



Peterborough Police Services Board

By-Law #114-2018

Limousine Bylaw

Being a by-law to regulate, license and govern the Owner and Drivers of Limousines.

Whereas, pursuant to Sections 150 and 155 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, pursuant to section 155(1) of the said **Act**, the municipality may pass a by-law under section 150 for licensing, regulating and governing the Owners and Drivers of vehicles used for hire including Limousines;

And Whereas, pursuant to Section 157(1) of the said **Act**, where a municipality may, and a police services board agree to enforce a by-law providing for a system of licences with respect to a business and whereas the police services board has delegated to the Chief of Police the power to license, regulate and govern the Limousine industry;

And Whereas, the Council of the Corporation of the City of Peterborough by By-law 14-142 did on the 8th day of December 2014 delegate to the Peterborough Police Services Board the power to license, regulate and govern Owners and Drivers of Limousines within the City of Peterborough;

And Whereas, the Council of the Township of Selwyn by By-law 2014-077 did on the 11th day of November 2014 delegate to the Peterborough Police Service the power to regulate Limousine operations within the Lakefield Ward;

And Whereas, the power to license Limousines and Limousine Drivers includes the power to license vehicles having a seating capacity of less than 10 or 10 or more passengers when the Driver of the vehicle takes on and discharges passengers within the geographic limits of the City of Peterborough, or within the geographic limits of the

Ward of Lakefield, as provided in S.9(2) of the Public Vehicles Act, RSO 1990 Ch P 54, as amended;

And Whereas, the Peterborough Police Services Board is responsible for ensuring the safety of all members of the public within the City of Peterborough and the Ward of Lakefield.

And Whereas, the Peterborough Police Services Board wishes to minimize any risk to the public through providing criteria for the issuance of Limousine 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 Limousines is to (1) protect the health and safety of the public; (2) enhance and encourage the equal, fair and courteous treatment of passengers; (3) to enhance the accountability of Drivers, Owners and Brokers;

And Whereas, Section 444 of the **Municipal Act**, 2001, provides that the Peterborough Police Services Board may make an Order requiring the person who contravenes the by-law or who caused or permitted the contravention discontinue the contravening activity, and any person who contravenes such an Order is guilty of an offence;

Now Therefore, the Peterborough Police Services Board enacts as follows:

1. Definitions

- a) **Board:** “Board” means the Peterborough Police Services Board
- b) **Broker:** “Broker” means a person who:
 - i) Owns one or more vehicle(s) which is/are used as Limousine(s); or
 - ii) Employs more than one or more Drivers.
- c) **City of Peterborough:** “City of Peterborough” means the geographic boundary of the City of the Peterborough as shown in Schedule “E” as that boundary may change from time-to-time and the term “Peterborough” shall have the corresponding meaning;
- d) **Chief of Police:** “Chief” means the Chief of the Peterborough 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 Police Service;
- e) **Compensation:** “Compensation” shall include any rate, remuneration, reimbursement or reward of any kind paid, payable, promised, received or demanded, directly or indirectly;
- f) **Driver:** “Driver” shall mean any person who drives any class of Limousine;

- g) **Limousine:** "Limousine" means a motorized passenger vehicle with a Driver rented for Compensation for the conveyance of passengers, where the route of travel is controlled by the passengers, and includes a motorized passenger vehicle having a seating capacity of less than 10 passengers or 10 or more passengers, but does not include:
- i) Special transportation vehicles licensed under a by-law of the City of Peterborough or Ward of Lakefield in the Township of Selwyn 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
 - ii) An ambulance
 - iii) A funeral hearse
 - iv) 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
 - v) A taxi cab as defined and licensed under a bylaw of the Peterborough Police Services Board
 - vi) The operators of motor vehicles who charge no fee or other Compensation nor is a fee or other Compensation paid to the Driver, Owner, or lessee of the motor vehicle for a passenger's transportation except to reimburse expenses of operating a motor vehicle on a not for profit basis.
 - vii) Car pool vehicles as defined in the **Public Vehicles Act**
 - viii) Vehicles owned and operated by retirement homes for the purpose of transporting residents of those homes.
 - ix) Patient transfer vehicles
- h) **Owner:** "Owner" shall mean any person who owns a Limousine, and shall include any person who has possession or control of a Limousine under an instalment-purchase/hire-purchase agreement or pursuant to a lease agreement, and includes a Broker as defined in paragraph 1(b) above;
- i) **Person:** "Person" includes an individual, a business entity, a partnership and a corporation;
- j) **PPS:** "PPS" means the Peterborough Police Service;
- k) **Ward of Lakefield:** "Ward of Lakefield" means the geographic boundary of the former Village of Lakefield as shown in Schedule "F" as that boundary may

change from time-to-time and the term “Lakefield” or “Lakefield Ward” 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 the 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 pursuant to the criteria reflected in Schedule “C” herein.
- c) Collect payment of the required license fee upon application for the issuance of the license. Should the license not be issued to the new applicant, the fee will not be returned.
- d) Upon successful renewal, collect payment of the required fee.
- e) 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 “D”.

The **Chief** has the authority to lift the suspension and/or revocation of a license to allow a reapplication and submit a report with documentation supporting the decision to the **Board**.

- f) Keep records of all licenses 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;
- g) Provide to each Owner of a licensed **Limousine** a number plate for each such licensed vehicle;
- h) Provide to each licensed **Driver** a photo license;
- i) Provide to each licensed **Owner** and **Driver** a copy of this by-law and obtain a signed acknowledgment of receipt of same;
- j) 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. Requirement for Licenses

- a) No Person shall drive, operate or permit to be driven or operated within the **City of Peterborough** and/or the **Ward of Lakefield** a **Limousine** without first having procured and maintained in good standing a current **Limousine** license issued by the **Chief** for that vehicle.
- b) No **Broker** or **Owner** shall permit any person to drive or operate a **Limousine** unless that person has first procured and maintained in good standing a current applicable class of license in accordance with the **Highway Traffic Act** and a **Limousine** Driver's license issued by the **Chief**.
- c) No Person shall drive or operate a **Limousine** unless that Person has first procured and maintained in good standing a current applicable class of license in accordance with the **Highway Traffic Act** and a **Limousine** Driver's license issued by the **Chief under this bylaw**.

- d) **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**.

- e) **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.

- f) **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 November unless sooner revoked or suspended. **Failure to comply may result in a fine as set out in Section 10 and Schedule "B" of this bylaw.**

- c) **Multiple Licenses**

A limousine may be licensed in multiple jurisdictions.

4. Owners and Brokers

- a) No Limousine Owner, Broker or Driver shall offer for sale, or advertise a service to provide Limousine transportation without first having procured and maintained in good standing a Limousine license issued under this Bylaw.

- b) Every **Broker, Owner** and **Driver** shall promptly and fully respond to any inquiry from the PPS.

5. Limousines, Safety Standards Certificate and 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 **Limousine** a greater number of occupants or persons than there are seatbelt assemblies inclusive of **Driver** in accordance with the **Highway Traffic Act**

- b) **Safety Standards Certificate**

Before a license is issued or renewed under this by-law in respect of any vehicle, the applicant shall provide to the **Chief** a current valid Safety Standards Certificate, 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.

- c) **Leased Vehicles**

The Chief shall not issue a license in respect of any leased vehicle unless the lease is 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**.

- d) **Camera Systems**

An Owner of a **Limousine** 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.

6. Right of Inspection

Every **Owner** of a **Limousine** licensed under this by-law shall submit such **Limousine**, 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 **Limousine** is kept for the purpose of such inspection. **Failure to comply will result in the immediate revocation of the Limousine license.**

7. Number Plates

- a) **Change of Vehicle**

Every **Owner** who sells or disposes of a **Limousine** 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 Section 10 and Schedule "B" of this bylaw.**

b) **Number Plate and Position of Same**

The Chief shall provide to every **Owner** of a **Limousine** licensed under this by-law a **Limousine** license plate for the current year, and the **Owner** shall display such number plate on the rear of the vehicle clearly visible and shall ensure that such plate remains there during the entire period for which the license is valid. In the event the plate cannot be placed on the rear 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 **Limousine** number plate provided by the **Chief** shall be returned to the **Chief** upon request.

d) **Business Surrender**

When an Owner sells his/her business, the Owner shall return such plate to the Chief immediately.

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 **Limousine** 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 **Limousine** number plate from one **Limousine** to another without the prior written approval of the **Chief**.

8. **General Provisions**

a) **Owner to Notify Re: Drivers**

Every **Owner** shall notify the Chief in writing of the hiring or termination of any **Limousine Driver** within seven (7) days of the date of such hiring or termination. **Failure to comply may result in a fine as set out in Section 10 and Schedule "B" of this bylaw.**

b) **No Smoking in Limousines**

No **Owner** or **Driver** shall smoke or permit smoking in **Limousines**.

c) **Photo License to be Carried**

Every **Limousine Driver** licensed under this by-law shall carry on his/her person his/her current Photo License provided by the **Chief** and, while driving any licensed **Limousine**, 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 Section 10 and Schedule "B" of this bylaw.**

d) **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.

e) **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.

f) Every **Limousine 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 Section 10 and Schedule “B” of this bylaw.**

g) 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 the Driver is fit and able to operate a **Limousine**.

h) When a **Limousine 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 Section 10 and Schedule “B” of this bylaw.**

i) An Owner shall ensure that any Limousine that is modified or designed to be used for the purposes of transporting persons with disabilities, whether or not the vehicle is also used to transport persons without disabilities, the Owner/Driver adheres to Regulation 629 Accessible Vehicles made under the **Highway Traffic Act**.

9. Vehicle Insurance

(a) **Vehicle Insurance**

Every person who applies for a **Limousine** 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 commercial 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 dollars (\$2,000,000) for vehicles having a seating capacity of less than ten (10) passengers, and five million dollars (\$5,000,000) for vehicles with a seating capacity of ten (10) or more passengers and the policy shall include commercial 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 9 (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 **Limousine** license.
- ii) Every 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**.

10. Offences

- a) Every person who contravenes any provision of this By-Law is guilty of an offence and is liable to a fine, and such other penalties, as provided for in the **Provincial Offences Act**, R.S.O. 1990, c. P.33, as may be amended from time to time.
- b) Any person who contravenes any provision of this by-law, including any schedule attached hereto is guilty of an offence.

11. Coming Into Force

- a) This by-law, with Schedules attached hereto, shall come into force and take effect May 15th 2018.
- b) Bylaw #113-2018 is hereby repealed.

12. Administration

- a) That this bylaw is read a first, second and third time on the 15th day of May 2018.
- b) That this by-law shall take effect on the 15th day of May 2018.
- c) That distribution of this by-law be unrestricted.

Bob Hall, Chair
Peterborough Police Services Board

Additional References:

Evaluation Date:

Issue Date: May 15th 2018

Revision Dates: January 2017, February 2017, December 2017, January 2018, May 2018

Peterborough Police Services Board

By-Law #114-2018

Schedule "A"

Licensing Fees for Limousines

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

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|----|--|----------|
| a) | Annual Broker Fee | \$150.00 |
| b) | Annual Fee for each Limousine vehicle license | \$ 50.00 |
| c) | Replacement License: (Whereby a vehicle is replaced by another vehicle during the current year of the license.) | \$ 30.00 |
| d) | Application for a Limousine driver's license
(This fee is required with every application whether or not the license is granted.) | \$100.00 |
| e) | Annual renewal fee for a Limousine Driver's license | \$ 50.00 |
| f) | Replacement Fee for Limousine Driver's Badge: | \$ 15.00 |
| g) | Replacement Fee for a Limousine Plate: | \$ 15.00 |

***Plus any applicable taxes.

There are no refunds.

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Schedule "B"

Set Fines and Penalties

- a) A director or officer of a corporation who knowingly concurs in the contravention of any provision of this by-law, including any schedule attached hereto is guilty of an offence.
- b) A person convicted under this by-law is liable to a maximum fine of \$25,000.00 upon first conviction and a maximum fine of \$50,000.00 for any subsequent conviction.
- c) Despite Subsection d) (above), where the person convicted is a corporation, the corporation is liable to a maximum fine of \$50,000.00 upon first conviction and a maximum of \$100,000.00 for any subsequent conviction.
- d) If this by-law is contravened and a conviction entered, in addition to any other remedy or to any penalty imposed by this by-law, the Court in which the conviction has been entered and any Court of competent jurisdiction thereafter may make an order;
 - i) Prohibiting the continuation or repetition of the offence by the person convicted and
 - ii) Requiring the person convicted to correct the contravention in the manner and within the period that the Court considers appropriate.

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Schedule “C”

Limousine Driver’s License Requirements

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

1. Complete an application for a Limousine 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 an MTO driver’s record;
5. Pay the fee prescribed by this by-law;
6. Not have any outstanding criminal charges pending before the courts;
7. Comply with all the requirements of the by-law;

An applicant may be denied a Limousine 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 by the Chief 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 Limousine 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 Limousine Driver’s License, they will be advised that they may appeal the decision of the Chief to the Peterborough Police Services Board.

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Schedule “D”

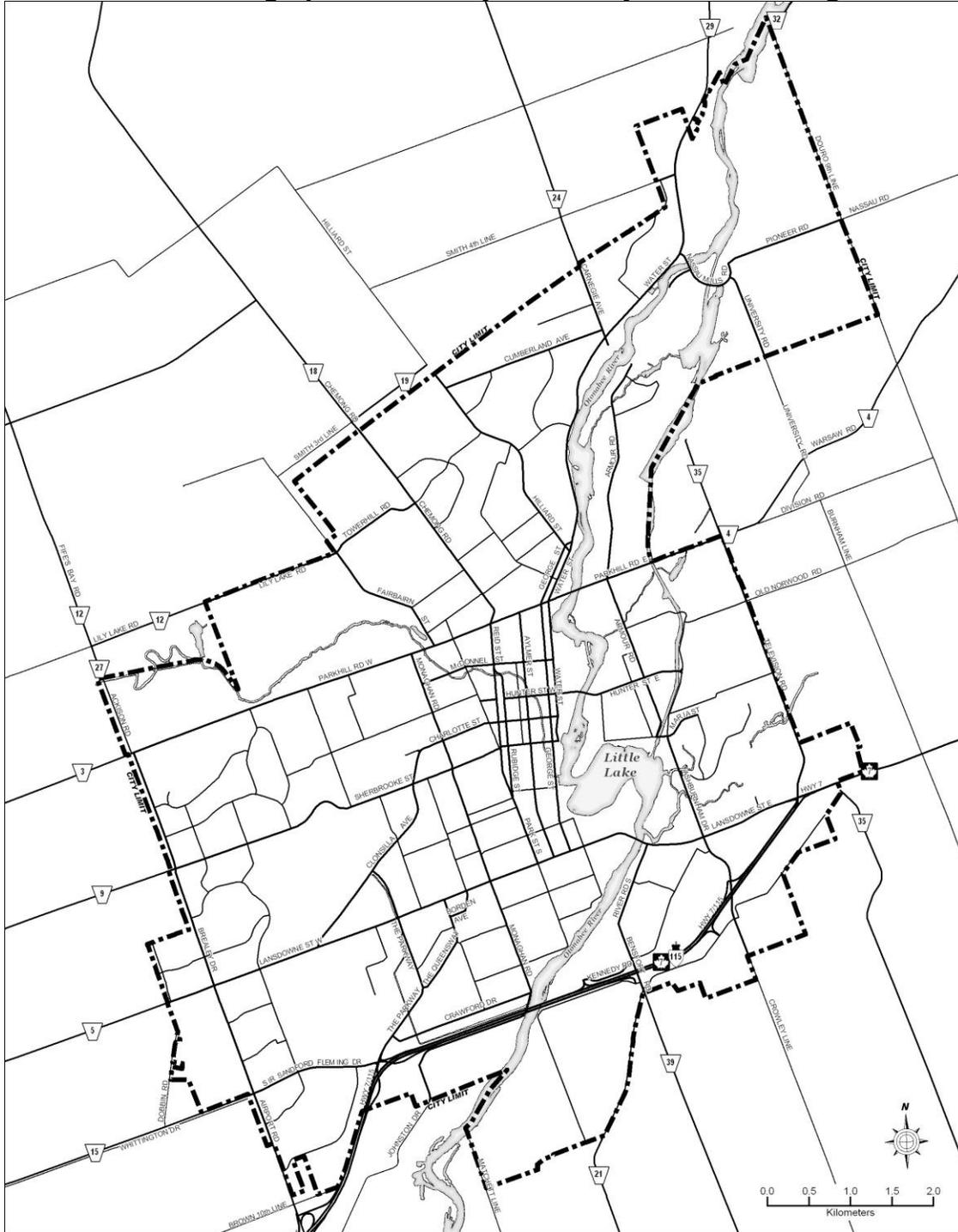
Guidelines for the Limousine Appeal Process

1. When a Limousine 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 Police Services Board (“the Board”).
2. The letter to the applicant/licensee will advise them that they may contact the Executive 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 (48) 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 "E" – Geographic Boundary of the City of Peterborough



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Schedule "F" – Geographic Boundary of the Ward of Lakefield

