

THE CITY OF FLIN FLON

**BY-LAW NO. 2019 - 04**

*Local Vehicles for hire By-Law*

PASSED: February 5, 2019

WHEREAS Section 232 of The Municipal Act respectfully provide, in part, as follows:

232(1) A council may pass by-laws for municipal purposes respecting:

- (a) the safety, health, protection and well-being of people, and the safety and protection of property;
- (b) local transportation systems;
- (c) businesses, business activities and persons engaged in business; and
- (d) 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;
- (b) 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;
- (c) subject to the regulations, provide for a system of licenses, permits or approvals.

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:

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 for;

- (a) determining the manner in which licenses are to be allocated, including limiting the total number of licenses, or the number of licenses within a particular class, that are to be issued;
- (b) prohibiting, controlling or limiting the transfer of licenses;
- (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 license holder;
- (d) 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;
- (e) specifying the amount and type of insurance that must be obtained and held by an applicant or license holder;

AND WHEREAS the City considers the rights and freedoms of its residents very important and to that end, it is deemed desirable and in the public interest with respect to the safety, health, protection and wellbeing of the citizens to license the operators and drivers of taxicabs, limousines and other Local Vehicles for Hire, and to regulate the business itself within the municipality;

NOW THEREFORE THE COUNCIL OF THE CITY OF FLIN FLON, DULY ASSEMBLED, ENACTS AS FOLLOWS:

**SHORT TITLE**

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

**DEFINITIONS**

"**CITY**" means the City of Flin Flon;

"**COUNCIL**" means the Council of The City of Flin Flon;

"**DRIVER**" means the holder of a valid Class 4 Driver's License who is hired as a driver by the Taxicab Company.

"**ENGINEERING SERVICES**" means the Engineering Services Committee appointed by The City of Flin Flon.

"**EXCLUDED VEHICLES**" means:

- A vehicle used without compensation from the passengers such as a complimentary hotel shuttle, charity or funeral services provided;
- An emergency vehicle;
- A bus or Handivan with a manufacturer's seating capacity originally designed for 10 or more occupants including the driver. For greater certainty, a vehicle fitted for use by wheelchairs and operated by Flin Flon's Handivan service is excluded by by-law;

**"LICENSE YEAR"** means the calendar year unless otherwise noted;

**"LIMOUSINE"** 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.;

**"METER"** means a device that is installed in the vehicle which computes and shows the fare payable for each trip calculated on the distance traveled or a waiting time elapsed or both;

**"OWNER/OPERATOR"** means the holder of a Local Vehicle For Hire Business License issued by The City of Flin Flon;

**"POINT TO POINT"** is a term used in conjunction with a Ride-Sharing Service to refer to the vehicle and driver providing the trip to the passenger who has booked and paid for this service via an electronic application only;

**"VEHICLE FOR HIRE"** means a vehicle:

- (a) With a manufacturer's seating capacity originally designed for 10 or fewer occupants including the driver;
- (b) That is used to transport a passenger for compensation;
- (c) Includes taxis, shuttles, limousines, or PTP (Point to Point) vehicles hired through a ride sharing service-a digital application network or platform as authorized by the City;

**"VEHICLE FOR HIRE BUSINESS"** means a business operating a taxi, shuttle or limousine service or a dispatcher operating a ride sharing service through a digital application platform. This service must be available 24 hours every day of the week;

**"VEHICLE FOR HIRE LICENSE"** means a license issued pursuant to this by-law;

## **REGULATORY REQUIREMENTS**

### **1. VEHICLE FOR HIRE BUSINESSES**

- (a) Businesses are required to obtain a Business License annually by January 1.
- (b) Any company applying for a business must provide the service 24 hours per day and 7 days per week. Any business that cannot meet this requirement may submit a request for an exemption to The City of Flin Flon. New businesses must first obtain approval from the Engineering Services Committee.
- (c) Applications for exemptions must be submitted to the Engineering Services Committee for a recommendation before receiving approval at a Regular Meeting of Council within 30 days of receipt by The City of Flin Flon.
- (d) Existing businesses are not exempt from Regulatory requirement 1(b) however will be granted 6 months from the date of this bylaw coming into force to obtain an exemption.
- (e) The Vehicle for Hire Business License shall be conspicuously posted in the premises or chief place of business.
- (f) Businesses owning and operating a Local Vehicle for Hire service are required to submit a current list of licensed vehicles and drivers that are employed by the service. Any business wishing to operate more than 5 vehicles must first obtain approval from the Engineering Services Committee.
- (g) Vehicle passengers are limited to the driver and fare paying passengers only without exception.
- (h) All applications, permits and licenses are subject to the approval of the License Inspector.
- (i) All applications must be accompanied by the relevant fees.
- (j) Signage provided upon approval of the license must be displayed on/in the vehicles clearly visible to the passengers.
- (k) Fares may be charged as a flat rate per trip or as recorded on the meter. Both flat-rate trips and meters are supported under this bylaw. The flat rate per trip must be agreed to by the passenger before embarking on the ride.
- (l) Flat rate services must be posted in the vehicle in a manner visible to the passenger. If the ride has been booked through a ride-sharing service, the flat rate is paid for by the passenger through the electronic application in advance of the ride.

- (m) Each municipality governs local vehicles for hire trips within its boundaries. This bylaw governs all trips commencing within The City of Flin Flon.
- (n) Notwithstanding tender of fees and other technical compliance with the application process set out in this by-law, or previously given approvals, the Engineering Services Committee enjoys authority to refuse any application, revoke, cancel or suspend any license, vehicle permit or driver authorization under this by-law, for cause, including, without limiting the generality of the foregoing, violations or currently unresolved charges under the Criminal Code, liquor control legislation, Highway Traffic legislation, offences under the City's Traffic By-law, or inclusion in offender databases for sexual or other abusive conduct. The Engineering Services Committee may also, when considering an initial application by a business or initial registration of a driver, take into account the public convenience and necessity of the application and its likely effect on the viability and availability of its and other 24/7 services in the Flin Flon area, as well as any other relevant background and experience of the applicant. In an emergency or time sensitive situation, the Chief Administrative Officer for the City of Flin Flon may exercise any of the powers vested in the Engineering Services Committee, and any ruling made by the Chief Administrative Officer shall be in force until the next meeting of the Engineering Services Committee.
- (o) Local Vehicle for Hire drivers must follow all rules of the Motor Vehicle Act and in addition, will not allow alcoholic beverages to be consumed by passengers of the vehicle. While alcohol may be transported in the Local Vehicle for Hire, it must be stored in accordance with the requirements of Manitoba Liquor Control Commission. The driver must be satisfied before transporting any passenger with correctly stored alcohol and that the passenger is of the age of majority.
- (p) Local Vehicle for Hire drivers will not eat, smoke, or use cellular phones while driving.
- (q) Any person may appeal a refusal, revocation or suspension of any license application within 30 days to Council. Any appeal shall be made
  - (a) In writing stating the reasons for the appeal
  - (b) Delivered to City Hall
  - (c) Heard at a Regular Meeting of Council within 30 days of the date it is received at City Hall.

Any decision of Council on an appeal shall be final.

## 2. **VEHICLES USED TO OPERATE A BUSINESS**

- (a) An application is required for each vehicle the company owns and/or operates in the provision of the service. Vehicle Licenses will only be issued once all the necessary documentation is received at City Hall and approved by the City of Flin Flon License Inspector.
- (b) Provincial Vehicle Insurance documents including the vehicle's make, model, year and serial number. Insurance documents indicating that use is "Taxi" or Local Vehicle for Hire including all time bands (A,B,C,D).
- (c) Mechanical Inspection Certificates are required every 60,000 kilometers or with each annual renewal application and copies are to be brought to City Hall. Vehicle Licenses will not be renewed until the certificates are received.
- (d) Proof of General Liability Insurance of a minimum of \$2,000,000.
- (e) Vehicle owners will ensure that the vehicles provide a safe and sanitary environment for their passengers.
- (f) Local Vehicle for Hire businesses engaging drivers with their own vehicles must ensure that the vehicles meet all the requirements of this bylaw. The business is responsible to purchase the Vehicle License and becomes responsible for the vehicle used.
- (g) Licenses are not transferable to any other vehicle.
- (h) Vehicle License Stickers are to be affixed to the licensed vehicle in the lower left corner of the rear right side passenger window, visible to the passenger and may not be blocked or covered under any circumstances. Vehicles without stickers will be classified as unlicensed.
- (i) Annual License certificates are to be affixed to the outside rear passenger door on the side of the vehicle that normally faces the sidewalk.

## 3. **VEHICLE FOR HIRE DRIVER'S LICENSES**

- (a) All drivers require a Local Vehicle for Hire Driver's License.

- (b) Local Vehicle for Hire Driver's Licenses will expire on the date that your personal driver's license expires.
- (c) A letter from the Local Vehicle for Hire Business stating that you are currently driving for the service is required. Any person issued a Vehicle for Hire Driver's License must operate under a vehicle for hire business that has been issued a Local Vehicle for Hire Business License by The City of Flin Flon.
- (d) Each Application must include:
  - A Drivers Abstract
  - A Vulnerable Sector Check
  - A Certified Criminal Record Check
  - A Child Abuse Registry Check
  - A letter from the owner of the service company
  - A Valid Class 4 Driver's License
  - 2-Passport photos dated within the last 15 days

#### 4. **GENERAL**

- (a) All License Fees will be in accordance with the City of Flin Flon Fees, Fines & Charges By-Law as amended from time to time.
- (b) Rules for dispatch station: If a vehicle for hire business maintains an office or dispatch station located in a residential zone;
  - (i) the office or dispatch station must comply with all rules applying to home businesses under Flin Flon's zoning by-law, as well as any other applicable by-laws relative to maintenance of private property;
  - (ii) vehicles for hire, whether in service or not, must park or idle elsewhere than in the street or back lane areas near the place used as an office or dispatch station. An offence of any of the types listed in this section shall carry a penalty of \$100.00 for a first offence, \$200.00 for a second offence, and \$500.00 for a third or subsequent offence. These amounts may be recovered as a debt due to the municipality. In addition to any other remedies, renewal of any licence, standing or authorization required under this by-law may be refused if penalty amounts assessed under this section go unpaid by the vehicle for hire business or driver, as the case might be.
- (c) Fees: Nonpayment, or late payment, in the case of any licence, standing or authorization given by virtue of this by-law for which payment of a fee by a certain date is required will result in immediate deemed suspension of privileges attaching to that licence, standing or authorization, and potential liability under section 4(b).
- (d) Documentary or other supporting information: Failure to provide any required document, to satisfactorily complete any form, to maintain the required insurance, or to provide any information required in connection with obtaining or maintaining a required licence, standing or authorization will result in immediate deemed suspension of privileges attaching to that licence, standing or authorization, and potential liability under section 4(b).
- (e) It shall be an offence to operate a vehicle for hire business, to drive a vehicle for hire, or to use a vehicle which has not been properly approved under this by-law as a vehicle for hire,
  - (i) if no application for the appropriate licence standing or authorization has yet been duly made and approved,
  - (ii) if a necessary licence standing or authorization, once given, has been suspended or revoked by the Engineering Services Committee, or
  - (iii) if the approved licence, standing or authorization is in a state of suspension due to non-payment or late payment of fees, or due to a failure of a type falling under section 4(d) (documentary and other supporting information). An offence of any of the type listed in this section shall carry a penalty of \$100.00 for a first offence, \$200.00 for a second offence, and \$500.00 for a third or subsequent offence. These amounts may be recovered as a debt due to the municipality. In addition to any other remedies, renewal of any licence, standing or authorization required under this by-law may be refused if penalty amounts assessed under this section go unpaid by the vehicle for hire business or driver, as the case might be.
- (f) Any non-compliance with the terms of this by-law not falling within 4(b), 4(c), 4(d) or 4(e) shall not be punishable by a fine, but may be grounds for the Engineering Services Committee to refuse an application, or to revoke, cancel or suspend any license, vehicle permit or driver authorization required under this by-law.

- (g) Without derogating from any of the powers assigned to the Engineering Services Committee under this by-law, any purely financial penalty provided for under this by-law shall be enforceable under Municipal By-law Enforcement Act procedures, and may be appealed to a screening officer designated by the municipality, subject to any policy or by-law enacted by the municipality in this respect.
- (h) Any person who 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.
- (i) That By-Law No. 20/87 of The City of Flin Flon be hereby rescinded.

PASSED AND ENACTED AS A BY-LAW OF THE CITY OF FLIN FLON, THIS 5<sup>th</sup> DAY OF FEBRUARY, A.D. 2019.

*Original Signed by Cal HUNTLEY*  
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Mayor

*Original Signed by Glenna DASCHUK*  
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Chief Administrative Officer

Read a first time this 29<sup>th</sup> day of JANUARY, A.D. 2019.  
 Read a second time this 5<sup>th</sup> day of FEBRUARY, A.D. 2019.  
 Read a third time this 5<sup>th</sup> day of FEBRUARY, A.D. 2019, DONE AND FINALLY PASSED