

VILLAGE OF PORT CLEMENTS

BY-LAW NO. 197

A BY-LAW TO REGULATE AND CONTROL THE TAXI OPERATORS WITHIN THE VILLAGE OF PORT CLEMENTS.

The Council of the Village of Port Clements in open meeting assembled enacts as follows:

(1) INTERPRETATION

"Driver" means a person licensed under this By-Law to drive a taxi.

"Owner" means the person registered as owner under the Motor Vehicle Act.

"Taxi" includes any motor vehicle that is operated for hire within the Village for transportation of passengers, but does not include public passenger vehicles as defined by the Motor Carriers Act.

(2) TAXI TRADE LICENSES

(a) Trade Licenses shall be issued by the Municipal Clerk to a person applying for a trade license to own a taxi if such applicant qualifies under and has complied with the licensing provisions of this By-Law.

(b) No person shall own or drive a taxi in the Village unless the owner thereof has been issued and is the holder of a trade license for such taxi under this By-Law.

(3) REQUIREMENTS

(a) Every applicant for a taxi trade license shall produce to the Village Clerk a British Columbia Motor Vehicle License showing the applicant as registered owner of the motor vehicle which the trade license has been applied for.

(b) Before a taxi trade license is issued, the applicant thereof shall file with the Municipal Clerk a certificate from an insurance company entitling the applicant to carry on business in the Province of British Columbia, or the Insurance Corporation of British Columbia, certifying that the applicant is the holder of a policy of insurance with the said company in respect of the said taxi covering:

(i) Public Liability and Property Damage - The minimum amount required by the "Motor Carriers Act".

(ii) Insurance in similar amounts covering injuries to passengers (Passenger Hazard).

(iii) Such certificates shall state that the policy described therein shall not be altered or cancelled until ten days notice in writing is given to the Village Clerk.

(iv) Alteration or cancellation of any such policy of insurance shall automatically suspend the trade license until a new certificate complying with the requirements of this By-Law is filed with the Municipal Clerk.

(4) TAXI INSPECTION

(a) No motor vehicle shall be issued a trade license as a taxi until its owner has satisfied the Motor Vehicle Inspector that the said motor vehicle is in sound and safe condition and has a signed certificate to this effect.

(b) A Motor Vehicle trade licensed as a taxi may be required to pass the Motor Vehicle Inspection at any time, and if said vehicle is found unfit, then the trade license shall be immediately suspended until the motor vehicle is put in such sound and safe condition as the Motor Vehicle Inspector may require.

(5) FEES

The applicant for a taxi trade license shall pay to the Village Collector a fee of Thirty Dollars (\$30.00) each fiscal year.

(6) TRANSFERABILITY

No trade license under this By-Law shall be assignable.

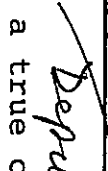
(7) CITATION

This By-Law may be cited for all purposes as the Village of Port Clements Taxi By-Law No 197.

RECEIVED FIRST, SECOND AND THIRD READING THIS Third DAY OF November 1988.


RECONSIDERED AND ADOPTED THIS Seventh DAY OF November 1988.


MAYOR


Deputy Mayor

Certified a true copy
of the Village of Port
Clements By-Law No. 197,
1988 being a Bylaw to
Regulate and Control
Taxi Operators within
The Village of Port Clements.


Clerk


Susan E. Wood
Municipal Clerk

THE VILLAGE OF PORT CLEMENTS

BYLAW NO 197

A Bylaw of the Corporation of the Village of Port Clements for licensing and regulating the owners and drivers of vehicles for hire within the Village.

The Council fo the Corporation of the Village of Port Clements, in open meeting assembled, enacts as follows:

1. This Bylaw may be cited for all purposes as "TAXI-CAB AND RENTAL VEHICLES REGULATION BYLAW NO 197, 1989".

DEFINITIONS

2. (1) In this Bylaw:

"Applicant" means a person who makes and signs an application for a licence required by the provisions of this Bylaw.

"Bylaw Enforcement Officer" means a duly appointed Bylaw Enforcement Officer of the Village.

"Chief Constable" means the senior member of the Royal Canadian Mounted Police in the Village, or his delegate.

"Commercial Vehicle" means a vehicle defined as such in the Commercial Transport Act and any vehicle licenced under the Motor Vehicle Act which is used for the collection or delivery, or both, of goods, wares, merchandise, or other commodity in the ordinary course of a business undertaking.

"Council" means the Council of the Village of Port Clements.

"Driver" includes every person who drives a vehicle for hire and any person with care or control of a vehicle for hire.

"Hire" means any rate, remuneration or reward of any kind paid, payable, or promised, or received or demanded, directly or indirectly.

"Licence" means a licence required or issued under the provisions of this Bylaw.

"Self-Drive Rental Vehicle" means a vehicle wich may be hired by the hour, day, week or longer to be driven by the person renting the vehicle.

"Self-Drive Rental Vehicle Premises" means a place where self-drive rental vehicles may be ordered, hired or rented.

"Taxi-cab" means a vehicle having a seating capacity of not more than six persons which, with its driver, is operated, or plies, for hire by members of the public.

"Taxi-cab Meter" means an instrument or device by which the charge for transportation is calculated and upon which the charge is indicated by means of figures.

"Taxi Stand" means a portion of highway designated pursuant to this Bylaw for the standing or stopping of a taxi-cab.

"Vehicle" means a device in, upon, or by which a person or thing is or may be transported or drawn upon a highway, except a device designed to be moved by human power or used exclusively upon stationary tracks or rails.

"Vehicle for Hire" includes a taxi-cab and rental vehicle.

(2) Where the word "used" appears in this section it includes used, intended, designed or kept for use.

(3) Whenever the masculine or singular is used, the same shall be construed as meaning the feminine or plural as the context may require.

TAXI-CAB BROKER'S LICENCES

3. Every taxi-cab broker shall obtain and hold a taxi-cab broker licence in accordance with the provisions of this Bylaw and in accordance with the provisions of the Business Licence Bylaw of the Village.

4. All applications for licences or transfers of licences shall be made to the Bylaw Enforcement Officer on the form provided for that purpose.

CONDITIONS OF GRANTING OF LICENCE

5. The granting of any licence as herein provided shall be conditional upon the strict observance of this and all other applicable Bylaws and non-compliance with any of the provisions of such Bylaws shall render a licence subject to cancellation by Council or suspension by the Bylaw Enforcement Officer.

6. When considering an application for a taxi-cab broker's licence, the Bylaw Enforcement Officer shall take into consideration the following matters:

(a) Any objection by the Motor Carrier Commission to the granting of such licence on the grounds that the Village is adequately served by existing taxi-cab brokers.

(b) The general effect on other transport services and any public interest which may be affected by the issuance of such licence.

(c) Any objection by any licenced taxi-broker on the grounds that suitable facilities exist and that if the licence were issued, services would be in excess or requirements.

(d) The quality and permanence of the service to be offered by the applicant and the fitness, willingness and ability of the applicant to provide proper service.

(e) For the purposes of subsection (d), an applicant may be deemed not to be a fit person to provide service where he has been convicted of a criminal or summary conviction offence that relates to the operation of a taxi-cab business or to the driving of taxi-cabs for hire.

If, upon consideration of the factors in this section the Bylaw Enforcement Officer is not satisfied that a licence should be issued, he shall report the circumstances to Council together with his recommendation for refusal of the licence.

7. Without restricting the generality of section 6, no taxi-cab broker's licence shall be granted unless:

- (a) The applicant shows to the satisfaction of the Bylaw Enforcement Officer that he and any driver employed by him has reached the age of nineteen years, can speak, read and write the English language, possesses a knowledge of the Village, its traffic regulations and this Bylaw and is fit, willing and able to provide continuous and satisfactory service to the public during the currency of the licence.
- (b) The applicant is the registered owner of the taxi-cab or taxi-cabs which will be used in his business.
- (c) The applicant is a fully qualified taxi-cab driver in accordance with the requirements of this Bylaw.
- (d) The taxi-cabs to be used for the applicant's business are in fit and proper condition in that they comply in all respects with the applicable requirements of the Motor Vehicle Act and Regulations pursuant thereto.
- (e) The applicant files with the Bylaw Enforcement Officer at the time of application:
 - (i) A certificate from an insurance company authorized to carry on in the Province of British Columbia the business of automobile insurance, certifying that the applicant is the holder of an owner's policy of insurance in the said company, covering each taxi-cab to be operated by the business, and that the said policy has been issued to indemnify the applicant and every person who, with the applicant's consent, drives or operates such taxi-cab against public liability and and property damage (including passenger hazard) in not less than the amounts prescribed by or under clause (iii) of this subsection and which, at the date of the certificate, is in full force and effect; or
 - (ii) A bond of a guarantee company authorized and licenced to undertake guarantee insurance in the Province of British Columbia, covering each taxi-cab to be operated by the business which shall be in the form prescribed or approved by the Village. Such bond shall be made and executed to the Village as Obligee and conditioned upon the payment of the amounts prescribed by or under clause (iii) of this subsection for any and all damages or compensation which such applicant may be liable to pay to any person who may be injured by reason of such taxi-cab or the operation or driving thereof; provided that notwithstanding any law or statute to the contrary any such person to whom such applicant shall so become liable shall have a right of action upon such bond against the surety or sureties in such bond for such damages or compensation.
 - (iii) The policy of insurance or bond, as required by clauses (i) and (ii) of this subsection, shall be not less than \$2,000,000.00 per occurrence.

APPEAL FROM REFUSAL OF BYLAW ENFORCEMENT OFFICER TO ISSUE LICENCE

8. (1) Where the Bylaw Enforcement Officer refuses to issue a taxi-cab broker's licence, the applicant may appeal to the council, provided that he shall, within fourteen days of the refusal, file with the Village Clerk a written notice of appeal.
- (2) The appeal is to be heard by Council within one month of the giving of the notice of subsection (1).
- (3) The Council may, upon the affirmative vote of at least two-thirds of the number of members of which the Council consists, refuse in any particular case to grant the licence desired by the applicant, but no licence shall be unreasonably refused.

REGULATION OF TAXI-CAB BROKERS

9. Every person to whom a taxi-cab broker's licence has been issued shall:
- (a) Keep an established place of business in which the licence is conspicuously posted;
- (b) Maintain the taxi-cab premises at all times in a clean and neat state, in good repair and in conformity with the requirement of all applicable bylaws and statutes;
- (c) Immediately notify the Bylaw Enforcement Officer in writing of any change of address of the taxi-cab premises.
- (d) Keep a daily record in the english language of all trips made by each taxi-cab owned by the business, for a period of at least six months from the initial licencing in a form approved by the Bylaw Enforcement Officer and Chief Constable;
- (e) Permit the Bylaw Enforcement Officer or Chief Constable or their delegates to inspect at all reasonable times any taxi-cab premises, records, taxi-cabs or any other thing with respect to any other matter connected with the enforcement of this bylaw;
- (f) Maintain the policy of insurance or bond required by subsection 8(e) in the same form and effect as it exists at the time of issuance of the licence;
- (g) Employ, engage or permit only those persons duly qualified as taxi-cab drivers in accordance with the provisions of this Bylaw and to drive any taxi-cab owned by the business;
- (h) Within two days of employing a driver, notify the Bylaw Enforcement Officer or Chief Constable that he has employed such driver and, when the driver ceases to be employed, within two days notify the Bylaw Enforcement Officer or Chief Constable, giving the reasons for such cessation of employment;
- (i) During the term of employment of any driver keep a record of the number and date of such driver's chauffeur's licence;
- (j) Continue himself to be a fully qualified taxi-cab driver in accordance with the requirements of this Bylaw;

- (k) Submit every newly-acquired vehicle for examination to the Bylaw Enforcement Officer for approval under this Bylaw before using such vehicle as a taxi-cab;
- (1) Cause taxi-cabs to be dispatched in the order of their being requested and if a taxi-cab is not available for service within a reasonable time shall inform the person desiring such service;
- (m) Provide taxi-cab service for all orderly persons upon request within the Village unless unable to do so or prohibited from doing so by the provisions of this Bylaw;
- (n) Take appropriate steps to ensure that his taxi-cabs are maintained in a clean, safe condition and shall provide for the immediate and proper disinfection of a taxi-cab after it has conveyed any person suffering from any contagious or infectious disease.

SUPERVISION OF TAXI-CAB BROKERS

- 10. (1) The Chief Constable and Bylaw Enforcement Officer shall supervise the holders of taxi-cab broker's licences within the Village and all taxi-cab premises to ascertain by inspection and inquiry from time to time whether licences are complying with the provisions of all applicable Bylaws and to enforce the provisions of this Bylaw.
- (2) The Bylaw Enforcement Officer shall, from time to time:
 - (a) Satisfy himself that licencees and all drivers employed by them continue to meet the requirements of this Bylaw; and
 - (b) Keep a record of all taxi-cab meters in use, the identifying number of each and the licence number of the taxi-cab in which the taxi-cab meter is installed.

SUSPENSION OF LICENCE

- 11. Cancellation, expiry or termination of a policy of insurance or bond required by subsection 8(e) shall automatically suspend the taxi-cab broker's licence until a new policy or bond complying with the requirements of that subsection is filed with the Bylaw Enforcement Officer.
- 12. (1) The Bylaw Enforcement Officer may suspend a taxi-cab broker's licence for such period as he may determine if the holder of the licence:
 - (a) is convicted of an offence indictable in Canada;
 - (b) is convicted of any offence under any municipal bylaw or statute of the Province in respect of the business for which he is licenced or with respect to the premises named in his licence;
 - (c) has, in the opinion of the Bylaw Enforcement Officer been guilty of such gross misconduct in respect of the business or in or with respect to the premises named in his licence as to warrant the suspension of his licence;

(d) has ceased to meet the requirements of this ByLaw to carry on the business for which he is licenced or with respect to the premises named in the licence.

(2) Any person whose taxi-cab broker's licence has been suspended under subsection (1) may appeal to the Council and upon such appeal the Council may by resolution confirm or may set aside such suspension on such terms as it may think fit.

REVOCATION OF LICENCE

13. The Council may by resolution revoke a taxi-cab broker's licence for reasonable cause after giving notice to the licensee and after giving the licensee an opportunity to be heard, but such notice and opportunity to be heard is not required in respect of a licensee who by reasonable efforts cannot be found.

REGULATION OF TAXI-CAB DRIVERS

14. No person shall drive, operate or be in charge of a vehicle used as a taxi-cab unless he is the holder of a valid chauffeur's licence issued by the Chief Constable in accordance with the Motor Vehicle Act.

15. (1) No driver of a taxi-cab shall:

(a) Refuse or neglect to convey any orderly person or persons upon request in the Municipality unless previously engaged or unable or prohibited by the provisions of this Bylaw;

(b) Convey any person or persons other than the person or persons first engaging the taxi-cab;

(c) Charge separate fares to each passenger;

(d) Seek employment by repeatedly and persistently driving his taxi-cab to and fro upon any street or in a short space in front of, or by otherwise interfering with the proper and orderly access to or egress from, or by cruising or hovering in front of any place of public gathering; provided however, that the driver of a taxi-cab may accept passengers at any place of public gathering so long as his taxi-cab is lawfully parked in the vicinity of the place or building where such public gathering is taking place;

(e) Loiter or cruise about the streets with his taxi-cab for the purpose of obtaining fares;

(f) Carry in any taxi-cab a greater number of passengers than the number of passengers such vehicle is designed to seat;

(g) Load, carry or transport any baggage on the outside of any taxi-cab, except in properly constructed racks for that purpose;

(h) Stand in such manner so as to obstruct the free use of the sidewalk or make any loud noise or disturbance nor use any obscene, impudent or abusive language, nor molest, annoy, or insult passers-by or occupants or adjoining premises.

- (2) Every driver of a taxi-cab shall:
- (a) Be neatly and properly dressed, neat and clean in person and civil and well-behaved;
 - (b) Remain within 7.5 metres (25 ft) of his taxi-cab when the same is waiting for dispatch;
 - (c) Keep the doors of such taxi-cab closed when the same is waiting for passengers.
 - (d) Proceed by the most direct travelled route to the point of destination unless otherwise directed by the passenger;
 - (e) Take due care of all property delivered or entrusted to him for conveyance or safekeeping, and immediately upon the termination of any hiring or engagement, shall carefully search his vehicle for any property lost or left therein; and all property and money left in his taxi-cab shall be forthwith delivered over to the person owning the same, or if unclaimed or if the owner cannot be found, the same shall be delivered to the Chief Constable, with all information in his possession regarding such property;
 - (f) Keep a daily record properly recorded and in legible writing all trips made by him, including:
 - (i) the date, time , origin and destination of each trip;
 - (ii) the driver's name and address;
 - (iii) the provincial licence number of the taxi-cab; and
 - (iv) the speedometer reading at the start and finish of the driver's shift;
 - (g) Deposit the record required in subsection (f) of this section with the owner of the taxi-cab at the end of his shift or as soon as possible thereafter;
 - (h) When called upon to do so, assist any constable in the conveyance in his vehicle of any person to the police station in the Village, or in the conveyance of any person to a hospital or elsewhere as may be required or demanded and the driver shall be entitled after the performance of such service, to the corresponding charge or fare therefor from the proper authorities.
- (3) REFUSAL OF TAXI-CAB DRIVER'S PERMIT
- If the applicant has been convicted of the following offences within the past three years his application may be rejected or his permit may be cancelled:
- (1) an indictable offence under the Criminal Code;
 - (2) a conviction involving use of or dealing in intoxicants or illicit drugs under the Liquor Control Act, Narcotic Control Act or the Food and Drug Act.

(4) APPEAL

- (a) An appeal from the refusal, suspension or cancellation of a Chauffeur's Permit shall lie with the Council.
- (b) The decision of the Council shall be final.

REGULATIONS OF VEHICLES USED AS TAXI-CABS

16. No motor vehicle shall be operated as a taxi-cab except by the owner thereof, or by a driver employed by and directly responsible to such owner.

17. (1) Every owner of a taxi-cab shall have painted or permanently affixed on either the rear or front door on each side of such taxi-cab a business name which shall include the word "Taxi" and such name shall be printed in lettering not less than two inches high and shall be kept clear, clean and distinguishable at all times. In addition an illuminated sign, complying in all respects with the regulations made pursuant to the Motor Vehicle Act, bearing the word "Taxi" or "Cab" shall be placed in the front of the taxi-cab, either on the outside above the windshield, or inside behind the windshield in a position satisfactory to the Chief Constable or Bylaw Enforcement Officer. Such sign shall be kept illuminated during the hours of darkness while the taxi-cab is in operation.

18. (1) It shall be unlawful for any person to drive or operate or engage in the business of operating a taxi-cab, unless such taxi-cab is equipped with a taxi-cab meter which complies in every respect with the requirements herein set out.

(2) All taxi-cab meters shall register the distance and corresponding rate or charge thereof while under hire, and shall be kept in a condition insuring accuracy and continuous registration during hire, and shall be so installed as to be automatically operated when the taxi cab is in motion as well as when such vehicle is standing under hire.

(3) No person shall use or permit to be used a taxi-cab meter which is in such condition as to be over two percent (2%) incorrect to the prejudice of any passenger.

(4) Every taxi-cab meter shall be:

- (a) Submitted to the Bylaw Enforcement Officer before its initial use and subsequently when required for testing, inspection and sealing; and no taxi-cab meter shall be used on any taxi-cab until the same has been inspected, tested and sealed by the Bylaw Enforcement Officer in such manner as he may deem advisable, and until the same has been certified as accurate, subject to subsection (3) hereof;

(b) Adequately illuminated at all times when in use between dusk and dawn;

18. (4) (c) Installed and placed at the right side of the driver and in such position that the fare to be paid by the passenger may be easily read from the rear seat, and shall be so placed in the taxi-cab that the signal lever, indicating whether or not the meter is registering, shall be in plain view both from within and without the taxi-cab. If the meter is not equipped with a signal lever, lights shall be installed on both rear fenders which shall be connected and operated in conjunction with the taxi-cab meter and shall indicate while lighted that the vehicle is for hire. Receipt issuing taxi-cab meters shall be equipped with lights as above provided for and every taxi-cab shall be equipped and shall have attached to such vehicle in a location and manner and of a type approved by the Bylaw Enforcement Officer an sign or signs which will indicate whether the vehicle is "for hire" or "engaged". Such signs shall be adequately illuminated when displayed between dusk and dawn;
- (d) Tested from time to time by running the vehicle to which it is attached over a measured track or distance before being sealed;
- (e) Used only when the seal thereon is intact;
- (f) Submitted to be retested and resealed by the Bylaw Enforcement Officer every six months;
- (g) Kept in good working condition at all times, and not used when defective in any way.
- (5) No driver while carrying passengers or under engagement shall display the signal lever of a taxi-cab meter at such position as to denote that such cab is not engaged or to display the signal lever or any sign at such position as to denote that such taxi-cab is engaged, when such vehicle is not actually engaged.
- (6) The driver shall place the signal lever of the taxi-cab meter in a recording position immediately on the commencement of a trip with a passenger, and at the termination of such trip shall place the signal lever in the non-recording position and shall call the attention of the passenger to the amount of the fare registered on the meter.
- (7) Subsections (5) and (6) of this section shall not apply when a taxi-cab is being operated on a time only or mileage only basis.
19. (1) No taxi-cab shall be equipped with blinds or other devices so as to obstruct a clear, unrestricted vision through any windows.
- (2) Every taxi-cab shall be equipped with an interior light sufficient to illuminate the entire passenger compartment and such light shall, at all times, be maintained in proper working order.

TAXI STANDS

20. Council may by resolution designate portions of public highways for use as a taxi stand by a specified vehicle or taxi-cab broker.

SELF-DRIVE RENTAL VEHICLE BUSINESS

21. No owner shall let for hire a self-drive rental vehicle to any person apparently under the influence of liquor or drugs or to one who, he has reason to suspect, may use the vehicle for any unlawful purpose.
22. No person shall use a self-drive rental vehicle for the transportation of persons or property for hire, nor shall he permit such vehicle to be used by any other person for such purpose.
23. (1) Every person who operates a self-drive rental vehicle premises shall keep a record book in which shall be recorded each and every separate hiring of a self-drive rental vehicle hired from such premises and such record book shall be signed by every person hiring a vehicle therefrom.
(2) The record required by subsection (1) of this section shall be available at all reasonable times for inspection by the Bylaw Enforcement Officer and Chief Constable and shall contain the following information:
 - (a) Description of vehicle, make of car, registration number, serial number.
 - (b) Description of person renting vehicle: name, address occupation, driver's licence number.
 - (c) Time of Engagement:

Out	Date	Hour	A.M. or P.M.
In	Date	Hour	A.M. or P.M.
24. No self-drive rental vehicle shall be let for hire until the person hiring the same has produced a subsisting driver's licence under the Motor Vehicle Act or equivalent legislation and until the owner or other person in charge of the self-drive rental vehicle premises has compared the signature on such licence with the signature in the record and is satisfied that they were written by the same person.
25. COMMERCIAL VEHICLES
Every commercial vehicle operator and every owner of a commercial vehicle shall have his name and address plainly painted in a conspicuous place on both sides of every commercial vehicle used by him for his trade or business.
26. No owner or driver of a commercial vehicle shall carry or permit to be carried for hire any passenger or person on such commercial vehicle.

OFFENCES AND PENALTIES

27. (1) Every person who violates any of the provisions of this Bylaw, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this Bylaw, commits an offence and is liable to the penalty hereinafter provided.
(2) Every person who makes any false statement in any application for a licence under the provisions of this Bylaw commits an offence against this Bylaw.
28. Every person who violates any provision of this Bylaw shall, upon summary conviction, be liable to a fine of not more than two thousand dollars and costs.

READ a first time this 3rd day of November , 1988

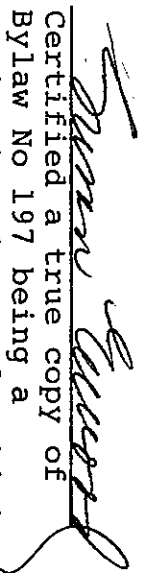
READ a second time this 3rd day of November , 1988

READ a third time this 13th day of February , 1989

RECONSIDERED and adopted this 20th day of February , 1989


Mayor


Municipal Clerk


Certified a true copy of
Bylaw No 197 being a
Taxi-Cab and Rental Vehicles
Regulation Bylaw for the
Village of Port Clements