

# TOWN OF NEEPAWA

## BY-LAW NO. 3067

Being a By-Law of the Town of Neepawa to provide for the licensing and regulating of motor vehicle livery services.

WHEREAS Section 23 of The Highway Traffic Act 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 thereof of such amount as is fixed by 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, meters or any other method, the creation of 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 Subsection 232(1) of The Municipal Act, RSM 1996, c.M225, provides authority for the municipality to pass by-laws respecting the safety, health, protection and well-being of people;

AND WHEREAS it is deemed expedient and in the public interest to license the owners and drivers of taxicabs, to ensure the safety of the public in The Town of Neepawa;

NOW THEREFORE the Council of the Town of Neepawa hereby enacts as follows:

### 1. CITATION

This by-law may be cited as "The Livery By-Law" of the Town of Neepawa.

### 2. A. DEFINITIONS

- 1) "Bus" means a motor vehicle that is used to carry for hire or profit, more than Ten passengers excluding the driver thereof;
- 2) "Town" means the Town of Neepawa;
- 3) "Council" means the Council of the Town of Neepawa;
- 4) "Emergency Vehicle" means a vehicle used:
  - a) for police duty, or
  - b) by a fire department, or
  - c) as an ambulance, or
  - d) for purposes related to maintenance of a public utility and designated as an emergency vehicle by a traffic authority, or
  - e) under the authority of a municipality, as a fire pumper, or
  - f) by a volunteer fire fighter responding to a fire or other emergency.
- 5) "License" means a Livery License issued pursuant to this by-law;
- 6) "Permit" means a Livery Driver's Permit issued pursuant to this by-law;
- 7) "Person" means an individual, partnership or corporation;

- 8) "Taxi" means a motor vehicle that is used to carry for hire or profit, not more than ten passengers excluding the driver thereof, but does not include a bus;
- 9) "Taxi Meter" means a device that is installed in a taxi, which computes and shows the fare payable for each taxi trip calculated on the distance traveled or on waiting time elapsed or both.

## **B. EXCLUSIONS**

The following are exempt from the definition of "bus" and "taxi":

- 11) a motor vehicle that is operated under and in accordance with the terms of a written contract, where
  - a) the operator of the vehicle provides the exclusive use of the vehicle to the other party to the contract for the duration of each trip under the contract;
  - b) each trip under the contract originates at or is destined to the premises of the other party to the contract; and
  - c) no person charges, collects, or receives compensation, directly or indirectly, from a passenger of the vehicle;
- 12) a motor vehicle that:
  - a) is operated by a non-profit organization whose primary purpose is not the transportation of persons, and
  - b) is used exclusively for the transportation of members of the organization or of persons for charitable purposes, where the only compensation paid for the transportation does not exceed reimbursement of out-of-pocket expenses for the transportation;
- 13) an emergency vehicle or
- 14) a motor vehicle that is operated for the primary purpose of transporting persons from one urban centre to another.

## **3. LIVERY LICENSE**

- 1) No person shall operate a bus or taxi for the purpose of conveying passengers for hire or profit within the Town unless there is a valid and subsisting License for such bus or taxi issued pursuant to this By-Law.
- 2) An application for a License shall be submitted in writing to the Town and shall include the following information:
  - a) vehicle description outlining make, year, model and serial number;
  - b) proof of a valid Manitoba Motor Transport Board Taxi License;
  - c) proof of general liability insurance of \$2,000,000; and
- 3) Upon being satisfied that Subsection 3(2) has been complied with and that the applicant has provided proof of a valid business license, if required, the Town shall issue a License to the applicant.

- 4) A License shall be dated the date of issue and shall expire on the last day of the month in which the applicants drivers license expires.
- 5) A vehicle license shall be issued to the applicant and displayed prominently on the Bus or Taxi at all times.
- 6) The Town may request license holders to periodically provide a listing of persons that are currently driving the motor vehicle licensed as a livery service.

#### **4. LIVERY DRIVER'S PERMIT**

- 1) No person shall operate a Bus or Taxi without a valid Permit issued under this By-Law.
- 2) On presentation of a valid, unexpired Town of Neepawa Livery Driver's Permit, no person shall be issued a Permit unless the person:
  - a) has attained the full age of eighteen years;
  - b) has a valid Manitoba Driver's License that authorizes the recipient to operate a bus or taxi for hire;
  - c) has provided a criminal code convictions search in a form satisfactory to the Town dated within 30 days of the date of application and;
  - d) has paid the fee set out in "Schedule A", Fees & Charges
- 3) In addition to the aforesaid requirements listed in subsection 4.2, a person not possessing a valid unexpired Town of Neepawa Livery Driver's Permit, shall not be issued a Permit unless the person also provides the following:
  - a) has provided a certificate dated not more than 90 days from the date of application from a qualified physician stating that the applicant does not suffer from any affliction that prohibits the applicant from operating a bus or taxi for hire;
  - b) has provided a current, certified true copy of his/her Drivers License Abstract; and
  - c) has provided two recent photographs of the applicant.
- 4) No Permit thereof shall be issued to any person who:
  - a) has been convicted under the Criminal Code of Canada within the five year period immediately preceding the date of application of:
    - 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; or
    - iii) an offence relating to robbery or extortion;
  - b) has been convicted under the Criminal Code of Canada, Food or Drug Act or Narcotic Control Act within the two year period immediately preceding the date of application of any offence not described in Subsection 0;
  - c) has been convicted of a total of three offenses under the Highway Traffic Act within a period of one year immediately preceding the application.

- 5) The Town, upon determining that the applicant has met the conditions set out in subsection 4.3) and 4.4) hereof shall issue a Permit to the applicant and the applicant shall display the Permit prominently on the Bus or Taxi at all times.
- 6) Any application containing false information or failure to provide any required information under this By-Law, may be grounds for refusal to issue a Permit, suspension of a Permit or for immediate cancellation of the Permit.
- 7) A Permit shall be dated the date of issue and shall expire on the last day of the month in which the applicant's driver's license expires. [AMD by 06-8342]
- 8) Permits not issued for a full twelve month period shall be pro-rated based on the number of months the permit is issued for multiplied by the permit fee and divided by twelve months.
- 9) A Permit thereof shall be revoked or suspended by the Town if:
  - a) the license issued under the Highway Traffic Act has been revoked or suspended; or
  - b) the Permit holder has been convicted of offenses referred to in subsection 4.4).
- 10) A Permit shall be issued or reinstated by the Town upon the direction of Council where, following an appeal filed in accordance with Section 6 of this By-Law, Council is satisfied that the driving record and criminal record of the appellant is such that the Permit should properly be issued or reinstated as the case may be.

## **5. FARES**

- 1) prominently displayed at all times in each bus or taxi;
- 2) charged either as a flat rate per trip or in accordance with a taxi meter that has been set to charge rates displayed in accordance with "Schedule A"

Outlined on "Schedule A" attached

## **6. APPEALS**

- 1) An applicant for a License or Permit may appeal to Council the refusal, revocation or suspension of a License or Permit within ten (10) days of the date of such refusal, revocation, or suspension, and a decision of Council on such appeal shall be final.
- 2) Any person or company may appeal to Council any decision of the Director of Finance to grant a License or Permit within ten (10) days of the date of issuance, and a decision of Council on such appeal shall be final.
- 3) An appeal made under subsection 6.1) or 6.2) shall:
  - a) be in writing stating reasons for the appeal;
  - b) be delivered to the Town; and
  - c) be heard by Council at a regular or special Council meeting within twenty-eight days from the date it is received.

## **7. PENALTIES**

Any person who contravenes or disobeys or refuses or neglects to obey any

provision of this by-law; is guilty of an offence and liable, on summary conviction, to a fine as set out in Section 249 of the Municipal Act.

## **8. REPEAL BY-LAW**

By-Law No. 2417 is hereby repealed.

DONE AND PASSED as a By-Law of the Town of Neepawa in Council duly assembled this 2nd day of December, 2008.

**THE TOWN OF NEEPAWA**

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**Mayor**

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**CAO**

GIVEN FIRST READING this 18<sup>th</sup> day of November 2008.

GIVEN SECOND READING this 2<sup>nd</sup> day of December 2008.

GIVEN THIRD READING this 2<sup>nd</sup> day of December 2008.

By-law 3067

SCHEDULE "A"

Fares shall be:

The tariff of fares, inclusive of GST, which business licensees shall permit their affiliated drivers to charge or collect from passengers carried in a metered taxicab shall be, at a maximum:

- (a) \$3.20 for the first 100 m or fraction thereof;
- (b) \$0.18 for each additional 100 m or fraction thereof;
- (c) \$0.10 for each 10 seconds or fraction thereof of metered waiting time while under engagement.
- (d) Flat rate per trip within town limits of \$ 10.00

Fee's and Charges:

Town of Neepawa Livery Driver's Permit ..... \$20.00