

# RURAL MUNICIPALITY OF GIMLI

## BY-LAW NO. 18-0020

Being a By-law of the Rural Municipality of Gimli to Provide for the licensing and regulation of vehicles for hire in the Rural Municipality of Gimli.

WHEREAS Bill 30 of the 2<sup>nd</sup> session of the 41<sup>st</sup> Legislature of the Province of Manitoba. The Local Vehicles for Hire act, C.C.S.M. cL195, has been enacted and came into force on the 28<sup>th</sup> of February 2018;

AND WHEREAS Section 232 (1)(n) of the Municipal Act provides for jurisdiction of the Rural Municipality of Gimli to make by-laws in respect of Businesses, business activities, and persons engaged in business;

AND WHEREAS Section 232 (2)(c) of the Municipal Act provides that a council may deal with any development, activity, industry, business, or thing in different ways, or divide any of them into classes and deal with each class in different ways;

AND WHEREAS Section 3(1) of The Local Vehicles for Hire Act states the council of a municipality may make by-laws under the Municipal Act for the purpose of regulating the Vehicle for Hire Industry, including vehicles for hire and vehicle for hire businesses.

Now therefore the council of the Rural Municipality of Gimli in council duly assembled enacts as follows;

1. That this By-Law shall be referred to as the "Vehicle for Hire By-Law"

### 2. Definitions

a) "driver" means the holder of a valid Manitoba Class 4 Driver's Licence and who is driving for the Taxicab Operator.

b) "license year" means the calendar year

c) "Owner /Operator" means the holder of a Vehicle For Hire Business License issued by the Rural Municipality of Gimli.

d) "vehicle for hire" means a vehicle with manufacturer seating capacity for 10 or fewer occupants including the driver and is used to transport passengers for compensation.

e) "vehicle for hire business" means personally or through an agent carrying on the business of keeping at least one taxicab or passenger vehicle for hire.



f) "vehicle for hire business license" means a permit issued by the rural Municipality of Gimli that allows individuals or companies to conduct business within the Rural Municipality of Gimli.

g) "vehicle for hire operator permit" means a permit issued by the Rural Municipality of Gimli that authorized the person named therein to drive a vehicle for hire within the Rural Municipality of Gimli.

### 3. Vehicle for Hire Business License Requirements.

a) No person or agent shall carry on the business of operating any vehicle for hire within the Rural Municipality unless he/she holds a vehicle for hire Business license issued by the Rural Municipality of Gimli.

b) Each and every person/business that has a vehicle for hire to be operated for hire or gain within the Rural Municipality of Gimli shall first apply for and obtain a valid vehicle for hire business license by filling out and submitting Schedule "A" and pay the fee of \$125.00.

c) In the interest of public safety, the owner /operator of a vehicle for hire business must provide the following information with the Vehicle for Hire Business License Application Form;

i) proof that the applicant is over the age of majority

ii) a description of each motor vehicle being used in the business, which includes make, model, year, serial number and license plate number.

iii) proof that insurance premiums as prescribed under The Manitoba Public Insurance Corporation and the regulations made thereunder at the time of application have been paid to the Registrar of Motor Vehicles for the vehicles that will be used in the vehicle for hire business;

d) proof of 3<sup>rd</sup> party liability in the amount of \$2,000,000.00

e) an annual Certificate of Inspection for each vehicle being used in the vehicle for hire business must be provided.

f) a listing with names of every driver employed driving the vehicle/s for hire.

### 4. Operator Permit of Vehicle for Hire Driver Requirements;

a) No person shall drive a vehicle for hire in the Rural Municipality of Gimli unless he/she has a valid operator Permit issued by the Rural Municipality of Gimli.

b) Any person issued an Operator Permit must operate under a valid vehicle for hire business that has been issued a Rural Municipality of Gimli Business License.

c) Each applicant for an Operator Permit for a Vehicle for Hire shall fill out and submit Schedule "B" and pay the fee of \$50.00 per year.

d) In the interest of public safety, the driver of every vehicle for hire must provide the following information with the application for an operator Permit;

i) A valid Manitoba Driver License no lower than a class 4

ii) A current Manitoba Drivers Abstract

iii) A child abuse registry check with the vulnerable sector

iv) A Certified copy of Clean Criminal Record

5. No Operator Permit shall be issued to any person who;

a) has been convicted under the Criminal Code of Canada with the ten year period immediately preceding the date of application;

i) a sexual offence or an offence relating to corrupt public morals

ii) an offence relating to criminal negligence, homicide, bodily harm, assault, kidnapping or abduction;

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 year period immediately preceding the date of application has been convicted of careless driving pursuant to the Highway Traffic Act.

c) within a two year period immediately preceding the date of application has been convicted of any offence not listed above 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 offences under the Highway Traffic Act, The Drivers and Vehicles Act, or any similar acts of any other jurisdiction within a two year period immediately preceding the date of application.

6. If an application for an operators Permit is rejected, the applicant will be informed of the decision, the reasons for the rejection and advise the applicant of his/her right to appeal the rejection.

7. All vehicle for hire drivers must display one recent photograph and the name of the driver of the vehicle for hire in a location clearly visible by the passenger.

8. An applicant who has been rejected for an Operators Permit, has the right to appeal within ten days from the rejection in accordance with the Rural Municipality of Gimli Compliance By-Law.

9. Any person who violates or fails to comply with any of the provisions of this by-law shall be guilty of an offence and liable to a fine as defined in the Rural Municipality of Gimli Compliance By-Law.

10. That By-Law # 826 of the Town of Gimli, be repealed "Provide for Taxi Cab"

11. This By-Law shall come into force and take effect upon being read a third and final time and passed by Council.

**DONE AND PASSED** by the Council of the Rural Municipality of Gimli duly assembled this \_\_\_ day of \_\_\_\_\_, 2019.

**RURAL MUNICIPALITY OF GIMLI**

  
Lynn Greenberg, Mayor

  
Joann Murphy, CAO

Read a first time this 16 day of october, 2019

Read a second time this 16 day of october, 2019

Read a third time this 23 day of october, 2019



Licensing and Regulating Vehicle for Hire By-Law 18-0020

Schedule "A"

Application for Vehicle for Hire Business License

Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

Phone \_\_\_\_\_ Cell \_\_\_\_\_

Vehicle For Hire Business Name \_\_\_\_\_

The Following Items must accompany this application;

- Proof of applicants age
- Written description of each motor vehicle to be used in vehicle for hire business, including make, model, year, serial number, license plate number.
- proof insurance has been paid to the Registrar of Motor Vehicles
- proof of third party liability insurance in the amount of \$2,000,000 or more
- Certificate of inspection for each vehicle that will be used in the vehicle for hire business
- listing with names of every driver employed or otherwise engaged to drive the vehicles what will be used in the vehicle for hire business

I, the applicant, declare that to the best of my knowledge and belief, the information contained in this application is true and correct in every respect. I understand that requirements I must adhere to , to operate a vehicle for Hire business including the requirements I must meet for drivers of my vehicles for hire.

\_\_\_\_\_  
Signature of Business Owner

\_\_\_\_\_  
Date



Licensing and Regulating Vehicle for Hire By-Law 18-0020

Schedule "B"

Application for Operator Permit Vehicle for Hire

Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

Phone \_\_\_\_\_ Cell \_\_\_\_\_

Vehicle For Hire Business you will be working for \_\_\_\_\_

The Following Items must accompany this application;

- A valid Manitoba Driver license no lower than Class 4
- Current Drivers Abstract
- Child abuse registry check with vulnerable sector check
- Certified copy of criminal record check

I, the applicant, declare that to the best of my knowledge and belief, the information contained in this application is true and correct in every respect. I understand that requirements I must adhere to, to hold an operators permit.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date



**Rural Municipality of Gimli  
October 23, 2019 - Regular Meeting # 20**

**By-Law 18-0020 Regulate Vehicle for Hire - Third Reading**

**Resolution # 19 20 25**

MOVED BY: Councillor Peter Holfeuer  
SECONDED BY: Councillor Thora Palson

(Automatic Recorded Vote)

BE IT RESOLVED THAT By-Law # 18-0020, being a by-law to regulate vehicles for hire, pass 3rd and Final Reading;

AND FURTHER THAT the Mayor and the CAO be authorized to sign and seal same.

Name	Yes	No	Abstained	Absent
Councillor Cody Magnusson	✓			
Councillor Peter Holfeuer	✓			
Councillor Richard Petrowski	✓			
Councillor Thora Palson	✓			
Mayor Lynn Greenberg	✓			

**Carried**

CERTIFIED to be a true and correct copy of a Resolution passed by Council on the date above mentioned.

Jackie Patterson  
Admin Clerk  
RM of Gimli