



TAXI REGULATION BYLAW 5346-2013

A bylaw to licence and regulate taxi drivers
and regulate taxis in the District of Mission

THIS DOCUMENT HAS BEEN REPRODUCED FOR CONVENIENCE ONLY and is a consolidation of "District of Mission Taxi Regulation Bylaw 5346-2013" with the following amending bylaws:

Bylaw Number	Date Adopted	Section Amended
5383-2013-5346(1)	October 21, 2013	Section 2 Section 6.2(g) Section 3.5 Schedule A
5509-2015-5346(2)	June 15, 2015	Section 6.2(g) - delete

Individual copies of any of the above bylaws are available from the Administration Department of the District of Mission. For legal purposes, copies of the original bylaws should be obtained.

DISTRICT OF MISSION

BYLAW NO. 5346-2013

A bylaw to licence and regulate taxi drivers and regulate taxis in the District of Mission

The Council for the District of Mission, in open meeting assembled, ENACTS AS FOLLOWS:

1. TITLE

This Bylaw may be cited for all purposes as "District of Mission Taxi Regulation Bylaw 5346-2013."

2. DEFINITIONS

In this Bylaw, unless the context otherwise requires:

"At-Fault" means a determination by the Insurance Corporation of British Columbia (ICBC) or a court of competent jurisdiction, that the owner or operator of a motor vehicle was more than 50% responsible for the collision;

"Chauffeur Permit" means a permit required or issued under the provisions of this Bylaw;

"Driver of Taxi" includes every person who drives a taxi for hire or who has the care and control of a taxi for hire;

"Hire" means the fare, toll or fee charged or collected from any person for transportation of a person, persons or property;

"Owner" means the owner as defined under the *Motor Vehicle Act*, R.S.B.C. 1996, c. 318, as amended from time to time;

"Officer in Charge" means the Officer in Charge of the Mission Detachment of the Royal Canadian Mounted Police or his or her authorized designate;

"Taxi" means a taxi as defined under the *Motor Vehicle Act*, R.S.B.C. 1996, c. 318, as amended from time to time.

3. CHAUFFEUR PERMIT REQUIRED

3.1 No person shall drive a taxi for hire within the District of Mission unless he is the holder of a valid Chauffeur Permit issued by the Officer in Charge in the form prescribed by Schedule "A" to this Bylaw.

3.2 No person being the owner of a motor vehicle shall suffer or permit any person to drive a motor vehicle within the District of Mission for the purpose of carrying passengers for hire unless the person driving the motor vehicle is the holder of a valid Chauffeur Permit issued by the Officer in Charge in the form prescribed by Schedule "A" to this Bylaw.

3.3 A current photograph of the person, identified by name, is placed on the inside of the vehicle in a prominent location that is visible to passengers in the rear seat. The photograph must be at least 50mm x 70mm (2 inches x 2 and 3/4 inches) in size.

- 3.4 Despite Sections 3.1 and 3.2, a person may operate a taxi in the District of Mission without a Chauffeur Permit for the sole purpose of dropping off passengers at a destination in the District provided that the passenger's trip originated outside of the District and on condition that:
- (a) no passenger is picked up in the District of Mission;
 - (b) no passenger is transported from point to point within the District;
 - (c) the person does not stop the taxi within a designated taxi zone or otherwise solicit passengers; and
 - (d) the person holds a valid municipal Chauffeur Permit issued by the originating jurisdiction of the passenger's trip, where such permit is required by that jurisdiction.
- 3.5 Every holder of a Chauffeur Permit issued under this Bylaw shall have the permit in his/her possession at all times while driving a taxi in the District of Mission and shall produce the permit for inspection at any time upon request of a peace officer or a passenger.
- 3.6 A Chauffeur Permit issued under the provisions of this Bylaw shall, unless the same becomes sooner cancelled or suspended, expire not later than 2 years from the date of issuance.

4. TAXI BUSINESS

- 4.1 A taxi business must not allow, suffer or permit any person to drive, operate or be in care and control of a taxi licensed by the taxi business for the purpose of carrying passengers for hire in the District, unless the person driving, operating or being in care and control of the taxi is the holder of a valid Chauffeur Permit.

5. APPLICATION PROCESS

- 5.1 Every application for a Chauffeur Permit must be submitted to the Officer in Charge in the form prescribed by Schedule "B" attached hereto and forming part of this Bylaw; and must submit and pay for a criminal record check from the RCMP;
- 5.2 The Officer in Charge is authorized to conduct such investigations as the Officer in Charge considers necessary to determine the fitness of any person to act or continue to act as a chauffeur in the District and to ensure compliance with this Bylaw and, for this purpose, the Officer in Charge may require that an applicant or a permit holder submit to an examination or interview or provide such additional information or documentation as the Officer in Charge considers necessary.
- 5.3 A person must not make any false statement or declaration in an application for a Chauffeur Permit under this Bylaw.
- 5.4 The Officer in Charge must either issue or refuse to issue a Chauffeur Permit within ten business days of the receipt of a complete application, which meets the requirements of this Bylaw.

6. APPLICANT QUALIFICATIONS

- 6.1 The Officer in Charge may issue a Chauffeur Permit, with conditions, to any person if, after reviewing and considering an applicant's driving history, criminal record and such other

records, investigations, searches, interviews and assessments as the Officer in Charge considers appropriate, he or she is of the opinion that an applicant is fit to act as a chauffeur in the District having regard to the safety, protection and convenience of the public.

6.2 Without limiting the generality of Section 6.1 every applicant for a Chauffeur Permit must;

- (a) be a minimum of 19 years of age;
- (b) hold a valid and subsisting class 1, 2 or 4 British Columbia drivers licence which authorizes the applicant to operate a taxi for the purpose of carrying passengers for hire;
- (c) be licenced as a taxi business and provide a copy of such licence, or be employed by a taxi business or have been offered employment by a taxi business upon obtaining a Chauffeur Permit, and provide a letter from the taxi business confirming such employment;
- (d) within the previous five (5) years, have had no more than;
 - i. three (3) motor vehicle collisions for which the applicant was determined to be at-fault regardless of the jurisdiction where the collisions occurred; or
 - ii. five (5) motor vehicle moving violation convictions, regardless of the jurisdiction where the collisions occurred; or
 - iii. two (2) prohibitions against driving under any applicable law regardless of the jurisdiction;
- (e) not be currently before the courts or convicted of any offence involving violence, dishonesty or driving conduct that, having regard to the safety, protection and convenience of the public, is relevant to the applicant's fitness to operate a taxi;
- (f) be thoroughly familiar with the District's geography and have competent knowledge of traffic rules and regulation in the District and the requirements of this Bylaw, the *Motor Vehicle Act* and the *Passenger Transportation Act*;

7. REFUSAL, SUSPENSION OR CANCELLATION OF CHAUFFEUR PERMIT

7.1 Pursuant to the provisions of Section 36 of the *Motor Vehicle Act*:

- (a) In this section, "**chief of police of the municipality**", in the case of a municipality policed by the Commissioner of Provincial Police, means the senior member of the Royal Canadian Mounted Police in that municipality.
- (b) A chauffeur, within a municipality that has passed a bylaw under subsection (j), must not drive, operate or be in charge of a motor vehicle carrying passengers for hire unless he or she holds a permit for that purpose issued to him or her by the chief of police of the municipality.
- (c) A chauffeur to whom a permit is issued under subsection (b) must comply with all regulations made by the municipality that are not repugnant to this Act or the regulations.

- (d) If the chief of police of the municipality, on proof to his or her satisfaction, believes that a person holding a permit under subsection (b), because of his or her use of or dealing in intoxicants or narcotic drugs or any other reason, is unfit to act as a chauffeur, the chief of police of the municipality may suspend or cancel the permit.
- (e) If an applicant for a chauffeur's permit is refused or a chauffeur's permit is suspended or cancelled by the chief of police in a municipality, the chief of police must within 24 hours after the refusal, suspension or cancellation notify the applicant or holder in writing stating the grounds.
- (f) An appeal lies to the council of the municipality from a refusal, suspension or cancellation under subsection (e).
- (g) On an appeal under subsection (f), the decision of the council is final.
- (h) A fee must not be payable for a permit issued under subsection (b).
- (i) A chauffeur who holds a permit granted or issued under this section must
 - i. have it in his or her possession at all times while driving or operating a motor vehicle on a highway, and
 - ii. produce it for inspection at any time on the demand of a peace officer or constable.
- (j) The council of a municipality may by bylaw provide for the regulation, in accordance with this section, of chauffeurs in the municipality and for the issue of permits to chauffeurs by the chief of police.

8. NOTIFICATION OF REFUSAL, SUSPENSION OR CANCELLATION

- 8.1 An applicant or permit holder may make written submissions to the Officer in Charge within ten (10) business days of being notified of a refusal to issue, cancellation or suspension of a Chauffeur Permit, and the Officer in Charge must consider the submissions, reconsider his or her decision and notify the applicant or permit holder in writing of the outcome of that reconsideration within ten (10) business days of receiving such submissions.
- 8.2 Where an applicant or permit holder makes submissions under Section 8.1, the Officer in Charge and the applicant or permit holder may agree in writing to an arrangement to address deficiencies or remedy non-compliance with this Bylaw, and such arrangement may include, without limitation, terms and conditions relating to the length of suspension, completion of driver training or any other matter.
- 8.3 Every person operating a taxi in the District of Mission shall, within 48 hours of employing or terminating the employment of a driver of a taxi, notify the Officer in Charge in writing, giving the name of the driver and, in the case of a termination of employment, the reason thereof.

9. APPEAL OF DECISION OR WRITTEN NOTICE

- 9.1 An applicant or permit holder may:
 - (a) within ten (10) business days of receipt of the Officer in Charge's notification of the outcome of his or her reconsideration under Section 8.1, or

- (b) where no submissions for reconsideration were made to the Officer in Charge within fifteen (15) business days of receipt of a notice of refusal to issue, suspension or cancellation under Section 8.1;
 - i. appeal the Officer in Charge's decision to Council by delivering a notice in writing to the District's clerk or other District official designated by Council for such purpose, stating his or her intention to appeal and the grounds for the appeal.

10. DECISION CONFIRMED OR SET ASIDE BY COUNCIL

10.1 The District Clerk will schedule a hearing with Council and, on hearing the appeal Council may confirm or set aside the decision of the Officer in Charge to refuse to issue, suspend or cancel a Chauffeur Permit, on terms it deems appropriate.

11. PENALTY

11.1 Every person who violates any of the provisions of this Bylaw or who suffers or permits any act or thing to be done in contravention of the provisions of this Bylaw, or who neglects to do or refrains from doing anything required to be done by any provision of the Bylaw shall be guilty of an offence and shall be liable to a penalty of not less than Three Hundred Dollars (\$300.00) or if the offence is of a continuing nature the sum of not less than Three Hundred Dollars (\$300.00) for each day the offence continues to a maximum of \$3,000.

12. SEVERABILITY

12.1 If any portion of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed from the remainder of the Bylaw as deemed valid.

13. REPEAL

13.1 District of Mission Taxi Driver Regulation Bylaw 2216-1990 is hereby repealed.

READ A FIRST TIME this 15th day of July, 2013

READ A SECOND TIME this 15th day of July, 2013

READ A THIRD TIME this 15th day of July, 2013

ADOPTED this 6th day of August, 2013

(original signed by Mayor)

WALTER (TED) ADLEM, MAYOR

(original signed by Deputy Dir. of Corporate Admin.)

KELLY RIDLEY, DEPUTY DIRECTOR
OF CORPORATE ADMINISTRATION

SCHEDULE "A"

DISTRICT OF MISSION
CHAUFFEUR PERMIT

CHAUFFEUR PERMIT

District of Mission

Name **FIRST NAME**
Expiry **MONTH YEAR**

PERMIT NUMBER
#

Police Clearance File: 2013-

Company **Taxi Company**
BCDL **DL#**
Permit Expiry **Month Day, Year**

**This permit must be presented upon request of a
Peace Officer or Passenger.**

SCHEDULE "B"

APPLICATION FOR A CHAUFFEUR PERMIT

APPLICATION IS HEREBY MADE BY THE UNDERSIGNED, FOR A CHAUFFEUR PERMIT (TAXI DRIVER) PERMIT, PURSUANT TO THE PROVISIONS OF THE

Name of Applicant: _____ / _____ / _____
SURNAME FIRST MIDDLE

YYYY / MM / DD		CITY	COUNTRY
Date of Birth	Driver's Licence Number	Place of Birth	

Current Phone Numbers		
Home: _____	Cab #: _____	Cab Licence Plate #: _____
Cell: _____		

Current Address
#1 Previous Address
#2 Previous Address

List your two most recent addresses for last five years if applicable

I will own the vehicle I use for employment: YES / NO If YES, provide Vehicle Licence # _____

Have you ever been convicted of a criminal offence in Canada? (CIRCLE ONE)	NO	YES*
In the past 5 years have you been charged for any offence of violence or honesty? (CIRCLE ONE)	NO	YES*
In the past 5 years have you ever been refused a Chauffeur Permit or been the holder of a Chauffeur Permit that was suspended or otherwise revoked? (CIRCLE ONE)	NO	YES*
In the past 5 years have you been prohibited from driving for any reason? (CIRCLE ONE)	NO	YES*
Are you currently charged or before the courts on ANY Criminal or Motor Vehicle Act matter (e.g: any outstanding fines or ticket disputes?) (CIRCLE ONE)	NO	YES*

*If "YES" was answered to any question in this section provide details by attaching an "Event Disclosure Statement" and include with this application.

I have read and checked all information that I have provided and it is true and correct to the best of my knowledge and belief. I understand that providing false or misleading information is grounds to refuse to issue a Chauffeur Permit to me.

Signature of Applicant

Date of Application

PERMIT APPROVED: _____ PERMIT NO: _____ PERMIT REFUSED: _____
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