

**THE TOWN OF CHURCHILL
BY-LAW NO. 791/2019**

**BEING A BY-LAW OF THE TOWN OF CHURCHILL FOR THE REGULATION OF TAXICABS
WITHIN THE BOUNDARIES OF THE TOWN OF CHURCHILL**

WHEREAS under section 23 of *The Highway Traffic Act* a municipality may pass a by-law providing for the licensing and regulating of taxicab businesses;

NOW THEREFORE the Town of Churchill in Council assembled at Churchill, Manitoba enacts as a by-law the following:

Part 1 – Licenses required

- 1.1 No person may carry on the taxicab business within the Town unless the person has an operator's license for the purpose.
- 1.2 No person may operate a taxicab within the Town unless the person has a taxicab driver's license for the purpose.

Part 2 – Applications for licenses

- 2.1 To be eligible to obtain and keep an operator's license a person must meet the following requirements:
- (a) Continually operate the taxicab business in the Town;
 - (b) Be a resident of the Town and at least 18 years of age, or in the case of a corporation be managed by such a person;
 - (c) Be the owner or lessee of the taxicab used in the business;
 - (d) Have a taxicab driver's license;
 - (e) Ensure that the taxicab is operated only by persons holding taxicab driver's licenses;
 - (f) Maintain Autopac all perils coverage, and third-party liability insurance including passenger hazard of at least \$1 million, for the taxicab;
 - (g) Produce evidence satisfactory to the Town that the above requirements have been met;
 - (h) Provide the Town with a description of the taxicab for which the license is issued (including year of manufacture, make and model, serial number) and keep the information current;
 - (i) Pay the fees specified in Schedule B;
 - (j) Annually submit a completed application in the form provided by the Town, including a safety inspection report in the form of Schedule C signed by a qualified motor vehicle mechanic;
 - (k) Operate the business in compliance with this by-law.
- 2.2 To be eligible to obtain and keep a taxicab driver's license a person must meet the following requirements:
- (a) Be at least 18 years of age;
 - (b) Hold a Province of Manitoba driver's license of a minimum Class 4, and not be subject to prohibition from driving a car or operating a taxicab for any reason;
 - (c) Have a driving record which is consistent with fitness to drive a public conveyance;
 - (d) Be of good character;
 - (e) Produce evidence satisfactory to the Town that the above requirements have been met, including submitting to a criminal records search;
 - (f) Pay the fees in Schedule B;
 - (g) Submit completed applications in the form provided by the Town, with the application sponsored by the holder of an operator's license (unless the applicant holds an operator's license);
 - (h) Comply with the duties of a taxicab driver under this by-law.

Part 3 – Maximum number of taxicabs

- 3.1 There must be an operator's license for each taxicab, and there may be no more than 6 operator's licenses in effect at the same time.
- 3.2 If at the time for annual renewal of operator's licenses the Town receives more than 6 applications, prior holders of licenses must be given priority unless they have failed to comply fully with this by-law. In the latter case, Council makes the decision (despite 4.1) in its unfettered discretion as to whether the license is issued to the prior operator or the new applicant.
- 3.3 Despite 3.1, the Town may issue an additional license on application by a new operator if an operator fails or ceases to operator a taxicab for any reason for more than 7 days, without the need for suspension or cancellation of the license.
- 3.4 Despite 3.1, Council may authorize the issuance of temporary operator's licenses for stated days or special occasions.

Part 4 – Issuance of licenses

- 4.1 Applications are administered, reviewed and issued by the Municipal Support Officer.
- 4.2 If the Municipal Support Officer refuses to issue a license, the applicant may request Council to review the decision under Part 9.
- 4.3 Besides the operator's license the Municipal Support Officer will issue to the licensee a numbered decal. The license must be prominently displayed inside the taxicab for which it was issued, and the decal attached at the lower left side of the front windshield.

Part 5 – Expiry of licenses

- 5.1 An operator's license expires at midnight on the last day of February in any year.
- 5.2 A taxicab driver's license expires at midnight on the last day of the month in which the licensee's date of birth falls.
- 5.3 Licenses may be renewed by application in accordance with Part 2.
- 5.4 A taxicab driver's license is automatically canceled (without notice) upon the cancellation or suspension of the person's Manitoba driver's license.

Part 6 – Transfer of licenses etc.

- 6.1 A holder of an operator's license may transfer it to another person if:
- the transferee qualifies under 2.1 and submits the necessary information and application;
 - the licensee produces copies of documents under which the operator is conveying the business to the transferee;
 - the licensee submits the transfer fee specified in Schedule B;
 - the licensee surrenders the license to the Municipal Support Officer who will endorse the transfer on it if the above requirements have been met.
- 6.2 A taxicab driver's license is not transferable.
- 6.3 A taxicab operator may not transfer from one taxicab dispatch service to another without the prior approval of the Municipal Support Officer. Application for the transfer may be made on a form provided by the Municipal Support Officer accompanied by the fee specified in Schedule B.

Part 7 – Operating regulations

- 7.1 Operators and drivers must remain eligible under 2.1 and 2.2 respectively at all times.
- 7.2 An operator is responsible for the actions of a driver. The operator's license is subject to suspension and cancellation for failure to ensure compliance by a driver with this by-law.
- 7.3 An operator or in the case of a corporate operator, its manager, must not be absent from the Town for a period of more than 30 days without first obtaining the written approval of the Municipal Support Officer.
- 7.4 A taxicab must not be driven by anyone except a licensed taxicab driver.
- 7.5 No operator may:
- (a) drive a taxicab or require or permit a driver employed by the operator to drive a taxicab more than 12 hours in any one day; or
 - (b) require or permit a driver employed by the operator to drive a taxicab more than 6 days in any one week
- 7.6 A taxicab driver must notify the Municipal Support Officer within 14 days of a change in employer or a change in address.
- 7.7 A taxicab must not be used for any other business.
- 7.8 A taxicab business (including offices, taxi dispatch centres and garages where taxicabs are kept, hired, stored or repaired) must not be operated on premises that are within an area designated as a residential zoning district in the Town's Zoning By-law.
- 7.9 A taxicab must have painted or permanently affixed on each side of the taxicab a business name including the word "Taxi" or "Cab". The name must be in lettering no less than 7 cm high and shall be kept clear, clean and distinguishable at all times. No other lettering, numbering or advertising device is permitted. The taxicab must have an approved light on top of the car, lit at all times while the taxicab is available for hire. There must be a designating fleet number, no less than 7 cm high, as assigned by the Municipal Support Officer, on each side and on the rear of each taxicab.
- 7.10 In a taxicab, two "Important Public Notice" stickers provided by the Municipal Support Officer must be placed inside, one on each of the passenger windows in the rear of the taxicab in a location readily visible to passengers. The notices will state the following:
- "The taxicab driver's license must be posted in the interior of his taxicab.*
- If you have a complaint or compliment to make, call the Municipal Support Officer at 675-8871. Please note the number on the side or the rear of this taxicab and/or the number of taxicab driver's license as posted in his taxicab.*
- The amount of the taxicab fare must be displayed on each of the passenger windows in the rear of the taxicab in a location that is readily visible to passengers."*
- Taxicab operators and drivers must comply with the posting and display requirements described in the "Important Public Notice" sticker.
- 7.11 Taxicabs must be kept in proper repair and clean and sanitary condition.

- 7.12** No operator shall operate a vehicle as a taxicab that in the opinion of the Municipal Support Officer based on the inspection and recommendation of a qualified mechanic is structurally or mechanically unsafe or unsound.
- 7.13** An operator must report an accident involving a taxicab to the Municipal Support Officer within 72 hours and must make the taxicab available to the Municipal Support Officer for inspection, on request.
- 7.14** A taxicab must be operated at a safe rate of speed consistent with weather conditions, traffic congestion, danger at intersections, curves, railway street crossings, school zones or other conditions requiring extra caution.
- 7.15** A taxicab driver must, when in charge of a taxicab:
- (a) Place his or her taxicab driver's license in a holder supplied by the operator and display the holder in a position so that the license is clearly visible to passengers in all seats;
 - (b) Not demand the payment of a fee not specifically authorized by the tariff of fees established by this by-law;
 - (c) Not allow alcoholic beverages to be consumed in the vehicle, nor have alcoholic beverages transported in the taxicab unless the property of a passenger who is at least 18 years of age;
 - (d) Not drive immediately after drinking alcoholic beverages;
 - (e) Not carry more passenger than the designed seating capacity for the vehicle, and not permit more than one passenger in the front.
 - (f) Unless otherwise directed by a passenger, deliver passengers by the most direct practicable route to their destination;
 - (g) Whenever requested by a passenger, issue a receipt for the amount of the fare paid by the passenger.
 - (h) Be neatly dressed, well-groomed, clean, well-behaved and courteous to passengers;
 - (i) Not park, wait or stand directly in front of or at the entrance to a theater, hotel, shopping center or other place of public use, unless a taxi stand is provided, in which case the driver must park, wait or stand only at the taxi stand.
- 7.16** When an article of value is left in a taxicab by a passenger the driver must report the matter to the local detachment of the Royal Canadian Mounted Police as soon as practicable.
- 7.17** When a taxicab is waiting for or looking for passengers, the driver must accept as a passenger any person who wants the service, unless the person:
- (a) cannot show that he or she can pay the fare; or
 - (b) represents a danger to the driver or other passengers
- 7.18** There shall be no smoking permitted in a taxicab by either driver or passengers. The owner of the taxicab shall place "No Smoking" stickers in each taxicab

Part 8 – Tariff of fares

- 8.1** Fares are fixed as specified in Schedule A. An operator or driver must not publish, advertise, charge, demand, collect or receive any fare, rate or compensation other than the amount fixed in Schedule A, nor give a free ride, premium coupon or thing to a passenger as an inducement to secure patronage.

Part 9 – Powers of the Municipal Support Officer

- 9.1** The Municipal Support Officer is authorized to stop, enter and inspect a taxicab and order it out of service if it is found to be unsafe, unclean or otherwise not in compliance with this by-law. A taxicab so ordered out of service may be put back into service upon the approval of the Municipal Support Officer.
- 9.2** The Municipal Support Officer may inspect business offices, taxi dispatch centres and garages where taxicabs are kept, hired, stored or repaired, and may examine accounts, records or documents relating to matters regulated by this by-law.
- 9.3** With respect to operator's licenses, the Municipal Support Officer may:
- (a) refuse to issue or renew a license where the applicant or operator does not, in the opinion of the Municipal Support Officer, comply with the requirements of this by-law;
 - (b) suspend a license for a period of up to 30 days, if in the opinion of the Municipal Support Officer the requirements of this by-law have not been complied with, or the condition of the taxicab in respect of which such license has been issued so warrants; and
 - (c) in addition to such suspension, recommend to Council cancellation of the license or suspension of it for a further period, where in the opinion of the Municipal Support Officer, the nature of the noncompliance with this by-law warrants.
- 9.4** With respect to taxicab driver's licenses, the Municipal Support Officer may:
- (a) refuse to issue or renew a license where the applicant or driver does not, in the opinion of the Municipal Support Officer, comply with the requirements of this by-law;
 - (b) suspend a license for a period of up to 30 days, if in the opinion of the Municipal Support Officer the driver fails to comply with the requirements of the by-law or is unfit to drive a public conveyance by reason of a poor driving record, bad character or conduct, or poor health; and
 - (c) in addition to such suspension of it for a further period, where in the opinion of the Municipal Support Officer, the nature of the noncompliance with this by-law or the unfitness warrants.
- 9.5** A person affected by a decision of the Municipal Support Officer may request Council to review the decision by written notice to the Executive Director within 14 days after the date the person receives notice of the decision (subject to 9.1).
- 9.6** Upon receiving a request for review, the Executive Director shall set a date and time for the review of the order and shall notify the person of the date of the review. The date must be no later than 10 days after the Town receives the request for review, unless the person requests or consents to a later date.
- 9.7** At the time and place set out in the notice, Council shall consider the request for review, and the person may appear in person or by counsel. After reviewing the decision, Council may confirm, vary, substitute or cancel it.
- 9.8** Where the Municipal Support Officer suspends a license and recommends to Council a further suspension or cancellation, the consideration by Council of a further suspension or cancellation is deemed to include a review of the Municipal Support Officer's decision. Therefore, a request for review is not necessary. The Executive Director must set a date for a hearing of the issue by Council no later than 14 days after the suspension takes effect. A hearing will be carried out in the manner of 9.6 and 9.7.

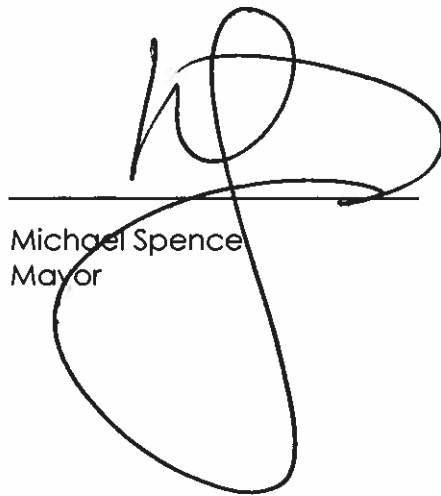
Part 10 – Penalty

- 10.1 On conviction for an offence for contravention of this by-law, a fine of up to \$1000.00 may be imposed.
- 10.2 An unpaid fine may be collected in any manner in which a tax may be collected and enforced under *The Municipal Act*, including remedies available against the property of the convicted person.

Part 11 – Repeal and transitional

- 11.1 Be it resolved that Schedule A to By-law 761/2013 is repealed and replaced by By-law #769/2015.

PASSED AND ENACTED at Churchill, Manitoba this 24th day of July, 2019



A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned above a horizontal line.

Michael Spence
Mayor



A handwritten signature in black ink, appearing to read 'Cory Young', positioned above a horizontal line.

Cory Young
Executive Director

Read a first time this 20th day of June, A.D., 2019
Read a second time this 20th day of June, A.D., 2019
Read a third time this 24th day of July, A.D., 2019

SCHEDULE "A" to BY-LAW NO. 791/2019**TAXICAB RATES**

(1)	For conveying one - four passengers within the Townsite (one way)	\$ 9.00
(2)	For conveying one - four passengers within the Townsite (one way) CORPORATE RATE	\$12.00
(3)	For conveying a senior (60+) to stop within town	\$ 7.00
(4)	For each stop made while en route to passenger's destination (trip with stops – within town limits)	\$ 1.00
(5)	For each trip stop made while en route to passenger's destination (stop greater than 5 minutes)	\$ 2.00
(5)	For pick up and conveyance of miscellaneous items <u>other than</u> <u>passengers</u> (a) in town	\$12.00
	(b) to/from airport	\$25.00
(6)	For conveying from Town to Airport or Airport to Town CORPORATE RATE	\$30.00
(7)	For conveying passengers to/from Cape Merry (one way)	\$15.00
(8)	For conveying passengers to/from Boreal Gardens (one way)	\$12.00
(9)	For conveying passengers to/from airport (one way, for one drop off point only) All subsequent drop-offs are \$25.00 each	\$25.00
(10)	For pick up or conveyance to/from Goose Creek (one way)	\$40.00
(11)	For conveying passengers to/from Metal Dump (one way)	\$25.00
(12)	For conveying passengers to/from Old Dump (one way)	\$30.00
(13)	For conveying passengers to/from Landing Lake (one way)	\$45.00
(14)	For pick up or conveyance to/from the Rocket Range (one way)	\$50.00
(15)	½ Hourly Flat Rate	\$30.00
(16)	Hourly Flat Rate	\$60.00
(17)	After Hours Calls (local)	\$30.00
(18)	After Hours Calls (airport)	\$50.00

SCHEDULE "B" TO BY-LAW NO. 791/2019

TAXICAB OPERATION FEES

1. The Annual Operator's Business License Fee for the operation of a taxicab business in The Town of Churchill is TWO HUNDRED DOLLARS (\$200.00) plus SEVENTY-FIVE DOLLARS (\$75.00) per vehicle referred to in an application made under Section 2.2 of Part II of the By-law.
2. The Annual Operator's Business License Fee if application is made therefore after September 1st of any year is SEVENTY-FIVE DOLLARS (\$75.00).
3. A Taxicab Driver's License Fee is FIFTY DOLLARS (\$50.00).
4. The fee for the transfer of an Operator's License of one vehicle to another is TEN DOLLARS (\$10.00).
5. The transfer fee in respect of the transfer of an Operator's License from one person to another is THREE THOUSAND DOLLARS (\$3000.00).

SCHEDULE "C" to BY-LAW NO. 791/2019

SAFETY INSPECTION SHEET

*****Annual Safety Inspections Shall Be Completed At Owner's Expense*****

OPERATOR'S NAME: _____

() REPAIRS NEEDED () UNSAFE () OKAY

MAKE: _____ MODEL: _____

DATE OF INSPECTION: _____

VEHICLE NO.: _____ COMPANY: _____

MILEAGE: _____ YEAR: _____

CONDITION OF BRAKES

	<u>Okay</u>	<u>Unsafe</u>	<u>Repairs</u>
<u>Required</u>			
PEDAL FREE PLAY	_____	_____	_____
MASTER CYLINDER	_____	_____	_____
BRAKE HOSES FRONT	_____	_____	_____
BRAKE HOSES REAR	_____	_____	_____
ANY VISUAL LEAKS AT FRONT BRAKE DRUMS	_____	_____	_____
ANY VISUAL LEAKS AT REAR BRAKE DRUMS	_____	_____	_____
EMERGENCY BRAKES	_____	_____	_____
BRAKING ABILITY OF CAR ON ROAD TEST	_____	_____	_____

CONDITION OF STEERING

	<u>Okay</u>	<u>Unsafe</u>	<u>Repairs</u>
<u>Required</u>			
TIE ROD ENDS	_____	_____	_____
IDLER ARM	_____	_____	_____
LOWER BALL JOINTS	_____	_____	_____
UPPER BALL JOINTS	_____	_____	_____
STEERING BOX	_____	_____	_____
UPPER CONTROL ARM BUSHINGS	_____	_____	_____
FRONT SHOCKS	_____	_____	_____
REAR SHOCKS	_____	_____	_____
STEERING ABILITY OF CAR ON ROAD TEST	_____	_____	_____

CONDITIONS OF TIRES

TIRES ON VEHICLE MUST NOT EXCEED 60% WEAR

RIGHT FRONT _____

RIGHT REAR _____

LEFT FRONT _____

LEFT REAR _____

CONDITION OF EXHAUST SYSTEM

	<u>Okay</u>	<u>Unsafe</u>	<u>Repairs Required</u>
EXHAUST MANIFOLD	_____	_____	_____
EXHAUST PIPE	_____	_____	_____
MUFFLER	_____	_____	_____
TAIL PIPE	_____	_____	_____
CONDITION OF HORN	_____	_____	_____
CONDITION OF WINDSHIELD WIPERS	_____	_____	_____
CONDITION OF REAR VIEW MIRRORS	_____	_____	_____
CONDITION OF FRONT WINDSHIELD	_____	_____	_____
CONDITION OF REAR WINDOW	_____	_____	_____
CONDITION OF SIDE WINDOWS	_____	_____	_____

CONDITION OF LIGHTS

HEADLIGHTS – HIGH BEAM	_____	_____	_____
HEADLIGHTS – LOW BEAM	_____	_____	_____
TURN SIGNALS	_____	_____	_____
BRAKE LIGHTS	_____	_____	_____
EMERGENCY FLASHERS	_____	_____	_____

CONDITION OF BODY

IS THERE ANY LOOSE CHROME OR JAGGED EDGES? IF SO, SPECIFY:

ARE THERE ANY SEAT BELTS IN FRONT? YES _____ NO _____

ARE THERE ANY SEAT BELTS IN BACK? YES _____ NO _____

PROPRIETOR SIGNATURE

MECHANIC'S SIGNATURE

MECHANIC'S PROVINCIAL LICENSE NO.
(DEPARTMENT OF LABOUR)

SCHEDULE "D" to BY-LAW NO. 791/2019

HOURS OF OPERATION

- | | | |
|-----|------------------------------------------------------------|-------------------------------------------------------------------------------------------------|
| (1) | WEEKDAYS: (Monday through Thursday) | 7:00 am to 1-hour past closing for any establishment where alcoholic beverages are legally sold |
| (2) | WEEKENDS: (Friday and Saturday) | 7:00 am to 3:00 am |
| (3) | SUNDAYS: | 9:00 am to 10:00 pm |
| (4) | EARLY BOOKINGS will be accepted for service before 7:00 am | |

SCHEDULE "E" to BY-LAW NO. 791/2019

THE TOWN OF CHURCHILL

SECURITY CHECK APPLICATION

1. Complete this application.
2. Bring this application **AND** the following items to the RCMP Detachment:
 - (a) Valid driver's license
 - (b) Driver's Abstract from Motor Vehicle Branch
 - (c) Fee of \$10.70 (cash or money order) *this amount is required by the RCMP in order to complete a criminal records check*
3. In approximately one week contact the Town Administration office to pick up your processed application.

APPLICANT: _____
Surname First Name Middle Name

SEX: M or F ADDRESS: _____

PHONE NUMBER: _____

DATE OF BIRTH: ___/___/___ BIRTHPLACE: _____
Y M D City Province

HEIGHT: _____ WEIGHT: _____ EYE COLOUR: _____

HAIR COLOUR: _____ DRIVER'S LICENSE NUMBER: _____

APPLICATION: NEW _____ RENEWAL _____

TO BE COMPLETED BY SPONSOR:

ON _____ AT _____ I PERSONALLY
Date Time

INTERVIEWED _____ AND REVIEWED ALL THE
Taxi Driver Applicant

NECESSARY DOCUMENTATION PROVIDED BY THE APPLICANT. I HOLD

THE POSITION _____ WITH _____
Title Cab Company

SIGNATURE: _____

I may apply to The Town of Churchill with my sponsor for a hearing if my application is rejected for any reason.

I HEREBY GRANT PERMISSION TO THE RCMP TO RELEASE ANY INFORMATION TO THE TOWN OF CHURCHILL ABOUT MY CRIMINAL RECORD CONCERNING THIS APPLICATION.

(Signature of Applicant) _____

POLICE OFFICE USE ONLY

DATE: _____

- | | | | | | |
|----------|------------------|----------|------------|----------|----------|
| A | Local Check | C | CPIC Check | E | Approved |
| B | Provincial Check | D | PIRS Check | F | Refused |

REMARKS: _____
