

## **BY-LAW NO. 11-8540**

### **Being a By-Law of the City of Portage la Prairie to provide for the licensing and regulating of motor vehicle livery services.**

WHEREAS Section 23(1) & (2) of the Manitoba Highway Traffic Act Cap. H60 authorizes municipalities to license and regulate every person conducting or carrying on an automobile livery, or letting or having motor vehicles for hire or gain;

NOW THEREFORE the Council of the City of Portage la Prairie hereby enacts as follows:

#### **1. CITATION**

This by-law may be cited as "**The Livery By-Law**" of the City of Portage la Prairie.

#### **2. A. DEFINITIONS**

- 1) "Bus" means a motor vehicle that is used to carry for hire or profit, more than twelve passengers excluding the driver thereof;
- 2) "City" means the City of Portage la Prairie;
- 3) "Council" means the Council of the City of Portage la Prairie;
- 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) "Municipal License" means a Livery Vehicle License issued pursuant to this by-law;
- 6) "Motor Vehicle" means a vehicle not run upon rails that is designed to be self-propelled by electric power obtained from overhead trolley wires, but does not include a farm tractor, a self-propelled implement of husbandry, a special mobile machine, or an off-road vehicle.
- 7) "Permit" means a Livery Driver's Permit issued pursuant to this by-law;
- 8) "Person" means an individual, partnership or corporation;

- 9) "Taxi" means a motor vehicle that is used to carry for hire or profit, not more than twelve passengers excluding the driver thereof, but does not include a bus;
- 10) "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.

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### 3. LIVERY VEHICLE – MUNICIPAL LICENSE

- 1) No person shall operate a bus or taxi for the purpose of conveying passengers for hire or profit within the City 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 City and shall include the following information:
  - a) vehicle description outlining make, year, model and serial number;
  - b) a mechanical inspection certificate issued by a Province of Manitoba certified inspection station no more than thirty (30) days prior to the application with exception to mechanical inspection certificates received by the City in the period September to December of the prior year ; in which case will be deemed valid for the following year if purchase of the License for the following year is made at this same time.
  - c) proof of general liability insurance of \$1,000,000; and
  - d) a fee as specified in the Fees & Charges By-Law for each bus or taxi being licensed. Municipal Licenses not issued for a full twelve month period shall be pro-rated based on the number of months the license is issued for multiplied by the license fee and divided by twelve months.
- 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 City shall issue a Livery Vehicle Municipal License to the applicant.
- 4) A License shall be dated the date of issue and shall expire on December 31st of the current year.
- 5) A livery vehicle municipal license tag shall be issued to the applicant and displayed prominently on the Bus or Taxi at all times.
- 6) The City may request license holders to periodically provide a listing of persons that are currently driving the motor vehicle licensed as a livery service.
- 7) The City may issue plates or distinguishing markings which, if issued, taxicab operators shall use and prescribe on their respective taxicabs. In addition the City may direct the removal or relocation of any other markings placed on a taxicab and any owner shall comply with such requests.

**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 City of Portage la Prairie 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 City dated within 30 days of the date of application and;
  - d) has paid the fee set out in the Fees & Charges By-Law.
- 3) In addition to the aforesaid requirements listed in subsection 4.2, a person not possessing a valid unexpired City of Portage la Prairie 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 4)4a);
  - 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 City, upon determining that the applicant has met the conditions set out in subsection 4.2), 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 annually on the last day of the month dated on the driver's license. The expiry date of the permit may be extended to the following year's anniversary month of the driver's license expiry date if the permit application is within three (3) months of the month dated on the driver's license. The extension is eligible if purchase of the Permit for the following year is made at this same time.
- 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 City 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 City 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**

Fares shall be:

- 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 subsection 5.1).

## **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 City; 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 to a fine as set out in Section 249 of the Municipal Act.

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

By-Law No. 7833 and 06-8342 are hereby repealed.

DONE AND PASSED as a By-Law of the City of Portage la Prairie in Council duly assembled this day of

**THE CITY OF PORTAGE LA PRAIRIE**

[original signed by Earl Porter]  
Mayor

[original signed by Sharon Williams]  
Manager of Administration

GIVEN FIRST READING this 25<sup>th</sup> day of June, 2012  
GIVEN SECOND READING this 9<sup>th</sup> day of July, 2012  
GIVEN THIRD READING this 9<sup>th</sup> day of July, 2012