

TAXI BY-LAW NO. 6884

AS AMENDED BY BY-LAW NOS. 7326 and 7358.

BEING A BY-LAW of The City of Brandon to provide for the licensing, controlling, regulating and safety of taxicabs within the municipality.

WHEREAS Section 23 of The Highway Traffic Act provides, in part, as follows:

"23(1) The council of a municipality may, by by-law, require every person conducting or carrying on an automobile livery, or letting or having motor vehicles, including drive-yourself automobiles and taxicabs, for hire or gain, within the municipality, or using the streets thereof in connection with such a business, to take out an annual license from the municipality, and to pay a license fee therefor of such amount as is fixed by by-law for, or in respect of, each motor vehicle so used."

"23(2) The council of a municipality may, by by-law, make rules and regulations for prohibiting, limiting, controlling and regulating any such business or occupation, including, without restricting the generality of the foregoing, the definition of various classes of vehicles, the fixing of rates or tolls to be charged, either by zones, meters or any other method, the creation of zones, the installation and inspection of meters in taxicabs, the powers and duties of inspectors, the placing of insurance for the protection of persons and property, and the location or use of taxicab ranks or stands."

AND WHEREAS Subsection 232(1) of The Municipal Act, RSM 1996, c.M225, provides authority for the municipality to pass by-laws respecting the safety, health, protection and well-being of people;

AND WHEREAS it is deemed expedient and in the public interest to license the owners and drivers of taxicabs, to ensure the safety of the public in The City of Brandon;

NOW THEREFORE the Council of The City of Brandon, in open session assembled, enacts as follows:

PART I

TITLE AND DEFINITIONS

- 1.1 This by-law may be cited as "The Taxi By-law".**
- 1.2 Words importing the singular or masculine only also include the plural or feminine or body corporate where the context requires.**
- 1.3 In this by-law, unless the context thereof otherwise requires, the following definitions shall apply:**
 - (a) "AFFILIATION AGREEMENT" means an agreement made between the holders of a Business License Certificate (Business Licensee) and independent holders of vehicle registrations, whereby a vehicle registrant agrees to operate, or have operated, the vehicles for which Taxicab Permits have been obtained by the Business Licensee, as part of the Business Licensee's Taxicab Business.**
 - (b) "APPLICANT" means a person who applies for a License or Permit, and shall also mean a person who is appealing the refusal, revocation, or suspension of a license or permit.**

- 1.3 (c) **“BUS” means any motor vehicle which would qualify as a taxicab with the exception that:**
- i) **such a vehicle must be designed to carry eleven (11) or more passengers unless otherwise stated; and**
 - ii) **the vehicle is not equipped with a taxi meter, and is not licensed with the City of Brandon as a limousine or handicab vehicle.**
- (d) **"BUSINESS LICENSE CERTIFICATE" means a certificate issued by the Treasury Department of the City of Brandon, pursuant to the provisions of this by-law, authorizing the person named therein to carry on a taxicab business.**
- (e) **"BUSINESS LICENSEE" means a person who holds a subsisting Business License Certificate issued to such person by the Treasury Department pursuant to the provisions of this by-law.**
- (f) **"CHARTER VEHICLE” means a bus, limousine or handicab vehicle.**
- (g) **"CITY" means the City of Brandon, a municipal corporation in the Province of Manitoba, and where the context so requires means the area contained within the corporate boundaries of the said municipality.**
- (h) **"CITY COUNCIL" means the Municipal Council of the City of Brandon.**
- (i) **"COMPENSATION" or "HIRE" means the fare, toll, gain, fee or rate charged, collected, or intended to be charged or collected, from any person for the carriage of a person or persons or property by or in a taxicab and includes remuneration of any kind paid, promised or demanded, direct or indirect, as well as personal services or the sharing of any expense of the operation of, or of work done by or upon a taxicab.**
- (j) **“CONTRACT” means a pre-arranged written agreement between a business licensee and another person containing information as to the terms of service to be provided as well as the compensation for the service.**
- (k) **"DEVELOPMENT PERMIT" means a permit issued under the provisions of the City of Brandon Zoning By-law.**
- (l) **“HANDICAB VEHICLE” means a vehicle that is equipped with a wheelchair ramp or lift and is operated for the transportation of physically disabled persons and their attendants.**
- (m) **"INTER-LIVERY LICENSE" is a license issued by the Province of Manitoba authorizing the vehicle in question to operate as a taxicab outside the boundaries of any one municipality.**
- (n) **"LICENSE" means a license granted by the City of Brandon entitling the person to whom it is granted to carry on such activity therein named and includes taxicab and driver’s permits issued pursuant to Part III and Part IV of this by-law. The said license shall either be in the form of a written certificate and showing thereon the type of business engaged in, or in the form of a decal on which is inscribed the type of service licensed.**

- 1.3 (o) **"LIMOUSINE"** means any luxury motor vehicle:
- (i) excepting vehicles registered with the City of Brandon as limousines at date of passage of this by-law, with seating capacity of seven persons or more, which would otherwise qualify as a taxicab, or bus with the exception that the vehicle has an extended wheel base, and
 - (ii) is unmarked and not equipped with taxicab signage, and is not equipped with a taxi meter or rate card.
- This by-law shall not apply to the operation of limousines ancillary to other businesses where such limousines are not offered to the public for rental purposes other than for the transportation of persons required for the primary business.
- (p) **"PEACE OFFICER"** means a member of the Brandon Police Service, including By-law Enforcement Officers.
- (q) **"PERSON"** means a natural person or a body corporate and includes a partnership, a group of persons acting in concert, or an association, unless the context explicitly or by necessary implication otherwise requires.
- (r) **"PHYSICALLY DISABLED PERSON"** means an individual who by reason of illness, injury, age, congenital malfunctions or other permanent or temporary incapacity or disability, is unable, without special facility or special planning or design, to utilize available transportation facilities.
- (s) **"POLICE CHIEF"** means the Chief of Police of the Brandon Police Service and includes any person designated by the Chief of Police to perform his duties with respect to this By-law.
- (t) **"TAXICAB"** means a motor vehicle, with a minimum of four doors, equipped with a taxi meter for the purpose of transporting persons for compensation and includes charter vehicles unless otherwise exempted but, does not include:
- (1) a public service vehicle;
 - (2) a trolley bus or passenger carrying motor vehicle of a public transportation system operating in the streets of the City;
 - (3) a school bus;
 - (4) an ambulance;
 - (5) a hearse;
 - (6) a motor vehicle exempt under the provisions of this by-law;
 - (7) any motor vehicle owned and/or operated by a hotel or motel business in the City providing direct customer service without charge to or from the Brandon Municipal Airport;
 - (8) any vehicle owned and/or operated by an individual for the purpose of providing a passenger shuttle service shall be exempt from this by-law provided that such exemption is conditional on the owner/operator not transporting for compensation or hire any passenger from one point to another within the corporate limits of Brandon and that failure to comply with such condition shall cause the owner to be in violation of the provisions of this by-law.
 - (9) any vehicle operated ancillary to other businesses where such vehicles are not offered to the public for compensation or hire other than for the transportation of persons required for the primary business.
- (u) **"TAXICAB DRIVER"** means any person who is required to be licensed pursuant to this by-law to drive vehicles licensed under the provisions of this by-law.

- 1.3 (v) "TAXI DRIVER'S PERMIT" means the permit issued by the Treasury Department, pursuant to the provisions of this by-law, authorizing the person named therein to drive vehicles licensed under the provisions of this by-law.
- (w) "TAXICAB PERMIT DECAL" means the permit decal issued annually or seasonally by the Treasury Department, pursuant to the provisions of this by-law, for attachment to the vehicle licensed under the provisions of this by-law.
- (x) "VEHICLE REGISTRANT" means the person to which a vehicle is legally registered with the Province of Manitoba Driver and Vehicle Licensing Office.

PART II**LICENSING OF TAXICAB BUSINESSES**

- 2.1 Any business with its office located in another municipality that operates taxicabs pursuant to a Provincial inter-livery license and delivers passengers to or from a municipality other than the City of Brandon shall not be subject to this part of the by-law.
- 2.2 Any person who owns, operates or otherwise engages in the operation of taxicabs in the City, other than by affiliation with an existing business licensee, shall be required for such purpose, to be the holder of a valid and subsisting Business License Certificate for such purpose, issued by the Treasury Department and to pay the fee specified in the City's annual Fee Schedule By-law. A Business License Certificate shall be valid only for the calendar year for which it is issued.
- 2.3 Any Business License Certificate issued under the provisions of this by-law shall be issued in lieu of a license issued under the City's Business Licensing By-law and the holder of such license shall be subject to all other provisions set out in the City Business Licensing By-law.
- 2.4 Compliance with the provisions of this by-law does not negate the requirement to comply with the provisions of other City by-laws including but not restricted to, the Business Licensing By-law and Zoning By-law.
- 2.5 Any person desiring to obtain a Business License Certificate, or to renew such certificate, to operate a taxicab business in the City shall apply in writing on a form to be supplied by the Treasury Department and attached hereto as Schedule "D".
- 2.6 A Business License Certificate shall only be issued to or renewed for a person who:
- (a) excepting businesses that operate charter vehicles only, is the holder of sufficient taxicab vehicle permits so that there are at least three (3) duly licensed metered taxicab motor vehicles for use in the operation of the taxicab business;
 - (b) establishes a taxi business office located in the City of Brandon, in compliance with the City's Zoning By-law, for the operation of the said taxicab business. Consideration will be given to businesses that operate charter vehicles only wishing to establish their business office outside of the City;
 - (c) has provided a list of the motor vehicles which will be used in the operation of the taxicab business in accordance with Schedule D of this by-law to the Treasury Department as soon as possible after each vehicle has been licensed with the Province of Manitoba Driver and Vehicle Licensing;
 - (d) has been recommended by the Brandon Police Service and the Planning and Building Department; and
 - (e) has no outstanding municipal fines or debt, other than property taxes and/or utilities, related to any part of their business whether directly or by affiliation.

- 2.7 In the event that a Business License Certificate is issued to a person, and during the currency thereof the person ceases to qualify for such certificate under Section 2.6 of this Part, then the Business License Certificate is automatically cancelled.
- 2.8 If a business licensee ceases to be the holder of a valid and subsisting Business License Certificate, then such licensee shall immediately cease to operate the taxicab business, and all permits related to that business licensee will be cancelled in accordance with Section 2.18 of this by-law.
- 2.9 A Business License Certificate issued in accordance with the provisions of this Part shall be a valid license only for the person therein named, and any transfer of ownership shall invalidate the Business License Certificate.
- 2.10 Where a business licensee named in the Business License Certificate changes the trade name of the business, sells or otherwise assigns the taxicab business or becomes disposed of it by bankruptcy or operation of law, or sells or otherwise assigns any interest in the taxicab business specified in the business license other than as security for a loan, then the business licensee shall within seven (7) days notify the Treasury Department of such occurrence.
- 2.11 A business licensee shall have available for inspection, either by the Treasury Department or by a Peace Officer, an up-to-date list of drivers with associated addresses.
- 2.12 A business licensee shall provide to the Treasury Department an annual listing of the motor vehicles which will be used in the operation of the taxicab business, and shall also inform The Treasury Department of any deletions to the listing within three (3) days of any such occurrence.
- 2.13 A business licensee shall not change the fixed location of its business office without first having obtained any required permit, memorandum or other authority in accordance with the City's Zoning By-law. A copy of such authority shall be filed with the Treasury Department within seven (7) days of its issuance.
- 2.14 A business licensee shall ensure that at all times any affiliated drivers have a valid Province of Manitoba Class 4 license, are duly permitted by the City of Brandon, and are at all times fit to drive a public conveyance.
- 2.15 A business licensee shall maintain at all times a listing of valid registrations for all affiliated vehicles and shall ensure that only vehicles with valid registrations and those that are duly licensed by the City of Brandon are used in the taxi business operations.
- 2.16 A business licensee shall ensure all affiliated vehicles are inspected in accordance with Part V of this by-law. If a vehicle is not presented for inspection said vehicle will be suspended until such time as the business licensee provides to the Treasury Department an approved Certificate of Inspection that is dated no more than fifteen (15) days prior to presentation to the Treasury Department and the business licensee may be guilty of an offence.
- 2.17 Upon the termination of affiliation with a vehicle registrant, the business licensee shall cause the license decal and equipment (including taxi meter, lights, signs, etc.) to be immediately removed from the vehicle. Proof of such removal shall be provided by the business licensee to the Treasury Department within seven (7) days following such termination of affiliation.
- 2.18 A business licensee, shall provide seven (7) days a week, a twenty-four (24) hour per day service to the residents of the City directly, or by arrangement with another licensed taxicab business in the City, excepting businesses that are operating charter vehicles only.

PART III**LICENSING OF VEHICLES**

- 3.1 A business licensee shall allow a person to operate a motor vehicle as a taxicab only when:**
- (a) a taxicab permit decal has been issued for and affixed to such motor vehicle and the vehicle is not currently suspended or cancelled;**
 - (b) two (2) stickers ("IMPORTANT PUBLIC NOTICE") in the prescribed form attached hereto as Schedule "A" to this by-law, have been affixed to the inside of the licensed vehicle by the Treasury Department so as to be readily visible to all passengers with the exception of charter vehicles; and**
 - (c) the fee specified in the City's annual Fee Schedule By-law has been paid to the City.**
- 3.2 Annual taxicab vehicle permits shall take effect from the date of issue by the Treasury Department, and shall remain in force and effect until the last day of February following, unless the same has been forfeited, cancelled or suspended.**
- 3.3 Taxicab vehicle permits may be issued on or after the 1st day of September of each year at a reduced fee as specified in the City's annual Fee Schedule By-law. Such permits shall take effect from the date of issue and shall remain in force and effect until the last day of February following, unless the same has been forfeited, cancelled or suspended.**
- 3.4 Any business licensee desiring to obtain or renew a taxicab permit to operate a motor vehicle as a taxicab in the City shall apply in person to the Treasury Department.**
- 3.5 A taxicab permit decal shall only be affixed to a motor vehicle when the applicant for such license is a business licensee and:**
- (a) has acquired the right to use the vehicle pursuant to any written agreement with the vehicle registrant, and furnishes proof thereof whereby monthly registration renewals shall be subject to an additional fee of \$5 per month in 2008 and as specified in the City's annual Fee Schedule By-law thereafter;**
 - (b) produces a Certificate of Inspection for such vehicle in accordance with the provisions of Section 5.8 of this by-law, and such report shall be in the prescribed form supplied by the Province of Manitoba Driver and Vehicle Licensing Office;**
 - (c) by appointment only, causes to be produced for inspection by the Treasury Department and the Brandon Police Service, the motor vehicle proposed to be licensed for use as a taxicab which is safe, fit and useable as a taxicab and, excepting charter vehicles, is equipped with:
 - i) a vehicle roof light displaying the word "Taxi" and/or the name of the taxi business to which it is to be affiliated appearing on both sides of the light;**
 - ii) the name or logo of the taxi business with which it is to be affiliated, painted or affixed by decal on both the left and right sides of the vehicle; and**
 - iii) a taxi meter which is easily read at all times;****
 - (d) provides proof of taxi classification motor vehicle insurance which includes public liability coverage (passenger hazard to be included) in the minimum amount of \$2,000,000 and property damage coverage in the minimum amount of \$50,000;**
 - (e) has paid a license fee specified in the City's annual Fee Schedule By-law; and**
 - (f) if there are no related municipal fines attached to that vehicle.**

- 3.6** A missed initial appointment or any late arrivals for the motor vehicle inspection required in sub-section 3.5(c) shall be subject to a fee as specified in the City's annual Fee Schedule By-law;
- 3.7** Prior to the issuance of a taxicab permit decal, the Treasury Department shall assign a specified identification number to the vehicle, and the business licensee shall cause to have such number painted or affixed, in a size no less than four (4) inches high and in a black or white colour which contrasts clearly with the background colour of the vehicle, to such vehicle upon inspection referred to in Section 3.5 (c):
- (a)** on the right and left front fenders; and
 - (b)** upon the rear of the vehicle above the bumper, at a location to be clearly visible.
- 3.8** Notwithstanding any other provision of this by-law, and with particular reference to Section 2.18 of Part II, any change in the ownership of a taxicab shall require the business licensee to obtain a new permit if there has been a total change in ownership, and a revised permit if there has been a partial change in ownership. The business licensee shall immediately report to the Treasury Department any change in ownership along with any additional information as may be required by the Treasury Department.
- 3.9** A taxicab permit that is issued in accordance with the provisions of this Part shall be valid only for so long as the business licensee complies with the provisions of Subsection 3.5 (a) above, specifically only provided the vehicle registration and permission to use the vehicle has not expired.
- 3.10** A taxicab permit shall be the property of the City and where a business licensee, named in the vehicle permit issued by the City, breaks affiliation with the vehicle registrant, sells or leases or otherwise assigns his or her interest in the taxicab vehicle, including by bankruptcy or operation of law, other than as security for a loan, without notifying the Treasury Department within seven (7) days, the said taxicab permit issued for the vehicle shall be considered void.
- 3.11** Should a business licensee desire to substitute another motor vehicle for any taxicab for which a permit has been issued, the said licensee shall deliver to the Treasury Department proof that the permit decal issued for such taxicab has been removed from the vehicle, and where the Treasury Department is satisfied that the motor vehicle proposed to be substituted is in compliance with the provisions of Section 3.5 of this by-law, a new permit decal shall be issued to the licensee.
- 3.12** An age restriction not to exceed twelve (12) vehicle model years shall be placed on all vehicles used in conjunction with the taxi industry with the exception of chartered vehicles. All vehicle additions or replacements will be subject to a ten (10) year age restriction excepting chartered vehicles at the time of license application.
[AM. B/L 7358]
- 3.13** [REPEAL. B/L 7358]
- 3.14** [REPEAL. B/L 7358]

PART IV**LICENSING OF TAXICAB DRIVERS**

- 4.1** A business licensee shall obtain for each affiliated driver a valid Taxi Driver's Permit issued by the Treasury Department prior to allowing any person to drive or operate a taxicab from point of origin to point of destination within the City. Further, the business licensee shall obtain for each affiliated driver a valid Taxi Driver's Permit issued by the Treasury Department prior to allowing any person to drive or operate any taxicab duly permitted pursuant to Part III of this by-law regardless of its point of origin or point of destination.
- 4.2** A City of Brandon Taxi Driver Permit shall take effect from the date of issue and shall remain in force and effect until the last day of August following, unless the same has been forfeited, suspended or cancelled.
- 4.3** Notwithstanding Section 4.1 hereof, a mechanic or any person in his employment may drive a taxicab while engaged in repairs or routine maintenance or inspection of the taxicab without holding a current Taxicab Driver's Permit.
- 4.4** Notwithstanding Section 4.1 hereof, a person may drive a taxicab to any inspection of the taxicab scheduled by the City without holding a current Taxicab Driver's Permit provided that person holds a Provincial Driver's License that is, at minimum, Class 4.
- 4.5** Any business licensee desiring to obtain or renew a Taxi Driver's Permit, shall apply in writing on a form as set out in Schedule "B" hereto and supplied by the Treasury Department.
- 4.6** An application for a Taxi Driver's permit, or renewal of such permit, shall include a signed release authorizing the Brandon Police Service to conduct periodic investigations of the driver for any convictions under statutes from any jurisdictions, and to release to the City any such records should an appeal hearing be necessary. The City will conduct such periodic investigations every three (3) years or more frequently if deemed necessary.
- 4.7** An application for a Taxi Driver's permit, or renewal of such permit, shall include one copy of a Driver's Abstract obtained from the Driver and Vehicle Licensing Branch of the Manitoba Department of Infrastructure and Transportation as well as one copy of Driver's Abstracts from any other jurisdiction(s) so as to provide a five year driving record that is dated no more than two (2) weeks prior to the date of application. Exceptions will be made where the driver does not have a five year driving history.
- 4.8** A Taxi Driver's permit shall only be issued or renewed for a person who:
- (a)** has included in his or her application the signatures of the business licensee with whom the driver will be employed by and/or affiliated with as a taxi driver;
 - (b)** pays the required fee as set out in the City's annual Fee Schedule By-law;
 - (c)** produces for inspection a Provincial Driver's License issued under the provisions of The Drivers and Vehicles Act of Manitoba, and such license shall be of a minimum Class 4;
 - (d)** provides two (2) passport photos that are dated no more than two weeks prior to the application;
 - (e)** has no outstanding debts to the City other than property taxes and/or utilities; and
 - (f)** is legally entitled to work in Canada.

- 4.9** Upon receipt of an application for a Taxi Driver's Permit, the Treasury Department shall refer the application to the Chief of Police, who after conducting an investigation shall recommend the issuance of a Taxi Driver's Permit pursuant to the application for the Taxi Driver's Permit or alternatively, not recommend the issuance of same where, in the opinion of the Chief of Police, to do so would be contrary to the public interest. No permit shall be issued prior to the recommendation of the Chief of Police. The Treasury Department may, on renewal applications for Taxi Driver's Permits, waive the requirements for obtaining a recommendation from the Chief of Police for a period of up to a maximum of three (3) years from the initial application or the date of the most recent criminal record check per Section 4.6 of this by-law.
- 4.10** No permit shall be issued for any person who,
- (a)** within a ten (10) year period immediately preceding the date of application, has been convicted of any of the following offences contrary to The Criminal Code of Canada, The Controlled Drugs and Substances Act, or otherwise, or of similar offences from any other jurisdiction:
 - 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;
 - 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 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.
- 4.11** A permit shall not be issued where the character or conduct of the taxicab driver is such that he or she is unfit to drive a public conveyance.

PART V**GENERAL OPERATING PROVISIONS FOR TAXICABS**

- 5.1** A business licensee shall only allow duly permitted drivers under the authority of Part IV of this by-law to operate a taxicab vehicle from point of origin to point of destination within the City. Further, a business licensee shall only allow duly permitted drivers under the authority of Part IV of this by-law to drive or operate any taxicab duly permitted pursuant to Part III of this by-law regardless of its point of origin or point of destination.
- 5.2** A business licensee shall only permit the operation within the City of those taxicabs that are duly permitted under the authority of Part III of this by-law.
- 5.3** Dispatch operations may be carried out in a vehicle using hands free cellular technology, or other similar technology in a manner that is consistent with the safety of passengers and the public.

- 5.4 When a taxicab is involved in an accident, the business licensee shall report the incident to the Treasury Department within seventy-two (72) hours of the occurrence. At the request of the Treasury Department, the taxicab vehicle shall be made available for inspection of damage caused by such accident. Copies of all accident reports relating to damage to taxicabs shall be provided to the Treasury Department by the Brandon Police Service.
- 5.5 Notwithstanding Clause (b) of Section 3.5 of this by-law, a business licensee shall twice annually at a time prescribed by the Treasury Department submit to the Treasury Department a Certificate of Inspection for every vehicle affiliated with the business. Failure to produce such a report by the aforementioned date may result in the Treasury Department ordering such taxicab out of service until a Certificate of Inspection, as approved in accordance with Section 5.8, is received by the Treasury Department.
- 5.6 When the Treasury Department is of the opinion that a taxicab is not in a safe mechanical condition, it may order the business licensee to cause the vehicle to be produced for inspection, and if not satisfied the vehicle is in a safe mechanical condition, shall order the said vehicle out of service until such time as the licensee provides a Certificate of Inspection. The Certificate of Inspection shall be dated subsequent to the Treasury Department inspection and shall be completed in the prescribed form supplied by the Province of Manitoba Driver and Vehicle Licensing Office in accordance with the guidelines and regulations of the Province of Manitoba by an independent mechanic who is at arm's length from the business licensee and from the vehicle registrant that shows the vehicle is safe and fit to continue operating as a taxicab.
- 5.7 Notwithstanding Section 5.6 of this Part, the Treasury Department may, where it is obvious that a taxicab is not in a safe or fit condition, order such vehicle from service immediately without a mechanical inspection and such vehicle shall remain out of service until such mechanical defects are repaired and an approved Certificate of Inspection has been delivered to the Treasury Department. The Certificate of Inspection shall be dated subsequent to the date of suspension and shall be completed in the prescribed form supplied by the Province of Manitoba Driver and Vehicle Licensing Office in accordance with the guidelines and regulations of the Province of Manitoba by an independent mechanic who is at arm's length from the business licensee and from the vehicle registrant that shows the vehicle is safe and fit to continue operating as a taxicab.
- 5.8 A Certificate of Inspection required under the provisions of this by-law shall be completed, in the prescribed form supplied by the Province of Manitoba Driver and Vehicle Licensing Office, in accordance with the guidelines and regulations of the Province of Manitoba, by an independent mechanic who is at arms-length from the business licensee for the vehicle and the vehicle registrant. Such report must have been prepared and completed within fifteen (15) days of presentation to The Treasury Department.
- 5.9 (a) Should a Certificate of Inspection indicate that a motor vehicle licensed as a taxicab, or intended to be licensed as a taxicab, is not safe, fit or suitable for such use, the business licensee in whose business the taxicab is or will be operated shall not use it in such business unless and until all deficiencies have been corrected and repaired and until a Certificate of Inspection certifying that the required repairs or alterations have been carried out has been delivered to The Treasury Department.
- (b) The Treasury Department may from time to time require any licensed taxicab to submit to a mechanical inspection. The cost of such inspection will be assumed by the City of Brandon if no irregularities are found and by the Business Licensee if the vehicle fails the mechanical inspection.

- 5.10 Every taxicab driver shall at all times when in charge of a taxicab:**
- (a) prominently display in such vehicle his or her Taxi Driver's Permit issued by the City in a holder supplied by the business licensee, and such holder shall be placed in a position whereby the Taxi Driver's Permit is clearly visible to passengers in all seats of the licensed vehicle;**
 - (b) whenever carrying a passenger or passengers in the vehicle, have the taxi meter in "time and distance" operation or the ride is FREE unless the vehicle is licensed as a charter vehicle;**
 - (c) not demand payment of any fee not specifically authorized by the tariff of fees established by Part VIII of this by-law;**
 - (d) not allow alcoholic beverages to be transported in the taxicab that is under hire unless the property of the passenger, and the alcohol is stored in accordance with The Highway Traffic Act;**
 - (e) not operate a taxicab with a blood/alcohol level in excess of 0.00;**
 - (f) not operate a taxicab under the influence of drugs or like substances;**
 - (g) determine the number of passengers to be transported safely and comfortably in the vehicle but shall not permit at any time a greater number of passengers than there are available functioning seatbelts in the vehicle, with the exception of buses designed to carry twenty-five (25) or more people;**
 - (h) not carry any gasoline, explosives or noxious substances within the passenger compartment of the said vehicle;**
- 5.11 Business offices, taxi dispatch centres and garages where taxicabs are kept, hired, stored or repaired and related accounts, records or documents which are required to be kept, are subject to inspection by the Treasury Department or any Peace Officer.**
- 5.12 Every business licensee or taxicab driver shall, upon being requested by a Peace Officer, give the full information concerning the address to or from which any passenger has been driven.**
- 5.13 Only motor vehicles licensed as taxicabs by the City shall be equipped with a taxi meter or any other related taxicab equipment.**
- 5.14 Scanners for monitoring other communication devices shall be prohibited from being operated in taxicabs licensed by the City of Brandon with the exception of two-way radios for communications between a taxi dispatch office and its associated motor vehicles.**
- 5.15 Hand-held cellular telephones shall be prohibited from being operated by taxicab drivers while operating a taxicab.**

PART VI**REGULATIONS FOR TAXI METERS**

- 6.1 For the purpose of this Part, the term "taxicab" shall exclude vehicles licensed as charter vehicles.**
- 6.2 Every taxicab, before being licensed, and during the time it is so licensed, shall be equipped with a taxi meter so adjusted as to calculate and register fares based on time and distance at a single tariff only as established in Section 8.1 of this by-law.**

- 6.3** Every taxi meter shall be installed in such a position in the taxicab so as to be in plain view of the passengers in order for them to see the tariff or fare to be paid and whether or not the meter is registering.
- 6.4** Every taxi meter shall be clearly and continuously illuminated while it is in operation.
- 6.5** A taxi meter shall be inspected, tested for accuracy and registration, and sealed by the Treasury Department before being used in a taxicab.
- 6.6** While every taxi meter should be accurate, the tolerances on taxi meters shall not exceed the following:
- (a)** Road Tests: With respect to distance computed or actually travelled, a tolerance of Two percent (2%) short of a kilometre and a tolerance of Three percent (3%) over a kilometre;
 - (b)** On Time Tests (On Individual Time Intervals): A tolerance of Five percent (5%) in deficiency and a tolerance of Ten percent (10%) in excess.
- 6.7** Notwithstanding Section 6.5 of this by-law, a taxi meter is subject to inspection and testing by the Treasury Department at any time, and any taxicab equipped with an inaccurate or faulty meter may be ordered out of service. The taxicab may be returned to service when it has been equipped with a taxi meter that has been re-inspected, re-tested and re-sealed by the Treasury Department.
- 6.8** No business licensee or driver of a taxicab shall use a taxi meter unless the seal placed thereon is unbroken and intact. When it is necessary for such licensee or driver to break the seal which has been affixed to the taxi meter, the Treasury Department shall be notified immediately in order that the said meter may be tested and re-sealed. If the seal is broken at a time when City Hall is not open, the business licensee shall cause the taxicab to be presented to the Treasury Department for meter testing and re-sealing on the next day that City Hall is open for business.
- 6.9** Business licensees will be held responsible for the accuracy of taxi meters installed in their affiliated taxicabs and it shall be an offence for a taxicab to be operated when the said meter fails to comply with the provisions of this by-law.

PART VII**SPECIAL PROVISIONS FOR CHARTER VEHICLES**

- 7.1** An applicant for a Charter Vehicle Business License who has already acquired a Taxicab Business License shall not be required to obtain a new separate Charter Vehicle Business License.
- 7.2** Vehicles licensed as charter vehicles are prohibited from parking at taxi stands or in taxi loading zones.
- 7.3** Vehicles licensed as charter vehicles are required to pre-arrange the pickup of all passengers a minimum of two hours in advance and are prohibited from the unsolicited pickup of passengers.
- 7.4** Vehicles licensed as a chartered vehicle shall not have a roof light or meter as referred to in Part III, subsection 3.5(c) attached to the vehicle.
- 7.5** Vehicles licensed as a charter vehicle shall only operate under written contracts with passengers.
- 7.6** Vehicles licensed as a charter vehicle must only use common points of pickup and destination for all passengers.

PART VIII**FARE REGULATIONS**

- 8.1** The tariff of fares, inclusive of GST, which business licensees shall permit their affiliated drivers to charge or collect from passengers carried in a metered taxicab shall be in accordance with the published tariff as established from time to time by the Council of the City of Brandon, and charging of a flat rate fee is not permitted.
[AM. B/L 7358]
- 8.2** A business licensee shall ensure that there are posted in every taxicab two (2) Tariff of Fares cards showing the tariff of fares authorized under this by-law.
- 8.3** Charges may commence from the notification to the customer of the arrival of a taxicab at the place of call and shall cease when the vehicle has been discharged after payment, and shall apply to all trips commencing and terminating within the City.
- 8.4** Where a passenger requests a receipt or there is a dispute over the amount of the fare, a driver of a metered taxicab shall provide forthwith the passenger with a receipt that sets out
- (a) the amount of the fare and that it includes applicable taxes;
 - (b) the place of pick up and discharge of the passenger;
 - (c) the date of the trip;
 - (d) the driver's signature;
 - (e) the driver's permit number.

PART IX**POWERS OF PEACE OFFICERS AND THE TREASURY DEPARTMENT**

- 9.1** Peace Officers and the Treasury Department are hereby authorized and directed to administer and enforce all requirements of this by-law and empowered to refuse to issue or renew, to suspend, or cancel:
- i) a Business License Certificate;
 - ii) a Taxicab Permit; or
 - iii) a Taxi Driver's Permit
- if in the opinion of the Peace Officer or the Treasury Department, the requirements of this by-law have not been complied with.
- 9.2** The Treasury Department is hereby further empowered to suspend or cancel a driver's permit issued pursuant to the requirements of this by-law where, in the opinion of the Treasury Department:
- (a) the taxicab driver acquires a driving record which makes him or her unfit to drive a public conveyance;
 - (b) the taxicab driver has operated the taxicab under his control in a manner which makes him or her unfit to drive a public conveyance;
 - (c) the character, conduct or state of health of the taxicab driver is such that he or she is unfit to drive a public conveyance; or
 - (d) the taxicab driver does not comply with the requirements of this by-law.

- 9.3 The Treasury Department shall provide the business licensee and in the case of a Business License Certificate, all vehicle registrants affiliated therewith, a written notice of its decision pursuant to Sections 9.1 or 9.2 and such notice shall include the following statement:
- (a) the reason for actions as per Sections 9.1 and/or 9.2; and
 - (b) the duration of any resulting suspension.
- 9.4 Notwithstanding anything in this by-law, and before or in the course of a hearing into a matter, the Treasury Department may, by order, suspend the holder's license or permit, if in the opinion of the Treasury Department, the suspension is necessary for the immediate protection of the public.

PART X**RIGHT OF APPEAL**

- 10.1 Any person aggrieved by any decision or action of the Treasury Department or Brandon Police Service to refuse to issue or renew, to suspend or cancel a Business License Certificate under Section 2.6 (e), or a Taxi Driver's Permit under Section 4.9 or 4.11 may appeal to the Taxi Appeal Committee by filing with the City Clerk a written notice of appeal within fourteen (14) days of the occurrence being appealed.
- 10.2 The City Clerk, upon receipt of an appeal or notice of objection against any order or notice issued pursuant to the provisions of this by-law, shall set a time and place for a hearing by the Committee, provided that in no case shall a hearing be held later than twenty-one (21) days following the filing of the appeal or notice of objection.
- 10.3 The City Clerk shall cause not less than five (5) days notice of the hearing to be served, by certified mail, registered mail, or personal service sworn to by affidavit, on the appellant at his address as shown on the notice of appeal form on Schedule "C", and such notice shall inform the appellant that he, and/or his agent, may appear at the hearing and make such representation as he so desires and that, in the event he or his agent does not appear at the said hearing, a decision may be made by the Committee in his absence.
- 10.4 Decision of the Treasury Department or of a Peace Officer will be in effect pending outcome of appeal at which time a permanent decision of Appeal Committee will take effect.

PART XI**TAXI APPEAL COMMITTEE**

- 11.1 There is hereby established a Taxi Appeal Committee.
- 11.2 The Committee shall be comprised of three Councillors, and two additional Councillors who shall act as alternate members for the purpose of hearing any appeal, when necessary, in the absence of any member.
- 11.3 The membership, including the alternate members, shall be appointed annually by resolution of Council for a term of one year with members being eligible for reappointment upon the expiration of their term of office.
- 11.4 Council shall appoint a Chairman and Acting Chairman at the time of making its appointments. In the event neither the Chairman nor Acting Chairman are in attendance at a hearing, the membership in attendance shall appoint an Acting Chairman for the purpose of that hearing.
- 11.5 Two members shall constitute a quorum of the Committee.

- 11.6 On the day and at the time set out in the notice of the City Clerk, the Committee shall conduct the hearing and receive representations from the Administration and the appellant or any person appearing on his behalf. The hearing may be adjourned from time to time and may be resumed at such time and place as the Committee may decide.
- 11.7 In the event there is no quorum present to conduct a set hearing, the City Clerk shall adjourn the hearing until the first available date, as established by the City Clerk, when a quorum will be available. Notice of the continued hearing date must be given in accordance with Section 10.3. However, the requirement for five (5) days notice may be waived if such time is not available, providing notice is by personal service sworn to by affidavit.
- 11.8 Upon hearing an appeal, the Committee may:
- (a) rescind the decision of Administration;
 - (b) confirm the decision of Administration;
 - (c) make such other order as in the circumstances of each case it deems just.
- 11.9 The order of the Committee, upon being communicated to the appellant, stands in place of, or confirms the decision against which appeal is made.
- 11.10 Any failure to comply with an order of the Committee is an offence and is subject to the penalty provisions and such further action as set out in this by-law.
- 11.11 The City Clerk, as soon as practicable following the conclusion of the hearing, shall provide written notice to the appellant and the Administration as to the order of the Committee.

PART XII**PENALTY SECTION**

- 12.1 Any person who violates, contravenes, disobeys, refuses, omits, neglects or fails to observe, obey or comply with any provisions of this by-law is guilty of an offence and is liable upon summary conviction to a fine not exceeding One Thousand Dollars (\$1,000.00) for each offence or at the discretion of The Treasury Department, a penalty in accordance with the City's Compliance By-law. Failing to pay the fine within thirty (30) days of conviction, or failing to pay in compliance with a court order, may result in automatic suspension of the applicable license or permit.

Where such contravention, refusal, neglect, omission, or failure to obey or observe continues for more than one day, the person is guilty of a separate offence for each day that it continues.

- 12.2 Any person who hinders, or seeks to hinder, or prevents The Treasury Department from exercising its authority and duty under any provision of this by-law is guilty of an offence.

PART XIII**REPEAL SECTION**

- 13.1 By-law No. 6781, as amended, is hereby repealed.
- 13.2 The repeal of the by-law in the last preceding section mentioned shall not revive any by-law or any provision of any by-law repealed by them, nor shall the said repeal prevent the effect of any saving clause in the said by-laws or the application of any of the said by-laws or any other by-law or provision of law formerly in force to any transaction, matter or thing anterior to the said repeal to which they would otherwise apply.

13.3 The repeal of the said by-law should not affect:

- (a) any penalty, forfeiture or liability incurred before the time of such repeal, or any proceedings for enforcing the same, had, done, completed or pending at the time of such repeal;
- (b) any action, suit, judgment, decree, certificate, execution, process, order, rule or any proceeding, matter or thing whatever, respecting the same had, done, made, entered, granted, completed, pending, existing or in force at the time of such repeal;
- (c) any act, deed, right, title, interest, grant, assurance, registry, rule, regulation, contract, lien, charge, matter, or thing had, done, made, acquired, established or existing at the time of such repeal;
- (d) any office, appointment, commission, salary, allowance, security, duty, or any matter or thing appertaining thereto at the time of such repeal;
- (e) any bond, note, debenture, debt, or other obligation made, executed, or entered into by the Corporation at the time of such repeal;
- (f) or defeat, disturb, invalidate, or prejudicially affect any other matter or thing whatsoever had, done, completed, existing or pending at the time of such repeal.

DONE AND PASSED by the Council of the City of Brandon in regular session assembled this 3rd day of November A.D. 2008.

 "D.K. Burgess"

MAYOR

 "C. R. Arvaisais"

CITY CLERK

Read a first time this 7th day of April A.D. 2008
 Read a second time this 3rd day of November A.D. 2008
 Read a third time this 3rd day of November A.D. 2008

I, Renee Sigurdson, Clerk of the City of Brandon, DO HEREBY CERTIFY the above to be a true and correct copy of By-law No. 6884, as amended by By-law Nos. 7326 and 7358.



Original Signed by
R. Sigurdson

R. Sigurdson, City Clerk

SCHEDULE "A"

to City of Brandon Taxi By-law No. 6884

"IMPORTANT PUBLIC NOTICE"

1. If the taxi meter is not on, the ride is FREE.
2. The Taxicab Driver's Permit and rates must be posted in the interior of the taxicab.
3. Driver has right to deny access to front passenger seat.
4. Passenger seat belt use is compulsory in Manitoba.
5. Consumption of alcohol in this vehicle is prohibited.
6. Driver may ask for fare in advance.
7. If you have a complaint or compliment to make, call the City of Brandon Treasury Department at 729-2230.

Please note the number on the side or rear of this taxicab and/or the number on the Taxicab Driver's Permit posted in this vehicle. Business licensees and drivers are required to comply with Items 1 and 2 of this Public Notice.



SCHEDULE "B"
To Taxi By-law No. 6884

CITY OF BRANDON

410 – 9TH Street, Brandon, Manitoba, R7A 6A2

TAXICAB DRIVER PERMIT APPLICATION

DRIVER

**** driver - please print all necessary information ****

TRANSFER/RENEWAL _____ ORIGINAL APPLICATION _____

For transfer/renewal only:

Existing Permit No. _____ Date of issue: _____

Company currently driving for : _____

Name: _____
Surname First Name Middle Name

Address: _____

Postal Code _____ Telephone Number: _____

Date of birth _____ Place of birth: _____
(Day/Month/Year)

Driver's License Number: _____

Driver's License Classification (minimum class 4): _____

Have you driven a Taxi in the last three years? Yes _____ No _____

Have you been convicted of any criminal offence during the past ten years?

Yes _____ No _____

Are you legally entitled to work in Canada?

Yes _____ No _____

I hereby certify to the best of my knowledge, that I have supplied true, accurate and complete information to all the foregoing questions in this document. I further certify that I have received a copy of the City of Brandon Taxi By-law and understand that it may be amended from time to time. I am in possession of a valid Manitoba Class 4 drivers license.

I am submitting, with this application, a current Drivers Abstract as issued by the Driver and Vehicle Licensing Branch of the Province of Manitoba. I am also submitting, with this application, a current Drivers Abstract from any and all other jurisdictions to support a five year driving history in accordance with Section 4.7 of the Taxi By-law.

(Circle one) Yes No

I hereby authorize the Brandon Police Service to conduct periodic investigations on myself in regard to any convictions under the Criminal Code of Canada, or any criminal code from any other jurisdiction, which may have an impact on the suitability of my being granted a taxi driver permit.

Date

Signature of Driver

APPLICANT -- COMPANY OF AFFILIATION/EMPLOYER

I am applying to have the above driver as a Taxicab Driver with the company known as:

if a taxicab drivers permit is granted.

Applicant

POLICE SERVICE

(City of Brandon Police Service - for office use only)

Driver interviewed: Yes _____ No _____ Date _____

Driver Recommended _____ Driver Not recommended _____

Remarks _____

Date

Brandon Police Service

LICENSE SECTION

Approved _____

Not Approved _____

Receipt Number _____

Driver's Permit No. _____

Date

License Inspector

This personal information is being collected under the authority of City of Brandon By-law No. 6884 and will be used for issuance of Taxicab Driver's permits.

It is protected by the Protection of Privacy provisions of The Freedom of Information and Protection of Privacy Act. If you have any questions about the collection, contact Ian Richards, Clerk's Department, 410 - 9th Street, Brandon, MB R7A 6A2, (204) 729-2269.

SCHEDULE "C"

to City of Brandon Tax By-law No. 6884

IN THE MATTER of the Tax By-law No. 6884 of The City of Brandon.

NOTICE OF APPEAL

**TO: City Clerk
Civic Administration Building
410 - 9th Street
Brandon, Manitoba R7A 6A2**

PLEASE TAKE NOTICE that I wish to appeal to the Tax Appeal Committee the action of the Administration to:

refuse to issue or renew/suspend or cancel

a Business License Certificate, a Taxicab Permit or a Taxi Driver's Permit

on the day of A.D. 20

My reasons for appealing are:

Dated at Brandon, Manitoba this day of A.D. 20 .

Signature of Appellant

Name of Appellant (please print)

Address



CITY OF BRANDON

410 – 9TH Street, Brandon, Manitoba, R7A 6A2

TAXI BUSINESS LICENSE APPLICATION

BUSINESS OPERATING NAME: _____

BUSINESS ADDRESS: _____

BUSINESS PHONE NO.: _____ **BUSINESS FAX NO.:** _____

APPLICANT NAME: _____

ADDRESS/CITY: _____

POSTAL CODE: _____ **EMAILADDRESS:** _____

OWNER OF BUSINESS (if different than above): _____

OWNER'S DATE OF BIRTH (DD/MM/YYYY): _____ **OWNER'S S.I.N.:** _____

NOTE: A business license will authorize you to conduct business in the City of Brandon only and Provincial or Federal Licenses may also be required. Separate regulations may apply to the location of business within the City of Brandon.

I have been provided a copy of the City of Brandon Taxi By-law and acknowledge that it may be amended from time to time.

Signature of Applicant

Date of Application

FEE DUE: _____

LICENSE NO./RECEIPT NO.: _____

RECOMMENDED

YES

NO

DATE

BRANDON POLICE SERVICES:

PLANNING & BUILDING DEPARTMENT:

LICENSE INSPECTOR:

COMMENTS:

	VEHICLE 1	VEHICLE 2	VEHICLE 3	VEHICLE 4
YEAR				
MAKE/MODEL				
SERIAL NUMBER				
REGISTRATION				
LIABILITY INSUR				
SAFETY INSP DATE				
PLATE NUMBER				
AFFILIATED / OWNED				

	VEHICLE 5	VEHICLE 6	VEHICLE 7	VEHICLE 8
YEAR				
MAKE/MODEL				
SERIAL NUMBER				
REGISTRATION				
LIABILITY INSUR				
SAFETY INSP DATE				
PLATE NUMBER				
AFFILIATED / OWNED				

Attach additional pages if required.

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It is protected by the Protection of Privacy provisions of The Freedom of Information and Protection of Privacy Act. If you have any questions about the collection, contact Ian Richards, Clerk's Department, 410-9th Street, Brandon, MB R7A 6A2, (204) 729-2269.