

**THE CITY OF THOMPSON
BY-LAW NUMBER 1920-2014**

[AM B/L 1936-2015]

[AM B/L 1992-2020]

BEING A BY-LAW FOR THE REGULATION OF TAXICABS IN THE CITY OF THOMPSON HEREINAFTER REFERRED TO AS "THE TAXICAB BY-LAW".

WHEREAS section 23 of *The Highway Traffic Act, C.C.S.M. c. H60* provides, in part, as follows:

- 23(1) The council of a municipality may, by by-law, require every person conducting or carrying on an automobile livery, or letting or having motor vehicles, including drive-yourself automobiles and taxicabs, for hire or gain, within the municipality, or using the streets thereof in connection with such a business, to take out an annual license from the municipality, and to pay a license fee therefore of such amount as is fixed by-law for, or in respect of, each motor vehicle so used.
- 23(2) The council of a municipality may, by by-law, make rules and regulations for prohibiting, limiting, controlling and regulating any such business or occupation, including, without restricting the generality of the foregoing, the definition of various classes of vehicles, the fixing of rates or tolls to be charged, either by zones, the installation and inspection of meters in taxicabs, the powers and duties of inspectors, the placing of insurance for the protection of persons and property, and the location or use of taxicab ranks or stands.

AND WHEREAS sections 232 and 236 of *The Municipal Act, C.C.S.M. c. M225* respectfully provide, in part, as follows:

- 232(1) A council may pass by-laws for municipal purposes respecting the following matters:
- (a) the safety, health, protection and well-being of people, and the safety and protection of property;
 - (m) local transportation systems;
 - (n) businesses, business activities and persons engaged in business; and
 - (o) the enforcement of by-laws.
- 232(2) Without limiting the generality of subsection (1), a council may in a by-law passed under this Division
- (a) regulate or prohibit;
 - (c) deal with any development, activity, industry, business, or thing in different ways, or divide any of them into classes and deal with each class in different ways;
 - (e) subject to the regulations, provide for a system of licences, permits or approvals, and

(f) except where a right of appeal is already provided in this or any other Act, provide for an appeal and the body that is to decide the appeal, and related matters.

236(1) Without limiting the generality of clause 232(1)(o) (enforcement of by-laws), a by-law passed under that clause may include provisions

(a) providing for procedures, including inspections, for determining whether by-laws are being complied with; and

(b) remedying contraventions of by-laws.

AND WHEREAS it is deemed desirable and in the public interest with respect to the safety, health, protection and wellbeing of people to license the operators and drivers of taxicabs, and to regulate and control the taxicab business itself in The City of Thompson;

NOW THEREFORE the Council of The City of Thompson, in open session assembled, enacts as follows:

PART I. DEFINITIONS

1.1 In this By-law:

“Adapted Taxicab” means a vehicle which, in addition to meeting the definition of Taxicab is equipped with features that render it accessible to persons with disabilities, namely larger door openings and wheelchair ramps or lifts;

"City" means The City of Thompson;

“City’s Fee and Fine Schedule” means the schedule passed annually by the Council stipulating fees and fines that may be charged under by-laws passed by the Council;

"Council" means the Council of the City;

“Director of Public Safety” means the City’s Director of Public Safety;

“Dispatch Service” means an office where requests for Taxicab services are received, from which Taxicab services are dispatched and where a record of all Taxicab and/or Limousine trips are kept;

“Driver” means the holder of a subsisting Driver's License issued by the City pursuant to the provisions of this By-law;

“Driver’s License” means a full-time, part-time or casual license issued by the License Inspector, pursuant to the provisions of this By-law, authorizing the person named therein to drive a Taxicab full-time, part-time or casually for the time period stated therein;

“Fully Operational” means the state of an In-car Camera or Strobe Light meeting the requirements of this By-law without malfunction or impairment, including, in the case of an In-car Camera, showing a green status indicator light and having no impairments to

any video or audio recording functions;

"In-car Camera" means a device meeting the requirements of Part V which, when installed in the passenger compartment of a Taxicab, is able to capture and store images of the occupants of the Taxicab;

"License Inspector" means the City's License Inspector or such other person to whom Council has delegated the authority to enforce the regulatory by-laws of the City;

"Limousine" means any motor vehicle which would otherwise qualify as a Taxicab with the exception that the vehicle is unmarked and not equipped with Taxicab signage required under this By-law or a Meter and which is to be hired by the hour or part thereof, or by special contract and will normally consist of a chauffeur driven, full sized luxury model sedan, custom stretched beyond standard lengths;

"Meter" means any mechanical or electronic instrument or device by which a charge for transportation in any Taxicab is mechanically or electronically calculated, either for distance traveled, or for waiting or both, and upon which the charge is indicated by means of figures and which meets the requirements of this By-law;

"Operator" means the holder of a subsisting Operator's License issued by the City pursuant to the provisions of this By-law;

"Operator's License" means a license issued by the License Inspector, pursuant to the provisions of this By-law, authorizing the person named therein to carry on a Taxicab Business for the Taxicab and time period stated therein;

"Resident" means a person whose ordinary place of residence is within the City and has been for a period of at least three (3) consecutive months;

"Safety Inspection Report" means a safety report produced by the Province of Manitoba, Certificate of Inspection for Vehicles Under 4,500 kg, completed and signed by the holder of a Certificate of Qualification as an Automotive Service Technician, issued pursuant to *The Apprenticeship and Certification Act, C.C.S.M. c. A110*;

"Strobe Light" means a lamp that produces very short, intense flashes of light and which meets the criteria under Part V of this By-law;

"Taxicab" means any motor vehicle as defined in *The Highway Traffic Act, C.C.S.M. c. H60* had, kept, garaged, under repair, used, intended for use, or operated, for the transportation of persons for compensation in the City, except:

- (a) a public service vehicle as defined in *The Highway Traffic Act, C.C.S.M. c. H60*;
- (b) a trolley bus or passenger-carrying motor vehicle of a public transportation system operating on the streets of the City;
- (c) a school bus;
- (d) an ambulance;
- (e) a hearse;

- (f) a motor vehicle kept for hire that may be hired or rented by the hour, day, week, or longer, without a driver; or
- (g) such motor vehicle or class of motor vehicles as the Council may exempt from this definition;

“Taxicab Business” means, personally or through an agent or employee, carrying on the business of keeping at least one Taxicab for hire, keeping for hire or operating for hire at least one Taxicab or holding out or advertising that he or she is doing so;

“Taxi Commission” means the decision making body created under Part X of this By-law;

“Taxicab Zone” means an area designated where Taxicabs may park provided the Driver driving the Taxicab is in immediate and direct control of the Taxicab at all times;

“Transferor” means the individual or corporation receiving an Operator’s License or shares of an Operator under Part II of this By-law; and

“Trip Record” means the document set out in Schedule E, or such other record which, in the License Inspector’s opinion, contains sufficient detail of trips made by a Driver during a shift and which is otherwise acceptable to the License Inspector.

PART II. OPERATOR’S LICENSE REQUIRED

2.1 Unless otherwise provided in this By-law:

- (a) no person shall, directly or indirectly, operate any Taxicab or Taxicab Business in the City, other than the Taxicab or Taxicab Business stated in his or her Operator’s License; and
- (b) no Operator shall require or permit a person to operate the Taxicab or Taxicab Business to which his or her Operator’s License applies.

2.2 Any person may apply to the City for an Operator’s License or a renewal thereof. Each applicant for an Operator’s License or for a renewal thereof shall provide the following at the time of application:

- (a) the fees specified in the City’s Fee and Fine Schedule at the time of the application;
- (b) a completed application in the form prescribed by the City;
- (c) where the applicant is an individual, a copy of his or her Driver’s License;
- (d) where the applicant is a corporation, a copy of a Driver’s License for each shareholder of the corporation;
- (e) where the applicant is an individual, documents or other information sufficient to satisfy the License Inspector that he or she is a Resident and over 18 years of age;
- (f) where the applicant is a corporation, documents or other information sufficient to satisfy the License Inspector that:
 - (i) the corporation’s head office is situated in the City;

- (ii) each of the corporation's shareholders are a Resident; and
 - (iii) each of the corporation's shareholders are over 18 years of age;
 - (g) a written description of the motor vehicle to be used in the Taxicab Business, in the form prescribed by the License Inspector;
 - (h) documents or other information sufficient to satisfy the License Inspector that insurance premiums prescribed under *The Manitoba Public Insurance Corporation Act, C.C.S.M. c. P215* and the regulations made thereunder at the time of application have been paid to the Registrar of Motor Vehicles for the vehicles that will be used in the Taxicab Business;
 - (i) copies of the policy or policies of insurance that the License Inspector directs, in such amount or amounts, and in such form, as the License Inspector deems required to protect the public;
 - (j) documents or other information sufficient to satisfy the License Inspector that the applicant owns the motor vehicle to be used in the Taxicab Business; and
 - (k) documents or other information sufficient to satisfy the License Inspector that the applicant provides or subscribes to a central dispatch service for the receiving of requests for Taxicab service and dispatching of Taxicabs to provide said service which conforms to the City's Zoning By-law as amended from time to time and the City's Business Licensing By-law as amended from time to time.
- 2.3 After receiving an application meeting the requirements in section 2.2 the License Inspector may, at his or her discretion, grant or reject the application. In determining whether to grant or reject the application the License Inspector shall consider all the surrounding circumstances, including:
- (a) the public convenience and necessity in respect of the number of Taxicabs required in the City;
 - (b) whether the applicant's character and conduct is such that he is fit to operate a Taxicab Business; and
 - (c) whether the applicant has the knowledge and ability to operate a Taxicab or Taxicab Business safely and to the standards required by the License Inspector, be beneficial or detrimental to the City's Taxicab industry.
- 2.4 Notwithstanding section 2.3, in no circumstances shall the number of valid and subsisting Operator's Licenses, including Operator Licenses dedicated to Adapted Taxicabs, be more than **forty three (43)** at any one time, **one of which must be assigned to an Adapted Taxi**, unless Council authorizes the License Inspector to issue temporary Operator's Licenses permitting an additional number of Taxicabs to be operated during seasons, days, or for occasions stated by Council. **[AM B/L 1992-2020]**
- 2.5 If the License Inspector rejects the application he or she shall inform the applicant of that decision, the reasons for the rejection and advise the applicant of his right to appeal the rejection under Part X hereof.

- 2.6 The License Inspector may grant an Operator's License or renewal thereof on conditions he or she believes are required, including the condition that the applicant complete such training courses as the License Inspector believes necessary to adequately train or re-train the applicant to operate a Taxicab or Taxicab Business safely and to the standards required by the License Inspector.
- 2.7 An Operator's License shall be valid from the date on which it is issued to the last day of February each year, unless earlier suspended or cancelled by the License Inspector in accordance with this By-law.
- 2.8 If an Operator has applied for renewal of his or her Operator's License and paid the prescribed fee at least three (3) months' prior to the expiry date stated thereon, the Operator's License is deemed to continue until the License Inspector grants the renewal or notifies the Operator that the application for renewal was rejected.
- 2.9 An Operator's License is not transferable without the consent of the License Inspector. An Operator may apply for the License Inspector's consent by submitting:
- (a) an application for transfer, in a form prescribed by the License Inspector;
 - (b) documents or other information sufficient to satisfy the License Inspector that the contemplated transfer transaction is bona fide and the proposed Transferor meets the requirements under section 2.2; and
 - (c) the Transfer Fee set out in the City's Fee and Fine Schedule at the time the application for transfer is made.
- 2.10 Where the Operator is a corporation, its shares shall not be transferred, sold or otherwise assigned to any other individual or corporation unless the License Inspector consents. A corporation may apply for the License Inspector's consent under the process outlined in section 2.9.
- 2.11 After receiving an application meeting the requirements in section 2.9 the License Inspector may, at his or her discretion, grant or reject the application. In determining whether to grant or reject the application the License Inspector shall consider whether granting the application will, in all the surrounding circumstances, including:
- (a) the public convenience and necessity in respect of the number of Taxicabs required in the City;
 - (b) whether the proposed Transferor's character and conduct is such that he or she is fit to operate a Taxicab Business; and
 - (c) whether the proposed Transferor has the knowledge and ability to operate a Taxicab or Taxicab Business safely and to the standards required by the License Inspector, be beneficial or detrimental to the City's Taxicab industry.

- 2.12 If the License Inspector rejects the application he or she shall inform the applicant of that decision, the reasons for the rejection and advise the applicant of his or her right to appeal the rejection under Part X hereof.
- 2.13 The License Inspector may grant an application meeting the requirements of section 2.9 on conditions he or she believes are required, including the condition that the proposed Transferor complete such training courses as the License Inspector believes necessary to adequately train or re-train the proposed Transferor to operate a Taxicab or Taxicab Business safely and to the standards required by the License Inspector.
- 2.14 A personal representative of a deceased Operator, or a manager engaged by the personal representative, may carry on a Taxicab Business of a deceased Operator or a deceased shareholder of an Operator for not more than ninety (90) days, or such further period as the License Inspector permits.
- 2.15 An Operator may, if temporarily absent from the City, grant a power of attorney to another Operator, or enter into a management agreement with another Operator, to carry on the absent Operator's Taxicab Business on his behalf for the period of the absence, to a maximum of seventy two (72) consecutive days, or such further period as the License Inspector permits.
- 2.16 An Operator may, if unable to carry on his or her Taxicab Business due to illness or injury, grant a power of attorney to another Operator, or enter into a management agreement with another Operator, to carry on the ill or injured Operator's Taxicab Business. The License Inspector shall permit this arrangement to continue if, in his or her opinion, it is required due to an Operator's injury or illness. The License Inspector may make reasonable requests for medical information from the ill or injured Operator for the purposes of determining whether an arrangement under this section shall continue and the ill or injured Operator shall comply with all reasonable requests.
- 2.17 Upon issuing an Operator's License the License Inspector shall supply the Operator with a numbered license decal. The Operator shall attach said decal to the lower driver side of the front windshield of the Taxicab for which it was issued and ensure that it is visible at all times that the Operator's License is in force.
- 2.18 A Taxicab may not be driven or operated within the City unless the decal supplied pursuant to section 2.17 is attached in the manner contemplated by section 2.17. The license decal shall not be removed from the Taxicab to which it was assigned or transferred to another Taxicab or motor vehicle without the express written consent of the License Inspector.
- 2.19 Dispatchers shall be permitted to ride in a Taxicab without charge when proceeding to or from the dispatch office.
- 2.20 Operator's Licenses are conditional upon the Operator operating his or her Taxicab and Taxicab Business in accordance with any applicable Act of the Legislature or a regulation made thereunder; any applicable Act of the Parliament of Canada or a regulation made thereunder; or any applicable municipal by-law.

PART III. LICENSING OF TAXICAB DRIVERS:

- 3.1 No person shall drive a Taxicab in the City unless he is a Driver.
- 3.2 Any person may apply to the City for a Driver's License or a renewal thereof. Each applicant for a Driver's License or for a renewal thereof shall provide at the time of application:
- (a) the fees specified in the City's Fee and Fine Schedule at the time of the application;
 - (b) a completed application, in the form prescribed by the City, which indicates whether the applicant desires a full-time, part-time or casual Driver's License;
 - (c) documents or other information sufficient to satisfy the License Inspector that the applicant is a Resident and over eighteen (18) years of age;
 - (d) two copies of a recent passport photograph;
 - (e) written reference(s) from previous taxicab employers, if any;
 - (f) a valid and subsisting provincial driver's license, Class 4 or higher; and
 - (g) the following, which shall be dated no earlier than one month prior to the date of the application:
 - (i) a current Manitoba driver's abstract;
 - (ii) a Child Abuse Registry Check, approved by the Child Abuse Registry Unit;
 - (iii) a certificate of good character from the RCMP or such other person as the License Inspector may designate; and
 - (iv) documents or other information sufficient to satisfy the License Inspector that the applicant is sufficiently fit to drive a Taxicab.
- 3.3 The License Inspector may require applicants for a Driver's License or renewal thereof to take an English language assessment and Taxicab By-law examination.
- 3.4 No Driver's License shall be issued to an applicant who:
- (a) scores less than 60 for Listening, 50 for Reading, 50 for Sentence Skills;
 - (i) scores less than 80% on the Taxicab Training Course;
 - (ii) the License Inspector may waive the English language assessment Examination requirement if it is deemed unnecessary after initial assessment of the applicant;
 - (iii) The License Inspector may waive the testing for the Taxi By-law course, if the course has been taken by the applicant prior and the applicant is in good standing with the City of Thompson and Taxi Industry.

[AM B/L 1936-2015]

- (b) within a ten (10) year period immediately preceding the date of application, has been convicted of any of the following offences contrary to *The Criminal Code of Canada, R.S.C., 1985, c. C-46, The Controlled Drugs and Substances Act, S.C. 1996, c. 19*, or otherwise, or of similar offences from any other jurisdiction:
 - (i) a sexual offence or offence relating to corrupt public morals;
 - (ii) an offence relating to criminal negligence, homicide, bodily harm, assault, kidnapping or abduction;
 - (iii) an offence relating to robbery or extortion;
 - (iv) driving while over .08 blood alcohol level, impaired driving or refusal to provide a breath or blood sample;
 - (v) trafficking, possession for the purpose of trafficking, or cultivation of a controlled substance; or
 - (vi) dangerous driving;
 - (c) within a five (5) year period immediately preceding the date of application, has been convicted of careless driving pursuant to *The Highway Traffic Act, C.C.S.M. c. H60*;
 - (d) within a two (2) year period immediately preceding the date of application, has been convicted of any offence not listed above contrary to *the Criminal Code of Canada, R.S.C., 1985, c. C-46, the Controlled Drugs and Substances Act, S.C. 1996, c. 19, the Food and Drug Act, R.S.C., 1985, c. F-27*, or any similar acts of any other jurisdiction; or
 - (e) has been convicted of a total of three (3) offences under *The Highway Traffic Act, C.C.S.M. c. H60, The Drivers and Vehicles Act, C.C.S.M. c. D104*, or any similar acts of any other jurisdiction within a two (2) year period immediately preceding the date of application.
- 3.5 If an applicant is not excluded for the reasons listed under section 3.4, after receiving an application meeting the requirements in section 3.2, the License Inspector may, at his or her discretion, grant or reject the application. In determining whether to grant or reject the application the License Inspector shall consider whether granting the application will, in all the surrounding circumstances, including:
- (a) the public convenience and necessity in respect of the number of Taxicabs required in the City;
 - (b) whether the applicant's character and conduct is such that he is fit to operate a Taxicab Business; and
 - (c) whether the applicant has the knowledge and ability to drive a Taxicab safely and to the standards required by the License Inspector, be beneficial or detrimental to the City's Taxicab industry.

- 3.6 If the License Inspector rejects the application he or she shall inform the applicant of that decision, the reasons for the rejection and advise the applicant of his or her right to appeal the rejection under Part X hereof.
- 3.7 The License Inspector may grant a Driver's License or renewal thereof on conditions he or she believes are required, including the condition that the applicant complete such training courses as the License Inspector believes necessary to adequately train or re-train the applicant to drive a Taxicab safely and to the standards required by the License Inspector.
- 3.8 A Driver's License shall be valid from the date on which it is issued to the immediately following June 30, unless earlier suspended or cancelled by the License Inspector in accordance with this By-law.
- 3.9 If a Driver has applied for renewal of his or her Driver's License and paid the prescribed fee at least three (3) months' prior to the expiry date stated thereon, the Driver's License is deemed to continue until the License Inspector grants the renewal or notifies the Operator that the application for renewal was rejected.
- 3.10 Driver's Licenses are not assignable or transferable.
- 3.11 Driver's Licenses are conditional upon the Driver driving a Taxicab in accordance with any applicable Act of the Legislature or a regulation made thereunder; any applicable Act of the Parliament of Canada or a regulation made thereunder; or any applicable municipal by-law.

PART IV. OBLIGATIONS ON LICENSE HOLDERS AND TAXICAB REQUIREMENTS

- 4.1 An Operator has the following obligations with respect to persons driving the Taxicab to which his or her Operator's License applies:
- (a) ensure that all persons driving said Taxicab hold a valid Driver's License and a valid Provincial driver's license, no lower than Class 4;
 - (b) provide the License Inspector with the names of every Driver employed or otherwise engaged to drive said Taxicab and report changes in that list to the License Inspector within three business (3) days of the change becoming known to the Operator;
 - (c) supply Drivers of said Taxicab Trip Records for each shift and keep the completed Trip Records, in a readily accessible manner, for a minimum of twelve (12) months;
 - (d) create and maintain a written record which identifies when a particular Driver is driving said Taxicab during a particular month and provide a copy of that written record to the License Inspector on the last weekday of each month or upon the License Inspector's request; and

- (e) retain the record created under section 4.1(d) for a twelve (12) month period.
- 4.2 An Operator has the following obligations with respect to the condition of the Taxicab to which his Operator's License applies:
- (a) regularly inspect and keep the Taxicab clean, sanitary and in a condition that is in proper repair and in a condition which complies with applicable legislation, including this By-law;
 - (b) submit a Safety Inspection Report to the License Inspector for the Taxicab within the first week of each March, July and November;
 - (c) forthwith upon the request of the License Inspector produce the Taxicab and be present for a safety inspection involving the Taxicab, whether scheduled or otherwise;
 - (d) ensure the In-car Camera and Strobe Light in the Taxicab are Fully Operational at all times; and
 - (e) ensure the Meter in the Taxicab performs within the allowances permitted within Part VI of this By-law.
- 4.3 An Operator has the following obligations with respect to the operation of the Taxicab to which his Operator's License applies:
- (a) if operating an Adapted Taxicab, give priority of service to any person or persons with a physical disability who desire service;
 - (i) must be available to dispatch from Monday to Sunday 6 am – 10 pm to any person or persons with a physical disability.
- [AM B/L 1992-2020]
- (b) prominently display the Operator's License while the Taxicab is being operated;
 - (c) operate the Taxicab in accordance with applicable legislation, including this By-law and refrain from violating same while carrying on a Taxicab Business;
 - (d) if changing Dispatch Services, first obtain the express written consent of the License Inspector, through the process prescribed by the License Inspector, and pay the fee prescribed in the City's Fee and Fine Schedule at the time of the change;
 - (e) immediately remove the Taxicab from service where the License Inspector orders said removal for any reason, including the In-car Camera or Strobe Light not being Fully Operational;
 - (f) immediately bring the Taxicab to the place designated by the License Inspector for the purpose designated by the License Inspector, including the removal of images stored on the In-car Camera;
 - (g) promptly comply with request, direction or order of the License Inspector or Taxi Commission and cooperate with them in the performance of their respective duties, including without limitation, producing for inspection upon the License Inspector's or Taxi Commission's request, a record or

document required to be kept under this By-law;

- (h) report all accidents involving the Taxicab to the License Inspector within seventy-two (72) hours of the accident occurring and produce the Taxicab involved in the accident for the License Inspector's inspection upon his or her request;
- (i) refrain from soliciting any person to engage or hire the Taxicab by loud shouting, calling or other objectionable noise or conduct;
- (j) refrain from charging, collecting, demanding, receiving, publishing or advertising any rates, compensation or fares other than those hereby authorized;
- (k) refrain from giving any free ride, premium coupon or thing to any passenger as to inducement to secure patronage;
- (l) refrain from making a false, deceptive or intentionally misleading statement:
 - (i) in a document submitted to or required to be produced by the License Inspector or the Taxi Commission;
 - (ii) in proceedings before the Taxi Commission; or
 - (iii) to the administration of the City;
- (m) refrain from engaging in dishonest conduct while taking an examination or test or participating in a course required by this By-law or at the direction of the License Inspector or the Taxi Commission;
- (n) notify the License Inspector of a change in name, address or telephone number within seven (7) days of the change; and
- (o) provide the License Inspector with ten (10) days written notice of the following when the Operator will be absent from the City for more than fourteen (14) consecutive days:
 - (i) the Operator's departure date;
 - (ii) the Operator's anticipated date of return;
 - (iii) the name, address and telephone number of the person running the Operator's Taxicab Business pursuant to sections 2.15, if any; and
 - (iv) written confirmation from the person named in section 4.3(o)(iii) that he or she has agreed to operate the Operator's Taxicab Business pursuant to section 2.15.

4.4 A Driver has the following duties while operating a Taxicab:

- (a) if operating an Adapted Taxicab, give priority of service to any person or persons with a physical disability who desire service;
 - (i) must be available to dispatch from Monday to Sunday 6 am – 10 pm to any person or persons with a physical disability.

[AM B/L 1992-2020]

- (b) carry his Driver's License and his Provincial Driver's License;
- (c) each day before driving a Taxicab, and upon completion of his shift, inspect the Taxicab for mechanical defects, cleanliness, and interior or exterior wear, deterioration or damage to determine whether the Taxicab and its equipment including without limitation the In-car Camera meet the requirements of this By-law;
- (d) as soon as practicable, report to the Taxicab's Operator and the License Inspector an In-car Camera or Strobe Light that is not Fully Operational or any other malfunction in the Taxicab or equipment required under this By-law;
- (e) refrain from contravening any applicable legislation, including this By-law or any by-law of the City;
- (f) be in a condition fit to operate a Taxicab which, without limiting the generality of the foregoing, requires him or her to not consume or be under the influence of any alcohol, drug or other intoxicant;
- (g) refrain from having in his or her possession any alcohol, drug or other intoxicant;
- (h) be well groomed and neatly dressed in the dress code attached to this By-law as Schedule "A";
- (i) place the Meter in the "time and distance" recording position when passengers are being carried in the Taxicab, except when the Taxicab is hired by the hour in which case the Meter, may be placed in the "for hire" position;
- (j) drive at a speed and in a manner that, regardless of the posted speed limit and other rules of the road, ensures the security or comfort of a reasonable passenger and avoids all unreasonable risks of harm to any person;
- (k) prominently display his Driver's License in a position where it is visible to all passengers;
- (l) carry a current street map of the City;
- (m) provide an accurate and complete Trip Record to the Operator of the Taxicab he or she was driving within 24 hours of the completion of his or her shift;
- (n) at the end of every trip inspect the interior of the Taxicab and, before transporting another passenger, remove all litter from the interior of the Taxicab and clean the interior of the Taxicab as much as reasonably practicable;
- (o) park, wait or stand away from the immediate entrance to any theatre, hotel, shopping center or other place of public use, unless a Taxicab Zone is provided in which case park, wait or stand at the Taxicab Zone and no other place;
- (p) accept all fares through a Dispatch Service and not accept direct calls

from passengers requesting a Taxicab or solicit any person to engage or hire his service by loud shouting, calling or other objectionable noise or conduct;

- (q) drive the Taxicab for:
 - (ii) at least one hundred and fifty six (156) hours a month if in possession of full-time Driver's License;
 - (iii) at least sixteen (16), but no more than one hundred and fifty five (155), hours a month, if in possession of part-time Driver's License; and
 - (iv) at least fourteen (14), but no more than twenty-eight (28), days a year if in possession of a casual Driver's License.

4.5 Without limiting the Driver's obligations under this Part, a Driver shall not operate a Taxicab while:

- (a) a valid and subsisting Operator's License is not prominently displayed in the Taxicab;
- (b) the Taxicab is not registered under *The Highway Traffic Act, C.C.S.M. c. H60*;
- (c) there are a greater number of passengers in the Taxicab than functioning seat belts;
- (d) a passenger is not properly seated;
- (e) there is more than one person, other than himself, in the front of the Taxicab;
- (f) it is between the hours of 11:00 p.m. and 6:00 a.m. and there are passengers in the front seat of the Taxicab, unless the Taxicab is equipped with a full side shield;
- (g) he or she is operating or holding a hand held electronic device, including a cellular telephone;
- (h) his or her view of the road is obstructed:
 - (i) he or she reasonably believes alcohol or drugs are being consumed in the Taxicab; or
 - (j) he or she reasonably believes that passengers under the age of 18 are in possession of alcohol or drugs.

4.6 A Driver has the following obligations with respect to the treatment of his or her passengers:

- (a) accommodate persons who desire service, provided however that no Driver shall be obliged to carry any potential passenger unless satisfied the passenger will pay the expected fare, will not pose a danger to the Driver or potentially leave the Taxicab in an unclean or unsanitary condition;
- (b) deliver passengers by the most direct practicable route to their

- destination, unless otherwise directed by a passenger;
- (c) have sufficient knowledge of the street locations, addresses and facilities locations in the City to enable him to comply readily with section 4.6(a);
 - (d) refrain from discharging a passenger at a place other than the requested destination without adequate cause or, where there is adequate cause to discharge a passenger at a place other than the requested destination, discharge the passenger at a place that is safe, well lit and convenient to public transportation, unless the Driver reasonably believes that transporting the passenger any further poses a safety risk to him or her;
 - (e) demand only the fees specifically authorized City's Fee and Fine Schedule at the time of the service;
 - (f) issue a receipt for the amount of the fare paid;
 - (g) be courteous and refrain from doing or saying anything that would make a reasonable passenger feel uncomfortable or insecure including:
 - (i) requesting a gratuity from a passenger or suggesting that one is expected or required; or
 - (ii) harassing, insulting, abusing, intimidating, threatening or make lewd comments or gestures to a passenger;
 - (h) report any article of material value left in a Taxicab to the City detachment of the Royal Canadian Mounted Police; and
 - (i) prevent anyone, including him or herself, from smoking in the Taxicab.
- 4.7 A Driver may collect in advance a reasonable approximation of the fare from a person who requests service if he or she reasonably believes that the person is unable or unwilling to pay the fare. Should a fare be collected in advance the Driver shall, at the end of the trip, refund to the passenger the amount collected, if any, that is in excess of the actual fare.
- 4.8 A Driver has the following further obligations under this By-law:
- (a) refrain from providing his Driver's License or a copy thereof to another person or allowing another person to possess his Driver's License or a copy thereof;
 - (b) notify the License Inspector of a change in name, address or telephone number within seven (7) days of the change;
 - (c) refrain from making a false, deceptive or intentionally misleading statement:
 - (i) in a document submitted to or required to be produced by the License Inspector or the Taxi Commission;
 - (ii) in proceedings before the Taxi Commission; or
 - (iii) to the administration of the City;
 - (d) refrain from engaging in dishonest conduct while taking an examination or test or participating in a course required by this By-law or at the direction of the License Inspector or the Taxi Commission; and

- (e) promptly comply with a request, direction or order of the License Inspector or Taxi Commission and cooperate with them in the performance of their respective duties, including without limitation, producing for inspection upon the License Inspector's or Taxi Commission's request, a record or document required to be kept under this By-law.

4.9 Every Taxicab shall:

- (a) be equipped with the equipment required by this By-law and, between November 1 and April 1 of each calendar year be equipped with winter tires;
- (b) have painted or permanently affixed on each side a business name which shall include the word "Taxi" or "Cab" and such name shall be kept clear, clean and distinguishable at all times;
- (c) have an approved light on top of sufficient brightness as to be clearly visible during daylight hours which must be lit at all times while available for hire;
- (d) have a white, designating fleet number of the dimensions prescribed by Schedule "C" to this By-law on the front quarter panel adjacent to the door on each side or on the rear window panel and on the rear;
- (e) be painted to conform to the official company colours as provided to the City by the respective taxi companies and shown on Schedule "B" to this By-law;
- (f) have two (2) "Public Notice" stickers, provided by the License inspector, placed on each side immediately below the passenger door windows which include the International "No Smoking" symbol and the Tariff of Fares as set out in the City's Fee and Fine Schedule at the time of operation and which states the following:
 - (i) if the meter is not on, the ride is free;
 - (ii) the taxicab driver's license must be posted in the interior of his taxicab;
 - (iii) passenger capacity in this taxicab is limited to the number of usable seatbelts in the unit;
 - (iv) the taxicab driver is prohibited from using a hand held cellular telephone when the taxi is in motion;
 - (v) The front seat of this taxi is available for use by passengers only between the hours of 6:00 a.m. and 8:00 p.m., unless this taxi is equipped with a full side shield.
 - (vi) Taxicab's equipped with a Strobe Light, may take passengers between the hours of 11:00 p.m. and 6:00 a.m. for following purposes only:
 - (a) Medivac escorts / Medical Conditions;
 - (b) a parent(s) with more than two (2) children; or

- (c) transportation of four (4) passengers to and from the airport;
 - (vii) If you have a complaint or compliment to make, call the City License Inspector at 204-677-7901. Please note the number on the side or the rear of this taxicab and / or the license as posted in this Taxicab.
- 4.10 Any lettering, numbering, logo or picture present on a Taxicab must be approved in writing by the Director of Public Safety, unless it is specifically contemplated by this By-law.
- 4.11 Should any company wish to change its colours or should a new company come into existence that company must submit a company colour to the City.
- 4.12 Any Taxicab with power door locks shall have them adjusted such that:
 - (a) the driver's door is not connected to power;
 - (b) a separate switch is operable for the front passenger door, unless the Taxicab has a full side shield;
 - (c) rear doors are operated as per the manufacturer; and
 - (d) child locking systems are deactivated.

PART V. REGULATIONS FOR IN-CAR CAMERAS AND TAXI SHIELDS

- 5.1 Each Taxicab shall be equipped and operated with a Fully Operational In-car Camera that:
 - (a) is of a make and model approved by Council;
 - (b) is mounted on the inside of the windshield, or in another suitable position in the front of the passenger compartment, facing rearward to capture images of all occupants of the Taxicab at any given time; and
 - (c) has an unobstructed view of the interior of the Taxicab.
- 5.2 An In-car Camera shall not be installed in a Taxicab except by an installer approved by the License Inspector.
- 5.3 No person shall install or permit the installation of an In-car Camera in a Taxicab if the make, model and installer are not approved in accordance with this By-law.
- 5.4 No person shall remove, store, distribute, or display images of an In-car Camera except in accordance with Schedule "D" of this By-law.
- 5.5 No person shall obstruct or allow the obstruction of the view of an In-car Camera at any time.
- 5.6 License Inspectors shall conduct inspections of In-car Cameras in January and July of each year and when deemed necessary by the License Inspector. Should the Taxicab not pass inspection, the License Inspector may order the Taxicab out

of service until the reasons for the failed inspection have been remedied to the satisfaction of the License Inspector and the License Inspector has approved the Taxicab's return to service.

- 5.7 Each Taxicab shall be equipped and operated with a Shield that:
- (a) is of a make and model approved by the License Inspector; and
 - (b) is installed in accordance with the manufacturer's instructions by an installer approved by the License Inspector.
- 5.8 No person shall install or permit the installation in a Taxicab of a shield if the make, model and installer are not approved by the License Inspector.
- 5.9 Each Taxicab shall be equipped with a Strobe Light that is:
- (a) of a make and model approved by Council;
 - (b) permanently mounted on the Taxicab; and
 - (c) installed in accordance with the manufacturer's instructions by a person approved by Council.
- 5.10 No person shall install or permit the installation in a Taxicab of a Strobe Light if the make, model and installer are not approved by Council.
- 5.11 One (1) "Emergency Notice" sticker, as provided by the License Inspector, shall be placed on the rear of the Taxicab, above the brake light. stating: Flashing Strobe Light – Call RCMP at (204) 677-6911.

PART VI. REGULATIONS FOR TAXI METERS

- 6.1 Every Taxicab shall be equipped and operated with a Meter in plain view of the passenger adjusted to calculate and register the fares based on time and distance at a single tariff as set out in the City's Fee and Fine Schedule at the time of the service.
- 6.2 No Meter shall be affixed to a Taxicab until its proposed position has been approved by the License Inspector.
- 6.3 Every Meter shall be equipped with a light of sufficient candle power and so focused that the dial of the Meter will be thoroughly illuminated. Between sunset and sunrise and at all other times when necessary, the Meter shall be clearly and continuously illuminated while in operation.
- 6.4 Before being put to use every Meter shall be effectively sealed and subject to inspection by the License Inspector. When it is necessary for an Operator to break a seal which has been placed on a Meter, he or she shall notify the License Inspector immediately by telephone to allow the Meter to be retested and resealed.
- 6.5 While every Meter should be accurate, the tolerances thereon shall not exceed the following:

- (a) on mileage tests: with respect to distance computed or actually traveled, a tolerance of 2% short of a kilometer and a tolerance of 3% over a kilometer; and
- (b) on time tests a tolerance of 5% in deficiency and a tolerance of 10% in excess.

PART VII. LIMOUSINES

- 7.1 Unless otherwise stated in this Part VII, the provisions of this By-law shall apply equally to Limousine businesses and Limousine Licenses within the City, with the exception that all references therein to Taxicabs shall be deemed to be references to Limousines and with the further exception that the maximum number of Operator Licenses which the City may issue in any one year shall not exceed one (1). [AM B/L 1992-2020]
- 7.2 Sections 4.9 through 4.11 and Parts V and VI of this By-law do not apply to Limousines.
- 7.3 Vehicles licensed as Limousines are prohibited from parking at Taxicab Zones or in taxi loading zones.
- 7.4 Vehicles licensed as Limousines are required to prearrange the pickup of all passengers and are prohibited from the unsolicited pickup of passengers. Limousines may solicit passengers for fares to and from the airport.
- 7.5 Limousine operators shall not charge less than the minimum amount nor more than the maximum amount of the tariff of fares as set out in the City's Fee and Fine Schedule as it exists at the time of the service.
- 7.6 All limousines shall have a decal placed on the front right window that states "minimum \$55.00 per hour".

PART VIII. TARIFF OF FARES

- 8.1 The tariff of fares charged and collected by Operators and Drivers shall be those set out in the City's Fee and Fine Schedule as it exists at the time of the service.
- 8.2 Special promotions may be authorized by resolution of Council upon application and recommendation through the License Inspector and the Taxi Commission.

PART IX. POWERS OF THE LICENSE INSPECTOR AND THE SUSPENSION AND CANCELLATION OF LICENSES

- 9.1 The License Inspector is hereby made a designated officer and has the authority provided to a designated officer under *The Municipal Act, C.C.S.M. c. M225* and under this By-law. The License Inspector may delegate his or her authority hereunder to either the City's Director of Public Safety or the City's Public Safety Manager.

- 9.2 The License Inspector has the responsibility and authority to administer this By-law and to provide general supervision over Operators, Drivers, Taxicabs, their owners, Taxicab Businesses and the Taxicab industry in the City, and may, without limiting the generality of the foregoing or the authority provided elsewhere in this By-law:
- (a) require every Operator and Driver to comply with this By-law;
 - (b) exercise the powers of designated officer under *The Municipal Act*, C.C.S.M. c. M225 with respect to any Driver, Operator or Taxicab for the purposes of determining whether this By-law is being complied with;
 - (c) exercise the powers of designated officer under *The Municipal Act*, C.C.S.M. c. M225 with respect to any Driver, Operator or Taxicab for remedying non-compliance with or contraventions of this By-law;
 - (d) stop, enter and inspect any Taxicab licensed by the City in accordance with *The Municipal Act*, C.C.S.M. c. M225;
 - (e) seize, remove, impound or confiscate any Taxicab licensed by the City that is in violation of this By-law;
 - (f) order Taxicabs to be held out of service while they do not meet the requirements of this By-law;
 - (g) order the production of any document or record an Operator, Driver or other person is required to create and maintain by this By-law;
 - (h) collect, use and disclose information pertaining to the administration of this By-law and the performance of License Inspector duties in accordance with applicable legislation;
 - (i) within the parameters of this By-law, suspend or put conditions on Operator's Licenses and Driver's Licenses or otherwise sanction Operators and Drivers;
 - (j) require an Operator to furnish adequate, safe, sanitary, and proper Taxicab service, and to equip and maintain the Taxicab in such condition as will enable him to do so;
 - (k) require an Operator or Driver to bring a Taxicab to any location within the City for an inspection of the Taxicab, its equipment or the removal of images stored on the In-car Camera;
 - (l) require an Operator or Driver to file with the License Inspector periodically, or upon request, a certificate of a mechanic, issued in a form that is acceptable to the License Inspector and by a person who, in the opinion of the License Inspector is a qualified mechanic, certifying the safe operating condition of the Taxicab;
 - (m) require an Operator or Driver to report to the License Inspector periodically, or upon request, in such form as the License Inspector prescribes, upon complaints, incidents or accidents that occur directly or indirectly arising out of the operation of Taxicabs or Taxicab Businesses by the Operator or Driver;

- (n) investigate any complaints, incidents or accidents and take steps to prevent the occurrence of further complaints, incidents or accidents in the operation of Taxicabs or Taxicab Businesses by the Operator or Driver;
- (o) issue plates or distinguishing markings which Operator Licenses shall use and prescribe what distinguishing colour or markings shall be used upon any Taxicab and its location and use thereon, and direct the removal of any plate or marking deemed to be confusing or unsightly; and
- (p) require owners of Taxicabs as well as Drivers and Operators to maintain in their Taxicabs and in the records of the License Inspector such means as the License Inspector prescribes for identifying the owner of any Taxicab, the Operator or Driver while the Taxicab is being operated on the streets.

9.3 Where the License Inspector has reason to believe that an Operator has:

- (a) contravened this By-law;
- (b) contravened a term or condition of his or her Operator's License;
- (c) failed to maintain a requirement of obtaining an Operator's License;
- (d) contravened an order or direction from the License Inspector or Taxi Commission;
- (e) acted in a manner that is contrary to the public interest in relation to the Taxicab industry; or
- (f) demonstrated character, conduct or state of health such that he or she is, in the opinion of the License Inspector, unfit to operate a Taxicab Business, the License Inspector may investigate the matter for the purpose of determining whether administrative or disciplinary action against the Operator is appropriate.

9.4 Where the License Inspector has reason to believe that a Driver has:

- (a) contravened this By-law;
- (b) contravened a term or condition of his or her Driver's License;
- (c) failed to maintain a requirement of obtaining a Driver's License;
- (d) contravened an order or direction from the License Inspector or Taxi Commission;
- (e) acted in a manner that is contrary to the public interest in relation to the Taxicab industry; or
- (f) demonstrated character, conduct or state of health such that, he is in the opinion of the License Inspector unfit to drive a public conveyance, the License Inspector may investigate the matter for the purpose of determining whether administrative or disciplinary action against the Driver is appropriate.

9.5 Upon deciding to investigate a matter under section 9.3 or 9.4, the License Inspector shall provide written notice to the subject Operator or Driver that they are being investigated and inform him or her:

- (a) of the allegations the investigation concerns;
 - (b) the investigation can result in administrative or disciplinary sanctions against the subject;
 - (c) the subject may provide the License Inspector with any documents or information he or she chooses in response to the allegations; and
 - (d) unless in the opinion of the License Inspector, disciplinary or administrative action is necessary for the immediate protection of the public, the License Inspector will not make a determination with respect to the allegations for five (5) business days in order to provide the subject the opportunity to provide any documents or information he or she chooses in response to the allegations.
- 9.6 The notice referred to in section 9.5 must be:
- (a) given personally to the Operator or Driver under investigation;
 - (b) sent by registered mail, or by a service that provides the sender with proof of delivery, to the last address appearing in the License Inspector's records; or
 - (c) if the Operator or Driver cannot be found for personal service within 24 hours, left in the custody of an adult person at the last address appearing in the records of the License Inspector.
- 9.7 Subject to section 9.11, the License Inspector shall provide the subject Operator or Driver an opportunity to provide any documents or information he or she wishes in response to the allegations the License Inspector is investigating for at least five (5) business days from the date the notice was delivered before reaching a final conclusion.
- 9.8 If, after investigating the matter in accordance with this By-law, the License Inspector finds the Operator has acted in a manner described in section 9.3 he or she may, by order, do one or more of the following:
- (a) reprimand the Operator;
 - (b) direct the Operator to complete a specified training course or to obtain supervised practical experience;
 - (c) impose terms or conditions on the Operator's License;
 - (d) suspend the Operator's License for a period of time deemed appropriate by the License Inspector, including until the expiry of the Operator's License; or
 - (e) remove the Operator's Taxicab from operation.
- 9.9 Subject to section 9.14, if, after investigating the matter, the License Inspector finds the Driver has acted in a manner described in section 9.4 he or she may, by order, do one or more of the following:
- (a) reprimand the Driver;

- (b) direct the Driver to complete a specified training course or to obtain supervised practical experience;
 - (c) impose terms or conditions on the Driver's License; or
 - (d) suspend the Driver's License for a period of time deemed appropriate by the License Inspector, including until the expiry of the Driver's License.
- 9.10 The License Inspector shall, following the issuance of an order given under section 9.8 or 9.9, give a copy of any order it has made to the Operator or Driver to which the order applies, along with a statement of reasons indicating why the order was issued and a statement indicating that he or she may appeal the order pursuant to Part IX of this By-law.
- 9.11 Notwithstanding anything in this By-law, and before or in the course of an investigation into a matter, the License Inspector may, by order, take disciplinary or administrative action against an Operator, Driver or owner of a Taxicab if, in the opinion of the License Inspector, such action is necessary for the immediate protection of the public.
- 9.12 Without limiting the generality of the License Inspector's authority under section 9.8(e), the License Inspector may remove a Taxicab out of service if:
- (a) the License Inspector fails to receive a Safety Inspection Report within the timeframe stipulated in section 4.2(b) of this By-law;
 - (b) the Taxicab is, in the opinion of the License Inspector, in an unsafe, unclean or otherwise unsuitable condition;
 - (c) the Taxicab does not bear a current valid Operator's License;
 - (d) a Taxicab's Strobe Light or In-car Camera is not Fully Operational; or
 - (e) a Meter is inoperable or is not accurately recording time or distance within the parameters outlined in section 6.5.
- 9.13 When the License Inspector orders the removal of a Taxicab from service under section 9.8(e) or 9.12, it shall not be permitted back into service until the reason for removal from service has been remedied and the License Inspector approves its return to service. A person who receives such an order may, within fourteen (14) calendar days of receiving said order, make a request to Council to review the order. After reviewing the order, Council shall confirm, vary, substitute or cancel the License Inspector's order and Council's decision shall be final and binding upon the parties.
- 9.14 If, after investigating the matter, the License Inspector finds the Driver has not complied with his or her obligations under section 4.4(q), he or she shall:
- (a) issue the Driver with written warning if it is the first time the Driver has failed to comply with his or her obligation under section 4.4(q) during the term of the Driver's License;

- (b) issue the Driver a seven (7) day suspension if it is the second time the Driver has failed to comply with his or her obligation under section 4.4(q) during the term of the Driver's License; and
 - (c) issue the Driver a suspension for the remaining term of the Driver's License if it is the third time the Driver has failed to comply with his or her obligation under section 4.4(q) during the term of the Driver's License.
- 9.15 Operators and Drivers shall have the right to appeal to the Taxi Commission any decision or order of the License Inspector made under this By-law, other than orders issued under sections 9.8(e) or 9.12, but including the rejection of applications for licenses, renewal or licenses or transfers of licenses.
- 9.16 An appeal under section 9.15 shall be filed:
 - (a) within thirty (30) calendar days of the date of the decision or order under appeal; and
 - (b) by advising the Director of Public Safety in writing that the License Inspector's decision or order is being appealed.
- 9.17 Upon receiving notice of an appeal under section 9.16 the Director of Public Safety shall, within seven (7) calendar days, set a date for the hearing of the appeal before the Taxi Commission, which shall be no later than thirty (30) calendar days of receiving the notice of appeal and shall notify the appellant and the License Inspector of the hearing date forthwith.
- 9.18 Should the License Inspector, the appellant and the Taxi Commission agree, the hearing date set under Article 9.17 may be moved to an alternate date within or outside of the thirty (30) calendar day time limit.
- 9.19 No later than fourteen (14) calendar days before the scheduled Taxi Commission hearing date, the License Inspector shall provide the appellant and the Taxi Commission with the following:
 - (a) a copy of the decision or order under appeal;
 - (b) a summary of the reasons behind the decision or order under appeal; and
 - (c) a copy of all documents the License Inspector relied upon or considered in reaching the decision under appeal or may rely upon at the hearing of the appeal.
- 9.20 Should the appellant so choose, he or she may also provide the Taxi Commission, at any time before the appeal hearing, the reasons for his appeal and/or the documents he or she may rely upon at the hearing of the appeal. Should the appellant chose to proceed in this manner, he or she shall deliver said reasons and documents to the Director of Public Safety, who shall deliver them forthwith to the Taxi Commission and the License Inspector.

- 9.21 The Taxi Commission shall convene on the date set by the Director of Public Safety, or on a later date agreed to pursuant to section 9.18 for the purpose of conducting a hearing to consider the appropriateness of the License Inspector's decision or order under appeal.

PART X. TAXI COMMISSION

- 10.1 There is hereby established a Taxi Commission comprised of five members, three (3) of which shall be members of Council who serve on the Public Safety Committee. The remaining two (2) members of the Taxi Commission may be members of Council or citizen representatives.
- 10.2 The membership of the Taxi Commission shall be appointed annually by resolution of Council for a term of one year, with members being eligible for reappointment upon the expiration of their term of office.
- 10.3 Council shall appoint a Chairman and Acting Chairman at the time of making its appointments. In the event neither the Chairman nor Acting Chairman are in attendance at a hearing, the membership in attendance shall appoint an Acting Chairman for the purpose of that hearing.
- 10.4 A quorum of the Taxi Commission shall be three (3) members, provided that two (2) of the three (3) members are members of Council. In order for the Taxi Commission to act as contemplated by this By-law, it must do so by quorum.
- 10.5 On the day and at the time set out in the notice of the Director of Public Safety, or an alternative date arrived at pursuant to section 9.18, the Taxi Commission shall conduct the appeal hearing by receiving evidence and representations from the License Inspector and the appellant or any person appearing on their respective behalves, including legal counsel.
- 10.6 At a hearing conducted pursuant to section 10.5 the appellant and the License Inspector shall be provided a fair and reasonable opportunity to tender viva voce and documentary evidence through witnesses of their choosing, provided the evidence is relevant and reliable in the opinion of the Taxi Commission hearing the matter.
- 10.7 Notwithstanding any other provision in this By-law, should the Taxi Commission hearing an appeal deem it necessary or desirable to do so, it may adjourn the hearing and direct that the hearing resume at such time and place it deems appropriate.
- 10.8 Should the appellant or License Inspector fail to attend a scheduled hearing, the Taxi Commission hearing the appeal may decide to continue in the manner it deems appropriate, including rendering default judgment.
- 10.9 At any time after conclusion of the appeal hearing the Taxi Commission hearing the appeal may:
- (a) rescind the decision of the License Inspector;
 - (b) confirm the decision of the License Inspector; or

- (c) make such other order it deems just in all of the surrounding circumstances.
- 10.10 Regardless of the result, the Taxi Commission shall provide a written decision containing reasons explaining why it reached its decision to the Director of Public Safety who shall provide a copy of same to the License Inspector and appellant forthwith.
- 10.11 The decision of the Taxi Commission, upon being communicated to the appellant and the License Inspector, stands in place of or confirms the decision against which the appeal is made and is final and binding.
- 10.12 Any failure to comply with an order of the Taxi Commission is an offence and is subject to the penalty provisions and such further action as set out in this By-law.

PART XI. FURTHER OBLIGATIONS

- 11.1 Dispatch Services shall keep a record of each fare. Such record shall include the number of the Taxicab and the Driver providing the service, the date and time of the service and the pick-up and drop off location of the service.
- 11.2 Dispatch Services shall keep the record contemplated in section 11.1 for a minimum of 12 months and shall produce same to the License Inspector upon request.
- 11.3 All Taxicab companies shall implement a Work Alone Policy acceptable to Manitoba Workplace Safety and Health and all applicable legislation and provide a copy of same to the License Inspector.

PART XII. PENALTIES EFFECTIVE DATE AND REPEAL

- 12.1 Any person who violates, contravenes, disobeys, refuses, omits, neglects or fails to observe, obey or comply with any provision of this By-law is guilty of an offense and is liable to a fine in accordance with the terms and provisions of the City's Compliance By-Law No. 1735-2007.
- 12.2 By-laws numbered 1840-2010, as amended, is hereby repealed.
- 12.3 This By-law shall come into force and effect on July 22, 2014.

Read a first time on this 23rd day of June A.D. 2014

Read a second time on this 21st day of July A.D. 2014

Read a third time this 21st day of July A.D. 2014

DONE AND PASSED as a By-Law of the City of Thompson, in the Province of Manitoba this 21st day of July A.D. 2014.

The City of Thompson

Per: _____
Mayor

Per: _____
City Manager

SCHEDULE "A"
DRESS CODE

A badge (to be supplied by the Taxicab company), with the Taxicab company name and the name of the Driver to be worn at all times and in a visible location, when operating a Taxicab.

All clothing shall be clean and in good repair. Men are to be clean-shaven or have a groomed beard or mustache.

Trousers

- Dress, casual, or jeans shall be permitted
- No shorts or sweat pants shall be permitted

Shirts or Blouses

- No sleeveless shirts shall be permitted
- No shirt or blouse displaying slogans, logos, advertising, lewd or inappropriate artwork shall be permitted

Footwear

- Slippers and sandals shall not be permitted
- All footwear shall be in good condition

SCHEDULE "B"

OFFICIAL TAXICAB COLOURS

Driftwood Nickel City Taxi	Colour - Blue
Cliff's Taxi	Colour - Silver/Grey
Thompson Cabs	Colour - Red
North Star Taxi	Colour - White
Thompson Yellow Cabs	Colour - Yellow
Orange Taxi	Colour - Orange

[AM B/L 1992-2020]

SCHEDULE "C"

GENERAL APPEARANCE OF TAXICABS

Interior

- Clean and in good condition
- No rips, stains or excessive cigarette burns
- No loose, missing, or broken handles, panels firmly affixed to car body
- Light fixtures must have unbroken covers

Exterior

- Must be free from minor dents, scratches, peeling paint, etc.
- Trim to be firmly attached to body, not broken or missing
- Numbers and decals to be whole (not peeling or defaced)
- Taxicab fleet numbers to be supplied and installed as shown hereon

All fleet numbers shall be 13 centimeters in height with a thickness of approximately 2 ½ centimeters and they shall be white in colour unless otherwise specified by the License Inspector, who may require a contrasting colour to a particular vehicle.

SCHEDULE "D"
IMAGE RETRIEVAL PROTOCOLS

IMAGE REMOVAL GENERAL PROCEDURE

- A. License Inspectors will remove images in violation of this By-law.
- B. Police will remove images for Criminal Code infractions.
- C. When downloading images from a Taxicab the License Inspector shall:
- 1) interview complainant to determine what occurred. If the above criteria A is met, proceed with download. If criteria B is met, refer to RCMP;
 - 2) have Taxicab brought to appropriate location when images require removal;
 - 3) remove laptop and related equipment from License Inspector's office and connect to recording unit and access viewing/removal software;
 - 4) review and remove applicable images identified by the complainant or that are in the License Inspector's opinion relevant to the determination of the complaint at hand or to another matter affecting the Taxicab industry in the City. Ensure all images in relation to the complaint are saved; and
 - 5) record comments from the complainant on the complaint form.
- D. When storing images from an In-car Camera the License Inspector shall:
- 1) using the image removal form as a reference, transfer all images to compact disc;
 - 2) label compact disc and include date, time, report number, complainant, and name of removing License Inspector;
 - 3) removing License Inspector is to initial compact disc, complete storage log book and place compact disc in secure storage; and
 - 4) securely store all images until the investigation and/or court processes are complete and until all appeals have been exhausted.

HANDLING AND STORAGE OF IMAGES

All recorded material must be protected against unauthorized access, alteration, disclosure and against accidental loss or destruction. Access to the HASP key must be strictly controlled to prevent the unauthorized viewing, recovery, or reproduction of images. Access to the images in either digital or printed form is to be restricted to only those persons who need to examine the images for authorized purposes.

ACCESS TO PRINTED IMAGES

There are only limited circumstances where any copies of printed images may be required. When these images are not in use they shall be stored in closed, opaque, envelopes in a secure container.

Printed images shall not be left unattended and shall be transported only in a closed, opaque, envelope to prevent accidental viewing by unauthorized persons.

All printed images shall be destroyed when no longer required for the investigation, and after the time for appeals has passed.

ACCESS TO DIGITAL IMAGES

Images shall not be stored on the hard drive of any computer for a period of time longer than that necessary to transfer them to a compact disc. Once copied, they are to be deleted from the computer.

Images recorded on compact disc shall be stored in a locked fire resistant container, when not in use.

All digital images shall be destroyed when no longer required for the investigation.

DESTRUCTION OF RECORDED MATERIAL

All images no longer required for investigations will be disposed of in an appropriate manner which shall include the following:

- 1) printed copies of images shall be shredded and disposed of through recycling or other waste disposal services;
- 2) electronically recorded copies shall be deleted from the media on which they are stored or the media destroyed so those images cannot be accessed;
- 3) any copy automatically saved to a "recycle bin" shall be similarly deleted from the "recycle bin"; and
- 4) the RCMP shall dispose of Recorded Materials in accordance with RCMP policies.

A record of Image Disposal (including time, date, method of disposal and the person responsible for the action) shall be maintained in the Storage Log book.

SCHEDULE 'E'
Section 10.2

TRIP SHEET

<u>Date</u>	<u>Driver Name</u>	<u>Taxicab #</u>
-------------	--------------------	------------------

Total Kilometres	Paid Kilometres	Start Time
Finish		
Start	Total Trips	Finish Time
Total Shift		

TRIP	# of Pass	Time Start	Time Finish	From	To	Fare