit should be issued or not issued, shall direct either:
 - (a) that the Chief of Police notify the Applicant that the permit has been refused, or;
 - (b) direct the Chief of Police to issue the permit.
8. Taxicab Owners permits shall expire on the first day of July of each year.
9. Taxicab Driver's licenses shall expire on the thirty-first (31) day of December of each year.
10. The annual fee for each license is as set out in Schedule "A".
11. All fees for renewal of Owner and Driver licenses under this By-Law shall be paid at the Pembroke Police Service within thirty (30) days of their expiry, failing which all licenses become null and void and must be returned to the Board.

12. Every application for an original permit by the Owner under the By-Law shall be in writing, signed by the Applicant on forms provided by the Chief of Police and;
 - (a) shall be filed with the Chief of Police;
 - (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 may be reasonably be required by the Chief of Police.

13. Every application for a Taxicab Driver's license shall be in writing, signed by the applicant on forms provided by the Chief of Police, and;
 - (a) shall be filed with the Chief of Police;
 - (b) shall be accompanied by two satisfactory passport style photographs of the Applicant;
 - (c) shall be accompanied by the license fee prescribed in Schedule "A" 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, 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 of Police.

14. 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 of Police, and;
 - (a) shall be filed with the Chief of Police
 - (b) shall be accompanied by the license fee prescribed in Schedule "A" by this By-Law;
 - (c) shall be accompanied by such information and material as may reasonably be required by the Chief of Police;
 - (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.

15. Every application required under this By-Law to be made to the Board shall be submitted to the Chief of Police, which shall be dealt with in accordance with this By-Law.
16. The Chief of Police 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 or by the Board (including a "Consent for Criminal Record and Driving Record Check"), as per attached Appendix "A", relative to such application and shall transmit the results of such application and investigation to the Board, except as hereinafter provided.
17. If the required investigation and examination into an examination for a taxicab Owner's permit or a taxicab Driver's license does not disclose any reason why the application should not be granted, the Chief of Police shall issue such a license unless, in his opinion, the granting of a license shall be contrary to the public interest.
18. If the Chief of Police determines the issuing of such a license or permit should not be granted, he shall refer the application and any results of any investigation or examination to the Board for final disposition.
19. In the case of an application for a license other than mentioned in the preceding section, the Chief of Police shall complete such investigation and examination that are required in his opinion and shall forward the application and the results of such investigation and examination to the Board.
20. Any member of the public may appear at the meeting of the Board and may make submissions to the Board concerning the granting of such license or permit.
21. The Board shall consider any application forwarded to it, if satisfied that the issue of the license or permit would not result in a breach of the law or be adverse to the public interest, and that the character of the Applicant does not appear to be such as to require further investigation, the Board shall direct the Chief of Police to issue the license or permit to the Applicant and the Chief of Police shall forthwith issue the license to the Applicant.
22. All licenses and permits issued under this By-Law shall be issued by the Chief of Police in the name of the Board on forms supplied by the Board, if any license or permit is

issued subject to conditions, such conditions shall be sent forth on or attached to the license or permit.

23. The Board may refuse to grant a license or permit applied for or may grant a conditional license or permit if the Applicant signifies that he is prepared to accept the conditions imposed on his license or permit and to make no objections to those conditions imposed by the Board
24. An Applicant for a license or permit who has been refused a license or permit by the Board may apply to the Board requesting a hearing before the Board.
25. The Chief of Police, upon the issuance of a permit, shall furnish the applicant with:
 - (a) the permit 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 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 of Police or his designate.
26. An owners permit issued hereunder shall contain a description of the particular vehicle to which the permit applies along with full insurance particulars for the said vehicle as mentioned in Section 5(1)(d). The permit may not be altered or otherwise made to apply to more than one specific vehicle.
27. The Chief of Police, or his designate, shall examine and test every Applicant for a taxicab Driver's license as to his knowledge of the matters referred to and shall certify, in writing, his opinion as to the Applicant's knowledge of the matters referred to.
28. In the event the Chief of Police is unable to certify that the Applicant's knowledge of the matters referred to are adequate, the Applicant may apply to be re-examined.
29. No Owner's permit issued under the provisions of this By-Law shall be transferable, but the Owner of any taxicab desiring to obtain an Owner's permit for any new vehicle in substitution for a vehicle duly licensed hereunder shall make an application in writing for such exchange to the Chief of Police, 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 of Police and the Board on receipt of such application, together with the report and recommendation of the Chief of Police 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 permit shall be issued for the balance of the current year in respect of each such new or substituted vehicle, and the original Owner's permit shall be deemed to be revoked.
30. In the event of the death of a holder of an Owner's permit, the death shall be reported to the Chief of Police 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.
 31. The Board, in the case of an Owner's permit being applied for pursuant to the death of a permit holder, shall require the Applicant, at his/her own expense, to provide the Board with such necessary information and materials as specified in this By-Law in respect to the new Owner's permit in the same manner as though applying for the issuance of an original permit.
 32. Upon the expiry, or revocation of a taxicab owner's permit, the permit and taxi license plate shall be returned to the Chief of Police within forty-eight (48) hours of the expiry or revocation of such permit.
 33. A permit 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 permit and taxi license plate shall be returned to the Chief of Police.
 34. If a permit has been issued under this By-Law and, prior to the expiration of the permit, an application for the renewal of the permit is received as herein provided, the Chief of Police may issue a new permit in accordance with the application.
 35. Where a licensee has not renewed a drivers 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 of Police within forty-eight (48) hours after the expiration date.
 36. Notwithstanding anything in this part, the Chief of Police may refer an application to the Board where, in his

opinion, it is proper to do so or where the Board has so instructed him to do so.

37. 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 Board.
38. No taxicab can exceed an age of 10 years. The age of a vehicle is determined by subtracting the production date of the vehicle from the licensing year.
39. An applicant for an owners permit shall submit in writing to the Chief of Police a request for a new permit. As a result, the Chief of Police will notify all other taxi companies of the application and opportunity to comment. The Chief of Police will bring the application to the Police Services Board for consultation and determination. If the application proceeds, the applicant will be notified. Successful applications will have 30 days to comply with all aspects governing licences and plates. Failure to complete in the allotted 30 days will result in the licence being cancelled.
40. Every owner who applies for the transfer of taxi licence plates to another vehicle must complete the transfer sheet as set out by the Chief of Police.
41. 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.

SECTION 6 VEHICLE EQUIPMENT AND MAINTAINENCE

1. Every taxi vehicle driver and or 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 Pembroke Police Service, 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 color of the taxicab is of one color as described in the vehicle ownership card registered to said 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 of Police and authority has been obtained to operate until the taximeter has been resealed by the Pembroke Police Service.
3. Every taxicab shall be equipped by the Owner with a taximeter of a type approved by the Chief of Police 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 of Police;
 - (b) adjusted in accordance with Schedule "B" attached to this By-Law;
 - (c) tested by running the taxicab to which it is attached over a measured track or distance before being sealed or put into service;
 - (d) clearly illuminated so as to be easily visible by passengers in the vehicle between dusk and dawn;
 - (e) submitted to the Chief of Police whenever he deems it necessary for testing, inspection and further sealing;

- (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 not longer than six (6) months without retesting and resealing by the Chief of Police.
- 6. Any subsequent resealing within a licence 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 Owner's permit, 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 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 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 of Police 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.

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 the Board, on the recommendation of the Chief of Police, may approve licenses for vehicles older than ten (10) years.
13. Every taxi owner shall, as condition of the owners permit, display on the hood of every vehicle so owned an illuminated sign that:
 - (a) Bears 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.

SECTION 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) 3 years of age or less - 1 certificate per licensed year
 - (b) 4 to 8 years - 2 certificates per licensed year
 - (c) 9 to 10 years - 3 certificates per licensed year
2. Vehicle Safety Inspection Certificates are valid for 36 days after date of issue.
3. Under an order from the Chief of Police, 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 of Police. All such orders by the Chief of Police shall be considered forthwith. All such orders by the Chief of Police are declared a "deficiency notice". A deficiency

notice is issued in writing on the Owner of the taxicab and/or the Driver. All costs for an inspection are born by the taxicab owner. The taxicab licence 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 licence plate and permit registered to the vehicle by the Pembroke Police Service, prior to an order for a vehicle inspection. Any such plates and permits will become null and void.

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

SECTION 8 REVOCATION OF LICENCES

1. The Board may revoke any license issued under the authority of this By-Law. Any person whose license is suspended or revoked may appeal to the Board.
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 Board, 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. At a hearing before the Board where the suspension or revocation of a license is being considered, the holder of the license shall be given at least five (5) days notice by registered mail or delivered to his address last known to the Pembroke Police Service, of date, time and place of hearing. The holder of the license shall be permitted either by himself or a representative, to appear before the Board to show cause why such license should not be suspended, revoked or renewed as the case may be.

4. The Board may, in its discretion, continue the suspension of a license which has been suspended under Section 4 until the Board is satisfied that the license should be reinstated, revoked, or until the completion of any investigation into the suspension of the license.
5. The Chief of Police or his designate may suspend any license until the next meeting of the Board 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 loss 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) 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 of Police, cause sufficient concern to warrant the suspension of the license.
6. The holder of any license or permit that has been revoked, suspended or expired shall forthwith surrender such license to the Chief of Police and the Chief of Police shall have access to any premises, vehicle or other property for the purpose of receiving or taking such license.

SECTION 9 RECORDS

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

SECTION 10 ADMINISTRATION OF CHIEF OF POLICE

1. The Chief of Police 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 the Board whenever he shall be required by them to do so;
 - (b) Submit to the Board all new applications for taxicab permits and for the sale and transfer of such permits;
 - (c) make all necessary enquiries in connection with the issuance of a license, permit or the suspension and revocation of a license or permit as may be required by this By-Law and report same to the Board;
 - (d) keep a register of all licenses and permits approved by the Board, 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 the Board may request;
 - (e) the register shall also contain, but is not limited to, the make, vehicle identification number and condition of all vehicles owner and operated by such Owner or other designated licensed Driver;
 - (f) furnish each person who is purchasing a license or permit with a copy of this By-Law;
 - (g) ascertain, by inspection and enquiry from time to time, or as often as the Board directs, whether or not the person receiving licenses or permits continues to comply with the provisions of this By-Law;
 - (h) prosecute all persons who offend against any provisions of this By-Law;
 - (i) cause inspections to be made of all taxicabs to ensure that the vehicle meets the requirements of this By-Law, and;
 - (j) 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 of Police may delegate to a Police Officer, or the Municipal By-Law Enforcement Officer or any other employee of the Board, 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 of Police.

3. Every Police Officer is hereby given authority and is enjoyed to watch and observe the conduct of Owners and Drivers operating under this By-Law and every Police Officer shall take immediate steps to enforce the law when violations are observed.
4. The Chief of Police 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.

SECTION 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 arrangement for, and;
 - (c) provide that the Driver and/or vehicle have 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 Officer in charge of the Pembroke Police Service 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.

SECTION 12 TARIFFS

1. The Board may review the fares permitted to be charged by taxicabs for the purpose of establishing new rates.
2. The rates of fare to be charged by the Owners or Drivers of 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 a 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 the 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.

SECTION 13 PENALTIES AND GENERAL

Any person who contravenes any provisions of this By-Law is guilty of any offence and, upon conviction, is liable to a fine as provided for in the **Provincial Offences Act, R.S.O. 1990, c. P.33.** as amended. Any person who is found in breach of any provisions of this By-Law and the Chief of Police makes such findings, shall be subject to suspension of any licenses and or any taxi plates until the next sitting of the Police Services Board.

Any taxi driver and or owner found in contravention of this By-Law with respect to the **Smoke Free Ontario Act** and any such contravention observed by any member of the Pembroke Police Service shall result in the immediate suspension of the subjects taxi driver's license. The subject taxi driver's license will be seized forthwith. The taxi driver's license will be forwarded to the Board for disposition and action.

SECTION 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 the Board to

enact, such section thereof shall be deemed to be separate and independent there from and shall be enacted as such.

SECTION 15

Schedule "A" and "B" are hereby adopted and declared to form part of this By-Law.

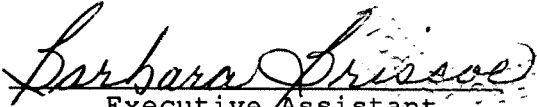
SECTION 16

By-Law 2008-01 and amendments thereto be, and the same is, hereby repealed.

This By-Law shall come into force and take effect on June 19, 2009.

Given under the Corporate Seal of the Pembroke Police Services Board this June 19, 2009.


Chair


Executive Assistant



SCHEDULE "A"

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

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 (**.50c**) extra for each passenger.
4. **After the first kilometer** each one/twenty-second (**1/22**) kilometer or any part thereof: ten cents (**.10c**).
5. **Waiting time:** fifteen cents (**.15c**) 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:** Forest Lea Inn 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 Pembroke Police Services Board, 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.

APPENDIX "A"

Consent for Criminal Record and Driving Record Check

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:

_____ P.C. _____

Pervious Address:

_____ P.C. _____

Driver's License 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 Pembroke Police Service 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 Pembroke Police Service

Checked By: _____ Date: _____

Results of Check: _____

Documents and Records Attached:
