

**THE TOWN OF THE PAS**

**BY-LAW NO. 4567**

**BEING A BY- LAW OF THE TOWN OF THE PAS TO PROVIDE FOR THE LICENSING AND REGULATION OF VEHICLES FOR HIRE IN THE TOWN OF THE PAS AND TO REPEAL BY-LAW NO. 4533.**

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**WHEREAS** sections 232 of *The Municipal Act* 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

**AND WHEREAS** Section 3(1) of The Local Vehicles for Hire Act States the Council of a municipality may make by-laws under the Municipal Act for the purpose of regulating the vehicle-for-hire industry, including vehicles for hire and vehicle-for-hire businesses.

**AND WHEREAS** Section 3(2) of The Local Vehicles for Hire Act provides, in part as follows:

3(2) In addition to the by-law powers set out in the Municipal Act, a by-law regulating the vehicle-for-hire industry may contain provisions

- (a) determining the manner in which licences are to be allocated, including limiting the total number of licences, or the number of licences within a particular class, that are to be issued;
- (b) prohibiting, controlling or limiting the transfer of licences;
- (c) establishing requirements for persons who carry on or are engaged in the vehicle-for-hire business or any aspect of it, including the character and fitness of an applicant or licences holder;

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- (h) specifying the standards and other requirements for the vehicle-for-hire industry or any aspect of it, which may include standards and requirements for vehicles used as vehicle for hire and equipment used in the vehicle-for-hire business;
- (j) respecting the type and amount of insurance that must be obtained and held by an applicant or licence holder;

**AND WHEREAS** it is deemed desirable and in the public interest with respect to the safety, health, protection and wellbeing of the citizens to licence the operators and drivers of taxicabs and limousines, and to regulate the taxicab business itself in the Town of The Pas.

**NOW THEREFORE THE COUNCIL OF THE TOWN OF THE PAS IN COUNCIL DULY ASSEMBLED ENACTS AS FOLLOWS;**

**I. SHORT TITLE**

This By-Law shall be referred to as "The Vehicle-for-Hire By-Law".

**II. DEFINITIONS**

**"Council"** means the Council of the Town of The Pas

**"driver"** means the holder of a valid Manitoba Class 4 Driver's Licence and who is driving for the Taxicab Operator

**"licence year"** means the calendar year unless otherwise noted

**"limousine vehicle for hire"** means any motor vehicle that has an extended wheelbase or is designated by the manufacturer as a luxury or specialized passenger vehicle and is unmarked and not equipped with taxicab signage, nor equipped with a taxi meter, pursuant to the provisions of this by-law, and such vehicle is to be hired by the hour or part thereof, or by special contract

**"owner / operator"** means the holder of a Vehicle For Hire Business Licence issued by the Town of The Pas

**"town"** means the Town of The Pas

**"vehicle-for-hire" means a vehicle**

- (a) With a manufacturer's seating capacity originally designed for 10 or fewer occupants including the driver; and
- (b) that is used to transport a passenger for compensation where

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- (i) the vehicle is hired for a single trip, and
  - (ii) the passenger controls the route travelled or the destination
- (c) can be either a “taxi cab” vehicle for hire or a “passenger” vehicle for hire

**“vehicle for hire business”** means, personally or through an agent or employee, carrying on the business of keeping at least one taxicab vehicle for hire or a passenger vehicle for hire

**“vehicle for hire business Licence”** means a permit issued by the Town of The Pas that allows individuals or companies to conduct business within Town of The Pas

**“vehicle for hire drivers licence”** means a licence issued by the Town of The Pas which authorizes the person named therein to drive a taxicab vehicle for hire or a passenger vehicle for hire within the Town of The Pas

**III. VEHICLE FOR HIRE BUSINESS LICENCE REQUIREMENTS**

1. No person, by himself/herself or by an agent or employee shall carry on the business of keeping a vehicle(s) for hire or advertise that he/she is carrying on that business or keep for hire or operate for hire any vehicle in The Town of The Pas in any year unless he/she holds a valid Vehicle for Hire Business Licence from The Town of The Pas.
2. Each and every person / business that has a vehicle for hire business to be operated for hire or gain within The Town of The Pas shall first apply for and obtain a valid Vehicle for Hire Business Licence by filling out and submitting Schedule “A”, being the Vehicle for Business Licence Application Form. The fee shall be one hundred dollars (\$100.00) per business per licence year.
3. In the interest of public safety, the owner / operator of a vehicle for hire business must provide the following information with the Vehicle for Hire Business Licence Application Form:
  - a) proof that the applicant is over 18 years of age;
  - b) a written description of each motor vehicle to be used in the Taxicab Business
    - i) make
    - ii) model
    - iii) year
    - iv) serial number
    - v) licence plate number
  - c) proof that insurance premiums prescribed under The Manitoba Public Insurance Corporation 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;
  - d) proof of 3<sup>rd</sup> party liability in the amount of \$2,000,000.00 or more
  - e) an annual Certificate of Inspection for each vehicle that will be used in the vehicle for hire business issued by a Province of Manitoba certified inspection station;

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- f) a listing with names of every driver employed or otherwise engaged to drive the motor vehicles that will be used in the vehicle for hire business and to report changes in the list to the Town within five (5) days of the change becoming known to the owner / operator.
- 4. The holder of a Town of The Pas Vehicle for Hire Business Licence may not sell, assign, mortgage or transfer the Business Licence without consent of The Town of The Pas.
- 5. Every vehicle for hire owner / operator shall regularly inspect his/her equipment and keep it in proper repair and sanitary condition at all times, and shall keep his/her business office clean and free of loiterers.
- 6. The Vehicle for Hire Business Licence shall be conspicuously posted in the premises or chief place of business.
- 7. Only taxicab vehicles for hire shall must:
  - a) 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 **OR** have a light on top of vehicle with sufficient brightness as to be clearly visible during the daylight hours which must be lit at all times while available for hire;
  - b) be equipped with a taximeter

#### **IV. LICENCING OF VEHICLE FOR HIRE DRIVERS**

- 1. No person shall drive a vehicle for hire in the Town of the Pas unless he / she has a Vehicle for Hire Drivers Licence issued by the Town of The Pas.
- 2. Any person issued a Vehicle for Hire Driver's Licence must operate under a vehicle for hire business that has been issued a Town of The Pas Vehicle for Hire Business Licence.
- 3. Each applicant for a Vehicle for Hire Driver's Licence shall first apply for and obtain a valid Vehicle for Hire Driver's Licence by filling out and submitting Schedule "B", being the Vehicle for Hire Driver's Licence Application Form to Engineering Department. The fee shall be Fifty Dollars (\$50) per licence per year.
- 4. In the interest of public safety, the driver must provide the following information with the Vehicle for Hire Driver's Licence Application Form:
  - (a) a valid Manitoba Driver's Licence no lower than Class 4;
  - (b) a current Manitoba Driver's Abstract;
  - (c) a Child Abuse Registry Check, approved by the Child Abuse Registry Unit
  - (d) a Certified Copy of Criminal Record
  - (e) a Vulnerable Sector Check

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5. No Licence shall be issued to any person who:

- a) has been convicted under the Criminal Code of Canada within the ten (10) 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;
  - 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;
  - vi) dangerous driving
- b) 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) 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, the Controlled Drugs and Substances Act, the Food and Drug Act, or any similar acts of any other jurisdiction;
- d) has been convicted of a total of three (3) offences under The Highway Traffic Act, The Drivers and Vehicles Act, or any similar acts of any other jurisdiction within a two (2) year period immediately preceding the date of application.

6. If the Engineering Department 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 V Appeals.

7. All vehicle for hire drivers must display one recent photograph and name of the driver of the vehicle for hire in a location clearly visible by the passenger.

## **V. APPEALS**

An applicant for a Town of The Pas Vehicle for Hire Drivers Licence may appeal to Chief Administrative Officer or their designate the rejection of a Licence within ten (10) days of the date of such rejection in accordance with the Town of The Pas Policy FA – 824 Screening Officers.

## **IV. GENERAL**

- a) Under no circumstances shall the number of valid vehicles for hire operating in the Town of The Pas be more than 15 and no more than 2 limousines at

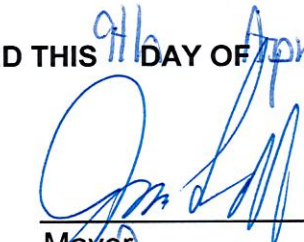
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any one time, unless Council authorizes an additional number of ~~Taxicabs~~ vehicles for hire to be operated during seasons, days or for occasions through a resolution of Council.

- b) Unless otherwise stated provisions of this By-Law shall apply equally to limousine businesses and licences within the Town, with the exception that all references therein to vehicles for hire shall be deemed to be references to limousines.
- c) Any person who violates or fails to comply with any of the provisions of this by-law shall be guilty of an offence and liable to a fine not exceeding twice the amount of the applicable licence fee.
- d) That By-law No. 4533 be hereby repealed.
  - a. This By-Law shall come into force and takes effect upon being read a third time and passed by Council.

DONE AND PASSED IN COUNCIL ASSEMBLED THIS 9th DAY OF April 2018.

  
\_\_\_\_\_  
Mayor

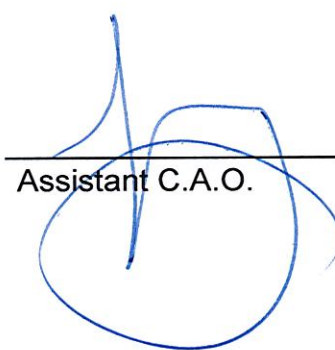
  
\_\_\_\_\_  
Assistant C.A.O.

**CERTIFIED THAT BY-LAW NO. 4567 WAS:**

READ A FIRST TIME THIS 10th day of February A.D. 2018.

READ A SECOND TIME THIS 9th day of April A.D. 2018.

READ A THIRD TIME THIS 9th day of April A.D. 2018.

  
\_\_\_\_\_  
Assistant C.A.O.



SCHEDULE "A"

TO TOWN OF THE PAS BY-LAW NO. 4567

APPLICATION FOR VEHICLE FOR HIRE BUSINESS LICENCE

Name \_\_\_\_\_

Mailing Address \_\_\_\_\_  
Box # or street # City/Town Postal Code

Phone Number: \_\_\_\_\_

Vehicle for Hire Business Name: \_\_\_\_\_

The following items are to accompany this application:

- proof that the applicant is over 18 years of age;
- a written description of each motor vehicle to be used in the Vehicle for Hire Business:
  - make
  - model
  - year
  - serial number
  - licence plate number
- proof that insurance premiums prescribed under The Manitoba Public Insurance Corporation 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;
- proof of 3<sup>rd</sup> party liability in the amount of \$2,000,000.00 or more;
- Certificate of Inspection for each vehicle that will be used in the Vehicle for Hire Business issued by a Province of Manitoba certified inspection station;
- a listing with names of every driver employed or otherwise engaged to drive the motor vehicles that will be used in the vehicle for hire business and to report changes in the list to the Town within five (5) days of the change becoming known to the owner / operator

I, the applicant, declare that to the best of my knowledge and belief, the information contained in this application is true and correct in every respect. I understand the requirements I must adhere to; to operate a taxi cab business including requirements I must meet for drivers of my taxicab(s).

\_\_\_\_\_  
Vehicle for Hire Owner's Signature Date \_\_\_\_\_

Office Use

Approved Date \_\_\_\_\_ Receipt # \_\_\_\_\_ Fee \$ \_\_\_\_\_

Licence Inspector: \_\_\_\_\_ Licence # \_\_\_\_\_



**SCHEDULE "B"**

**TO TOWN OF THE PAS BY-LAW NO. 4567**

**APPLICATION FOR VEHICLE FOR HIRE DRIVER'S LICENCE**

Name \_\_\_\_\_

Mailing Address \_\_\_\_\_  
Box # or street #                      City/Town                      Postal Code

Phone # \_\_\_\_\_

Vehicle for Hire Company under which you will operate: \_\_\_\_\_

The following items are to accompany this application:

- (a) a valid Manitoba Driver's Licence, no lower than Class 4;
- (b) a current Manitoba Driver's Abstract;
- (c) a Child Abuse Registry Check, approved by the Child Abuse Registry Unit
- (d) a Certified Copy of Criminal Record
- (e) a Vulnerable Sector Check

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I, the applicant, declare that to the best of my knowledge and belief, the information contained in this application is true and correct in every respect. I understand the requirements I must adhere to, to hold a Taxicab Driver's Licence.

\_\_\_\_\_  
Vehicle for Hire Driver's Signature

\_\_\_\_\_  
Date

**Office Use**

Approved Date \_\_\_\_\_ Receipt # \_\_\_\_\_ Fee \$ \_\_\_\_\_

Licence Inspector: \_\_\_\_\_ Licence # \_\_\_\_\_

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