TOWN OF NEEPAWA
BY-LAW NO. 3218-22

BEING A BY-LAW OF THE TOWN OF NEEPAWA TO PROVIDE FOR THE LICENSING, CONTROLLING, REGULATING, AND SAFETY OF LOCAL VEHICLES FOR HIRE IN THE TOWN OF NEEPAWA.

WHEREAS Section 3(1) of *The Local Vehicles for Hire Act* provides, as follows:

3(1) The Council of a municipality may make by-laws under *The Municipal Act* for the purpose of regulation the vehicle-for-hire industry, including vehicles for hire and vehicle for hire businesses.

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, as well as by-laws respecting business, business activities and persons engaged in business;

AND WHEREAS it is deemed expedient and in the public interest to license the owners and drivers of vehicles for hire, 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:

TITLE

1. This by-law may be known as "The Vehicle for Hire By-Law" of the Town of Neepawa.

DEFINITIONS

2. Unless the context otherwise requires:

"Council" means the Council of the Town of Neepawa;

"Emergency Vehicle" means a vehicle used:

a) for police duty; by a fire department; or as an ambulance; or

b) for purposes related to maintenance of a public utility and designated as an emergency vehicle by a traffic authority, or

c) under the authority of a municipality, as a fire pumper, or by a volunteer fire fighter responding to a fire or other emergency.

"License" means a Vehicle for Hire License issued pursuant to this by-law;

"Permit" means a Vehicle for Hire Driver's Permit issued pursuant to this by-law;

"Person" means an individual, partnership or corporation;

"Town" means the Town of Neepawa;

"Vehicle for Hire" means a vehicle with a manufacturer's seating capacity designed for 10 or fewer occupants including the driver; and used to transport passengers for compensation where the vehicle is hired for a single trip, and the passenger controls the route travelled or the destination. Includes taxis, shuttles, limousines, handi-transit, or any variation thereof;

"Vehicle for Hire Meter" means a device that is installed in a vehicle, which computes and shows the fare payable for each trip, calculated on the distance traveled or on waiting time elapsed or both.

EXCLUSIONS

3. The following shall be excluded:

a) a vehicle used without compensation from the passengers such as a

complimentary hotel shuttle, charity or funeral services provided;

b) an emergency vehicle;

c) a bus or handivan with a manufacturer's seating capacity originally designed for 10 or more occupants, including the driver; and

d) the Neepawa and Area Disabled Person's Association (Handivan Service), who will not be required to obtain a Business License, or Local Vehicle for Hire License, but will be required to adhere to all other requirements contained in this by-law applicable to the acquisition of a Drivers Permit. Further, all operational matters in respect of providing transit services for older adults and mobility disadvantaged residents shall be governed by the Board of the Neepawa and Area Disabled Persons Association, including the fees so charged to operate this community service.

GENERAL

4. No person shall provide, or offer to provide, transportation services except in compliance with this by-law.

5. The owner of a vehicle must not allow their vehicle to be used, or offer it to be used, to provide transportation services except in compliance with this by-law.

6. Licenses and permits issued under this by-law are subject to annual renewal.

VEHICLES FOR HIRE

7. All classes of Vehicles for Hire must:

   a) have valid registration and insurance;

   b) be maintained in reasonable and operable condition;

   c) display any license/permit issued under this by-law at all times in a manner that is visible to the passengers utilizing the service;

   d) when necessary, have winter tires installed in accordance with MPI guidelines and regulations.

DRIVERS OF VEHICLES FOR HIRE

8. All drivers of vehicles for hire must have a valid minimum Class 4 Drivers license.

LICENSING AND PERMITTING

9. Persons interested in operating any local vehicles for hire in the Town of Neepawa must obtain a Business Permit/License, a Local Vehicle for Hire License and ensure all persons employed as drivers by a Local Vehicle for Hire business obtain the required drivers permits. The following shall apply:

Business Permit (License)	Obtain a business license per By-Law 3056 Transient Traders (Business) & renew annually.
Local Vehicle for Hire **License**	Application to the Town, providing the required information, including a description of the vehicle (make, model, year, plate number and serial #).
	Undergo an annual inspection, and be issued inspection certificates under *The Drivers and Vehicles Act.* Inspections to be completed within thirty (30) days of an application for a license or annual renewal. Proof to be provided.
	Provide proof of a valid Manitoba Motor Transport Board Taxi License, or any such applicable license.
	Provide proof of general liability insurance in amount of $2,000,000
	Obtain &/or provide proof of a valid Business License as per By-Law 3056

Local Vehicle for Hire **Driver's Permit**	Persons must have attained the full age of eighteen years
	Hold a valid **Class 4** License (Manitoba)
	Provide Criminal Records and Vulnerable Persons Checks within thirty (30) days of the date of application, as well as Child Abuse and Adult Abuse Registry Checks.
	Provide a certificate dated not more than ninety (90) days from the date of application from a qualified physician stating that the applicant does not suffer from any affliction that prohibits them from operating a vehicle for hire.
	Provide a Driver's abstract within thirty (30) days of application.
	Provide 2 passport type photos taken in the past thirty (30) days.

VEHICLE FOR HIRE LICENSE

10. No person shall operate a vehicle for hire or bus, for the purpose of conveying passengers, for hire or profit within the Town unless there is a valid and subsisting Vehicle for Hire License for such vehicle for hire, issued pursuant to this By-Law. Application attached as Schedule "B".

11. Upon meeting all licensing and permitting requirements, the Applicant will be issued a Vehicle for Hire License, which shall be dated as of the date of issue, and shall expire on December 31st of the given year.

12. A Vehicle for Hire License shall be issued to the applicant and displayed prominently on the Bus or Vehicle for Hire at all times.

13. The Town may request Vehicle for Hire License holders to periodically provide a listing of persons that are currently driving the motor vehicle licensed as a vehicle for hire service.

14. Unless otherwise notified, all Licensees will be required to maintain the following records for a period of two years, and make them available for inspection by the Town, if requested to do so:
    * Date & Time of Trip;
    * Destination of Trip;
    * Fare Charged for Trip:
    * Total kms per Trip;

VEHICLE FOR HIRE DRIVER'S PERMIT

15. No person shall operate a Bus or Vehicle for Hire without a valid Vehicle for Hire Driver's Permit issued under this By-Law. Application attached as Schedule "C".

16. On presentation of a valid, unexpired Town of Neepawa Vehicle for Hire License, no person shall be issued a Vehicle for Hire Driver's Permit unless the person has:

    a) attained the full age of eighteen years;

    b) possesses a valid Manitoba Class 4 Driver's License that authorizes the recipient to operate a bus or vehicle for hire;

    c) provides the following Security Checks within 30 days of the date of application:
        - Criminal Record Check with Vulnerable Persons Sector Check;
        - Child Abuse Registry Check; and;
        - Adult Abuse Registry Check.

    d) paid the fee set out in "Schedule A", Fees & Charges

    e) 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 vehicle for hire;

    f) has provided a current, certified true copy of his/her Driver's License Abstract; and

    g) has provided two recent photographs of the applicant.

17. No Vehicle for Hire Driver's Permit 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*, *The Food and Drug Act* or *The Controlled Drugs and Substances Act*, and regulations thereunder within the two-year period immediately preceding the date of application of any offence not described in Clause 17.a);

    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.

18. The Town, upon determining that the applicant has met the conditions set out in Clauses 16 and 17 hereof, shall issue a Vehicle for Hire Driver's Permit to the applicant and the applicant shall display the Vehicle for Hire Driver's Permit prominently on the Bus or Vehicle for Hire at all times.

19. Any application containing false information or failure to provide any required information under this By-Law, may be grounds for refusal to issue a Vehicle for Hire Driver's Permit, suspension of a Vehicle for Hire Driver's Permit or for immediate cancellation of the Vehicle for Hire Driver's Permit.

20. A Vehicle for Hire Driver's Permit shall be dated the date of issue and shall expire on the last day of the month in which the applicant's valid Manitoba Driver's License expires.

21. Vehicle for Hire Driver's 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.

22. A Vehicle for Hire Driver's Permit shall be revoked or suspended by the Town if:

    a) the driver's Manitoba Driver's License issued under *The Highway Traffic Act* has been revoked or suspended; or

    b) the Vehicle for Hire Driver's Permit holder has been convicted of offenses referred to in Clause 17.

23. A Vehicle for Hire Driver's Permit shall be issued or reinstated by the Town upon the direction of Council where, following an appeal filed in accordance with clauses 26 & 27 of this By-Law, Council is satisfied that the driving record and criminal record of the appellant is such that the Vehicle for Hire Driver's Permit should properly be issued or reinstated as the case may be.

FARES

24. To be prominently displayed at all times in each bus or vehicle for hire;

25. To be charged either as a flat rate per trip or in accordance with a vehicle for hire meter that has been set to charge rates displayed in accordance with "Schedule A".

APPEALS

26. An applicant for a Vehicle for Hire License or Vehicle for Hire Driver's Permit may appeal to the Council of the Town of Neepawa any refusal, revocation or suspension of a License or Permit within ten (10) days of the date of such refusal, revocation, or suspension.

27. An appeal made under Clause 26 shall:

    a) be made in writing, stating the reasons for the appeal, and delivered to the Town, within ten (10) days of the date of such refusal, revocation, or suspension; and

    b) be heard by Council at a regular or special meeting of Council within twenty-eight days from the date the appeal is received.

28. The decision of Council, on any appeal, shall be final.

PENALTIES

29. 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*.

RECORDS AND PERSONAL INFORMATION

30. All information collected/received in the course of the application process or subsequent time period, including personal information as defined in The Freedom of Information and Protection of Privacy Act, will be collected strictly for the purposes stated within this By-Law and be securely filed.

31. Such records, including application information, to be retained by the Town of Neepawa and supplied to the Registrar on behalf of The Drivers and Vehicles Act or The Manitoba Public Insurance Corporation Act, that is deemed reasonably necessary for the purpose of administering and enforcing said Acts.

32. The Town of Neepawa has a duty to provide information requested in the form and manner and within the time specified by the Registrar.

REPEAL BY-LAW

33. By-Law No. 3156-16 is hereby repealed.

DONE AND PASSED as a By-Law of the Town of Neepawa in Council duly assembled this 19th day of July, 2022.

Blake McCutcheon, Mayor

Colleen Synchyshyn, CAO

Read a first time this 7th day of June, 2022
Read a second time this 21st day of June, 2022
Read a third time this 19th day of July, 2022

SCHEDULE "A" - FARES

Fares shall be:

The tariff of fares, inclusive of GST, to be charged or collected from passengers carried in a metered vehicle for hire, shall be, at a maximum:

(a) $4.75 for the first 100 m or fraction thereof;

(b) $0.21 for each additional 100 m or fraction thereof;

(c) $0.15 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

Fees and Charges:

Town of Neepawa Vehicle for Hire Driver's Permit $20.00

SCHEDULE "B" – LICENSE APPLICATION

VEHICLE FOR HIRE LICENSE APPLICATION

SCHEDULE "B" - Local Vehicles for Hire By-Law No. 3218-22

TOWN OF NEEPAWA
Po Box 339 • Neepawa, MB • R0J 1H0
Phone (204) 476-7600 • Fax (204) 476-7624
www.neepawa.ca • info@neepawa.ca

PLEASE PRINT CLEARLY, PROVIDING ALL INFORMATION REQUESTED ON THIS FORM

VEHICLE OWNER'S PERSONAL INFORMATION

First Name: _____ Last Name: _____

Date of Birth (dd/mm/yyyy): _____

Address: _____ City: _____ Province: _____

Postal Code: _____ Telephone Number: _____

Email: _____

MB Driver's License #: _____ Classification: ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5

Legally entitled to work in Canada: ☐ Yes ☐ No Vehicle Owner's SIN: _____

BUSINESS INFORMATION

Operating Name: _____

Address: _____ City: _____ Province: _____

Postal Code: _____ Telephone Number: _____

Email: _____

VEHICLE INFORMATION

☐ Standard ☐ Accessible License Plate #: _____

Make: _____ Model: _____ Year: _____

Seating Capacity: _____ Color: _____ VIN#: _____ Date of Safety Inspection: _____

Are you the registered owner? ☐ Yes ☐ No

Equipment – Check the box next to all equipment that has been equipped in the vechile:

☐ Driver Safety Shield ☐ Operating In-Vehicle Camera ☐ Certified Meter

☐ Global Positioning ☐ Emergency Strobe Light System ☐ Exterior Light (indicates when operating)

☐ Full Time Vehicle (operates more than 5 of 7 days/week) ☐ Part Time Vehicle (operates less than 5 days/week)

REQUIRED DOCUMENTATION

ALL APPLICANTS must provide copies of the following documents with the completed application form:

All Taxis:

- ☐ Safety Inspection Certificates applicable to the vehicle under The Drivers and Vehicles Act, CCSM c D104, within 30 days prior to the application for registration;
- ☐ Inspection Certificates applicable to the taxi meter and video camera installed in the vehicle;
- ☐ Proof of Ownership (if applicant is the owner) or a letterhead from the owner stating the applicant can purchase the permit on behalf of the owner;
- ☐ Manitoba Public Insurance registration and insurance documents indicating the vehicle is insured as a vehicle for hire.

All Accessible Taxis:

In addition to the required documents above, copies of the following documents are required:

- ☐ Evidence the vehicle is constructed and equipped to permit the loading, transporting and off-loading of those who use a wheelchair, or similar device which can accommodate a seated individual who cannot self-transfer;

Corporation (if applicable):

In addition to the required documents above, a corporation must provide the following:

- ☐ Copy of its incorporating documents;
- ☐ Certificate of Status issued by the Companies Office;
- ☐ A list of the members of the Board of Directors.

Partnership (if applicable):

In addition to the required documents above, a partnership must provide the following:

- ☐ The names and addresses of each member of the partnership;
- ☐ The business name under which it operates and proof of the registration of its business name.

NOTE: A Town of Neepawa Business License will authorize you to conduct business in the Town of Neepawa only, Provincial or Federal Licenses may also be required.

CONSENT FOR COLLECTION AND USE OF PERSONAL INFORMATION

I have been provided a copy of the Town of Neepawa Vehicle for Hire By-Law and acknowledge that it may be amended from time to time.

I understand that by signing below, I am providing the Town of Neepawa with my explicit consent to collect, use and disclose the personal information provided within this application, and the information provided by third parties as described below, for the purposes of determining initial eligibility for a Vehicle for Hire Driver's Permit and to monitor my ongoing edibility to operate under this bylaw.

I hereby authorize Manitoba Public Insurance to disclose to the Town of Neepawa all license, accident, registration and vehicle information necessary for the above purposes until such time as I notify Manitoba Public Insurance, in writing, to revoke this authorization.

Any personal information collected or obtained through third parties is done so under the authority of The Freedom of Information and Protection of Privacy Act (FIPPA) and the Local Vehicles for Hire By-Law, and is protected by the Protection of Privacy provisions of FIPPA. This information will be used for the purposes stated above, and will not be used or disclosed for any other purpose, except as authorized by the law. If you have any questions about the collection of this information, please contact the Town of Neepawa Chief Administrative Officer, at 204-476-7600.

Name – Please Print: _____

Date: _____ **Signature:** _____

OFFICE USE ONLY

License #_____ **Payment Method:** _____ **Amount: $**_____

Approved by: _____ **Signature:** _____ **Date:** _____

SCHEDULE "C" – PERMIT APPLICATION

VEHICLE FOR HIRE
DRIVER'S PERMIT APPLICATION

SCHEDULE "C" - Local Vehicles for Hire By-Law No. 3218-22

Neepawa
TOWN OF NEEPAWA
Po Box 339 • Neepawa, MB • R0J 1H0
Phone (204) 476-7600 • Fax (204) 476-7624
www.neepawa.ca • info@neepawa.ca

PLEASE PRINT CLEARLY, PROVIDING ALL INFORMATION REQUESTED ON THIS FORM

PERSONAL INFORMATION

First Name: _____ Last Name: _____

Date of Birth (dd/mm/yyyy): _____

Address: _____ City: _____ Province: _____

Postal Code: _____ Telephone Number: _____

Email: _____

MB Driver's License #: _____ Classification: ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5

Legally entitled to work in Canada: ☐ Yes ☐ No

DRIVER TYPE

☐ **Taxi Driver** ☐ **Limousine Driver** ☐ **HandiVan** ☐ **Other** _____

REQUIRED DOCUMENTATION

ALL APPLICANTS must provide copies of the following documents with the completed application form:

All Drivers:

- ☐ A valid Manitoba Class 4 Driver's License;
- ☐ Criminal Records with Vulnerable Persons Sector Check;
- ☐ Child Abuse and Adult Abuse Registry Check;
- ☐ Certificate no more than 90 days from date of application, from a qualified physician stating the applicant does not suffer from any affliction that prohibits them from operating a vehicle for hire;
- ☐ Current, Certified True Copy of Driver's Abstract within thirty (30) days of application;
- ☐ Two (2) passport type photos taken within the past thirty (30) days.
- ☐ Proof that the applicant has completed the required training and that the applicant has the skills and knowledge reasonably considered necessary in order to provide the services exclusive to Vehicle for Hire drivers.

Accessible Taxis and HandiVan Drivers:

In addition to the required documents above, copies of the following documents are required for applications for drivers of accessible vehicles:

- ☐ Documentation indicating that the applicant has completed the required training with respect to transport service for individuals who use a wheelchair, or similar device which can accommodate a seated individual, and who cannot self transfer; or
- ☐ Documentation indicating the applicant demonstrates the skills and knowledge reasonably considered to be necessary to provide services to individuals who use a wheelchair, or similar device which can accommodate a seated individual, and who cannot self-transfer.

CONSENT FOR COLLECTION AND USE OF PERSONAL INFORMATION

I understand that by signing below, I am providing the Town of Neepawa with my explicit consent to collect, use and disclose the personal information provided within this application, and the information provided by third parties as described below, for the purposes of determining initial eligibility for a Vehicle for Hire Driver's Permit and to monitor my ongoing edibility to operate under this bylaw.

I hereby authorize Manitoba Public Insurance to disclose to the Town of Neepawa all license, accident, registration and vehicle information necessary for the above purposes until such time as I notify Manitoba Public Insurance, in writing, to revoke this authorization.

I hereby authorize the Province of Manitoba to disclose to the Town of Neepawa, my Child Abuse Registry Check results as necessary for the above purposes until such time as I notify the Province of Manitoba, in writing, to revoke this authorization.

I hereby authorize all law enforcement agencies, including the Royal Canadian Mounted Police, to disclose to the Town of Neepawa my Criminal Records Check with Vulnerable Sector Screening, and other information, as required for the above purposes until such time as I notify applicable law enforcement agencies, in writing, to revoke this authorization.

Any personal information collected or obtained through third parties is done so under the authority of The Freedom of Information and Protection of Privacy Act (FIPPA) and the Local Vehicles for Hire By-Law, and is protected by the Protection of Privacy provisions of FIPPA. This information will be used for the purposes stated above, and will not be used or disclosed for any other purpose, except as authorized by the law. If you have any questions about the collection of this information, please contact the Town of Neepawa Chief Administrative Officer, at 204-476-7600.

Name – Please Print: _____

Date: _____ **Signature:** _____

OFFICE USE ONLY

Permit #_____ **Expiry Date:** _____

Payment Method: _____ **Amount: $**_____ **Date:** _____

Approved by: _____ Signature: _____

Notes: _____

_____