

CITY OF MORDEN
By-Law 11- 2018

A Bylaw of the City of Morden to provide for the regulation of vehicles for hire in the City of Morden.

Whereas Bill 30 of the 2nd session of the 41st Legislature of the Province of Manitoba. *The Local Vehicles of Hire Act, C.C.S.M. c. L195*, has been enacted and will come into force on the 28th February 2018;

AND WHEREAS The Local Vehicles for hire act dissolves the Taxicab Board and requires that the City of Morden must make by-laws for the purpose of regulating the vehicles for hire industry.

AND WHEREAS Section 232(1)(n) of the *Municipal act* provides for jurisdiction of the City of Morden to make by-laws in respect of Businesses, business activities, and persons engaged in business;

NOW THEREFORE The City of Morden, in Council assembled, enacts as follows:

Short title

1.This by-law may be cited as the Vehicle for Hire By-Law

Categories for regulation

2(1) This By-Law regulates

- (a) Vehicles for Hire (Application - Schedule G)
- (b) Drivers of Vehicles for Hire (Application - Schedule F)

2(2) Vehicles for Hire are divided into the following categories

- (a) Taxi, consisting of standard and accessible taxi's
- (b) Limousines
- (c) Personal Transportation Provider (PTP) consisting of standard and accessible PTP

Definitions

3(1) in this By-Law

Accessible in respect of a vehicle, means a vehicle

- (a) Constructed and equipped to permit loading, transportation and off-loading of individuals confined to a wheelchair, or similar device used to assist disabled persons, without transfer, and
- (b) Driven by an individual who is physically capable of providing, and trained to provide in compliance with the requirements of this By-Law, transportation services to an individual confined to a wheelchair, or similar device used to assist disabled persons, without transfer;

Accessible drivers licence means licence issued under this by-law which authorises an individual to operate and provide, or offer to provide, transportation services by way of an accessible vehicle;

Charges in relation to a relevant criminal offence or a major driving offence means the initiation of law enforcement proceedings

- (a) In the case of an enactment of the Parliament of Canada, by way of an information laid by a peace officer before, and received by, a justice; or
- (b) In the case of an offence under an enactment of Manitoba, a proceeding under *The Provincial Offences Act, C.C.S.M. c. P160* by information or ticket;

Child abuse registry check means a report about a person's listing in the child abuse registry established and maintained under the *Child and Family Services Act, C.C.S.M. c. C80*;

Criminal Record Check means a report about a person obtained from a law enforcement agency stating whether or not the person has been convicted under an enactment of the Parliament of Canada of an offence in respect of which a record of the persons finger prints is maintained under the identification of criminals, R.S.C. 1985, c. I-1, or has any outstanding charges for such offences awaiting court disposition, and includes a Vulnerable Persons Sector Search;

Endorsed drivers licence means, a drives licence issued under this by-law held by an individual that allows up to a maximum of 3 other individuals to drive a vehicle for hire under the endorse licence for short term or one-off instances.

Limousine means a vehicle determined by the City Manager or designate to qualify as a luxury or specialized vehicle that provides transportation services;

Major Driving Offence means an offence set out in subsection 125(6) of the drivers and vehicles act, C.C.S.M. c. D104;

PTP Vehicle means a vehicle that is not a taxi or a limousine;

Taxi means a vehicle for hire in respect of which a standard or accessible taxi licence had been issued;

General Provisions

4(1) A person must not provide, or offer to provide, transportation services except in compliance with this by-law;

4(2) The owner of a vehicle must not allow it to be used, or to be offered to be used, to provide transportation services except in compliance with this by-law;

4(3) Payment of applicable fees as listed in Schedule E;

4(4) Provision of a licence under this By-Law entitles operation of service within Morden and Winkler.

Exceptions

5(1) Only the specifically named exceptions in Schedule A, are excluded from all the provisions in this by-law;

Vehicles for Hire

- 6(1) All classes of Vehicles for Hire must have a
- (a) Valid registration and insurance
 - (b) Undergo an annual inspection and been issued inspection certificates applicable to that vehicle under the drivers and vehicles act C.C.S.M. c. D104. Inspection within 30 days of issuing licence or annual renewal.
 - (c) Continually be maintained in good condition (i.e. no evidence of accidents, leaks etc.)
 - (d) PTP category of vehicle for hire can only be owner operators
 - (e) A licence issued under this by-law, that must be displayed at all times visible to the passengers who hired the vehicle
 - (f) Must not operate more than 5 out of 7 days under a part time licence
 - (g) Must install winter tires in accordance with MPI guidelines/regulations.

Drivers of Vehicles for Hire

- 7(1) Drivers Licence
- (a) All drivers of any category of a vehicle for hire must have a valid full stage class 4 drivers licence.
 - (b) A licence issued under this by-law, that must be displayed at all times visible to passengers who hired the vehicle.
 - (c) Driver has not been convicted within the previous 10 years of a relevant criminal offence unless a record suspension (pardon) has been issued in respect of that offence.
 - (d) Driver has not been convicted within the previous 10 years of a major driving offence.
 - (e) Driver has not be registered on the child abuse registry.
 - (f) Driver must demonstrate a verbal English level proficiency.
 - (g) Driver must undertake the relevant training if wishing to be endorsed with an accessible licence.

7(2) A driver must give immediate notification to the City of Morden at anytime during the year if the eligibility to hold a driver's licence under this by-law changes.

7(3) An individual must not drive a vehicle for hire unless she or he holds a valid minimum Class 4 drivers licence under this by-law.

7(4) Endorsed Drivers Licence

- (a) A maximum of two endorsed driver's licences can be issued under this by-law.
- (b) Eligible only to individuals who has two or more Vehicles for Hire registered under their personal or company name.

- (c) The holder of the endorsed drivers licence is responsible for the conduct of the individual driving under this licence.
- (d) Any penalties of the driver are the responsibility of the holder of the endorsed driving licence.
- (e) Maximum of three individuals in addition to the endorsed driving licence holds at any one time.

Specific regulations of vehicle for hire categories

8(1) Taxi

- (a) A Taxi is the only category of a Vehicle for Hire that can be hailed.
- (b) Can be hired from identified taxi ranks.
- (c) Payment via cash, provision of debit and credit optional.
- (d) A taxi driver can only reject a customer (fare) or terminate the ride for reason of safety or suspect damage to property.
- (e) Customer (fare) can reject a taxi without reason.
- (f) Displayed in view of each passenger
 - a. Current Fare Schedule
 - b. The process by which a complaint can be made
 - c. The process by which property left behind by a passenger can be returned.
- (g) Installed a certified meter which measured time, distance or both.
- (h) A light on the exterior of the vehicle that turns off when the meter is operating.
- (i) A taxi licence is held in perpetuity providing the fees are maintained, and can be sold or transferred at the taxi holder licence discretion.
- (j) Drivers must take the most economical route to the passenger's destination unless otherwise directed by the passenger and provide reasonable assistance to any passenger as requested or required in the circumstances.
- (k) Must not charge fares other than in accordance with the Fare Schedule C.

8(2) Limousine

- (a) A limousine can not be hailed.
- (b) A limousine can be hired from an identified taxi rank.
- (c) Payment via cash, provision of debit and credit optional.
- (d) A limousine can reject a customer (fare).
- (e) A limousine must indicate upfront pricing.

8(3) PTP

- (a) A PTP can not be hailed.
- (b) A PTP can not be picked up from taxi ranks.
- (c) A PTP driver can reject customer (fare).
- (d) A PTP can only be ordered and paid for via an app
 - a. App must provide drivers name
 - b. App must provide Photo of Driver
 - c. App must provide photo of car
 - d. App must provide previous customer ratings of driver and vehicle
 - e. App must indicate upfront pricing for journey
 - f. App must provide for the payment platform
 - g. App must provide customer to reject driver provided and next driver available automatically provided
 - h. App to provide customer the ability to specifically request driver that is on duty.

Numbers of Vehicles for hire

9(1) The number of taxi licences issued will be set by the City of Morden from time to time via a formula and identified in Schedule B.

9(2) No limit on the number of PTP or limousines licences issued.

9(3) If the number of vehicles for hire are reduced, a licence will not be removed, rather no new licences will be issued until the quota is met.

9(4) An increase in the number of Taxi licences, the City of Morden will initially auction the additional licences and sell to the highest bidder.

Transitional arrangements

10(1) A taxi licence issued under the taxi cab act, will automatically transition to a taxi licence under this by-law upon payment of prescribed fees.

Enforcement of By-Law provisions (Penalties)

11(1) in accordance with the By-law Enforcement Act By-law of the City of Morden, contained in Schedule D of this by-law are penalties for contravention of this by-law, and so scheduled in the By-Law Enforcement Act By-Law.

Vehicle for Hire Commission

12(1) The elected members of the City of Morden form the Vehicle for Hire Commission and when required will convene as the Commission, if such time is during a Council meeting, the Council pass a resolution to convene as the Commission separate to the business of Council, at the conclusion resolve to close commission.

12(2) Any decision made by the authorized officer in relation to the Vehicle for Hire By-Law may be appealed to the Vehicle for Hire Commission. See Schedule H.

12(3) The appellant and authorized officer each has sufficient time to state their case, the commission has the ability to ask questions and to seek clarifications.

12(4) The Commission can only rule on any point by applying the By-Law.

12(5) If as a result of an appeal the Commission believes that the By-Law needs amendments, the Commission can suggest such changes for consideration of Council.

12(6) The Commission may defer a decision, suspend a Commission hearing until a later date to allow further evidence to be gathered.

12(7) Once the Commission has made its decision it is final, and no appeal may be taken in respect of that decision.

DONE AND PASSED as a by-law of the City of Morden, in the Province of Manitoba, this 26th day of February, 2018.

CITY OF MORDEN

Irvin Wiebe

Deputy-Mayor

Patrick Dueck

City Manager

Read a first time this	22nd	day of	January	A.D. 2018.
Read a second time this	26th	day of	February	A.D. 2018.
Read a third time this	26th	day of	February	A.D. 2018.

Schedule A

Exemptions

The following are exempt from the Vehicle for Hire By-Law

- 1/ Morden Handivan
- 2/ South Central Resource Centre Transportation Program
- 3/ Winkler Salem Home Handivan
- 4/ Winkler Senior Centre Handivan
- 5/ Winkler Gateway Resources Bus

Schedule B

Number of Taxi Licences Issued

Formula for numbers of Vehicles for Hire

Category

Limousine – unlimited

PTP – Unlimited

Taxi – 1 Taxi per 2000 population (census numbers)

Schedule C

Fare Schedule
Vehicles for Hire
Maximum Fare Schedule – Taxi Vehicles
Effective March 1, 2018

This maximum fare schedule sets out the maximum fare rates to be charged by taxi vehicles. The meter on a taxi vehicle must always be on when transportation service is being delivered. Limousine and PTP vehicle rates are not regulated, but must be posted and agreed to in advance.

Category	Basic Charge	Each additional 100 Meters	Each 15.00 second's of waiting time
Curb to Curb Service			
Taxicabs (Standard & Accessible)			
6am to midnight	\$4.75	\$0.211	\$0.15
Midnight to 6am	\$6.65	\$0.211	\$0.15
More than 4 passengers			
6am to midnight	\$9.75	\$0.211	\$0.15
Midnight to 6am	\$12.65	\$0.211	\$0.15
Door to Door Service			
Accessible Service	\$12.65	\$0.211	\$0.15

Flat Rate Fares (4 persons)

From Morden	From Winkler	To
\$110	\$89	Altona
\$160	\$145	Emerson
\$400	\$430	Brandon
\$25	\$20	Boundary Trails Hospital
\$85	\$85	Carman
\$45	\$65	Darlingford
\$91	\$112	La Riviere
\$75	\$95	Manitou
\$65	\$85	Miami
N/A	\$30	Morden
\$150	\$130	Morris
\$220	\$220	Portage La Prairie
\$50	\$30	Plum Coulee
\$60	\$58	Roland
\$25	\$45	Thornhill
\$30	N/A	Winkler
\$225	\$225	Winnipeg

Other charges

Cleaning Fee	\$50.00
Per person drop	
-Flat rate fare only	\$5.00

Schedule D

Penalties
Vehicle for Hire By-law
Administrative Penalty

Provision	Contravention	Penalty (\$)
s.4(1)	Provide transportation services without a license	500
s.4(2)	Vehicle not licenced and used for transportation services	1,000
s.6(1) (a)	Insurances and or registration not valid	1,000
s.6(1) (b)	Failure to undergo prescribed inspection	1,000
s.6(1) (c)	Failure to maintain in good condition	500
s.6(1) (d)	Other than owner of vehicle operating PTP vehicle	1,000
s.6(1) (e)	Failure to display By-Law License appropriately	500
s.6(1) (f)	Operating a part time vehicle license in excess 5/7	1,000
s.6(1) (g)	Failure to install winter tires	1,000
s.7(1) (a)	Failure of having correct drivers license	500
s.7(2)	Failure to notify City of Morden of ineligibility to hold licence	1,000
s.7(3)	Individual driving a Vehicle for Hire without appropriate licenses	500
s.7(4) (e)	More that allowed number of drivers operating	500
s.8(1) (c)	Failure to provide all forms of payment	500
s.8(1) (f) a	Failure to display current fare schedule	500
s.8(1) (f) b	Failure to display complaint process	500
s.8(1) (f) c	Failure to display process to claim property left in taxi	500
s.8(1) (g)	Failure to have a certified meter in accordance with By-Law	1,000
s.8(1) (h)	External light inoperable in accordance with By-Law	500
s.8(1) (j)	Failure to take the most economical route	1,000
s.8(1) (k)	Charging more that the schedule fare allows	1,000
s.8(2) (a)	Limousine accepting a fare from being hailed	500
s.8(2) (c)	Failure to provide all forms of payment	500
s.8(2)(e)	Failure to provide upfront pricing	500
s.8(3) (a)	PTP accepting fare from being hailed	500
s.8(3) (b)	PTP accepting fare from taxi ranks	500
s.8(3) (d)	Failure to comply with App conditions of hire	500

Schedule E

Vehicle for Hire Fees
Effective 1st March 2018

	Note	Frequency	2018
Endorsed Drivers Licence Fees		Annual	\$ 90.00
Drivers Licence Fee		Annual	\$ 50.00
Vehicle Licence Fee (full time)	1	Annual	\$200.00
(Part time)	2	Annual	\$ 90.00
Other fees			
Vehicle License Transfer fee			\$200.00
Late Payment fee – Vehicle License			\$300.00
Late Payment fee – Driving License			\$ 40.00

Notes

1 – Vehicles to be used 24/7 every day of the year

2 – Vehicle must be used less than 5/7 every day of the year, owner must stipulate the hours of operation which will become a license condition on that vehicle.

Schedule F



CITY OF MORDEN

100-195 Stephen Street, Morden, Manitoba, R6M 1V3

DRIVER'S OF VEHICLE FOR HIRE LICENCE APPLICATION

Driver Type					
<input type="checkbox"/>	Taxi Driver	<input type="checkbox"/>	Accessible	<input type="checkbox"/>	Standard
<input type="checkbox"/>	Limousine Driver				
<input type="checkbox"/>	Personal Transportation Provider	<input type="checkbox"/>	Accessible	<input type="checkbox"/>	Standard

Applicant Information			
Name (Last Name)	First Name	Middle Name	Date of Birth(dd/mm/yy)
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Home Address			
<input type="text"/>			
City	<input type="text"/>	Postal Code	<input type="text"/>
Phone			
Home	<input type="text"/>	Cell	<input type="text"/>
Driver's License#	<input type="text"/>	Classification	1 2 3 4 5
Legally Entitled To Work in Canada?	<input type="checkbox"/> Yes <input type="checkbox"/> No		

Required Documentation
<p>All applicants must provide copies of the following documents with the completed application form:</p> <p>All Drivers</p> <ul style="list-style-type: none"> <input type="checkbox"/> A valid Provincial Driver's License (applicable to the use of the vehicle being driven); <input type="checkbox"/> Criminal Record Check with Vulnerable Sector Screening (VSS) indicating the applicant has not been convicted within the previous 10 years of a relevant criminal offence unless a record suspension (pardon) has been issued in respect of that offence; <input type="checkbox"/> Documentation indicating the applicant has not been convicted within the previous 10 years of a major driving offence; <input type="checkbox"/> Child Abuse Registry Check indicating the applicant is not registered on the Child Abuse Registry; <input type="checkbox"/> Document satisfactory to the City indicating that the individual has provided consent; <ul style="list-style-type: none"> a) For the City to have access to his or her personal information maintained by Manitoba Public Insurance, the Morden Police Service and the body responsible for maintaining the Child Abuse Registry for the purposes of administering and enforcing this By-law; and <input type="checkbox"/> Proof that the applicant has completed the required training and that the applicant has the skills and knowledge reasonably considered necessary in order to provide the services exclusive to Vehicle for Hire drivers. <p>Accessible Taxis & Personal Transportation Providers</p> <p>In addition to the required documents above, copies of the following documents are required for applications for drivers of accessible vehicles:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Documentation indicating that the applicant has completed the required training with respect to transportation service for individuals who use a wheelchair, or similar device which can accommodate a seated individual, and who cannot self-transfer; or <input type="checkbox"/> Documentation indicating the applicant demonstrates the skills and knowledge reasonably considered to be necessary to provide services to individuals who use a wheelchair, or similar device which can accommodate a seated individual, and who cannot self-transfer.

Consent for Collection and Use of Personal Information

I understand that by signing below, I am providing the City of Morden with my explicit consent to collect, use and disclose the personal information provided within this application, and the information provided by third parties as described below, for the purposes of determining initial eligibility for a taxi driver's license and to monitor my ongoing eligibility to operate under this by-law.

I hereby authorize Manitoba Public Insurance to disclose to the City of Morden all licence, accident, registration, and vehicle information necessary for the above purposes until such time as I notify Manitoba Public Insurance, in writing, to revoke this authorization.

I hereby authorize the Province of Manitoba to disclose to the City of Morden my Child Abuse Registry Check results as necessary for the above purposes until such time as I notify the Province of Manitoba, in writing, to revoke this authorization.

I hereby authorize all law enforcement agencies (including Morden Police Service and RCMP) to disclose to the City of Morden my Criminal Records Check with Vulnerable Sector Screening (VSS), and other information, as required for the above purposes until such time as I notify, in writing, applicable law enforcement agencies.

Any personal information collected or obtained through third parties is done so under the authority of *The Freedom of Information and Protection of Privacy Act (FIPPA)* and the *Vehicles for Hire By-Law*, and is protected by the Protection of Privacy provisions of FIPPA. This information will be used for the purposes stated above, M and will not be used or disclosed for any other purposes, except as authorized by the law. If you have any questions about the collection of this information contact the City Manager at 204-822-4434.

Applicant Signature

Date

--	--

Office Use Only

Approved by		Payment Method	License #
Name:	Signature:		

POLICE SERVICE

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

Driver interviewed: Yes _____ No _____ Date _____

Driver Recommended _____ Driver Not recommended _____

Remarks _____

Date

Morden 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 Morden By-law No. 11-2018 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 the City Manager, 100-195 Stephen Street, Morden, MB R6M 1V3, (204) 822-4434.

Schedule G



CITY OF MORDEN

100-195 Stephen Street, Morden, Manitoba, R6M 1V3

VEHICLE FOR HIRE LICENSE APPLICATION

Application Information

Name

Last Name	
First Name	
Middle Name	

Home Address

City		Postal Code	

Phone

Home		Cell	
------	--	------	--

Email

--

Driver's Licence #

--

Owners Date of Birth

--

Owner's S.I.N.

--

Business Information

Operating Name:

--

Address

City		Postal Code	

Contact

Phone		Fax	
Email Address			

Vehicle Information

Standard Accessible

License Plate#

Make	Model	Year

Seating Capacity **Colour**

--	--

VIN#

--

Date of Safety Inspection

--

Are you the registered owner?

Yes No

Equipment

Check the box next to all equipment that has been equipped in the vehicle

<input type="checkbox"/> Driver Safety Shield	<input type="checkbox"/> Operating In-Vehicle Camera
<input type="checkbox"/> Global Positioning	<input type="checkbox"/> Emergency Strobe Light System
<input type="checkbox"/> Certified Meter	<input type="checkbox"/> Exterior Light (indicates when meter is in operation)

<input type="checkbox"/> Full Time Vehicle (Operates more than 5 of 7 days a week)	<input type="checkbox"/> Part Time Vehicle (Operates less than 5 days a week)
---	--

Required Documentation

All applicants must provide copies of the following documents with the completed application form:

All Taxis

- Safety inspection certificates applicable to the vehicle under The Drivers and Vehicles Act, C.C.S.M. c. D104, within 30 days prior to the application for registration;
- Inspection certificates applicable to the taxi meter and video camera installed in the vehicle;
- Proof of Ownership (if the applicant is the owner) or a letterhead from the owner stating the applicant can purchase the permit on behalf of the owner
- Manitoba Public Insurance registration and insurance documents indicating the vehicle is insured as a vehicle for hire.

Accessible Taxis

In addition to the required documents above, copies of the following documents are required:

- Evidence that the vehicle is constructed and equipped to permit the loading, transportation and off-loading of individuals who use a wheelchair, or similar device which can accommodate a seated individual, and who cannot self-transfer.

Corporation (if applicable)

In addition to the documents required above, a corporation must provide the following:

- A copy of its incorporating documents;
- A certificate of Status issued by the Companies Office;
- A list of the members of its board of directors;

Partnership (if applicable)

In addition to the documents required above, a partnership must provide the following:

- The names and addresses of each member of the partnership;
- The business name under which it operates and proof of the registration of its business name;

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

I have been provided a copy of the City of Morden Vehicle for Hire By-law and acknowledge that it may be amended from time to time.

Consent for Collection and Use of Personal Information

I understand that by signing below, I am providing the City of Morden with my explicit consent to collect, use and disclose the personal information provided within this application, and the information provided by third parties as described below, for the purposes of determining initial eligibility for a Vehicle for Hire Licence to monitor my ongoing eligibility to operate under this by-law.

I hereby authorize Manitoba Public Insurance to disclose to the City of Morden all licence, accident, registration, and vehicle information necessary for the above purposes until such time as I notify Manitoba Public Insurance, in writing, to revoke this authorization.

Any personal information collected or obtained through third parties is done so under the authority of *The Freedom of Information and Protection of Privacy Act (FIPPA)* and the *Vehicles for Hire By-Law*, and is protected by the Protection of Privacy provisions of FIPPA. This information will be used for the purposes stated above, and will not be used or disclosed for any other purposes, except as authorized by law. If you have any questions about the collection of this information, contact the City Manager at (204)822-4434.

Applicant Signature

Date

--	--

Office Use Only

Approved by		Payment Method	License #
Name:	Signature:		

Schedule H

IN THE MATTER of the Vehicle for Hire By-law No. 11-2018 of The City of Morden.

NOTICE OF APPEAL

TO: City Clerk
City Hall
100-195 Stephen Street
Morden, Manitoba R6M 1V3

PLEASE TAKE NOTICE that I wish to appeal to the Vehicle for Hire Appeal Committee the action of the Administration to:
refuse to issue or renew/suspend or cancel

a Business License Certificate, a Vehicle for Hire Licence or a Vehicle for Hire Driver Licence

on the day of A.D. 20

My reasons for appealing are:

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

Signature of Appellant

Name of Appellant (please print)

Address