

TOWN OF MINNEDOSA

BY – LAW NO. 2484

Being a By-law of the Town of Minnedosa 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 of 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 such 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 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 Section 232(1) of The Municipal Act 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 within the Town of Minnedosa;

NOW THEREFORE the Council of the Town of Minnedosa in open session hereby enacts as follows:

1. BY-LAW REFERENCE:

THAT this By-law will be known as "The Livery and Taxi By-law of the Town of Minnedosa.

2. DEFINITIONS:

- a.) "Bus" shall mean a motor vehicle that is used to carry for hire or profit, more than ten (10) passengers excluding the driver thereof;
- b.) "Town" shall mean the Town of Minnedosa;
- c.) "Council" shall mean the Council of the Town of Minnedosa;
- d.) "Emergency Vehicle" shall mean a vehicle used for:
 - i) police duty, or
 - ii) a fire department, or
 - iii) an ambulance, or
 - iv) purposes related to maintenance of a public utility and designated as an emergency vehicle by a traffic authority, or
 - v) for volunteers fire fighters responding to a fire or other emergency.
- e.) "License" shall mean a Livery License issued pursuant to this by-law.
- f.) "Permit" shall mean a livery Driver's Permit issued pursuant to this by-law.
- g.) "Person" shall mean an individual, partnership, or corporation.
- h.) "Taxi" shall mean a motor vehicle that is used to carry for hire or profit, not more than ten (10) passengers excluding the driver thereof, but does not include a bus.

- i.) "Taxi Meter" shall mean 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.

3. EXCLUSIONS:

The following are exempt from the definition of "Bus" and "Taxi":

- a.) a motor vehicle that is operated under and in accordance with the terms of a contract where;
 - i.) the operator of the vehicle provides the exclusive use of the vehicle to the party to the contract for the duration of each trip under the contract;
 - ii.) each trip under the contract originates at or is destined to the premises of the other party to the contract; and
 - iii.) no person charges, collects, or receives compensation, directly or indirectly, from a passenger.
- b.) a motor vehicle that:
 - i.) is operated by a non-profit organization whose primary purpose is not the transportation of people;
 - ii.) is used primarily 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;
 - iii.) is used as an emergency vehicle;
 - iv.) is operated for the primary purpose of transporting persons from one urban centre to another.

4. LIVERY LICENSE:

- a.) 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.
- b.) An application for a License shall be submitted in writing to the Town and shall include the following information:
 - i.) vehicle description outlining make, year, model, serial number and license plate number.
 - ii.) proof a valid Manitoba Motor Transport Board Taxi License.
 - iii.) proof of general liability insurance of \$2,000,000.00.
 - iv.) proof a property insurance in the amount of not less than \$1,000,000.00.
- c.) Upon being satisfied that Part 4(b) has been complied with, the Town shall issue a License to the applicant.
- d.) A License shall be dated the date of issue and shall expire on the last day of the month in which the applicant's drivers license expires.
- e.) A vehicle license shall be issued to the applicant and displayed prominently on the Bus or Taxi at all times.
- f.) 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.

5. LIVERY DRIVER'S PERMIT:

- a.) No person shall operate a Bus or Taxi without a valid Permit issued under this By-law.
- b.) No person shall be issued said Permit unless that person:
 - i.) has attained the full age of eighteen (18) years;
 - ii.) has a valid Manitoba Driver's License that authorizes the recipient to operate a bus or taxi for hire;
 - iii.) has provided a criminal code convictions search in a form satisfactory to the Town dated with thirty (30) days of the date of the application and;
 - iv.) has paid the fee set out in "Schedule A", Fees and Charges attached to this by-law;
 - v.) has provided 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 the applicant from operating a bus or taxi for hire;
 - vi.) has provided a current, certified true copy of his/her Drivers License Abstract; and
 - vii.) has provided two (2) recent photographs of the applicant suitable for identification purposes.

6. NO PERMIT SHALL BE ISSUED TO ANY PERSON WHO:

- a.) has been convicted under the Criminal Code of Canada within the five (5) period immediately preceding the date of application of:
 - i.) a sexual offence or offence relating to public morale;
 - ii.) an offence relating to criminal offence, 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 above.
- c.) has been convicted of a total of three (3) offenses under the Highway Traffic Act within a period of one (1) year immediately preceding the application.

7. PERMIT ISSUING AND CONDITIONS:

- a.) The Town, upon determining that the applicant has met the conditions set out above shall issue a Permit to the applicant and the applicant shall prominently display the Permit on the Bus or Taxi at all times.
- b.) 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.
- c.) 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.
- d.) Permits not issued for a full twelve (12) months shall not be pro-rated. The full fee is in effect regardless of the date of application due to the cost of producing the permits.

- e.) A Permit thereof shall be revoked or suspended by the Town if:
 - i.) the license issued under the Highway Traffic Act has been revoked or suspended; or
 - ii.) the Permit holder has been convicted of offences referred to above.
- f.) A Permit shall be issued or reinstated by the Town upon the direction of Council where, following an appeal filed in accordance with Part 8 of this By-law, Council is satisfied that the driving record and criminal record of the appellant is such that the Permit should be issued or reinstated as the case may be.

8. FARES:

- a.) Shall be prominently displayed at all times in each Bus or Taxi;
- b.) Shall be charged as a flat rate per trip or in accordance with a taxi meter that has been set to charge the amounts in accordance with the rates as outlined in Schedule "A" which is attached hereto and forms part of this By-law.
- c.) The rates contained in Schedule "A" which is attached hereto may be amended by a resolution of Council.

9. APPEALS:

- a.) An applicant for a License or Permit may appeal to Council the refusal, revocation or suspension of a License or Permit within ten (10) working days of the date of such refusal, revocation, or suspension.
- b.) Any person or company may appeal to Council any decision to grant a License or Permit within ten (10) working days of the date of issuance.
- c.) An appeal made under Part 9 a.) or b.) shall:
 - i.) be made in writing and stating the reasons for the appeal;
 - ii.) be delivered to the Town Office; situated in the Town's Civic Centre;
 - iii.) be heard by Council at a Regular or Special Meeting of Council within twenty-eight (28) days from the date it is received.

10. PENALTIES:

- a.) Any person who contravenes or disobeys or refuses or neglects to obey any provisions of this By-law is guilty of an offence and liable upon summary conviction, to a fine as set forth in Section 249 of The Municipal Act.

11. REPEAL OF FORMER BY-LAWS:

- a.) All prior Town By-laws which references the licensing of and the regulating of motor vehicle livery and taxi services are hereby repealed.

DONE AND PASSED as a By-law of the Town of Minnedosa by Council duly assembled in Open Council this 10th day of March, 2009.

THE TOWN OF MINNEDOSA

Mayor D. LaCoste

CAO K. G. Jenkins

Read a first time this 17th day of February, 2009

Read a second time this 10th day of March, 2009

Read a third time this 10th day of March, 2009

The Town of Minnedosa

By – law No. 2484

SCHEDULE “A”

Fares & Fees

1. Fares shall be set as follows:

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

- a.) \$3.20 for the first 100 m or fraction thereof;
- b.) \$0.18 for each additional 100 m or fraction thereof;
- c.) \$.10 for each 10 seconds or fraction thereof or metered waiting time while under engagement;

The flat fare rate in a taxicab shall be:

- a.) \$10.00 per trip within the boundaries of the Town of Minnedosa.

2. Fees shall be set as follows:

All applicable Town Permits and Licenses shall be \$30.00 per Permit and License.

3. Fares and Fees Amendment(s):

As authorized by Part 7 (c) of this By-law; the fares and fees as contained within Schedule “A” may be amended by a resolution of Council.