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THE CORPORATION OF THE CITY OF PENTICTON

TAXI REGULATIONS BYLAW

NO. 96-61

Consolidated for convenience only.

THE CORPORATION OF THE CITY OF PENTICTON
BYLAW NO. 96-61

A BYLAW PURSUANT TO SECTIONS 526 AND 528
OF THE MUNICIPAL ACT, R.S.B.C., 1979, CHAPTER 290 TO
PROVIDE FOR THE REGULATION FOR CARRIERS
OF PERSONS AND CHATTELS WITHIN THE CITY OF PENTICTON

The Municipal Council of The Corporation of the City of Penticton in open meeting assembled ENACTS as follows:

- 1.This Bylaw may be cited for all purposes as "The City of Penticton Passenger Vehicles for Hire Bylaw No. 96-61 (1996)".

APPLICATION

- 2.The Regulation of this bylaw shall govern the operation of taxi cabs within the City of Penticton.

DEFINITIONS

- 3.In this bylaw, unless the context otherwise requires, the expressions and definitions contained in the *Motor Vehicle Act*, the *Motor Carrier Act* and Regulations pursuant thereto shall apply, together with the following additional definitions:

"Business Licence" means any licence required or issued under the provisions of the Business Licence Bylaw of the City of Penticton as amended from time to time.

"Cab" or "Taxi Cab" means a motor vehicle that is designed to carry not more than 10 persons and that with its driver, is operated for hire and includes a limousine.

"Licence" means any licence required or issued under the provisions of this bylaw with respect to the operation of a vehicle as a cab.

"Chauffeur" means any person nineteen (19) years of age or over who drives or operates a vehicle for hire or who, as an employee hired or engaged solely or in part for the purposes of driving a motor vehicle of another person, drives or operates that motor vehicle.

"Chauffeur's Permit" means a permit issued by the Chief of Police required to be held by a Chauffeur pursuant to the *Motor Vehicle Act* of the Province of British Columbia.

"Chief of Police" means the Officer in Charge, as appointed from time to time, of the Penticton City Detachment of the Royal Canadian Mounted Police and includes his/her designated assistants.

"Council" means the Municipal Council of the Corporation of the City of Penticton.

"Fare" means the fare, toll or rate charged or collected from any person for the carriage or transportation of persons or chattels.

"Licence Inspector" means the person appointed from time to time as Licence Inspector of the municipality and includes his/her designated assistants.

"Municipality" means the Corporation of the City of Penticton.

"Owner" means the registered owner, or his/her duly authorized agent, of a vehicle for hire and may include a proprietor who is the registered owner of his/her own cabs, or an owner/operator.

"Passenger" includes a passenger's personal baggage not exceeding two (2) average size travelling bags.

"Person" shall mean and include natural persons of either sex, associations, societies, corporations, bodies politic, firms and co-partnerships, whether acting by themselves or by a servant, agent or employee, and the heirs, executors, administrators, successors and assigns, or other legal representatives of such persons to whom the context can apply according to law; the singular shall, when necessary, be held to mean and include the plural, the masculine, the feminine, and the converse thereof.

BUSINESS LICENCE

4.Licensing Regulations

It shall be unlawful for any person to operate any vehicle as a cab without being in possession of a valid and subsisting business licence issued pursuant to the City of Penticton Licence Bylaw as amended from time to time.

CAB LICENCE

5.No person shall operate, or permit to be operated, a cab in the Municipality unless such cab is duly licensed under the provision of the *Motor Carrier Act*, *Motor Vehicle Act* and the Regulations pursuant thereto.

CHAUFFEUR'S PERMIT

6.Every person who drives, operates, or is in charge of, a cab shall hold a valid chauffeur's permit issued by the Chief of Police, and such person shall carry the permit while so employed.

7. Application for a chauffeur's permit shall be made in person to the Chief of Police on a form provided for that purpose.

Every applicant shall provide the following information and such other information as the Chief of Police may require:

Name
Home Address
Telephone No.
Birthdate
Birthplace
Height
Weight
Colour of Hair
Colour of Eyes
Driver's Licence No.
Social Insurance No.
Next of Kin and Address

A passport size photograph of the applicant shall accompany the application.

8. The applicant for a chauffeur's permit shall satisfy the Chief of Police that he/she holds a current driver's licence of the required classification.

9. Where the Chief of Police, on proof of his/her satisfaction, believes that a person holding a chauffeur's permit under this Bylaw, by reason of his/her use of or dealing in intoxicants for narcotic drugs, or has been convicted of a criminal offence in Canada or for any other reason, is unfit to act as a chauffeur, he/she may suspend or cancel the permit.

10. Where an application for a chauffeur's permit is refused or a chauffeur's permit is suspended or cancelled by the Chief of Police, the Chief of Police shall within twenty-four (24) hours after refusal, suspension or cancellation notify the applicant, or holder, in writing stating the grounds and appeal shall lie to the Council from the refusal, suspension or cancellation, and the decision of Council shall be final.

DISPLAY OF LICENCE

11. The licence issued in respect of a vehicle to be operated as a cab shall be prominently displayed in the vehicle so licensed at all times in a position plainly visible to all passengers.

IDENTIFICATION OF TAXI CAB

12. Every owner of a taxi cab shall have painted or permanently affixed on either the front or rear door of such vehicle a business name which shall include the word "taxi" at the end thereof, and such names including the word "taxi" shall be printed in lettering not less than 2 inches high. In addition, a sign electrically illuminated at night bearing the word "taxi" or "cab" shall be maintained at all times on the roof of the vehicle and the owner

of a taxi may, at his/her discretion, install an "In trouble HELP" roof sign. The name, and roof sign shall be kept clean at all times.

COMPLIANCE WITH OTHER REGULATIONS

13.All vehicles and persons licensed under the City of Penticton Business Licence Bylaw as amended from time to time, shall, at all times, comply with all Municipal, Provincial and Federal Regulations with respect to motor vehicles and failure to do so shall be grounds for revocation of a licence issued pursuant to the terms of the said Bylaw, by the Licence Inspector.

CONDUCT OF DRIVER

14.The driver of any cab shall at all times be properly dressed and well behaved, and shall not obstruct the use of a sidewalk, or make any loud noise, or use obscene or abusive language, in any public place, or disturb the owners, occupiers or inhabitants of any residence or commercial premises.

CONDITION OF CAB

15.The interior and exterior of every cab shall be kept clean and in good condition at all times.

16.It shall be the duty of every licensed cab operator to maintain his/her vehicle or vehicles in a safe operating condition and, for this purpose, to arrange for inspection of same by a competent inspector or mechanic at sufficiently frequent intervals as stipulated by the Motor Carrier Commission.

17.No licensed cab, any part of which has been damaged by accident, failure, or other cause, shall thereafter be returned to hire service until an inspection has been made by a competent inspector or mechanic approved by the Superintendent of Motor Vehicles and the vehicle returned to a safe operating condition.

TAXI METERS

18.It shall be unlawful for any person to drive or operate or engage in the business of operating a taxi cab unless such taxi cab is equipped with a taxi meter, which complies in every respect with the requirements hereafter set out and is of the type approved by the Licence Inspector and Motor Carrier Commission.

19.All taxi meters shall mechanically or electronically register the hired distance and time and corresponding rate thereof while under hire, and shall be kept in a condition ensuring accuracy and continuous registration during hire, and shall be so installed to automatically operate when the taxi is in motion as well as when such taxi is standing under hire.

20.No person shall use, or permit to be used in any taxi cab, a taxi meter which registers either distance or time more than two percent (2%) incorrectly.

21. Every taxi meter shall be adequately illuminated at all times when in use between dusk and dawn.
22. Every taxi meter shall be installed and placed at the right side of the driver in such position that the fare to be paid by the passenger may be easily read from the rear seat by any passenger.
23. Every taxi meter shall show rates or fares currently in effect at time of hire.

RATES AND/OR FARES

24. Rates and charges which owners or drivers of cabs in the City of Penticton shall be entitled to charge, shall be those approved by, and on file with the Motor Carrier Commission. No driver or owner of any vehicle for hire shall charge, demand, collect or receive a lower or different fare than those approved by and on file with the Motor Carrier Commission. No owner or driver shall publish or permit to be published or use, any fares or charges other than those authorized regardless of how the fares are determined and a copy of rates and charges in effect shall be filed with the City of Penticton.

GENERAL PROVISION

25. Every person in charge of any cab shall not smoke while driving any passenger or passengers.
26. Every person carrying on a vehicle for hire or taxi business shall, at all reasonable times, permit the Chief of Police, the Licence Inspector or the Bylaw Enforcement Officer to inspect any premises, cab, equipment or other thing used in connection with the cab business.
27. No "cab licence" may be transferred without the written approval of the "Licence Inspector".

PENALTY

28. Every person who violates any of the provisions of this Bylaw or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this Bylaw or who neglects to do or refrains from doing anything required to be done by any of the provisions of this Bylaw is guilty of an infraction hereof, and is liable upon summary conviction, to a penalty not less than \$50.00 and not more than \$2,000.00. Each day's continuance of any violation, refusal, or neglect constitutes a new distinct offence.

EFFECT OF BYLAW

29. This Bylaw shall come into force and effect and be binding on all persons as from the date of adoption.

RESCINDING CHAUFFEUR'S BYLAW

30. That City of Penticton Bylaw #88-80 (Taxi Cab Regulations Bylaw) and amendments thereto be rescinded upon adoption of City of Penticton Bylaw 96-61.

READ A FIRST time this 16th day of September, 1996.
READ A SECOND time this 16th day of September, 1996.
READ A THIRD time this 16th day of September, 1996.
RECONSIDERED and FINALLY PASSED and ADOPTED
this 23rd day of September, 1996.

Mayor

City Clerk

Certified a true copy of Bylaw

No. 96-61 as adopted.

City Clerk