

## The Corporation of the City of Pembroke

### By-law Number 2023-88

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

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

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

#### 1. Definitions

- a) **“Applicant”** shall mean either the Owner or Driver who is applying for a taxicab license.
- b) **“Accessible Cab”** means a cab that is wheelchair accessible permitting the loading of a person with a disability confined to a wheelchair, or other similar devise and is available for providing conveyance service.
- c) **“City Council”** shall mean the City of Pembroke Municipal Council or any of its standing committees.
- d) **“By-law Enforcement Officer”** shall mean the By-law Enforcement Officer of the City of Pembroke and subordinates or assistants.
- e) **“Taxicab License/License Plate”** shall mean a permit granted under the provisions for this By-law to own and operate a taxicab.
- f) **“Certificate”** shall mean a certificate completed by an approved licensed mechanic and can be referred as a vehicle safety inspection certificate as to the mechanical condition of a vehicle in this By-law.
- g) **“Chief Administrative Officer”** shall mean the Chief Administrative Officer for the City of Pembroke or their designate.
- h) **“City”** shall mean the City of Pembroke.
- i) **“Deficiency Notice”** shall mean a notice served on a taxicab owner with respect to major mechanical defect of a taxicab.
- j) **“Indecent/Immoral/Disorderly Conduct”** shall mean actions that disturb others including but not limited to public intoxication; disturbing the peace; threats; loud, disruptive and/or profane language; indecent exposure; lewd or obscene gestures; racial or ethnic slurs; etc.
- k) **“Licensed Premises”** shall mean the premises where the owner carries on the licensed operation.
- l) **“Taxicab Driver”** shall mean the driver of a taxicab whose vehicle is licensed under this By-law and who possesses a valid Ontario ‘Class G’ Driver’s License under the Highway Traffic Act.
- m) **“Major Mechanical Defect”** shall mean a mechanical defect or defects directly or indirectly related to any part of the motor vehicle involving or affecting the:

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

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

1. The taxicab owner or driver must possess a valid Ontario Driver’s License void of any restriction that would prohibit the operation of a taxi, is not a probationary driver, nor a class G1 or G2 driver.
2. The Taxicab owner shall ensure their Taxicab drivers shall submit the following and the information shall be retained and kept on file by the Taxicab owner and will be made available to the City, Ministry of Transportation or OPP, if requested:
  - a) a current valid Class G driver’s license issued by the Province of Ontario or the Province of Quebec;
  - b) a Police Record Check for persons seeking employment to serve the vulnerable section of the populations dated no less than 90 days prior to the date of the application for a license. A Police Record Check is required every three (3) years and further it must be no older than 180 days prior to the date of the license renewal to be considered valid;
  - c) an annual Statement of Driving Record issued within 30 days prior to the application by the Ontario Ministry of Transportation or the Quebec Controle due Transport Routier;

- d) a signed declaration by the applicant confirming they do not have any current outstanding criminal charges or warrants pending before the courts;
  - e) submit two (2) passport style photos taken within three (3) months of hiring the Taxicab driver and within three (3) months for license renewal;
  - f) Provide the required information to the Taxicab owner no later than December 31st of each year; and
  - g) Not drive any cab in the City of Pembroke for longer than 48 hours or two (2) days, after the license is submitted for renewal to the Taxicab Owner.
3. No person shall be granted a license unless:
- a) The Applicant has not been found guilty of an indictable offence under the Criminal Code of Canada or an offence under the Controlled Drug and Substances Act (Canada) or the Food and Drug Act (Canada) within the preceding three (3) years;
  - b) 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;
  - c) The Applicant has not been found guilty of a sexual offence under the Criminal Code of Canada;
  - d) The Applicant is of good character; and,
  - e) The Applicant does not have an accumulation of more than (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; or
  - 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 on a license; or
  - c) An Applicant who has been found guilty of a summary conviction offence under the Criminal Code of Canada may be granted a license.

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

- 1. Every taxicab driver while so employed and engaged, shall at all times display their photo identification card inside the taxi vehicle and in such a way that it faces the rear seat of the taxi and in clear view at all times.
- 2. No taxi driver shall park or stop a taxicab on any portion of a roadway and/or sidewalk that obstructs traffic flow, pedestrian flow, and/or breaches Parking Control By-laws for the City of Pembroke.
- 3. Every taxi driver shall upon request, furnish their photo identification card and their Ontario Driver's License to any OPP, By-law Enforcement Officer or Ministry of Transportation Officer.
- 4. No taxi driver shall pass or ignore a potential fare 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.

5. No taxi driver or Owner shall, while conducting business in any taxicab, purchase and/or transport any liquor product within the boundaries of the City of Pembroke without the possession of a valid license issued by the Liquor Control Board of Ontario for the transportation of a liquor product and conform to the *Liquor License Act*.
6. No Taxi driver and/or Owner shall:
  - a) smoke any product containing tobacco in a taxicab and/or taxi stand;
  - b) smoke any product containing tobacco in any device designed for smoking a tobacco product;
  - c) hold lighted tobacco and/or lighted tobacco in a device, in a taxicab and/or taxi stand.
7. It shall be unlawful for any taxi driver or Owner to permit, allow or assist any person in a taxicab or taxi stand in contravention of the *Smoke Free Ontario Act* or any provisions of this By-law. Any person who is in contravention of this section shall be dealt with as set out in the following:
  - a) 1<sup>st</sup> Offence – fine from the Health Unit
  - b) 2<sup>nd</sup> Offence – fine plus a five (5) day suspension of their taxicab license
  - c) 3<sup>rd</sup> Offence – fine plus a ten (10) day suspension of their taxicab license
  - d) 4<sup>th</sup> Offence – fine plus permanent suspension of the taxicab license.
8. Every Taxicab owner and driver shall:
  - a) keep the interior and exterior of this vehicle in clean and sanitary condition and in good repair. Whenever the Owner or driver of any such vehicle is notified by the Ministry of Transportation, OPP or 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;
  - b) upon the request of any passenger, give in writing, their name, taxicab number issued to them and the provincial motor vehicle license number of the vehicle;
  - c) retain their Provincial Driver's License in their possession at all times and shall, upon request, surrender the license to any OPP, Ministry of Transportation and/or By-Law Enforcement Officer;
  - d) upon request of any OPP, Ministry of Transportation and/or By-law Enforcement Officer, provide full information as to the passengers carried;
  - e) give their name and the name of the Owner of the vehicle, if other than the Driver, upon request by a passenger or by any person to whom or to whose property damages has been occasion by the driver and their vehicle;
  - f) punctually keep all their appointments and engagements shall, while on duty, unless their 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 fulfil their appointments or engagements, except for reasons beyond their control;
  - g) travel by the most direct route to the point of destination, unless otherwise directed by the passenger;

- h) at the expiration of their work period, return the vehicle and shall not, at any time, abandon the vehicle;
- i) serve the first person offering to hire them, unless such person owes them a fare for services or unless there is a justifiable reason to do otherwise as stated in Section 3(4); and
- j) report forthwith to the Dispatcher or the Owner, any accident in which case they were involved in or any damage caused while operating the vehicle.

### **Taxicab Driver Prohibitions**

9. No Taxicab Driver shall:
- a) operate a taxicab while any condition referred to in this By-law is not fulfilled or while any taxicab license required by this By-law has not been obtained;
  - b) operate a taxicab while passenger(s) fail to occupy a position for which a seat belt assembly has not been provided;
  - c) carry any passenger who is under the influence of any intoxicant while the passenger is accompanied by a person who is also under the influence and not sober;
  - d) drive his vehicle with luggage or other material piled in the front seat in a manner that obstructs their view;
  - e) permit any person other than the Owner, an employee or a person contracted by the Owner to drive his vehicle;
  - f) permit any immoral, indecent or disorderly conduct in his vehicle;
  - g) other than a cab that is actually being used to transport children to or from school, take on any additional passenger after the cab has departed with one (1) or more passengers from any starting point, except at the request or permission of the passenger already in the vehicle or in the case of an emergency;
  - h) possess a radio frequency scanner in a taxicab, or act upon information obtained from a radio frequency scanner;
  - i) make any changes from the time lost through defects or inefficiency of their taxicab or incompetence of the Driver thereof for time consumed by early arrival of the taxicab in response to a call placed in advance for a taxicab at a specified time;
  - j) operate a taxicab when a taximeter, if there is one, has not been adjusted in accordance with the existing current rates as set out in Schedule "B" of this By-law or when the operation of the taximeter has not been approved by the Chief Administrative Officer or the taximeter is not operating properly;
  - k) operate a taxicab when the taximeter seal is improperly affixed;
  - l) knowingly mislead a passenger on time or place of arrival or departure or probable fare;
  - m) 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;
  - n) operate any taxicab not licensed to operate within the boundaries of the City of Pembroke;
  - o) operate a taxicab or convey passengers within the boundaries of the City of Pembroke without first obtaining a license for the Taxicab from the City or municipality from which that taxi originates; and

- p) any taxicab not licensed to operate within the boundaries of the City of Pembroke and solicit fares, in compliance with preceding 1(h) such taxicab, may enter the boundaries of the City to receive and or discharge a fare.

### **Taxicab Driver Duties**

- 10. Every Taxicab Driver shall:
  - a) keep a daily trip sheet;
  - b) be sufficiently close to their taxicab to have it under observation at all time;
  - c) not wash the taxicab on city-owned property;
  - d) make repairs to the taxicab;
  - e) engage the taximeter, if any, or provide a pre-negotiated rate with the passenger, at the commencement of the trip when the passenger enters the taxicab;
  - f) when a taxicab driver picks up a passenger within the City of Pembroke for a trip destination outside the City of Pembroke, the taxicab Driver and the passenger may agree before the commencement of the trip to a pre-negotiated rate for the trip;
  - g) make available their trip record and give full information thereof to any OPP, Ministry of Transportation and/or By-law Enforcement Officer on being required to do so;
  - h) report forthwith to the Dispatcher or the Owner of any accident in which case they were involved or any damage;
  - i) 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).

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

- 1. Every Owner shall advise the Chief Administrative Officer of any change of information regarding a Taxicab License that has been recorded in the register within three (3) days of such change occurring.
- 2. Upon disposing of a vehicle, which will not be replaced, the Owner shall, within forty-eight (48) hours, attend at the office of the Chief Administrative Officer and surrender the license held by them 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 Ontario Provincial Police Officer, or Municipal by-law Enforcement Officer upon being required to do so, with reference to the address of the house, or place, to and from, which they have driven any passengers or with reference to all matters within their knowledge relating to such passengers.
5. Every Owner obtaining a taxicab license under this By-law shall keep their taxi license or a copy thereof posted in some conspicuous place on the premises from which the business is being operated, when requested by any person authorized by City Council produce the taxi license for inspection.
6. Every Owner shall, to the best of their ability, ensure that all requirements of this By-law relating to vehicle equipment, Driver's responsibilities and licensing requirements are adhered to.
7. 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.
8. Every Owner shall submit any vehicle licensed under this By-law for inspection as required by the Chief Administrative Officer and shall not hinder any OPP, Ministry of Transportation or By-law Enforcement Officer from entering such vehicle for any inspection thereof.
9. 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.
10. Every Owner with three (3) or more licensed taxicabs in the City of Pembroke must have a taxicab stand as defined in the definitions of this By-law. Such taxicab stands shall be open to the public for the purpose of hiring a taxicab. All taxicab stands 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.
11. Every Owner shall allow the OPP, Ministry of Transportation and/or By-law Enforcement Officer, at all reasonable times, to inspect as much of any house, place or premises as is used for the carrying on of any trade, calling business or occupation in respect of which any person has, or is required to have a license under this By-law and the OPP, Ministry of Transportation and/or By-law Enforcement Officer may inspect any goods, articles, books, records and other documents relating to such trade, calling business or occupation.
12. No person or owner shall operate or permit the operation of a taxicab which exceeds an age of ten (10) years. The age of a vehicle is determined by subtracting the production date of the vehicle from the licensing year.
13. An applicant for a taxicab license shall submit in writing to the Chief Administrative Officer a request for a new taxicab license. As a result, if the application proceeds, the applicant will be notified. Successful applications will have thirty (30) days to comply with all aspects governing licenses and plates. Failure to meet all terms in the allotted thirty (30) days will result in the license being cancelled.
14. Every Owner shall be responsible for providing taxicab drivers with their photo identification card to be placed in a clearly visible space in the

taxicab. The template for the taxicab driver photo identification card is set out in Appendix "B" of this by-law.

## **5. Taxicab Licenses**

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



9. Every application required under this By-law to be made to the City shall be submitted to the Chief Administrative Officer, which shall be dealt with in accordance with this By-law.
10. The Chief Administrative Officer shall, upon receipt of an application for a taxicab license, make or cause to be made, all examinations and investigations required to be made by this By-law as per the attached Appendix "A", relative to such application. The Chief Administrative Officer may refuse to issue a taxicab license in cases where it is deemed in the best interest of the public safety.
11. If the required investigation and examination into an application for a taxicab 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 taxicab license shall be contrary to the public interest.
12. All taxicab licenses issued under this By-law shall be issued by the Chief Administrative Officer in the name of the City on forms supplied by the Chief Administrative Officer, if any taxicab license is issued subject to conditions, such conditions shall be sent forth on or attached to the license.
13. The City may refuse to grant a taxicab license if applied for or may grant a conditional taxicab license if the Applicant signifies that they are prepared to accept the conditions imposed on their taxicab license and to make no objections to those conditions imposed by the City.
14. An Applicant for a taxicab license who has been refused a taxicab license by the Chief Administrative Officer may apply to the City requesting a hearing before City Council.
15. The Chief Administrative Officer, upon the issuance of a taxicab license, shall furnish the applicant with:
  - a) the taxicab license which shall be numbered and set forth in the name of the applicant and the make, model, style and vehicle identification number of the vehicle they are authorized to drive or operate to have driven or operated.
16. A taxicab license issued hereunder shall contain a description of the particular vehicle to which the license applies along with full insurance particulars for the said vehicle as mentioned in Section 5(2)(d). The permit may not be altered or otherwise made to apply to more than one specific vehicle.
17. No taxicab license issued under the provisions of this By-law shall be transferable, but the Owner of any taxicab desiring to obtain an taxicab license for any new vehicle in substitution for a vehicle duly licensed hereunder shall make an application in writing for such exchange to the Chief Administrative Officer, giving a full description of the taxicab to be retired from service, and a full description of the vehicle to be placed in service in substitution therefore, along with any other material deemed necessary by the Chief Administrative Officer and City Council on receipt of such application, together with the report and recommendation of the Chief Administrative Officer thereon, may permit the substitution of the said new vehicle upon payment of a replacement fee as set out in Schedule "A". In every such case a new taxicab license shall be issued for the balance of that current year in respect of each such new or substituted vehicle, and the original taxicab license shall be deemed to be revoked.
18. In the event of the death of a holder of a taxicab license, the death shall be reported to the Chief Administrative Officer within seven (7) days of it

happening, and the widow/widower, or if there is none, the children or their guardians, or the beneficiary, shall have a period of six (6) months within which to arrange for the continuance of the business without the appropriate permit being suspended or cancelled.

19. The City, in the case of a taxicab license being applied for pursuant to the death of a license holder, shall require the Applicant, at his/her own expense, to provide the Chief Administrative Officer with such necessary information and materials as specified in this By-law in respect to the new taxicab license in the same manner as though applying for the issuance of an original license.
20. Upon the expiry, or revocation of a taxicab license, the license and taxi license plate shall be returned to the Chief Administrative Officer within forty-eight (48) hours of the expiry or revocation of such license.
21. A taxicab license may be held by an Owner who does not use the taxicab license on an active licensed vehicle for a period of twelve (12) months after which time the taxicab license and taxi license plate shall be returned to the Chief Administrative Officer.
22. If a taxicab license has been issued under this By-law and, prior to the expiration of the taxicab license, an application for the renewal of the taxicab license is received as herein provided, the Chief Administrative Officer may issue a new taxicab license in accordance with the application.
23. No person shall enjoy a vested right in the continuance of a taxicab license and upon the issuance, renewal, expiration, cancellation or suspension thereof, the value of the taxicab license shall be the property of the City.
24. No Owner shall operate, or permit to be operated any wheelchair accessible vehicle unless said vehicle:
  - a) complies with *R.R.O. 1990, Reg. 629 Entitled Vehicles for the Transportation of Physically Disabled Passengers*, pursuant to the *Highway Traffic Act*; and
  - b) complies with *Canadian Standards Association Standards D409-M84 (Motor Vehicles for the Transportation of Persons with Physical Disabilities)* or *D409-92 (Motor Vehicles for the Transportation of Persons with Disabilities)*; and
  - c) has been furnished a valid certificate; and
  - d) is in compliance with all aspects of this By-law.

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

1. Every owner of a Licensed Taxicab shall insure an operating taxicab 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; and
  - c) the exterior of the vehicle is clean in appearance as weather dictates; and
  - d) the interior of the vehicle is clean, dry and the upholstery is clean and free of defects and tears; and
  - e) is free from mechanical defects; and
  - f) the exterior paint colour of the taxicab is of one colour as described in the vehicle and free of paint defects.

2. Every taximeter, if there is one, shall be used when the seal therein is attached, intact or after due notice has been given to the Chief Administrative Officer and authority has been obtained to operate until the taximeter has been resealed by the By-Law Enforcement Officer. If there is a taximeter, it shall be clearly visible to the passengers at all times. It shall be adjusted in accordance with Schedule “B” of this by-law and shall be tested annually by the City of Pembroke’s By-law Enforcement Officers.
3. Any subsequent resealing within a license year will be subject to a fee as set in Schedule “A” of this By-law.
4. Every taxicab shall be equipped with:
  - a) The taxi license plate, which is to be prominently displayed on the rear exterior of the vehicle and
  - b) A photo identification card for the driver of the taxicab.
5. 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 they are not the Owner of the vehicle, report forthwith to the Owner any mechanical defect of which they are or becomes aware of.
6. Every Owner shall check, immediately, any mechanical defects and shall similarly examine the vehicle at the end of each shift.
7. Every Owner shall check, immediately, any mechanical defect in their vehicle reported to them 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 their vehicles in a clean and sanitary condition and in good repair. The Chief Administrative Officer may, upon breach of this provision, notify the Owner to cease operating the vehicle under the provisions of this By-law until such time as the vehicle has been put into a clean and sanitary condition and in good repair. The Owner shall upon such notice, cease to operate their vehicle.

**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) New Vehicle to five (5) years – one (1) certificate per licensed year
  - b) Six (6) to ten (10) years – two (2) certificates per licensed year
2. Vehicle Safety Inspection Certificates are valid for thirty-six (36) days after the date of issue.
3. Under an order from the Chief Administrative Officer, any such taxicab with or without a Vehicle Safety Inspection Certificate can be called into regard for “Major Mechanical Defect” and subject to inspection by an approved licensed mechanic and approved licensed facility so determined by the Chief Administrative Officer. All such orders by the Chief Administrative Officer shall be adhered to forthwith. All such orders by the Chief Administrative Officer are declared a “deficiency notice”. A deficiency notice is issued in writing to the Owner of the taxicab and/or the Driver. All costs for an inspection are borne by the taxicab owner. The taxicab license plate and permit are seized until final determination of inspection. Taxi Owners reserve the right to remove and cease to operate the subject taxicab from operation and relinquish the license plate and permit registered to the vehicle by the Chief Administrative Officer, prior to an order for a vehicle inspection. Any such plate and license will become null and void.

## **8. Revocation of Licenses**

1. The Chief Administrative Officer may revoke or suspend any license issued under the authority of this By-law for non-compliance with the provisions of this By-law or in cases where it is deemed in the best interest of public safety. Any person whose license is suspended or revoked may appeal to City Council.
2. In the event of any license issued under this By-law being cancelled, revoked or expired the previous holder thereof shall not, without approval of the City, apply for another license before the lapse of six (6) months from the date of such cancellation, revocation or expiration. Issuance of a new license will have an expiry date consistent with the license time period as outlined in this By-law.
3. The Chief Administrative Officer may, at his discretion, continue the suspension of a license should it be reinstated, revoked, or until the completion of any investigation into the suspension of the license.
4. The holder of any license that has been revoked, suspended or expired shall forthwith surrender such license to the Chief Administrative Officer and the Chief Administrative Officer shall have access to any premises, vehicle or other property for the purpose of receiving or taking such license.

## **9. Records**

1. No taxicab driver while operating a taxicab shall obstruct hinder or delay an OPP, Ministry of Transportation and/or By-law Enforcement Officer from conducting examinations of the said taxi vehicle and its records compliance required in this By-law.

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

## **11. Penalties and Enactment**

1. Any person who contravenes any of the provisions of this by-law is guilty of an offence and on conviction is liable to the fine or penalties set opposite such provision in the table of Fines and Penalties as set out in Schedule "C" of this by-law and/or a penalty pursuant to s. 61 of the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended.

2. 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.
3. Schedules "A", "B" and "C" and Appendix "A" and "B" are hereby adopted and declared to form part of this By-law.
4. That By-law 2014-11, By-law 2015-34, By-law 2016-25, By-law 2018-15, By-law 2021-28 and By-law 2022-39 and any other By-law inconsistent with the provisions contained in this By-law are hereby repealed.
5. This By-law shall take effect and become in full force and effect upon the day of the third reading and passage thereof.

**Passed and enacted this 19<sup>th</sup> day of December 2023**

Ron Gervais  
Mayor

Heidi Martin  
Clerk

**Schedule "A" to By-law 2023-88**

Number	Type of Fee	Fee
1	Taxicab License	\$500.00
2	Taxicab License Renewal	\$200.00
3	Replacement License for Taxicab	\$75.00
4	Unscheduled Resealing of a taximeter	\$50.00
5	Late Fees for Taxicab License	\$100.00
6	Unscheduled resealing of a taximeter	\$50.00

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

### **Schedule "B" to By-law 2023-88**

1. Maximum fee of five dollars and fifty cents (\$5.50).
2. After the first kilometer, each kilometer thereafter shall be a maximum of three dollars and thirty cents (\$3.30/km or \$0.10 for every 30 metres).
3. Waiting time: A maximum of twenty cents (\$0.20) for each thirty (30) seconds of waiting time requested by the passenger (\$24.00 per hour).

**Schedule “C”**  
**The Corporation City of Pembroke**  
**By-law 2023-88 – Licensing and Operation of Taxicabs**  
**Part I Provincial Offences Act**

Item	Column 1 – Short Form Wording	Column 2 – Provision creating or defining offence	Column 3 – Set Fine
1	Driver – Fail to display, facing the rear seat in clear view, valid taxi driver photo identification card	S. 3 (1)	\$85.00
2	Driver – Fail to furnish identification and license upon requires of officer	S. 3 (3)	\$85.00
3	Driver purchase liquor – Fail to possess valid LCBO license	S. 3 (5)	\$100.00
4	Driver transporting liquor – Fail to possess valid LCBO license	S. 3 (5)	\$100.00
5	Driver/owner – Smoke product containing tobacco in a taxicab/stand	S. 3 (6) (a)	\$300.00
6	Driver/owner – Hold lighted tobacco product in a taxicab/stand	S. 3 (6) (c)	\$300.00
7	Driver – Fail to keep interior/exterior of taxicab in clean and sanitary condition or in good repair	S. 3 (8) (a)	\$85.00
8	Driver – Fail to provide full information of passengers carried	S. 3 (8) (d)	\$100.00
9	Driver – Fail to travel by most direct route to point of destination	S. 3 (8) (g)	\$100.00
10	Driver – Operate taxicab without valid taxicab license	S. 3 (9) (a)	\$300.00
11	Driver – Operate taxicab while occupant is seated in position without seat belt	S. 3 (9) (b)	\$100.00
12	Driver – Operate taxicab with passenger under the influence of any intoxicant while not accompanied by sober passenger	S. 3 (9) (c)	\$100.00
13	Driver – Operate taxicab with material piled to obstruct view	S. 3 (9) (d)	\$85.00
14	Driver – Permit immoral/indecent/disorderly conduct in vehicle	S. 3 (9) (f)	\$300.00



Item	Column 1 – Short Form Wording	Column 2 – Provision creating or defining offence	Column 3 – Set Fine
15	Take on additional passengers after taxicab has departed	S. 3 (9) (g)	\$100.00
16	Possess radio frequency scanner in taxicab	S. 3 (9) (h)	\$85.00
17	Operate taxicab – Fail to adjust meter with existing current rates	S. 3 (9)(j)	\$100.00
18	Charge fare in excess of amount recorded by taxi meter	S. 3 (9)(m)	\$100.00
19	Out of town taxi operating without license from home municipality	S. 3 (9)(o)	\$300.00
20	Driver – Fail to keep daily trip sheet	S. 3 (10) (a)	\$85.00
21	Wash taxicab on city owned property	s. 3 (10) (c)	\$100.00
22	Taxicab – Exceed the age of 10 years	S. 4 (12)	\$300.00

Note: The penalty provision for the offences listed above is Section 11 of By-law 2023-88, a certified copy of which has been filed.

## Appendix "A" to By-law 2023-88

### Part A

This form is to be completed by Taxicab Owners to be issued a Taxicab License.

Name:

Company:

Phone Number:

### Part B

To be used as a checklist for items required to be issued a Taxicab License:

- **Vehicle Safety Certificate**
- **Proof of Vehicle Ownership**
- **Proof of Insurance**

**Appendix "B" to By-law 2023-88**

**TAXICAB DRIVER'S PHOTO IDENTIFICATION CARD**

Driver's Name:

Driver's License Number:

Taxicab Company:

Taxicab Company Phone Number:

Expiry Date: