



PETERBOROUGH LAKEFIELD POLICE SERVICES BOARD

BY-LAW #100-2011

Being a By-law to regulate, license and govern the owners, drivers and dispatchers of taxicabs and accessible taxicabs and to repeal By-Law No. 99 - 2010

WHEREAS, pursuant to Section 150 of the *Municipal Act, 2001, S.O., c.25* (the "Act") as amended, a local municipality may license, regulate and govern any business wholly or partly carried on within the municipality even if the business is carried on from a location outside the municipality;

AND WHEREAS, under section 150(2) of the Act, the municipality may exercise its licensing powers, including imposing conditions for the purpose of Health and Safety;

AND WHEREAS, pursuant to section 155(1) of the Act, the municipality may pass a by-law under section 150 for licensing, regulating and governing the owners and drivers of taxicabs, may establish the rates or fares for this service, provide for the collection of such rates or fares and limit the number of taxicabs or any class of them;

AND WHEREAS, pursuant to Section 159(1) of the Act, a municipality may, with the consent of a police services board, delegate to that board the power to license, regulate and govern a business such as the taxicab industry;

AND WHEREAS, the Council of the Corporation of the City of Peterborough by By-law 06-009 did on February 6th, 2006 delegate to the Peterborough Lakefield Police Services Board the power to license, regulate and govern owners and drivers of taxicabs;

AND WHEREAS, the Council of Smith-Ennismore-Lakefield by By-law 2010-089 did on December 14th, 2010 delegate to the Peterborough Lakefield Community Police Service the power to regulate taxi operations within the Lakefield Ward;

AND WHEREAS, the Peterborough Lakefield Police Services Board on March 8th, 2011 passed By-law 99 2010 repealing By-law 1995-85 and By-law 97 (2010), a By-law amending By-law 1995-85, now wishes to repeal By-law 99 2010 to enact this By-law;

AND WHEREAS, the Peterborough Lakefield Police Services Board is concerned that the vulnerable sector of the Peterborough community (e.g. children, the disabled, and the elderly who would be passengers within taxicabs) and those citizens that use the roads for travel, not be exposed to unnecessary risk from inappropriate behaviour or driving;

AND WHEREAS, the Peterborough Lakefield Police Services Board wishes to minimize any risk to the public through providing criteria for the issuance of licenses and the suspension or termination of such licenses in order to ensure the safety of the public;

AND WHEREAS, the purpose of this by-law and the imposition of conditions on owners and drivers of taxicabs is for the health and safety of the public;

NOW THEREFORE, the Peterborough Lakefield Police Services Board enacts as follows:

1. DEFINITIONS:

Accessible Format

(a) "**Accessible format**" May include, but is not limited to, large print **being 18 – 24 point Arial font**, recorded audio and electronic formats, Braille and other formats usable by persons with disabilities.

Accessible Taxicab

(b) "**Accessible taxicab**" Means a passenger vehicle that is an accessible vehicle and that is licensed as a taxicab by a municipality

Accessible Vehicle

(c) "**Accessible vehicle**" means a passenger vehicle or bus,

(i) That is designed or modified to be used for the purpose of transporting persons with disabilities and is used for that purpose, whether or not the vehicle is also used to transport persons without disabilities, and

(ii) That is operated,

(a) For compensation by, for or on behalf of any person, club, agency or organization, or

(b) Not for compensation by, for or on behalf of any person, club, agency or organization that holds itself out as providing a transportation service to persons with disabilities.

- Board** (d) “**Board**” means the Peterborough Lakefield Police Services Board;
- Broker** (e) “**Broker**” means a person who:
- (i) Owns two or more vehicles which are used as taxicabs and/or accessible taxicabs; or
 - (ii) Employs more than one driver.
- City of Peterborough** (f) “**City of Peterborough**” means the geographic boundary of the City of the Peterborough as shown in Schedule “F” as that boundary may change from time-to-time and the term “Peterborough” shall have the corresponding meaning;
- Chief** (g) “**Chief**” means the Chief of the Peterborough Lakefield Community Police Service. The Chief may delegate any act or duty required to be done pursuant to this By-law to any member of the Peterborough Lakefield Community Police Service;
- Compensation** (h) “**Compensation**” means any rate, remuneration, reimbursement, fee or reward of any kind paid, payable, promised, received or demanded, directly or indirectly;
- Person with a Physical Disability** (i) “**Person with a Physical Disability**” means a person unable, because of a mobility impairment, to use a regular transit facility.
- Dispatcher** (j) “**Dispatcher**” means any person who receives or dispatches calls for regular taxicab or accessible cab service by way of telephone, radio, mobile data terminals (dispatch aided computer), or any other means from a taxicab office and the words “**dispatch**” and “**dispatched**” shall corresponding meanings;
- Driver** (k) “**Driver**” means any person, including an Owner, who drives any class of taxicab, including an accessible taxicab, who is possession of a valid licence issued by the Chief under this by-law and “**drive**” shall have a corresponding meaning;
- Owner** (l) “**Owner**” means any person who owns one taxicab or one accessible taxicab and shall include any person who has possession or control of one taxicab or one accessible taxicab under an instalment-purchase/hire-purchase agreement or pursuant to a lease agreement and who

operates a taxicab or accessible taxicab under the direction of a broker;

Person

(m) **“Person”** means an individual, a business, a partnership and a corporation;

PLCPS

(n) **“PLCPS”** means the Peterborough Lakefield Community Police Service;

Taxicab

(o) **“Taxicab”** means any motor vehicle, licensed by the Chief under this By-law, having at the time of manufacture, a normal seating capacity for nine (9) passengers or fewer, used for hire to the public for the conveyance of persons either wholly within the City of Peterborough or Ward of Lakefield or from any point within Peterborough or Lakefield to any point outside of Peterborough or Lakefield; but does not include a special transportation vehicle licensed under a by-law of the City of Peterborough or Ward of Lakefield or operating subject to an agreement with the Kawartha Pine Ridge District School Board or the Peterborough Victoria Northumberland and Clarington Catholic District School Board, a bus, an ambulance, a funeral hearse; or a taxicab conveying passengers from any point within Peterborough to an airport situated outside of Peterborough and bearing a valid and subsisting plate or permit issued under the *Department of Transport Act* or by a designated airport authority;

Taxicab License

(p) **“Taxicab license”** means an annual license issued by the Chief under this By-law in relation to a specific taxicab or a specific accessible taxicab;

Used for Hire

(q) **“Used for hire”** means the conveyance of persons for compensation.

Ward of Lakefield

(r) **“Ward of Lakefield”** means the geographic boundary of the former Village of Lakefield as shown in Schedule “G” as that boundary may change from time-to-time and the term “Lakefield” shall have the corresponding meaning.

2. DUTIES OF THE CHIEF OF POLICE

The Chief shall have supervision over all persons and vehicles licensed under this By-law, together with equipment used by them, and shall do the following:

- (a) Report to the Board in respect of the performance of their duties when so requested by the Board;
- (b) Make all necessary inquiries concerning an application for a license as required, to ensure compliance with the law and with this By-law in order to protect public safety and to submit to the Board any recommendations for issuing licenses to owners and drivers and for taxicabs, including accessible taxicabs, pursuant to the requirements contained in Schedule “D” herein;
- (c) Collect and administer payment of each license fee upon submission of an application for the issuance of the license or upon the renewal of a license. If a license is not issued by the Chief to an applicant, the license fee will not be returned;
- (d) Upon an appeal being filed with the Board by an applicant who had been refused a license or by a former driver or owner who had their license revoked or suspended, the Chief shall submit a report with documentation supporting the decision and the appeal process will be guided by Schedule “E”;
- (e) Keep records of all licenses ratified by the Board, which shall contain the name and address of each licensee, the number of vehicles of each licensee, the license fee paid, the date of each license and such further information as the Board may direct;
- (f) Provide to each owner of a licensed taxicab and licensed accessible taxicab a number plate for each such licensed vehicle;
- (g) Provide to each licensed driver a photo license;
- (h) Provide to each licensed owner and driver a copy of this By-law and obtain a signed acknowledgment of receipt of same; and,
- (i) Conduct such inspections and inquiries as may from time-to-time be advisable to determine whether any license holder continues to comply with this By-law and other applicable law.

3. LICENSES – OFFENCE PROVISIONS:

Owners and Brokers

- (a) No Owner or Broker shall permit:
 - i. An unlicensed taxicab or an unlicensed accessible taxicab to be used for hire; or
 - ii. An unlicensed person or unlicensed Owner to be dispatched as a Driver.

Premises

- (b) No Broker or Owner shall operate a dispatch office in a manner which contravenes the governing Zoning By-law.

Inquiries from PLCPS

- (c) Every Broker and Owner shall promptly and fully respond to any inquiry from the PLCPS.

3.2 TAXICABS:**(a) License for Owners**

No person shall use, operate or permit to be used or operated a taxicab without a current taxicab license issued by the Chief for that vehicle. Upon request from a passenger with a disability, all owners must make available their vehicle registration and identification in an accessible format.

(b) License for Drivers

No person shall drive or operate a taxicab under the age of eighteen (18). No Broker or Owner shall permit any person to drive or operate a taxicab who does not possess a valid (Not suspended) class "G" Ontario driver's license or equivalent and/or without the appropriate class of taxicab driver's license issued by the Chief. Upon request from a passenger with a disability, all drivers must make available their vehicle registration and identification in an accessible format, such as 18 – 24 point Arial font.

(c) Approved Accessible Taxicab

Every owner of an accessible taxicab shall, on or before October 31st in each calendar year, provide a certificate of proof that the vehicle to be used as an accessible taxicab complies with the current Ontario Regulations pursuant to the *Highway Traffic Act* and amendments thereto and with the Canadian Standards Association standard D409-M84, and all other pertinent federal and provincial regulations as may be established and in force from time to time including but not limited to:

- (i) R.R.O. 1990 Regulation 629 Accessible Vehicles
- (ii) O. Reg 172/11 Amending Reg. 629 of R.R.O. 1990
- (iii) O. Reg 191/11 - Integrated Accessibility Standard

(d) Approved Accessible Taxicab Driver

No person shall drive an accessible taxicab without first having completed a Wheelchair and Occupant Restraint System Training Program with respect to the handling, safety restraint, transportation, care and safety of passengers with disabilities. Written proof outlining the record of training and the training the

driver received shall be provided to the PLCPS forthwith upon the completion of the Wheelchair and Occupant Restraint System Training Program and thereafter on or before October 31st in each calendar year. The trainer and the driver shall sign the certification of training.

(e) Use of Number Plates on Proper Vehicle

No owner shall use, or permit the use of, any number plate upon any vehicle other than Ontario plates issued by the Ministry of Transportation and the taxicab plates issued by the Chief for such vehicle.

(f) Transfer of Number Plates with Approval

No owner shall transfer, or permit the transfer of, any taxicab-number plate from one taxicab to another without the prior written approval of the Chief.

(g) Regular Taxicab License may Operate Accessible

An owner of a regular taxicab license may operate either a regular taxicab or an accessible taxicab provided they comply with the provisions of this By-law.

(h) Transfer of Shares with Approval

No owner, being a corporation incorporated under the laws of Ontario or any other jurisdiction, shall effect or permit the transfer of shares, which would have the effect of changing control of the corporation, without the approval of the Board.

4. EQUIPMENT AND ITS USE

(a) Load to be Carried

No person licensed under this By-law shall carry, or permit to be carried, in any taxicab a greater number of occupants or persons than the manufacturer's rating of seating capacity, inclusive of driver, and every taxicab shall not be less than a four-door sedan model or a four-door van.

(b) Seating Capacity

No person licensed under this By-law shall carry, or permit to be carried, in any accessible taxicab a greater number of occupants or persons than that recommended by the Ministry of Transportation, inclusive of driver.

(c) Inspection of Vehicle

Before a license is issued under this By-law in respect of any vehicle, the applicant shall provide to the Chief a current valid Certificate of Mechanical Fitness, certifying that such vehicle is in a safe condition to be operated on a highway as defined in the *Highway Traffic Act*, R.S.O., 1990, c. H. 8. This provision is not applicable to a new motor vehicle purchased from a dealer and which is a first time registration.

(d) Leased Vehicles

Any vehicle licensed under this By-law, which is leased, shall be leased for a minimum duration of one (1) year. No license issued under this By-law in respect of a leased vehicle is transferable without the written permission of the Chief.

(e) Age of Taxicab and Accessible Taxicab

No license shall be renewed under this By-law in respect of a regular taxicab or accessible taxicab which at the time of renewal is more than six (6) years old from the date of manufacture, unless the owner provides at the time of renewal a current and valid Certificate of Mechanical Fitness, certifying that such vehicle is in a safe condition to be operated on a highway as defined in the *Highway Traffic Act*, R.S.O., 1990, c.H.8. On or before October 31st in each calendar year, the owner shall provide to the Chief a current and valid Certificate of Mechanical Fitness.

(f) Camera Systems

Any taxicab licensed under this by-law which is equipped with a camera system, shall provide notice of same to the public. Said notice shall be clearly visible from both outside the vehicle and within the interior of the vehicle.

5. TAXIMETERS

(a) Taximeter Required

Every owner shall have affixed to every regular taxicab and accessible taxicab, licensed under this By-law, a taximeter that shall register distance travelled, record trips and units, and compute fares to be paid.

(b) Taximeter Conditions

Each taximeter shall be:

- (i) Submitted when requested by the Chief for testing, inspection and sealing;
- (ii) Illuminated between dusk and dawn;
- (iii) Attached to the vehicle in a location and manner approved by the Chief so as to be in plain view of passengers therein;
- (iv) Adjusted in accordance with the tariff prescribed in Schedule "A" to this By-law and as amended;
- (v) Tested by any ways and means prescribed by the Chief, the acceptable level of accuracy within which a taxi-meter must register shall be five (5) metres more or less per measured kilometre at a tire pressure recommended by the tire manufacturer;

- (vi) Used only when the seal thereon is intact and shall not be used longer than twelve (12) months without retesting and resealing.
- (vii) Kept in good working order at all times and shall not be used when defective in any way

6. TAXIMETER TESTED AND SEALED

(a) Taximeter Tested and Sealed

No person shall operate, or allow to be operated, a taxicab equipped with a taximeter unless and until the taximeter has been tested and sealed by the Chief.

(b) Inspection of Meter

Each meter shall be submitted by the owner to the PLCPS for inspection and sealing prior to the expiry of the vehicles taxi license on April 30th of each year. Failing to submit the vehicle for inspection will result in the removal of the taxi plate from the vehicle.

(c) Resealed and Retested

No person shall operate, or allow to be operated, a taxicab equipped with a taximeter when such taximeter has been changed, repaired, altered, tampered with, adjusted, or transferred to another taxicab unless and until such taximeter has been subsequently retested and resealed by the Chief.

(d) Exception to Tariff

Except where a driver of a licensed taxicab equipped with a taximeter transports a person with a disability from any point in Peterborough to any point outside Peterborough pursuant to a written contract, the driver must comply with the by-law tariffs as reflected in Schedule "A" and as amended.

(e) Taxi Roof Signs

Every owner shall have affixed to every regular taxicab on the roof an electric sign, secured as approved by the Chief.

7. RIGHT OF INSPECTION

Every owner of a taxicab licensed under this By-law shall submit such taxicab, upon request, to the Chief, for examination, and no person shall at any time prevent the Chief from entering into a garage or other premises where such taxicab is kept for the purpose of such inspection. **Failure to comply will result in the immediate revocation of the taxicab license plate.**

8. NUMBER PLATES

(a) Change of Vehicle

Every owner who sells or disposes of a taxicab shall, within six (6) days of such sale or disposal, give notice in writing thereof to the Chief, and may on application to the Chief be authorized to transfer the number plate to another vehicle to replace the vehicle sold or disposed of. If such authorization is not given, the number plate and corresponding license shall be forthwith returned to the Board. **Failure to comply may result in a fine as set out in Schedule “C” Attached.**

(b) Number Plate and Position of Same

Every owner of a regular taxicab or accessible taxicab licensed under this By-law, shall at the time of issuance of the license, receive a taxi license plate for the current year, and the owner shall display such number plate on the rear bumper of the vehicle clearly visible and such plate shall remain there during the entire period for which the license is valid, subject to section 3(f). In the event the plate cannot be placed on the rear bumper of the vehicle, the owner will obtain written approval from the Chief to place the plate on another clearly visible location.

(c) Surrender of Plates

Every taxicab number plate provided by the Chief shall be returned to the Chief upon request.

9. GENERAL PROVISIONS

(a) Owner to Notify Re: Drivers

Every taxicab owner shall notify the Chief in writing of the hiring of any taxicab driver and of the termination of any taxicab driver within seven days of the date of such hiring or termination. **Failure to comply may result in a fine as set out in Schedule “C” Attached.**

(b) Company to Notify Re: Owners

Where owners are also shareholders in a taxicab company, the Board of Directors of the company shall notify the Chief in writing seven days before the sale, purchase or transfer of any shares.

(c) Emergency Repairs

No owner or driver of a taxicab shall wash, clean or make repairs to their vehicle upon any public street, unless such repairs are immediately required.

(d) No Smoking in Taxicabs

No owner or driver of a taxicab shall smoke or permit smoking in their taxicabs.

(e) Hours of Work

No taxicab driver shall drive a taxicab under this By-law for more than twelve (12) hours within any consecutive twenty-four (24) hour period.

(f) Owner Responsible

No taxicab owner shall permit any driver to drive a taxicab licensed under this By-law for more than twelve (12) hours within any consecutive twenty-four (24) hour period.

(g) Appearance and Conduct of Drivers

Every taxicab driver shall, while at any cab stand, sit or stand sufficiently close to his or her vehicle so as to have it constantly under close observation, and such driver shall not stand in groups of three or more or in any way obstruct the use of a sidewalk or public street, or make any loud noise or disturbance.

(h) Photo License to be Carried

Every taxicab driver licensed under this By-law shall carry on their person their current Photo License provided by the Chief and, while driving any licensed taxicab, shall produce such photo license and permit any police officer, passenger to view such license upon request. **Failure to comply may result in a fine as set out in Schedule “C” Attached.**

(i) Conduct of Accessible Taxi Owner and Driver

Every owner and every driver of any accessible taxicab shall offer exclusive priority to requests made by, or on behalf of, a person with a disability requesting accessible taxicab service, at any time of the day or night and at any place within the City of Peterborough and the Ward of Lakefield.

(j) Solicitation

No taxicab owner or driver shall solicit any person to use any taxicab, and any person wishing to use or engage such taxicab shall be left to choose without interference or interruption.

(k) To Accept First Person Right to Refuse Fare

Every taxicab owner and driver shall serve the first person requiring taxicab service within the City or Ward provided, that such owner or driver shall not be compelled to accept a request from any person who failed to pay the owner or driver their fare from a previous service unless and until such amount has been paid. This does not preclude a driver from refusing service due to health and safety matters.

(l) Care of Property

Every taxicab owner and driver shall take due care of all property delivered or entrusted to them for conveyance or safekeeping.

(m) Replacement of Photo License or Number Plate

A Photo License or Number Plate issued pursuant to this By-law which is defaced, lost or destroyed, may be replaced by the Chief upon a satisfactory account of the reason for defacing, loss or destruction being provided and upon payment of the required replacement fee.

(n) Appeal

Any act done by or under the authority of the Chief pursuant to any provision of this By-law shall be subject to an appeal to the Board by any person affected thereby.

(o) Direct Route

Every taxicab driver shall drive by the most direct route to any destination, unless otherwise directed by the passenger.

(p) Record Kept and Information to Police

Every taxicab owner shall keep a record in the owner's office or within the vehicle of the date, time, origin, and destination of each trip, the name of the driver and the number of the vehicle in respect of every fare, and shall retain such record for at least six (6) months, and shall provide such record to the Chief upon request, together with any other information respecting the fare in the owner's possession.

(q) Premises and Services

Every owner of a regular or accessible taxicab, or the taxicab company (when owners have shares) shall satisfy the Chief that such owner or taxicab company is the owner or lessee of premises within a five (5) km radius of the geographic boundary of the City of Peterborough and/or the Ward of Lakefield, as defined in Schedule "G" and "H" attached to this by-law, for the operation of a taxicab business. Such premises shall be equipped with a land-line telephone and these premises shall be staffed 24 hours of every day. The premises shall have rest-room facilities and shall employ a staff of licensed drivers and dispatchers sufficient in number to enable service in transporting passengers at all times of the day and night.

(r) Every taxi cab driver who is charged or convicted with an offence under the *Criminal Code of Canada*, the *Controlled Drugs and Substances Act* (Canada), the *Liquor Licensing Act* or the *Highway Traffic Act* shall, within seven (7) calendar days of being so charged or convicted, report that fact to the Chief. **Failure to comply may result in a fine as set out in Schedule "C" Attached.**

(s) The Chief may, at any time, if he or she believes it may be in the public interest require a driver to provide a certificate prepared by a duly qualified medical practitioner attesting as to whether to not he driver is fit and able to operate a taxicab.

(t) When a taxi cab driver has had his or her drivers' license issued under the *Highway Traffic Act* cancelled, suspended or revoked or where that license has expired, the driver shall immediately report that fact to the Chief. The licence issued under this By-law shall be deemed to be suspended as of the date of cancellation, or suspension or revocation of the *Highway Traffic Act* licence. **Failure to comply may result in a fine as set out in Schedule "C" Attached.**

10. VEHICLES FOR HIRE

(a) Taxi Rates

Except for the circumstances outlined in section 6(d) of this By-law, the rates or fares to be charged by the owner or driver of a regular taxicab or an accessible taxicab, operating either wholly within the City of Peterborough or from any point in Peterborough to any point outside of Peterborough, shall be pursuant to Schedule "A" of this By-law and no higher or lower amount than that contained in the said Schedule shall be charged or payable. Notwithstanding the foregoing, a flat rate fee may apply to any fare that is 5 kilometres or more beyond the geographic boundary of the City of Peterborough.

(b) Rate to be Charged

Every driver and/or owner of a regular taxicab or accessible taxicab, when operating on a meter basis, shall charge the rate of fare as authorized by Schedule "A".

(c) Operation of Taxi Meter

(i) When a passenger enters the taxicab, the meter shall immediately be activated by the driver and shall remain activated throughout the trip and at the conclusion of the trip, the taxi driver shall, upon being paid, deactivate the meter.

ii) When a passenger with a disability requires the assistance of the driver in entering the taxicab or to store mobility aids or assistive devices, the driver shall not activate the meter until the person is seated in the taxi and any such devices stored away. The meter shall remain activated throughout the trip. At the conclusion of the trip, the taxi driver shall, upon being paid, deactivate the meter. The meter shall not continue to run while the driver is assisting the passenger with a disability to exit the taxi and/or with the removal of mobility aids and/or devices.

(d) No Additional Charges Permitted

No owner or driver of any vehicle regulated under this By-law shall be entitled to demand any fare or charge from any person other than those permitted under this By-law. Further, owners and drivers are prohibited from charging a higher fare or an additional fee for persons with disabilities than for persons without disabilities for the same trip.

(e) Refusing to Pay Authorized Rates

No person hiring any taxicab regulated under this By-law shall refuse, upon demand, to pay the fare or charge authorized under this By-law.

(f) When Charges Not to be Made

No taxicab owner or driver shall make any charge under this By-law for time lost for defects or inefficiency of any vehicle licensed hereunder or the

incompetence of the driver thereof or for the time consumed by the arrival of the vehicle licensed hereunder in response to a call in advance of the time such vehicle has been requested by the person calling same.

(g) Fare in Relation

A taxicab driver may carry in the vehicle two or more "unrelated fares", from a common starting point to two or more destinations subject to the following regulations:

- (i) Each stop to discharge a passenger shall be deemed to be the end of one trip and the commencement of a new trip.
- (ii) At the end of each such trip, the meter shall be cleared and started again at the commencement of each such trip.

(h) Fare in Relation to Passengers

When carrying a fare that requires accompaniment or assistance of another person, both persons shall be considered as a single fare.

(i) Shared Fare Equal Portions

A driver of a regular taxicab or accessible taxicab, when carrying two or more unrelated fares, who are in agreement to share the service of the taxicab from point of origin to the same point of destination, shall ensure that each fare shares an equal portion of the metered amount showing on the meter upon arrival at the point of destination unless they consent otherwise.

(j) Not to Pick Up Other Fares After Engagement

No driver of a taxicab or accessible taxicab shall pick up en route any additional passenger after such taxicab has departed with one or more passengers from any starting point, unless the person who originally engages the taxicab desires the same.

(k) Metered Rates

The rates or fares to be charged by the drivers of taxicabs for the conveyance of passengers, either wholly within the City or to any point not more than five kilometers beyond its geographic limit, shall be calculated by meter in accordance with Part 1 of the Tariff attached as Schedule "A" hereto. Under no circumstances shall a taxi driver collect or charge a flat rate for any fare within the geographic limit of the City. The passenger's baggage shall be charged for in accordance with Part 2 of the Tariff.

11. VEHICLE INSURANCE

(a) Vehicle Insurance

Every person who applies for a taxicab-owner license under this By-law shall, for each vehicle for which a license is sought and before such license is issued

or renewed, file with the Chief, a policy of insurance issued by a company authorized to issue indemnity insurance policies in the Province of Ontario. Such policy shall insure the applicant in the amount of at least two million (\$2,000,000) and the policy shall include Public Liability and Property Damage exclusive of costs and interest, against liability for damages resulting from injury to or death of one or more persons and Property Damage in any one accident.

(b) Renewal of Insurance

- (i) Insurance policies referred to in Section 11(a), and any renewals thereof, shall be kept in force by the respective owner during such period which a license is issued to him or her and upon failure to do so, the Chief may, upon notice to said owner, cancel such taxicab license.
- (ii) Every taxicab owner shall require that their insurer provide notice to the Chief by registered mail at least fifteen (15) days prior to the cancellation of any policy held by the owner.

(c) Board Not Obligated to Grant License

The Chief or the Board shall not be obliged under any circumstances to grant or renew a license issued under this By-law to any applicant, driver or owner.

(d) Chief May Suspend License

The Chief may, at any time for just cause, including considerations for public safety, suspend a license issued to any person under this By-law or reasonably deny or delay the issuance of a licence. The Chief will report any license suspension, denial or delay to the Board within 14 days. A former license holder shall be informed that they may appeal the Chief's decision to the Board. The Board, after hearing the appeal, may uphold, or amend the Chief's decision, including a decision to revoke a license, upon such terms and conditions as the Board may determine are, in the circumstances, just.

(e) Expiration Date of License

Every license issued pursuant to this By-law shall be in force for a period of not more than one year, and in each case shall expire in each year on the 30th day of April, unless sooner revoked or suspended. **Failure to comply may result in a fine as set out in Schedule "C" Attached.**

- (f) Effective January 1st, 2013, as per section 79 (1) (2) (3) of O. Reg 191/11 Integrated Accessibility Standard, the Board will consult every five (5) years with the City of Peterborough and the Township of Smith-Ennismore-Lakefield's municipal accessibility advisory committee to determine the proportion of on-demand accessible taxicabs required in both communities.

(g) By-Law 99 2010 is Repealed

All licenses issued there under shall, during the period for which the same have been issued, remain in force unless or until the same are forfeited and cancelled

and all such licenses heretofore issued shall be deemed to have been issued and subject to the provisions of this By-law.

(h) Coming Into Force

This By-law, with Schedules attached hereto, shall come into force and take effect upon being passed.

(i) By-Law Expires

This By-law shall expire the earlier of five (5) years after it comes into force and effect or the day it is repealed, which ever occurs first.

12. ADMINISTRATION

- a) That this by-law receive the first and second readings by the Peterborough Lakefield Police Services Board on the 11th day of October 2011.
- b) That this by-law receive the third reading by the Peterborough Lakefield Police Services Board this 8th day of November 2011.
- b) That this by-Law shall take effect on this 8th day of November 2011.
- c) That By-law #99 2010 passed March 8th, 2011 be repealed.
- d) That distribution of this by-law be unrestricted.

Nancy Martin, Chair
Peterborough Lakefield Police Services Board

Additional References:

Evaluation Date:

Issue Date: November 8th, 2011

Revision Dates:

Peterborough Lakefield Police Services Board

By-Law #100 - 2011

SCHEDULE “A”

TAXICAB TARIFF

Part One

By Meter – One to Four Passengers

Drop – the first 55 meters or part thereof	\$4.00
For each additional 111 meters or part thereof	\$0.25
For waiting time while under engagement, for each 28 seconds (Per hour \$32.50)	\$0.25
For each passenger in excess of four (No charge for children under 12 years of age accompanied by an adult.)	\$2.00

Part Two

Baggage

For luggage, cartons of groceries or other luggage handled by the driver – Flat Rate	\$0.50
Wheelchairs, brief cases, parcels of comparable size, storage of any mobility aids or mobility assistive devices.	No Charge

Damage

Unusual sanitary accidents caused by the passenger, within the Passenger area of the taxi cab – Minimum charge	\$64.20
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SCHEDULE “B”

TAXICAB TARIFF LICENSING FEES FOR TAXICABS

The license fees to be paid, subject to the provisions of the By-law, shall be as follows:

- | | | |
|----|--|-------------|
| a) | Annual Fee for a Taxicab Broker License: | \$ 150.00 |
| b) | Fee for a New Taxicab Broker License: | \$ 1,000.00 |
| c) | Annual Fee for a Taxicab Owner’s License: | \$ 50.00 |
| d) | Replacement License:
(Whereby a vehicle is replaced by another vehicle during the current year of the license.) | \$ 30.00 |
| e) | Replacement Fee for Taxicab Owner’s Plate: | \$ 15.00 |
| f) | Application for a New Taxicab Driver’s License:
(This fee is required with every application whether or not the license is granted.) | \$ 100.00 |
| g) | Annual Renewal Fee for a Taxi Drivers License: | \$ 50.00 |
| h) | Replacement Fee for Taxi Driver’s Badge: | \$ 15.00 |
| i) | Where an application is required to be returned to the Broker for secondary approval and the Broker wishes to continue the application, the Broker shall pay a fee for each such application of \$50.00. Where a Broker is in arrears in excess of \$100.00, the Chief may suspend the Broker’s License until such time as the arrears are paid. | |

Plus any applicable taxes.

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SCHEDULE “C”

Set Fines and Penalties For Taxicabs

a) **Penalty**

Any person convicted of an offence under any provision of this By-law shall be liable to a penalty as set out in Section 61 of the *Provincial Offences Act, R.S.O. 1990, Chapter P.33*, or any successor thereof.

61. General Penalty – Except where otherwise expressly provided by law, every person who is convicted of an offence is liable to a fine of not more than \$5,000.

- b) Failure to comply with Section 7 of this bylaw shall result in the immediate revocation of the taxi plate.
- c) Failure to comply with Section 8(a) of this bylaw may result in a set fine of \$100.00 + applicable Victim Fine Surcharges
- d) Failure to comply with Section 9(a) of this bylaw may result in set fine of \$100.00 + applicable Victim Fine Surcharges
- e) Failure to comply with Section 9(h) of this Bylaw may result in set fine of \$100.00 + applicable Victim Fine Surcharges
- f) Failure to comply with Section 9(r) of this Bylaw may result in a set fine of \$100.00 + applicable Victim Fine Surcharges.
- g) Failure to comply with Section 9(t) of this Bylaw may result in a set fine of \$100.00 + applicable Victim Fine Surcharges.
- h) Failure to comply with section 11(e) of this Bylaw may result in a late fee of \$10.00 prior to May 31st of each year thereafter would require a new application.

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SCHEDULE “D”

TAXICAB DRIVER’S LICENSE REQUIREMENTS

An applicant who wishes to obtain a Taxicab Driver’s license must meet the following requirements:

1. Complete an application for a taxicab Driver’s License;
2. Have a current, valid and non-probationary driver’s license issued by the Ministry of Transportation Ontario;
3. Undergo a Police Records check, vulnerable record check and criminal records check;
4. Provide a MTO driver’s record;
5. Provide letter of employment from Taxicab Owner/Company
6. Pay the fee prescribed by this By-law;
7. Not have any outstanding criminal charges pending before the courts;
8. Comply with all the requirements of the By-law;
9. Provide a certificate of completion of a wheelchair occupant restraint system-training program for an accessible taxicab driver’s license.

An applicant may be denied a Taxicab Driver’s License under this By-law because they:

1. Have in the past breached the provisions of this By-law as a licensee under this By-law;
2. Have been convicted or found guilty under the Criminal Code of Canada or under the *Controlled Drugs and Substances Act* for offences that suggest a concern for public safety and have not received a pardon;
3. Have a record of driving offences that suggest a risk to the public;
4. Have a medical history which may affect the safe operation of a taxicab thereby compromising public safety;
5. Have not been honest in filling out the application form.
6. Have a police records check that suggests a risk to public safety.

Should an applicant not be recommended for a Taxicab Driver’s License, they will be advised that they may appeal the decision of the Chief to the Peterborough Lakefield Police Services Board.

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SCHEDULE “E”

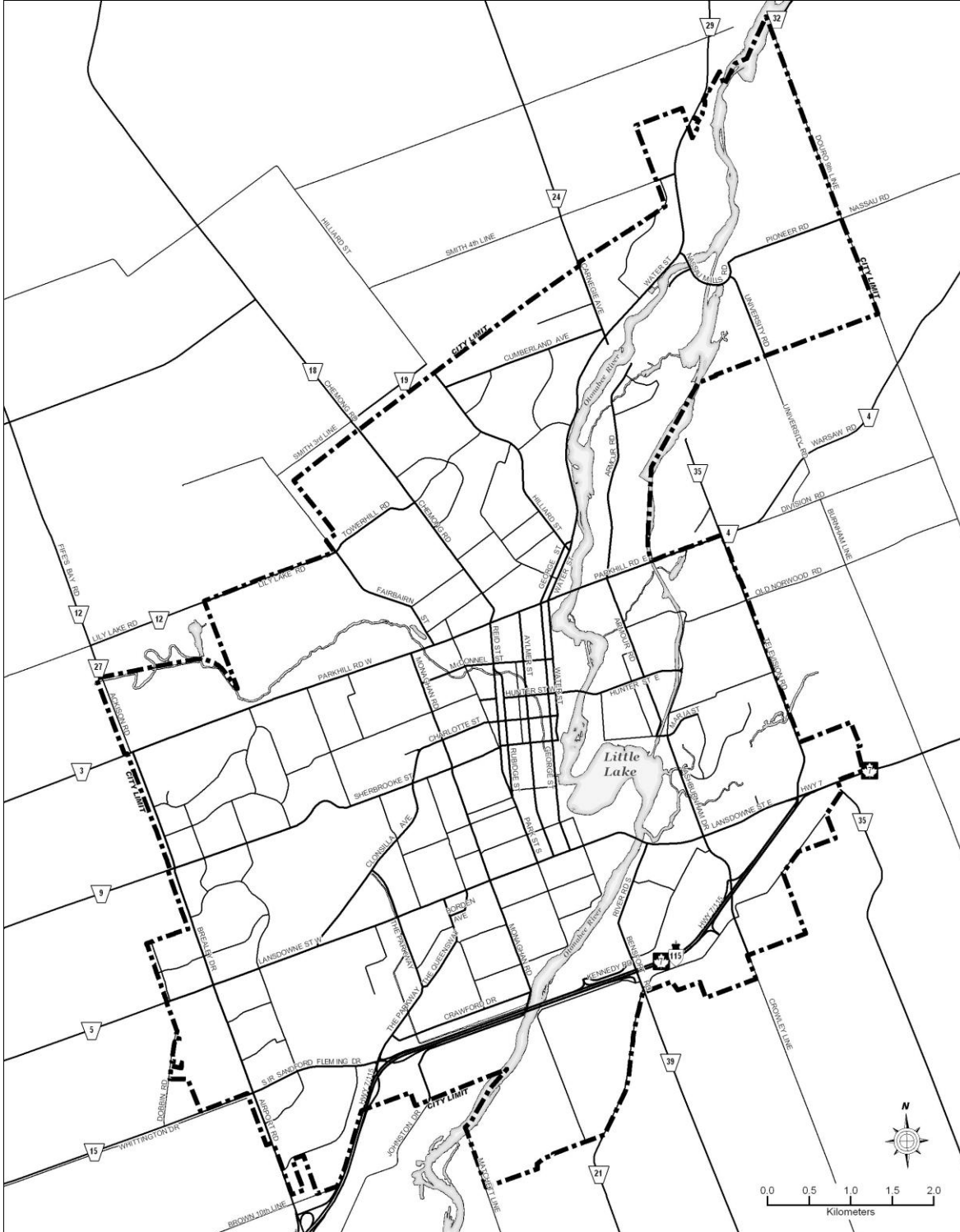
GUIDELINES FOR TAXICAB APPEAL PROCESS

1. When a Taxicab Driver/Owner has been denied a license under this By-law, or has had their license suspended or revoked, the applicant/licensee will be informed by the Traffic Unit Supervisor in writing explaining why they have been denied the license or their license has been suspended or revoked and advising them that they may appeal this decision to the Peterborough Lakefield Police Services Board (“the Board”).
2. The letter to the applicant/licensee will advise them that they may contact the Administrative Assistant to the Board to request an opportunity to appear before the Board to make submissions as to why they should be granted a license.
3. The applicant/licensee (appellant) shall, within seven days before the Board Hearing, submit in writing their reasons for the appeal and include any documents they wish to rely upon.
4. The Chief shall respond to the appellant’s written submissions and this response will be made available to the appellant at least forty-eight hours before the hearing.
5. During the hearing the Chief or their designate will make a presentation before the Board regarding the concerns about granting the license to the appellant.
6. The appellant will have an opportunity to make a ten-minute oral submission to the Board to respond to the Chief’s presentation as well as filing any documents they feel may assist in their appeal. The appellant may have someone else speak on their behalf if they so wish.
7. Once the appellant has completed their submissions, the Board will withdraw to make their decision and the appellant will be advised of the Board’s decision in writing within two-weeks of the hearing.
8. The Board may extend any time frame contained in this Schedule at its sole discretion.
9. The decision of the Board is final and cannot be appealed.

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SCHEDULE "F" - GEOGRAPHIC BOUNDARY OF THE CITY OF PETERBOROUGH



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SCHEDULE "G" - GEOGRAPHIC BOUNDARY OF THE WARD OF LAKEFIELD

