

## CITY OF SELKIRK

### BY-LAW NO. 5089

#### BEING A BY-LAW-OF THE CITY OF SELKIRK REGULATING TAXICABS.

WHEREAS Section 23 of The Highway Traffic Act, SM1985-86 c.3 cap.H60, provides that the Council of the City of Selkirk may pass by-laws regulating and controlling the operation of Taxicabs within the City of Selkirk;

AND WHEREAS it is deemed in the best interests of the City of Selkirk to pass a by-law regulating and controlling the operation of Taxicabs within the City of Selkirk;

NOW THEREFORE the Council of the City of Selkirk in open session enacts as follows:

1. DEFINITIONS

In this By-Law:

- (a) "Authorized Person" means a By-Law Enforcement Officer and any Officer.
- (b) "Business Licensee" means a person who holds a subsisting Taxicab Business License issued to such person by the Designated Officer pursuant to the provisions of this By-Law.
- (c) "By-Law Enforcement Officer" means the person so appointed by the Council of the City of Selkirk who is charged with the responsibility of enforcing by-laws of the City of Selkirk.
- (d) "Handicab Van" means a taxicab that is equipped with a wheelchair ramp or lift and is operated exclusively for the transportation of physically disabled persons and their escorts.
- (e) "Officer" means any Peace Officer.
- (f) "Taxi Operators License" means the license issued by the Designated Officer, pursuant to the provisions of this By-Law, authorizing the person named therein to drive vehicles licensed under the provisions of this By-Law.
- (g) "Taxicab" means any vehicle had, kept, garaged, under repair, used intended for use, or operated for the transportation of persons for compensation within the City of Selkirk and includes a limousine, handicab van, taxivan, and hotel shuttle.
- (h) "Taxicab Business License" means a certificate issued by the Designated Officer pursuant to the provisions of this By-Law, authorizing the person named therein to carry on a taxicab business.
- (i) "Director of Finance" means the person so appointed by Council from time to time.

2. LICENSING OF TAXICAB VEHICLES

- (a) No vehicle shall be operated as a Taxicab within the City of Selkirk without a license being issued by the City of Selkirk authorizing the use of such vehicle as a Taxicab, which license is hereinafter referred to as the "Taxicab Vehicle License".
- (b) A person intending to use a vehicle as a taxicab in the City of Selkirk shall apply for a separate license for each vehicle so intended to be used and, if such licence is approved, the City shall issue a separate Taxicab Vehicle License for each Taxicab to be so used. The Taxicab Vehicle License shall be non-transferable from Taxicab to Taxicab.

- (c) In issuing licenses the Council shall consider the public convenience and necessity in respect of the number of taxicabs required in the City of Selkirk; and to that end, by resolution, it may limit the number to be operated under its authority at any one time, but may issue temporary permits permitting an additional number of taxicabs to be operated during the months of November to March inclusive, or for special occasions as determined by Council.
- (d) The copy of the Taxicab Vehicle License provided to the owner shall be affixed to the interior of the said Taxicab where it will be available for inspection by any authorized person.
- (e) The Taxicab Vehicle License shall state the serial number, year, make, model, and odometer reading of the said Taxicab at the time of issue of the license, and the number of passengers allowed to be carried in the particular Taxicab at any given time.
- (f) The City may issue plates or distinguishing markings which, if issued, Taxicab operators shall use and prescribe on their respective Taxicabs. In addition, the City may direct the removal or relocation of any other markings placed on a Taxicab and any owner shall comply with such requests.
- (g) Each Taxicab licensed to be operated shall have painted or permanently affixed on each side of the Taxicab a business name, which shall include the word "taxi" and that name shall be printed in lettering no less than two inches high and shall be kept clear, clean and distinguishable at all times.
- (h) In addition, in similar lettering, the name and word "taxi" shall be printed above or below the rear window of the Taxicab.
- (i) The owner shall place, on each side and on the rear of each Taxicab, a designating fleet number, as assigned by the City, which number shall be no less than 4" in height and in a color that is both highly and distinctive and is esthetically pleasing. No designated fleet number issued by the City shall be duplicated between Taxicab companies.
- (j) The City, before issuing any Taxicab Vehicle License, shall require proof in a form satisfactory to it that the vehicle to be licensed as a Taxicab shall carry public liability insurance in the minimum amount of \$2,000,000.00 per vehicle.
- (k) No vehicle shall be issued a Taxicab Vehicle License until the owner thereof has paid the annual fee specified in Schedule "B".
- (l) No vehicle shall be operated as a Taxicab within the City of Selkirk until the City has received a Certificate evidencing that the vehicle in question has been inspected no less than 14 days prior to the application for the issuance, or the renewal, as the case may be, and that the result of the inspection is that the vehicle complies with all safety requirements of The Highway Traffic Act. In the alternative, the applicant or operator shall provide the City with a current Certificate of road worthiness issued by The Motor Transport Board for the vehicle in question. Failure to produce such a certificate may result in the Designated officer ordering such taxicab out of service until such certificate is received by the Designated Officer.
- (m) Where a Taxicab Business Licensee desires to substitute another motor vehicle for any taxicab for which a license has been issued, the said Licensee shall deliver to the Designated Officer the original Taxicab Vehicle License, and where the Designated Officer is satisfied that the motor vehicle proposed to be substituted is in compliance with the provisions of this By-Law, he shall issue a substitute license to the Licensee.

- (n) A Taxicab Business Licensee shall not, either directly or indirectly, permit any person to drive or operate a taxicab licensed by such Licensee unless such person is the holder of a subsisting and valid Taxicab Operators License issued under the authority of this By-Law.

### 3. LICENSING OF TAXICAB OPERATORS

Notwithstanding the issuance of a Taxicab Vehicle License for a vehicle, pursuant to this By-Law, no person shall operate a Taxicab within the City of Selkirk unless the City has issued a license to that person permitting that person to operate a Taxicab (which license is hereinafter referred to as the "Operators License"). No Operators License shall be issued until the person applying for same has provided the City with the following:

- (a) a current valid Class 4 license issued under The Highway Traffic Act for the operator; and
- (b) a medical report, which report shall indicate that the Applicant is not medically unfit to operate a Taxicab. Thereafter, the operator shall file with the City a medical report certifying that the person's fitness to operate a Taxicab on the safe frequency, as is required by The Highway Traffic Act in connection with Class 4 Drivers Licenses. Notwithstanding the foregoing, the Officer may require a Medical Certificate as aforesaid, in connection with such license on an annual basis, as he or she in his or her discretion determines.
- (c) Certificates signed by the Officer in charge at the time of the local Detachment of the RCMP certifying as to the extent and nature of any criminal record the Operator may have. The existence of a criminal record may be considered by Council in determining whether or not that person will be issued a License to operate a Taxicab. In addition, the Applicant shall provide a consent to release in a form prescribed by the City from time to time, which consent will permit the RCMP to release information on the Applicant's criminal record to the City from time to time.
- (d) 2 (two) passport-type photographs, no less than 14 days old;
- (e) 2 (two) character references satisfactory to the Authorized Person;
- (f) The application fee for the Taxicab Operators License shall be as set out in Schedule "B".
- (g) Every person operating a Taxicab shall display his or her photographic identification in the Taxicab being operated. Each owner of a Taxicab shall maintain within such Taxicab and shall provide the City with such means as the City may require from time to time to enable it to identify the owner and driver of any Taxicab while it is being operated within the City of Selkirk.
- (h) Every taxicab operator shall at all times when operating a taxicab:
  - (i) whenever carrying a passenger or passengers in the vehicle, have the taxi meter thereof in operation failing which no fare shall be charged to such passengers;
  - (ii) not demand any payment of any fee not specifically authorized by the tariff of fees established by this By-Law;
  - (iii) not allow alcoholic beverages to be consumed in the vehicle, nor have any such beverages transported in the taxicab unless same is the property of the passenger and is stored in accordance with the requirements of the Manitoba Liquor Control Commission and in addition any taxicab operator shall be satisfied, before transporting any passenger possessing alcoholic beverages, that such passenger is of the age of majority.

- (iv) whenever requested by a passenger, issue to such passenger a receipt for the amount of the taxicab fare paid by such passenger to the taxicab operator;
- (v) unless otherwise directed by a passenger, drive passengers by the most direct practicable route to their destination.

#### 4. OPERATION OF A TAXICAB BUSINESS

- (a) Notwithstanding the issuance of a Taxicab Vehicle License, or a Taxicab Operators License, no person shall operate a Taxicab Business without the person owning or operating the business first having and obtained a Taxicab Business License from the City of Selkirk by paying the fee specified in Schedule "B". A Taxicab Business License shall be valid only for the calendar year for which it is issued.
- (b) No License to operate a Taxicab Business shall be issued by the City of Selkirk to any person without that person first having obtained the authority to operate a Taxicab by The Motor Transport Board of the Province of Manitoba.
- (c)
  - (i) Prior to any Taxicab Business License being issued or renewed in respect of any Taxicab By-law, the applicant or, in the case of a renewal, the licensee, shall provide the city with proof that the Taxicab Business forming the subject matter of the license application or the renewal thereof, as the case may be, will be carried on from a premises, (such premises to be staffed by an employee present at the premises who will act as dispatcher such premises to be located in a commercial zone within the City of Selkirk pursuant to the City's Zoning By-Law as defined by the City's Zoning By-Law in force from time to time.
  - (ii) Failure by any licensee or applicant, as the case may be, to supply the above required information will result in the City not issuing a license or not renewing the existing license, as the case may be. In such case, the carrying on of any taxicab business following the non-issuance or non-renewal of the license, as the case may be, shall be an offence pursuant to this By-Law.
- (d) The Taxicab Business shall be carried on from a premises clearly marked with signage identifying the Taxicab Business name, address, and telephone number.
- (e) The Taxicab Business premises shall be open to the public during normal business hours Monday to Friday.
- (f) The Owner of the Taxicab Business shall advise the City of any change in address or change of use of vehicle within 48 hours of such change occurring.
- (g) In the event that the Licensee is determined by the City to be operating a Taxicab Business in other than a commercial zone, the Director of Finance of the City of Selkirk shall cancel the subsisting Taxicab Business License. The Taxicab Business License in question and the former holder thereof shall thereafter cease carrying on the business of operating a Taxicab in the City of Selkirk. Failure to cease carrying on business as aforesaid shall be an offence pursuant to this By-Law.
- (h) Every owner of a Taxicab shall furnish safe, sanitary and proper Taxicab service to patrons and shall equip and maintain its vehicle in such condition as will enable him/her to do so. In the event that an Inspector determines a Taxicab is not safe, sanitary or in proper condition, he/she may order same out of service until such time as such deficiencies have been rectified and such rectification has been approved by an Inspector.
- (i) The City by resolution, may establish and approve the compensation, charges or tariff of fares that Taxicab operators and drivers shall charge and collect, including, if deemed expedient, maximum/minimum fares, and require that the fares be based on the measured kilometer and that every Taxicab be equipped with a taximeter.

- (j) The owner of each Taxicab business shall within 48 hours of any accident involving a Taxicab, verbally report the particulars of such accident to the By-Law Enforcement Officer and no later than 20 days following such accident, provide the By-Law Enforcement Officer with written particulars of the accident, including details of any damage, injuries and other important facts.
- (k) The City may, by resolution, prescribe the maximum number of persons to be carried in any Taxicab, the seating arrangements for the convenience and safety of passengers therein and the provision to be made for carrying the luggage or property of the passengers.
- (1) Each Taxicab shall carry a taximeter of a type approved by an Inspector, which taximeter shall record the fare being charged to passengers in the Taxicab with distance travelled. Each taximeter, before being put to use, shall be effectively sealed, subject to inspection by the City's inspectors:
  - (i) When it is necessary for a seal to be broken that has been placed on a taximeter by the City's Inspectors, the Inspector shall be notified as soon as possible by telephone in order that the meter may be tested and re-sealed. No taximeter shall be used until same has been re-sealed, inspected and approved by an Inspector.
  - (ii) The owners of the Taxicab Business are responsible for the accuracy of taximeters installed on their Taxicabs within the tolerances allowed by the City.
  - (iii) Inspection and tests shall be made on such basis as the Inspector may require from time to time and these tests shall be of sufficient frequency to ensure continued accuracy of the taximeter.
  - (iv) A record shall be kept by the owners of the Taxicab Business of each test of a taximeter and that record shall be kept available for inspection by the City or its Inspector at any time.
  - (v) Each Licensed Taxicab Business shall keep a record of the Taxicabs on which the different taximeters are operated.
  - (vi) Taxi meters are subject to inspection and tests by the City at any time; and any taximeter found inaccurate will be ordered out of service.
  - (vii) Notwithstanding anything contained hereinbefore, prior to a license being issued for a Taxicab and no later than the anniversary date for such license in each succeeding year, the owner of such Taxicab shall provide the City with a certificate from such firm or person as the City may approve from time to time certifying that the taximeter had been inspected at least 10 days prior to such issue date or anniversary date as the case may be, and was, at the time of inspection, operating accurately and that prior to such inspection, the seal on such taximeter had not been tampered with.
- 5. There shall be posted in each Taxicab a tariff or rate card showing the tariff of fares authorized by the City, if any.
- 6. Any Authorized Person shall be entitled to stop, enter and inspect any Taxicab in the City of Selkirk and enter and inspect any building or place in the City of Selkirk where a Taxicab is kept, stored, or repaired, and to examine any accounts, records or documents that are required to be kept by owners and operators of Taxicabs.
- 7. Each Taxicab Business owner shall keep books, records, and accounts so as to afford an intelligent understanding by the Inspector of the Taxicab business so operated.

8. (a) No person shall carry on the business of keeping a Taxicab or Taxicabs for hire or hold himself out or advertise that he is carrying on that business or keep for hire or operate for hire any Taxicab within the City of Selkirk in any year unless he holds a subsisting Taxicab Business License from the City of Selkirk permitting him to do so.
- (b) Any person who violates any provision of this By-Law is guilty of an offence and is liable under summary conviction for a fine of not less than \$500.00 plus costs.
- (c) The Director of Finance of the City of Selkirk may suspend any Taxicab Operators License or Taxicab Business License in the event that the Taxicab operator or owner of the Taxicab Business, as the case may be, is charged under the provisions of this by-law or any other statute or regulation of the Province of Manitoba or Government of Canada.
- (d) In the event that a Taxicab Operator or owner of a Taxicab Business is convicted of an offence under the provisions of this by-law or any other statute or regulation of the Province of Manitoba or Government of Canada, the Taxicab Operators License or Taxicab Business License shall, at the discretion of the Director of Finance of the City of Selkirk, be cancelled.
- (e) In the event of suspension or cancellation of a Taxicab Operators License or a Taxicab Business License for any reason, the former holder of the license in question may apply to Council for reinstatement of same and following a hearing by Council, any decision rendered by Council in that connection shall be final and not subject to any appeal.
9. In any prosecution under this By-Law, a Certificate of the Director of Finance of the City of Selkirk, that the vehicle alleged to be so driven is licensed by the City of Selkirk as a Taxicab and shall be admissible without proof of signature of the Director of Finance as evidence that the vehicle is a Taxicab.
10. By-Law No. 4987 be and is hereby repealed.
11. That the proper officers of the City of Selkirk are hereby authorized and directed to do all things necessary for the proper implementation of the provisions of this By-Law.

DONE, PASSED AND ENACTED at the regular meeting of Council of the City of Selkirk, held at the office of the City this 20th day of December, 2004.

*Original signed by D. Bell*

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Mayor

*Original signed by E. Henrichsen*

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Director of Corporate Services

READ A FIRST TIME      this    13th    day    of    December, 2004.

READ A SECOND TIME    this    20th    day    of    December, 2004.

READ A THIRD TIME      this    20th    day    of    December, 2004.

SCHEDULE "B"  
To the City of Selkirk Taxi By-Law No. 5089

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AMENDED

See current Fees & Charges By-Law No. 5073