



VEHICLES FOR HIRE BYLAW

BYLAW NO. 03-060

This consolidation is a copy of a bylaw consolidated under the authority of section 139 of the *Community Charter*.
(Consolidated on May 1, 2016 up to Bylaw No. 16-042)

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NO. 03-060

VEHICLES FOR HIRE BYLAW

A BYLAW OF THE CITY OF VICTORIA

(Consolidated to include Bylaws No. 05-101, 07-086, 09-089, 10-074, 12-026, 12-027, 12-091, 13-012, 13-018, 14-047, 15-012, 16-026 and 16-042)

The purpose of this Bylaw is to consolidate the Vehicles For Hire Bylaw.

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Under its statutory powers, including section 363 and Part 20 of the *Local Government Act*, section 3 of the 1907 *Act relating to the City of Victoria*, section 18 of the *Victoria City Act, 1919*, section 16 of the *Victoria City Act, 1922*, and section 9 of the *Victoria City Act, 1934*, the Council of The Corporation of the City of Victoria enacts the following provisions:

PART 1 - INTRODUCTION

Title

- 1 This Bylaw may be cited as the "VEHICLES FOR HIRE BYLAW."

Definitions

- 2 In this Bylaw:

"Bylaw Officer"

means a Bylaw Officer as defined in the Inspection Bylaw;

"bus"

means a vehicle that has a seating capacity of at least 9 passengers, and that is operated

- (a) over a defined route,
- (b) between fixed termini, or
- (c) on a regular time schedule;

"Chief"

means

- (a) the Chief of Police for the City in connection with the exercise of powers related to taxi driver's permits, and
- (b) the Chief of Police for the City, or another person who
 - (i) is designated in writing by the Chief of Police to act on behalf of the Chief of Police for a purpose
 - (A) that is specified in the designation, and
 - (B) that is not in connection with a power related to taxi driver's permits, and
 - (ii) is an employee of the City's Police Department;

"City"

means the City of Victoria;

“hire”

means, with respect to a sightseeing vehicle, a fare, toll, fee, or rate charged or collected from any person for the transportation of a person or persons;

“horsedrawn carriage”

means a horsedrawn vehicle that is

- (a) pulled by one horse, and
- (b) has a maximum seating capacity of 6 passengers;

“horsedrawn wagon”

means a horsedrawn vehicle that is

- (a) pulled by two horses, and
- (b) has seats for a minimum of 7 and a maximum of 20 passengers;

“James Bay”

means the area lying within the following boundaries:

- (a) starting at a point being the intersection of the high water mark with the southerly extension of the east boundary of Douglas Street;
- (b) then along the east boundary of Douglas Street and Blanshard Street to an intersection with the north boundary of Belleville Street;
- (c) then along the north boundary of Belleville Street to the northwest corner of the intersection of Belleville and Government Streets;
- (d) then north to an intersection with the high water mark;
- (e) then continuously following the high water mark, starting in a westerly direction, to the starting point;

“Licence Inspector”

means a person employed as Business Licence Inspector for the City;

“licensed sightseeing vehicle”

means a sightseeing vehicle in respect of which a sightseeing vehicle licence has been issued;

“limousine”

means a motor vehicle

- (a) that is not equipped with a taxi meter or an instrument resembling a taxi meter,
- (b) that does not show a sign or mark indicating that it is a cab or taxi,
- (c) that does not have a dome on its roof, and
- (d) whose owner or operator does not claim or represent that it is a cab or taxi;

“park”, “parking”, or “parked”

has the same meaning as in the Streets and Traffic Bylaw;

“pedicab”

means a three- or five-wheeled human-powered or electric motor-assisted cycle;

“permit holder”

means a person who has been issued a Cruise Ship Tour Permit or a Special Event Permit;

“rickshaw”

means a two-wheeled vehicle manually pulled or pushed by an operator on foot;

“sightseeing vehicle”

means a cab, carriage, omnibus, cart, wagon, dray, motor vehicle, vessel or other conveyance or vehicle with a driver, used in the operation of a sightseeing or charter business, including horsedrawn vehicles, pedicabs and rickshaws but excluding taxis;

“sightseeing vehicle licence”

means a valid business licence, issued in accordance with this Bylaw and the Business Licence Bylaw, to load and transport passengers in a sightseeing vehicle;

“sightseeing vehicle licensee”

means a person who has been issued a sightseeing vehicle licence;

“SPCA”

means the British Columbia Society for the Prevention of Cruelty to Animals formed under the *Prevention of Cruelty to Animals Act*;

“taxi”

means a motor vehicle which is used in the conveyance of passengers for hire, but does not include an ambulance, a bus, a hearse, a limousine, a vehicle driven by the person who hires it or a vehicle, the sole commercial use of which is as a sightseeing vehicle;

“taxi driver's permit”

means a chauffeur's permit issued under the provisions of the *Motor Vehicle Act*;

“taxi meter”

means a mechanical or electronic instrument or device by which the charge for transportation in a taxi is mechanically or electronically calculated either for distance travelled or for waiting time or both and upon which the charge is indicated in Canadian currency by means of figures;

“taxi owner”

includes a person who leases a vehicle;

“taxi stand”

means an area designated as a taxi stand by the Streets and Traffic Bylaw.

PART 2 – GENERAL REQUIREMENTS FOR SIGHTSEEING VEHICLES

Business licence required

- 3 (1) A person may load and transport passengers for hire in a sightseeing vehicle only if the vehicle is a licensed sightseeing vehicle.
- (2) Despite subsection (1) a person may load and transport passengers for hire in a sightseeing vehicle that is not a licensed sightseeing vehicle if those passengers were first transported into the City by that person from a place outside the City.
- (3) A person applying for a sightseeing vehicle licence must make application to the Licence Inspector on the form provided for that purpose and must pay to the City the licence fee prescribed by the Business Licence Bylaw.
- (4) The Licence Inspector must not issue a sightseeing vehicle licence if the applicant has not provided

- (a) a complete description of the sightseeing vehicle in respect of which the sightseeing vehicle licence is being applied for,
 - (b) proof of valid liability insurance against any claims arising from the ownership or operation of the sightseeing vehicle in respect of which the sightseeing vehicle licence is being applied for in an amount of at least
 - (i) \$2,000,000 if the vehicle is a rickshaw, pedicab, or vessel,
 - (ii) \$5,000,000 for any other sightseeing vehicle, and
 - (c) for each sightseeing vehicle that is a vessel, a valid Transport Canada Compliance Notice or Certificate of Inspection.
- (5) Before issuing or renewing a sightseeing vehicle licence, the Licence Inspector may require proof that a licence or permit, for the vehicle or its operation, required under provincial or federal law, has been obtained and is in force.

Vehicle decals

- 4
- (1) The Licence Inspector must issue to each sightseeing vehicle licensee a sightseeing vehicle decal for each of the licensee's licensed sightseeing vehicles.
 - (2) A person must not transport passengers in a licensed sightseeing vehicle unless a valid and legible sightseeing vehicle decal for that vehicle is displayed as follows:
 - (a) if a motor vehicle, on the right side of the front window;
 - (b) if a vessel, so that it is clearly visible when that vessel is moored;
 - (c) if any other type of sightseeing vehicle, so that the decal is clearly visible while the vehicle is in operation.
 - (3) If a sightseeing vehicle decal issued pursuant to this section is damaged or lost, the Licence Inspector may issue a replacement decal if the sightseeing vehicle licensee
 - (a) surrenders the damaged decal to the Licence Inspector or provides written proof satisfactory to the Licence Inspector confirming such loss, and
 - (b) pays a replacement decal fee of \$10.00 plus applicable taxes.

Transfer of licence or decal

- 5
- (1) Except as allowed under this section, a person must not transfer, lease, rent or lend a sightseeing vehicle licence or a decal issued pursuant to section 4.

- (2) A sightseeing vehicle licensee may apply to the Licence Inspector for the transfer of a licence and decal from a licensed sightseeing vehicle that is inoperative to a replacement sightseeing vehicle of the same class.
- (3) The Licence Inspector must issue a sightseeing vehicle licence and decal for a replacement sightseeing vehicle if the sightseeing vehicle licensee
 - (a) surrenders its sightseeing vehicle licence and decal to the Licence Inspector for the purpose of transferring the licence and decal to the replacement sightseeing vehicle,
 - (b) provides the information required under section 3(4) of this Bylaw for the replacement sightseeing vehicle, and
 - (c) pays a transfer fee of \$25.00 plus applicable taxes.
- (4) Despite subsections (2) and (3), a decal may be transferred without applying to the Licence Inspector if the decal is transferred between a licensee's
 - (a) horsedrawn carriages,
 - (b) horsedrawn wagons,
 - (c) pedicabs, or
 - (d) rickshaws.

Insurance

- 6 (1) A person may transport passengers in a sightseeing vehicle only if the insurance required under section 3(4) is in effect.
- (2) The operator of a sightseeing vehicle must produce proof of the insurance required under section 3(4) to the Licence Inspector, a Bylaw Officer or police officer on request.
- (3) If an operator of a sightseeing vehicle or the sightseeing vehicle licensee is unable to provide proof of insurance when requested by the Licence Inspector, a Bylaw Officer or police officer, the Licence Inspector may suspend the licensee's sightseeing vehicle licence.
- (4) A suspension under subsection (3) will continue until the licensee provides satisfactory proof to the Licence Inspector of the insurance required under section 3(4).

Driver's licences

- 7 (1) A person must not transport passengers in a horsedrawn vehicle unless the person holds a valid Class 7 (Novice) British Columbia Driver's Licence issued

under the *Motor Vehicle Act* or an equivalent driver's licence issued by another jurisdiction.

- (2) A person must not transport passengers in a pedicab or rickshaw unless the person holds a valid Class 5 or 6 British Columbia Driver's Licence issued under the *Motor Vehicle Act* or an equivalent driver's licence issued by another jurisdiction.
- (3) A person must not transport passengers in a sightseeing vehicle that is a motor vehicle as defined under the *Motor Vehicle Act* unless the person holds a valid driver's licence of the class required under that Act or its regulations to operate the sightseeing vehicle.
- (4) A person must not transport passengers in a sightseeing vehicle that is a vessel unless the person holds a valid licence or certificate as required under the *Canada Shipping Act* or its regulations to operate the vessel.

Vehicle maintenance

- 8 A person must not transport passengers in a sightseeing vehicle unless the vehicle is maintained
 - (a) in a safe condition,
 - (b) in a clean condition, and
 - (c) in good repair.

Vehicle inspection

- 9
 - (1) A Bylaw Officer or police officer may require the operator of a sightseeing vehicle to stop and the operator of a sightseeing vehicle, when signaled or requested to stop by a Bylaw Officer or police officer who is readily identifiable as a Bylaw Officer or police officer, must immediately come to a safe stop.
 - (2) When requested by a Bylaw Officer or police officer, the operator of a sightseeing vehicle must state correctly his or her name and address and the name and address of the sightseeing vehicle licensee.
 - (3) Where a sightseeing vehicle has been stopped under subsection (1), a Bylaw Officer or police officer may inspect the sightseeing vehicle and any records associated with the operation of the sightseeing vehicle to determine compliance with this or any other Bylaw.

Advertising and offering to transport passengers

- 10
 - (1) Except as permitted in this section, when in or on a street, a person must not advertise a sightseeing tour or offer to transport passengers in a sightseeing vehicle.

- (2) Without limiting the generality of subsection (1), and except as permitted in this section or by any other Bylaw, a person must not deposit or leave or keep a placard, portable sign, ticket booth, or other object on a street or sidewalk for the apparent purpose of advertising a sightseeing tour or offering to transport passengers in a sightseeing vehicle.
- (3) A person must not be pressing or persistent when advertising a sightseeing tour or offering to transport passengers in a sightseeing vehicle.
- (4) An operator of a pedicab or rickshaw may verbally offer to transport passengers in that vehicle while lawfully stopped or standing on a street.
- (5) A sightseeing vehicle licensee that has been allocated a parking stand in accordance with Schedule C may allow one person to advertise a sightseeing tour or offer to transport passengers in the licensee's licensed sightseeing vehicles at the sales location described in Column C of the table in Schedule C for that parking stand location.
- (6) A person advertising a sightseeing tour or offering to transport passengers in a sightseeing vehicle in accordance with subsection (5) may do so from a movable podium that occupies no more than 0.4 m² of the sidewalk.
- (7) On the sidewalk within 3 m of a parking stand, a sightseeing vehicle licensee who is allocated a parking stand in accordance with Schedule D may allow up to 3 people to advertise a sightseeing tour or offer to transport passengers in the licensee's licensed sightseeing vehicles from the parking stand allocated to that sightseeing vehicle licensee in Schedule D.

Amplified music

- 11 (1) An operator of a pedicab, rickshaw or horsedrawn vehicle must not allow amplified music to emanate from the vehicle between the hours of 7:00 p.m. and 7:00 a.m. except within the area bounded
 - (a) on the south by Belleville Street,
 - (b) on the east by Cook Street,
 - (c) on the north by Bay Street, and
 - (d) on the west by the Johnson Street Bridge.
- (2) Nothing in subsection (1) relieves a person from complying with the requirements of the Noise Bylaw.

PART 3 – PEDICABS AND RICKSHAWS

Number of pedicab licences

- 12 (1) The Licence Inspector must not issue more than 28 sightseeing vehicle licences in respect of pedicabs.
- (2) If the number of licences issued in respect of pedicabs falls below the limit described in subsection (1), the Licence Inspector may issue new licences in a number sufficient to bring the total to the limit described in subsection (1).
- (3) Any new licences to be issued pursuant to subsection (2) may only be issued to persons who have been selected in accordance with section 13 and who otherwise satisfy the requirements of this Bylaw and the Business Licence Bylaw.

Selection process for pedicab licences

- 13 (1) If the number of licences issued in respect of pedicabs falls below the limit described in section 12(1), the Licence Inspector must
- (a) advertise the availability of licences in respect of pedicabs, including the number of available licences,
 - (b) invite persons to submit their name for a business licence to transport passengers in a pedicab and the number of licences being requested, and
 - (c) randomly select from the persons who have submitted their names pursuant to subsection (1)(b), persons to apply for a business licence to transport passengers in a pedicab until all available licences have been allocated.
- (2) If within 30 days following the selection of persons pursuant to subsection (1)(c) the number of licences issued falls below the limit described in section 12(1), the Licence Inspector may randomly select from the persons remaining following the selection of persons pursuant to subsection (1), persons to apply for a business licence to transport passengers in a pedicab until all available licences have been allocated, notwithstanding any provision in this Bylaw to the contrary.

Construction of pedicabs and rickshaws

- 14 (1) A person must not transport passengers in a pedicab unless the pedicab is equipped with
- (a) pedals that are operable at all times to propel the pedicab,
 - (b) hydraulic rear disc brakes and front disc or caliper brakes,
 - (c) metal hydraulic brake lines,

- (d) an operable front headlight and rear tail lights,
 - (e) heavy duty steel or aluminium rims,
 - (f) extra-strength spokes on all wheels,
 - (g) operable turn signal lights and four-way flashers,
 - (h) two side reflectors on each side of the pedicab, and
 - (i) rear bumper protection.
- (2) A person must not transport passengers in an electric motor-assisted pedicab unless
- (a) the pedicab complies with the requirements of the *Motor Vehicle Act*, and
 - (b) the motor is designed to switch off or disengage once the pedicab reaches a speed of 10 km/hr.
- (3) A person must not transport passengers in a rickshaw between 1/2 hour after sunset and 1/2 hour before sunrise unless the rickshaw is equipped with
- (a) an operable front headlight and rear tail light, and
 - (b) side reflectors on each side of the rickshaw.

Restrictions on area and hours of operation

- 15 A person must not operate a pedicab or rickshaw outside of the area that is shown outlined on the map in Schedule A except
- (a) between 6:00 p.m. and midnight on a week day or a Saturday, or
 - (b) on a Sunday or holiday.

Stopping, standing and parking

- 16 (1) A person who is operating a pedicab or rickshaw must comply with the stopping, standing and parking provisions of the Streets and Traffic Bylaw and the *Motor Vehicle Act*.
- (2) Despite subsection (1), a person operating a pedicab or a rickshaw that is a licensed sightseeing vehicle may park the vehicle
- (a) on a yellow curb within 6 m of a legal parking or loading space, for a maximum time of one hour, unless otherwise restricted by a traffic order under the Streets and Traffic Bylaw,

- (b) in the Tourist Parking and Passenger Loading Zones on the west side of the 700 block of Government Street,
- (c) on Government Street between Humboldt and Yates Streets, on the sidewalk between the curb and the drainage grates,
- (d) on the east side of the 700 block of Government Street
 - (i) between the midblock crosswalk and the main entrance to the building located at 721 Government Street, and
 - (ii) in the 8 m distance measured southerly from a point 6 m south of the southern end of Parking Stand 2 described in Schedule D,
- (e) in a metered zone or pay station zone if
 - (i) that does not result in more than 2 pedicabs or rickshaws being parked there simultaneously, and
 - (ii) the person operating the pedicab or rickshaw pays for the parking.
- (3) Each person issued a sightseeing vehicle licence in respect of a pedicab or a rickshaw must pay an annual parking fee of \$180 plus applicable taxes per licence.

Number of passengers

- 17 (1) A person must not transport more than
 - (a) 3 persons simultaneously in the cab of a pedicab, and
 - (b) 2 persons simultaneously in the trailer of a pedicab.
- (2) A person must not transport more than 2 passengers simultaneously in a rickshaw.

U-turn

- 18 An operator of a pedicab or rickshaw may make a U-turn only
 - (a) in a safe manner,
 - (b) at a slow rate of speed,
 - (c) without obstructing traffic, and
 - (d) within the area shown outlined on the map in Schedule A.

PART 4 – HORSEDRAWN VEHICLES

Number of horsedrawn vehicle licences

- 19 (1) The Licence Inspector must not issue more than 18 sightseeing vehicle licences in respect of horsedrawn vehicles.
- (2) If the number of licences issued in respect of horsedrawn vehicles falls below the limit described in subsection (1), the Licence Inspector may issue new licences in a number sufficient to bring the total to the limit described in subsection (1).
- (3) Any new licences to be issued pursuant to subsection (2) may only be issued to persons who have been selected in accordance with section 20 and who otherwise satisfy the requirements of this Bylaw and the Business Licence Bylaw.

Selection process for horsedrawn vehicle licences

- 20 (1) If the number of sightseeing vehicle licences issued in respect of horsedrawn vehicles falls below the limit described in section 19(1), the Licence Inspector must
- (a) advertise the availability of licences in respect of horsedrawn vehicles, including the number of available licences;
- (b) invite persons to submit their name for a business licence to transport passengers in a horsedrawn vehicle and the number of licences being requested; and
- (c) randomly select from the persons who have submitted their names pursuant to subsection (1)(b), persons to apply for a business licence to transport passengers in a horsedrawn vehicle until all available licences have been allocated.
- (2) If within 30 days following the selection of persons pursuant to subsection (1)(c) the number of licences issued falls below the limit described in section 19(1), the Licence Inspector may randomly select from the persons remaining following the selection of persons pursuant to subsection (1), persons to apply for a business licence to transport passengers in a horsedrawn vehicle until all available licences have been allocated, notwithstanding any provision in this Bylaw to the contrary.

Removing excrement of horses

- 21 Each sightseeing vehicle licensee must cause any excrement dropped by a horse used in the operation of that licensee's horsedrawn vehicle to be immediately removed from the street and lawfully disposed of.

Care and stabling of horses

- 22 (1) A sightseeing vehicle licensee may use a horse in the operation of a horsedrawn vehicle only if that horse is stabled outside of the City.
- (2) For each horse used in the operation of a horsedrawn vehicle, a sightseeing vehicle licensee must, at its cost and by the first Monday of the month of March of each year for which a sightseeing vehicle licence is issued
- (a) cause the horse to be thoroughly examined by a qualified registered veterinarian, to determine whether the horse is fit to be so used,
- (b) provide to the Licence Inspector's satisfaction a copy of the registered veterinarian's certification that the horse is fit to be used for the operation of a horsedrawn vehicle,
- (c) request the SPCA to conduct an evaluation of the living conditions of the horse, and to confirm in writing and in the form prescribed from time to time by the SPCA that such conditions are not likely to cause the horse to be in distress, and
- (d) provide to the Licence Inspector's satisfaction a copy of the written confirmation from the SPCA that the horse's living conditions are not likely to cause the horse to be in distress.
- (3) For each horse used in the operation of a horsedrawn vehicle, a sightseeing vehicle licensee must, at its cost and by the first Monday of the month of August of each year for which a sightseeing vehicle licence is issued
- (a) cause the horse to be thoroughly examined by a qualified registered veterinarian, to determine whether the horse is fit to be so used, and
- (b) provide to the Licence Inspector's satisfaction a copy of the registered veterinarian's certification that the horse is fit to be used for the operation of a horsedrawn vehicle.

Restricted areas and times for operation of horsedrawn vehicles

- 23 (1) A horsedrawn vehicle may be operated only within the area outlined on the map in Schedule B.
- (2) A person must not operate a horsedrawn vehicle between 4:00 p.m. and 5:00 p.m. on any day from Monday to Friday in the following areas:
- (a) Superior Street between Menzies and Douglas Streets;
- (b) Southgate Street between Douglas and Quadra Streets;
- (c) Douglas Street between Michigan and Belleville Streets.

- (3) A person must not operate a horsedrawn vehicle on any day from Monday to Friday that is not a holiday within the shaded area shown on the map in Schedule B between the hours of
 - (a) 7:00 a.m. and 9:00 a.m., or
 - (b) 3:30 p.m. and 5:30 p.m.
- (4) A person must not operate a horsedrawn vehicle between 1/2 hour after sunset and 1/2 hour before sunrise.
- (5) Despite subsection (4), if the horsedrawn vehicle is equipped with headlamps and turn signal devices that meet the requirements for motor vehicles established under the *Motor Vehicle Act* a person may operate
 - (a) a horsedrawn carriage between 1/2 hour after sunset and midnight, or
 - (b) a horsedrawn wagon between 1/2 hour after sunset and 10:30 p.m.
- (6) A sightseeing vehicle licensee must not load or unload horses into a vehicle in James Bay except at the location commonly known as Ogden Point.

Parking horsedrawn vehicles

- 24 (1) A person must not park a horsedrawn vehicle on a street except
 - (a) at a parking stand described in and allocated in accordance with Schedule C, or
 - (b) as may be permitted under the Streets and Traffic Bylaw.
- (2) A person may park a vehicle in a parking stand described in Schedule C only if the vehicle is a licensed sightseeing vehicle of a sightseeing vehicle licensee described in column 1 of the table in Schedule C.
- (3) The sightseeing vehicle licensees described in column 1 of the table in Schedule C must rotate their use of the parking stands described in column 2 of the table in Schedule C on a daily basis.
- (4) A person allocated a parking stand in accordance with Schedule C must enter into an agreement with the City in the form attached as Schedule E to this Bylaw and pay to the City the rental fee for the stand set out in column 5 of the table in Schedule C.
- (5) A person allocated a parking stand in accordance with Schedule C must not operate more than 4 horsedrawn wagons at any time from that stand.

Displaying name on horsedrawn vehicles

- 25 A person must not transport passengers in a horsedrawn vehicle unless the name of the sightseeing vehicle licensee or permit holder is visibly and legibly displayed on the vehicle.

PART 5 – HORSEDRAWN VEHICLE CRUISE SHIP TOUR PERMITS

Cruise Ship Permit applications

- 26 (1) Despite section 3(1), a sightseeing vehicle licensee may operate a horsedrawn vehicle that is not a licensed sightseeing vehicle if the person holds a valid Cruise Ship Tour Permit issued by the Director of Engineering.
- (2) A person must apply for a Cruise Ship Tour Permit to the Director of Engineering at least 24 hours in advance of the tour for which the permit is to be used.
- (3) The Director of Engineering may issue a Cruise Ship Tour Permit if the applicant for the permit provides the following information:
- (a) a description of the horsedrawn vehicle to be used;
 - (b) the time and date of the tour;
 - (c) the name of the cruise ship from which the vehicle will load passengers;
 - (d) the name of the booking agent for the use of the vehicle;
 - (e) the number of passengers to be loaded onto the vehicle;
 - (f) the vehicle's proposed route.
- (4) An applicant must pay a \$15 application fee for each Cruise Ship Tour Permit.
- (5) If the operation of a horsedrawn vehicle under a Cruise Ship Tour Permit could reasonably be expected to result in traffic congestion, to interfere with access to or from a street, or to interfere with public safety, the Director of Engineering may
- (a) request that an alternative route be used, or
 - (b) if an alternative route is unavailable because of similar concerns with traffic congestion, street access, or public safety, refuse to issue the Cruise Ship Tour Permit at the time and date proposed.
- (6) A sightseeing vehicle licensee may not obtain more than 6 Cruise Ship Tour Permits for any one cruise ship arrival.

Cruise Ship Permit conditions

- 27 A person operating a horsedrawn vehicle under a Cruise Ship Tour Permit must
- (a) only transport passengers who have reserved in advance for the tour,
 - (b) use the route approved by the Director of Engineering,
 - (c) only load passengers disembarking from a cruise ship at the location commonly known as Ogden Point, and
 - (d) immediately produce the permit for inspection by a Bylaw Officer or police officer upon request.

PART 6 – HORSEDRAWN VEHICLE SPECIAL EVENT PERMITS

Special Event Permit applications

- 28 (1) Despite sections 3(1) and 23(1), a person may use a horsedrawn vehicle to transport passengers for a special event if the person holds a valid Special Event Permit issued by the Director of Engineering for that horsedrawn vehicle and that event.
- (2) A person must apply for a Special Event Permit to the Director of Engineering at least 24 hours in advance of the event for which the permit is to be used.
- (3) The Director of Engineering may issue a Special Event Permit if the applicant for the permit provides the following information:
- (a) if the applicant is not a sightseeing vehicle licensee, proof of valid liability insurance against any claims arising from the ownership or operation of the sightseeing vehicle in the amount of at least \$5,000,000,
 - (b) the time and date of the event,
 - (c) the nature of the event,
 - (d) the type of horsedrawn vehicle to be used, and
 - (e) the vehicle's proposed route.
- (4) An applicant must pay a \$15 application fee for each Special Event Permit.
- (5) If the operation of a horsedrawn vehicle under a Special Event Permit could reasonably be expected to result in traffic congestion, to interfere with access to or from a street, or to interfere with public safety, the Director of Engineering may
- (a) request that an alternative route be used, or

- (b) if an alternative route is unavailable because of similar concerns with traffic congestion, street access, or public safety, refuse to issue the Special Event Permit at the time and date proposed.

Special Event Permit conditions

- 29 A person operating a horsedrawn vehicle under a Special Event Permit must
- (a) only transport passengers who have reserved in advance for the event,
 - (b) use the route approved by the Director of Engineering,
 - (c) not load, unload or transport passengers within James Bay
 - (d) cause any excrement dropped by a horse used in the operation of that horsedrawn vehicle to be immediately removed from the street and lawfully disposed of, and
 - (e) immediately produce the permit for inspection by a Bylaw Officer or police officer upon request.

PART 7 – MOTOR VEHICLES

Parking motor vehicles

- 30 (1) A person must not park a sightseeing vehicle that is a motor vehicle in the area lying within the boundaries formed on the
- (a) north by Johnson Street,
 - (b) east by the east side of Cook Street,
 - (c) south by the south and southwest sides of Dallas Road, and
 - (d) west by that part of Victoria Inner Harbour which extends from the Johnson Street Bridge to the northerly extension of Dallas Road from its intersection with Erie Street.
- (2) Subsection (1) does not apply to the parking of a sightseeing vehicle that is a motor vehicle
- (a) in a parking stand described in and allocated in accordance with Schedule D,
 - (b) in a Hotel Zone in accordance with a permit issued under the Streets and Traffic Bylaw, or
 - (c) within a parking stand that is designated as a parking stand for sightseeing vehicles that are motor vehicles.

- (3) A person may park a sightseeing vehicle in a parking stand described in Schedule D only if the vehicle is a licensed sightseeing vehicle of the sightseeing vehicle licensee to whom the parking stand is allocated and only in the parking stand allocated to that licensee.

Motor sightseeing vehicle parking stand agreement and rental fees

- 31 A person allocated a stand in accordance with Schedule D must enter into an agreement with the City in the form attached as Schedule E to this Bylaw and pay to the City the rental fee for the stand set out in Schedule D to this Bylaw.

Repealed

- 32 Repealed

Repealed

- 33 Repealed

PART 8 - TAXIS

Division 1 – Taxi Drivers’ Permits

Permit requirements

- 34 A person must not be employed as, and must not act or engage to act as a taxi driver unless that person
 - (a) is at least 19 years of age;
 - (b) holds a valid class 1, 2 or 4 driver’s licence issued under the *Motor Vehicle Act*; and
 - (c) holds a taxi driver’s permit issued to that person by the Chief.

Disqualification

- 35 (1) The Chief must issue a taxi driver’s permit to a person who qualifies under section 34, unless the applicant for the permit
 - (a) has been convicted
 - (i) within the previous 5 years of an offence under the *Criminal Code* involving dishonesty or violence, or of a sexual offence under Part V of the *Criminal Code*,
 - (ii) within the previous 5 years of an offence under the *Controlled Drugs and Substance Act*, or under any other federal or provincial

legislation, involving the possession of or trafficking in a controlled substance,

- (iii) within the previous 2 years of a *Criminal Code* offence involving a motor vehicle, including without limitation the offence of operating a motor vehicle while impaired or operating a motor vehicle with more than 80 mg. of alcohol in the applicant's blood, or
 - (iv) within the previous 2 years of 6 or more driving offences under the *Motor Vehicle Act*, its regulations, or the equivalent legislation of another Province or Territory of Canada;
 - (b) has been convicted at any time of any of the offences referred to in paragraph (a), and has served a term of imprisonment as a result of that conviction, any part of which term of imprisonment was served within 5 years of the date of the application;
 - (c) has received within the previous 2 years more than one temporary driver's licence suspension under the provisions of the *Motor Vehicle Act*, or the equivalent legislation of another Province or Territory of Canada, on grounds related to the amount of alcohol in the applicant's blood, which suspension has not been cancelled or set aside by judicial process or under a provision of a statute; or
 - (d) does not have adequate oral, reading, or writing proficiency related to occupational functions, the geography of the City and its surrounding municipalities, or the contents of this Bylaw.
- (2) In order to determine if an applicant meets the requirements of subsection (1)(d), the Chief may
- (a) require the applicant to undertake a test of oral, reading, and writing proficiency related to occupational functions, the geography of the City and its surrounding municipalities, and the contents of this Bylaw;
 - (b) from time to time establish the form and content of the test to be administered under this subsection.
- (3) An applicant who has previously held a taxi driver's permit is not required to undertake the examination required by subsection (2) if the application is made within 6 months of the expiry of the previously held permit.
- (4) In order to determine whether an applicant meets the requirements of subsection (1)(a) the Chief may require the applicant to provide a copy of a record of criminal convictions, with respect to the applicant, that has been obtained within the previous 60 days.

Suspension or cancellation

36 The Chief may suspend or cancel a taxi driver's permit where for the Chief, being satisfied by proof, believes that the holder of the permit is unfit to act as a taxi driver because of that holder's

- (a) use of or other dealing in intoxicants or narcotic drugs; or
- (b) actions involving dishonesty, violence or indecency.

Appeal

- 37
- (1) Within 24 hours after a decision to refuse, suspend or cancel a taxi driver's permit, the Chief must give written reasons for the decision to the applicant or holder of the permit.
 - (2) The applicant or holder may appeal the Chief's decision to the Council.
 - (3) The Council may suspend or cancel a taxi driver's permit where the holder of the permit
 - (a) is convicted of an offence under the *Criminal Code* involving dishonesty or violence, or of a sexual offence under Part V of the *Criminal Code*;
 - (b) is convicted of an offence under the *Controlled Drugs and Substance Act* or any other federal or provincial legislation, involving the possession of or trafficking in a controlled substance;
 - (c) is convicted of a *Criminal Code* offence involving a motor vehicle, including without limitation the offence of operating a motor vehicle while impaired or operating a motor vehicle with more than 80 mg. of alcohol in the permit holder's blood;
 - (d) is convicted within the previous 2 years of 6 or more driving offences under the *Motor Vehicle Act*, its regulations, or the equivalent legislation of another Province or Territory of Canada; or
 - (e) ceases to hold a valid class 1, 2 or 4 driver's licence, issued under the *Motor Vehicle Act*, by reason of the revocation or suspension of that licence under that *Act*.
 - (4) The Council's decision concerning an appeal is final.

Fee

38 There is no fee for the issue of a taxi driver's permit.

Permit

- 39 (1) The Chief may
- (a) prescribe the form of the taxi driver's permit that is issued under this Bylaw;
 - (b) require that a photograph of the holder of taxi driver's permit be attached to that permit.
- (2) A permit issued by the Chief is valid for one year.
- (3) The Chief may renew a taxi driver's permit if its holder requests that before the permit expires.
- (4) The holder of a taxi driver's permit must
- (a) possess the permit when driving or operating a taxi on a street;
 - (b) display the permit in a prominent place within the taxi that the holder is operating, so that the permit is visible to an occupant of the taxi; and
 - (c) produce the permit for inspection when it is demanded by a Peace Officer or Constable.

Division 2 - Licences**Licence requirement**

- 40 (1) A person must not use or allow a vehicle to be used as a taxi unless the taxi owner of the vehicle holds a valid licence for the taxi, issued in accordance with this Bylaw.
- (2) For the purposes of subsection (1), the existence of the licence must be shown by the vehicle's owner.

Application for licence

- 41 (1) An application for a licence must
- (a) be made in writing to the Chief on a form to be provided for that purpose by the Licence Inspector; and
 - (b) must contain all pertinent information, including the business name under which the applicant intends to operate, if that name differs from the applicant's name, and vehicle identification for the taxi.
- (2) An application for a licence must disclose whether the applicant, within the period of 2 years immediately preceding the date of the application

- (a) has been convicted of an offence under a bylaw of the City or of another municipality and that is related to the conduct of a business or to dishonesty;
 - (b) has been convicted of an offence against a law of Canada or of a Province
 - (i) related to dishonesty, violence or indecency; or
 - (ii) concerning narcotics or intoxicants; or
 - (c) is subject to a pending prosecution for an alleged offence of the kind described in paragraphs (a) and (b).
- (3) In order to determine whether an applicant meets the requirements of subsection (2)(b) the Chief may require the applicant to provide a copy of a record of criminal convictions, with respect to the applicant, that has been obtained within the previous 60 days.
 - (4) If a prosecution is pending against an applicant for an alleged offence described in subsection (2), the Chief may reject that person's application and advise the applicant to submit a fresh application after the conclusion of the prosecution.
 - (5) The Licence Inspector must refer an application to the Council instead of issuing a licence if the applicant has been convicted of an offence described in subsection (2) within a period of 2 years immediately preceding the date of application.
 - (6) Where an application is referred by the Licence Inspector to the Council, the Council
 - (a) must give the applicant an opportunity to be heard by the Council; and
 - (b) on the affirmative vote of at least 2/3 of its members, may direct that a licence is not to be issued to the applicant until a specified date or at the end of 2 years after the date of the most recent of the applicant's convictions.
 - (7) The Licence Inspector must disregard an applicant's convictions and process that person's application if Council does not give a direction in accordance with subsection (6)(b).

Report to council

- 42 (1) The Chief may report to Council a licence holder's conviction referred to in section 41(2), or a licence holder's contravention or non-compliance with this Bylaw.
- (2) Where the Chief reports to the Council under this section, the Council

- (a) must give the holder an opportunity to be heard by Council; and
- (b) may direct that the licence be cancelled or, if it is expired, that it not be renewed.

Corporate prosecution

- 43 (1) For the purposes of sections 41 and 42, a conviction of or a prosecution against a director or a person owning or controlling a corporation which is an applicant for a licence is considered to be a conviction of or a prosecution against the corporation.
- (2) An applicant must disclose on an application a conviction referred to in subsection (1).

Meter, insurance

- 44 A licence must not be issued until the applicant produces evidence to the satisfaction of the Chief that:
- (a) the vehicle concerned is equipped with an efficient taxi meter which was tested and approved by a member of the Victoria City Police not more than 30 days before the submission of the application; and
 - (b) the applicant has liability insurance in respect of the motor vehicle for not less than \$2,000,000.00.

Conditions for licence

- 45 The Licence Inspector must issue a licence and the decals described in section 49(1) to an applicant where
- (a) the applicant complies with this Bylaw;
 - (b) Council does not refuse the licence; and
 - (c) the applicant pays the licence fee prescribed by the Business Licence Bylaw.

Transfer

- 46 (1) The holder of a licence may apply in writing to the Chief to transfer the licence from one taxi to another owned by the holder.
- (2) An application for a transfer must contain the information, described in section 41(1), that relates to the taxi to which the transfer is requested.
- (3) On surrender of the licensed vehicle decal issued under section 50 or on satisfactory proof that it has been lost or destroyed, the Licence Inspector must issue a new licence and licensed vehicle decal to the applicant where

- (a) the Chief is satisfied that the applicant remains eligible for a licence;
 - (b) the requirements of section 45 are satisfied;
 - (c) the applicant pays a \$25.00 licence fee to the City.
- (4) An additional licence fee is not payable for a licence during the then current licence year if the amount in subsection (3)(c) is paid for that licence.
- (5) A licence holder may transfer the licence to another person who applies for it on an application form provided by the Licence Inspector where
- (a) the holder surrenders, to the Licence Inspector, the holder's licensed vehicle decal issued under section 50; and
 - (b) the applicant pays a \$25.00 licence fee to the City.
- (2) An additional licence fee is not payable for a licence during the then current licence year if the amount in subsection (5)(b) is paid for that licence.
- (3) A licence is deemed to be cancelled where a licence holder transfers to another person the ownership of the taxi indicated on the licence and does not transfer the licence to another taxi or to another person in accordance with this section.

Validation period

- 47 A licence is valid until the earlier of
- (a) the 15th day of January following the date of issue of the licence; or
 - (b) the day the licence is suspended or cancelled.

Refund

- 48 A reduction or a refund is not payable for a licence that is valid for less than a full year.

Decal

- 49 (1) The Licence Inspector must issue to each licence holder
- (a) a licensed vehicle decal; and
 - (b) a rate decal containing the rates established by section 74(4).
- (2) A replacement licensed vehicle decal may be purchased for \$1.00 from the City if the decal is lost or destroyed.
- (3) A taxi licence must not be transferred

- (a) until the licensed vehicle decal for that taxi is returned to the Licence Inspector; or
- (b) if the licensed vehicle decal for the taxi has been lost or destroyed, until the licence holder has provided written reasons, to the Licence Inspector, for not returning that decal.

Cancellation

50 A licence must be cancelled 30 days after any of the following events:

- (a) the expiry or cancellation of the liability insurance of the taxi to which the licence applies;
- (b) the involvement of that taxi in a collision in which the taxi is damaged beyond repair;
- (c) the licence holder give the Licence Inspector written notice that the licence is no longer required.

Division 3 – Licence Holders’ Duties

Place of business

- 51 (1) A licence holder must keep a place of business within the City or within 5 miles of the City.
- (2) At that place of business a licence holder must keep, in accordance with section 74, daily trip records for the taxi to which the licence applies.
- (3) Within the 24 hours following a change of address of that place of business the licence holder must give to the Chief written notice of the change.

Examination of trip records

- 52 A licence holder must at all reasonable times permit the Chief to enter the holder's place of business to examine the daily trip records and to make copies or extracts of them.

Business name in directory

- 53 (1) A licence holder, as soon as is possible, must cause the holder's telephone number and business name to be placed in the City of Victoria *Telus* telephone directory.
- (2) A licence holder that carries on business under the holder's personal name must have that name placed in the directory.

Vehicle inspection report

- 54 (1) Where demanded by the Chief or a police officer, a licence holder must produce a motor vehicle inspection report, issued by the Province of British Columbia, for the holder's taxi.
- (2) A licence that is cancelled under subsection (1) may be reissued after 30 days following the cancellation if the requirements of section 45 are satisfied.

Condition of taxi

- 55 (1) A licence holder must maintain the interior and exterior of the holder's taxi in a clean condition.
- (2) The Chief must notify a taxi driver when in the Chief's opinion that driver's taxi is in an unsafe or unclean condition.
- (3) The holder of the licence for the taxi or the taxi driver must submit the taxi for a safety inspection by a licensed mechanic or for a cleanliness inspection by the Chief.
- (4) Where a taxi fails to pass a safety or a cleanliness inspection, the Chief must suspend the licence for the taxi until it is re-inspected and approved as to safety and cleanliness.
- (5) A licence holder must cause the holder's taxi to be equipped with an interior light sufficient to illuminate the entire passenger compartment and must at all times maintain the light in proper working order.

Taxi sign

- 56 (1) A licence holder must cause the holder's business name and the word "TAXI" or "CAB" to be displayed conspicuously in legible lettering at least 3" high on the outside of the holder's taxi.
- (2) A licence holder who carries on business under the holder's personal name must display that name on the holder's taxi in the manner described in subsection (1).

Display of decals

- 57 (1) A licence holder must display in the holder's taxi the following decals in the location described below in a manner making them legible from outside the taxi:
- (a) the licensed vehicle decal must be displayed in the rear window on the driver's side; and
- (b) the rate decal containing the rates established by section 74(4) must be displayed near the top of the window on the passenger seat behind the driver.

- (2) The licence holder must keep the decals clean and legible at all times.
- (3) The licence holder must not display more than one of each of the decals.

Division 4 – Taxi Meters

Meter required

- 58 A person must not drive or operate a taxi or engage in the business of operating a taxi unless the taxi is equipped with a taxi meter that is approved by the Chief and complies with the requirements of this Bylaw.

Display on meter

- 59 (1) A taxi's licence holder and the taxi's driver must ensure that while the taxi is under hire its meter
- (a) mechanically or electronically measures the taxi's travelled distance and waiting time; and
 - (b) legibly displays, to all passengers in the taxi, in figures in Canadian currency, the charge for stopping for a customer and the taxi's travelled distance and waiting time.
- (2) The displayed charge must not exceed the amount calculated by applying the rates set out in section 74(4).

Accuracy of meter

- 60 A taxi's licence holder and the taxi's driver must ensure that while the taxi is under hire its meter automatically, accurately and continuously performs the functions described in section 59(1) to the extent that the meter is not more than 3% incorrect to the prejudice of a passenger.

Sealed meter

- 61 (1) A meter that has been installed in a taxi must not be used unless the Chief has had the meter inspected, tested and sealed, the Chief has certified that the meter is in accurate working condition and
- (a) the meter remains sealed; or
 - (b) the taxi driver possesses an unexpired temporary permit issued under subsection (4).
- (2) A taxi's licence holder must pay to the City a fee of \$30.00 for the inspection, testing, and sealing of each taxi meter under subsection (1).

- (3) If the seal of a taxi's meter is broken, the taxi's driver must immediately report it to the Chief and present the taxi to verify the report.
- (4) After causing the report to be verified, the Chief must issue a temporary permit that allows the use of the meter for a period of not more than 14 days.
- (5) During the period referred to in subsection (4), the taxi's licence holder must cause the taxi to be presented to the Chief for inspection, testing and sealing of its meter.
- (6) The Chief must not issue more than 3 temporary permits in a calendar year.
- (7) A taxi's licence holder must ensure that the measuring function of the taxi's meter, referred to in section 59(1)(a), is incapable of being altered while the meter is sealed.

Use of defective meter

62 A taxi's licence holder and the taxi's driver must not use the taxi's meter if it is defective.

Operating meter

- 63
- (1) A taxi driver must start the operation of the taxi's meter at the start of the period that the taxi is under hire.
 - (2) At the end of the period that a taxi is under hire its driver must stop the operation of its meter and ensure that the passenger is aware of the amount of the charge displayed on the meter.

Division 5 – Operation of Taxi

Soliciting business

- 64
- (1) A person must not solicit or cause or allow soliciting for business for the taxi on a street or in any other public place.
 - (2) Subsection (1) does not apply to a taxi driver who seeks business by driving or stopping a taxi on a street.

Use of public place

- 65 A taxi's licence holder, the holder's agent and the taxi's driver, while acting in those capacities, must not
- (a) obstruct the use of a sidewalk or any other public place;
 - (b) make or cause a disturbance or a disturbing noise;
 - (c) use obscene, impudent or abusive language; or

- (d) molest, annoy or insult any person.

Duties of driver

66 While on duty, a taxi driver must

- (a) be clean, neatly dressed, groomed and courteous to the driver's passengers; and
- (b) not consume alcoholic liquor nor possess an unsealed container of alcoholic liquor.

Radar detection device

67 A taxi driver must not have a radar detection device, including an inoperative one, in the driver's taxi.

Permission of passengers

68 A taxi's driver must comply with the following regulations unless the passengers in the taxi give their express permission otherwise:

- (a) the driver must not smoke;
- (b) the driver must not operate a radio or a device that produces music or sound from a tape or a compact disc;
- (c) the driver must not load other passengers into the taxi;
- (d) the driver must drive on the most direct route to the passengers' destinations.

Charging and receipts

- 69
- (1) When requested by a passenger of a taxi, the taxi's driver must give the passenger a written receipt showing payment of the charge for hiring the taxi and showing the date and time of the issue of the receipt.
 - (2) A taxi driver must charge only the taxi's sole remaining passenger for the use of the taxi where two or more passengers share the taxi and all but one of them is unloaded before the taxi reaches its final destination.
 - (3) Subsection (2) does not apply where the passengers and the driver agree to another method of payment for the hire of the taxi.

Parking taxi

- 70
- (1) A person must not park a taxi or leave it parked on a street in an area that is not a taxi stand except:
 - (a) despite the Streets and Traffic Bylaw, during the time needed to load or unload passengers;

- (b) outside a place of public gathering from the time when the gathering is ended until 30 minutes after that time; or
- (c) where the taxi is used for a lawful purpose other than as a taxi.
- (2) Subsection (1)(a) does not allow the stopping of a taxi in an area that is designated by the City's Director of Engineering as a bus zone or a zone where stopping is prohibited for all vehicles.
- (3) A person who parks a taxi or leaves it parked in the circumstances described in subsection (1)(c) must not allow a customer to enter the taxi.

Taxi stand

- 71
- (1) Taxi drivers in a taxi stand must
 - (a) arrange their taxis and load passengers into the taxis in the successive chronological order in which the taxis arrived in the taxi stand, with the taxis that arrive earliest placed nearest the front of the taxi stand; and
 - (b) drive forward in succession to occupy areas vacated by taxis that leave the taxi stand.
 - (2) If a taxi from one company enters a taxi stand after 2 or more taxis from another company, the drivers of the taxis from that other company, except the driver that was earliest in the taxi stand, must leave it.
 - (3) When a taxi is stopped in a taxi stand and the taxi's driver is not loading, unloading or assisting passengers, the driver must
 - (a) remain with the taxi; and
 - (b) keep the taxi's doors closed.

Objects left in taxi

- 72
- (1) While a taxi is under hire, its driver must care for all property delivered to the driver for transporting or safekeeping.
 - (2) Immediately after a taxi has been under hire, its driver must
 - (a) carefully search it for property that was left or lost in the taxi;
 - (b) immediately return the property to its owner; and
 - (c) if the property is unclaimed or the owner cannot be found within 8 hours, give notice of that to the Chief.

Trip record

- 73 (1) A taxi driver must keep a legible English language daily trip record that contains
- (a) the taxi driver's name;
 - (b) the British Columbia licence number of the driver's taxi; and
 - (c) the date, time, origin and destination of the trips made by the driver's taxi when it is under hire.
- (2) At the end of a taxi driver's shift of duty, the driver must give the daily trip record to the holder of the licence for the driver's taxi.
- (3) The licence holder must ensure that a daily trip record is legible and contains the information required by this section.
- (4) The licence holder must retain daily trip records for 6 months.
- (5) If requested by the Chief during the 6 months after a daily trip record is made, the taxi driver or the licence holder must
- (a) produce the record for inspection; and
 - (b) where in the Chief's opinion it is necessary for the purpose of enforcing this Bylaw, allow the Chief to copy and retain the copy of the record.

Rates & number of passengers

- 74 (1) Despite the number of passengers carried on a single trip by a taxi, the taxi's driver must charge only a single fare for that trip.
- (2) At any one time a taxi driver may convey only those passengers who first engaged that driver's taxi.
- (3) A taxi driver must not charge for carrying a passenger's luggage or freight unless the passenger expressly agrees to the amount of the charge before the luggage or freight is carried.
- (4) A taxi driver must not charge an amount for the hire of a taxi that exceeds the amount permitted under a tariff or rule approved from time to time by the Passenger Transportation Board, acting under the authority of the Passenger Transportation Act.
- (5) A taxi's driver must not demand or receive a fee permitted under subsection 74(4) for any time less than 3 minutes during which the taxi stops to load a customer when the taxi is hailed.

PART 9 - GENERAL PROVISIONS

Severability

- 75 Each provision of this Bylaw is intended to be independent of and severable from its other provisions so that the invalidity of any portion of the Bylaw does not affect the validity or enforceability of any other portion.

Offences and penalties

- 76 (1) A person commits an offence and is subject to the penalties imposed by this Bylaw, the Ticket Bylaw and the *Offence Act* if that person
- (a) contravenes a provision of this Bylaw,
 - (b) consents to, allows, or permits an act or thing to be done contrary to this Bylaw, or
 - (c) neglects or refrains from doing anything required by a provision of this Bylaw.
- (2) Each day that a contravention of a provision of this Bylaw occurs or continues shall constitute a separate offence.
- (3) The minimum penalty for a contravention of a provision of this Bylaw is a fine of \$100.

Repeal

- 77 Bylaw No. 96-27, the Vehicles For Hire Bylaw, is repealed.

READ A FIRST TIME the	10 th	day of	July	2003
READ A SECOND TIME the	10 th	day of	July	2003
READ A THIRD TIME the	10 th	day of	July	2003
ADOPTED on the	24 th	day of	July	2003

"ROBERT G. WOODLAND"
CORPORATE ADMINISTRATOR

"ALAN LOWE"
MAYOR

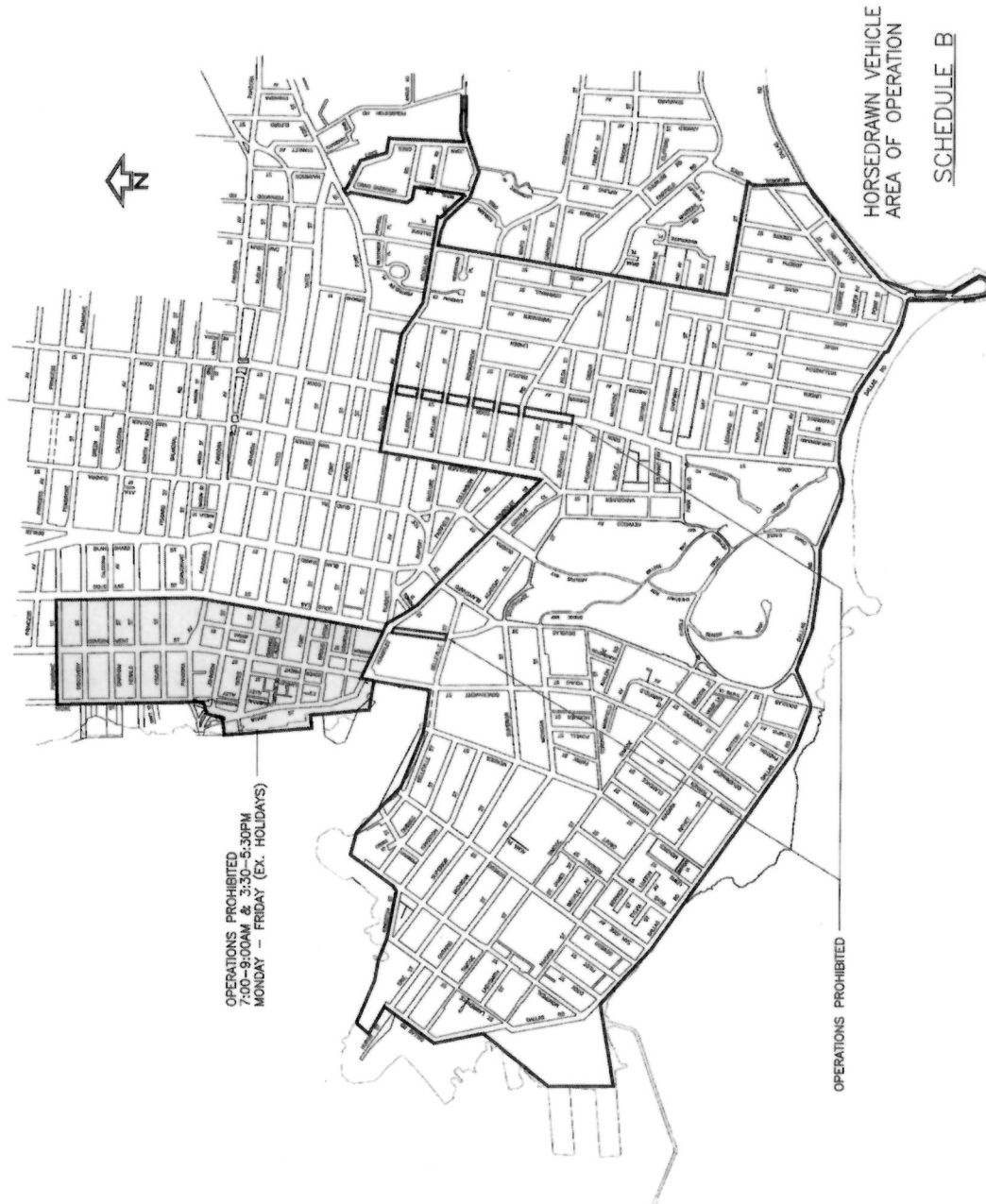
Schedule A

Map for Pedicab Area of Operation (Section 15)



Schedule B

Map for Horsedrawn Vehicle Area of Operation (Section 23(1))



Schedule C

Horsedrawn Sightseeing Vehicle Parking Stands

<u>Column 1 - Licensees</u>	<u>Column 2 - Parking Stand Locations</u>	<u>Column 3 - Sales Locations</u>	<u>Column 4 - Allocation Period</u>	<u>Column 5 - Monthly Rental Fee (including applicable taxes)</u>
Black Beauty Line Victorian Carriage Tours Ltd.	Parking Stand 1 the west side of Menzies Street, a distance of 25 m measured southerly from a point 4.9 m south of the south property line of Belleville Street	Parking Stand 1 Sales Location the sidewalk on the north side of Belleville Street a distance of 21.7 m measured westerly from the northerly lateral extension of the east property line of Menzies Street.	January 1, 2013 to December 31, 2013	\$883.18
			January 1, 2014 to December 31, 2017	\$1,170.00
Capital City Tally-Ho Sightseeing Company (1980) Ltd.	Parking Stand 2 the east side of Menzies Street, a distance of 25 m measured southerly from a point 18.3 m south of the south property line of Belleville Street	Parking Stand 2 Sales Location the sidewalk on the southwest corner of the intersection of Belleville and Menzies Streets at least 1.5 m from that part of the street that is used for vehicles.	January 1, 2013 to January 1, 2014	\$883.18
			January 1, 2014 to December 31, 2017	\$1,170.00
Victoria Single Horse Drawn Carriage Tours Inc.	Parking Stand 3 the west side of Menzies Street, a distance of 25 m measured southerly from a point 29.9 m south of the south property line of Belleville Street	Parking Stand 3 Sales Location the sidewalk on the southeast corner of the intersection of Belleville and Menzies Streets at least 1.5 m from that part of the street that is used for vehicles.	January 1, 2013 to January 1, 2014	\$883.18
			January 1, 2014 to December 31, 2017	\$1,170.00

Schedule D

Motor Sightseeing Vehicle Parking Stands

<u>Licensee</u>	<u>Parking Stand Allocation</u>	<u>Allocation Period</u>	<u>Monthly Rental Fee (including applicable taxes)</u>
CVS Cruise Victoria Ltd. (Incorporation No. BC0782440)	Parking Stand 1 The east side of Government Street, a distance of 21.4 m measured northerly from a point 68.4 m north of the north property line of Belleville Street	April 1, 2013 to March 31, 2017	\$1,755.00
Wilson's Transportation Ltd. (Incorporation No. BC0221816)	Parking Stand 2 The east side of Government Street, a distance of 21.4 m measured northerly from a point 39.5 m north of the north property line of Belleville Street	April 1, 2013 to March 31, 2017	\$1,755.00
Hippo Tours Inc. (Extraprovincial Registration No. A0086232)	Parking Stand 3 The north side of Belleville Street, a distance of 14 m measured westerly from a point 45.3 m west of the northerly lateral extension of the west property line of Menzies Street	May 1, 2016 to March 31, 2017	\$1,170.00
Wilson's Transportation Ltd. (Incorporation No. BC0221816)	Parking Stand 4 The north side of Belleville Street, a distance of 14 m measured westerly from a point 63.5 m west of the northerly lateral extension of the west property line of Menzies Street	April 1, 2013 to March 31, 2017	\$1,170.00

Schedule E
Parking Stand Agreement

THIS AGREEMENT MADE AS OF _____.

BETWEEN:

THE CORPORATION OF THE CITY OF VICTORIA
#1 Centennial Square
Victoria, B.C. V8W 1P6
(the "City")

AND:

[NAME OF SIGHTSEEING VEHICLE LICENSEE]
(the "Licensee")

- A. The City is the owner of a parking stand identified as Parking Stand ____ (the "Parking Stand") in Column ____ of Schedule D to the Vehicles for Hire Bylaw No. 03-60 (the "**Vehicles for Hire Bylaw**") [*or the City is the owner of the parking stands (the "Parking Stands") identified in Schedule C to the Vehicles for Hire Bylaw No. 03-60 (the "**Vehicles for Hire Bylaw**")*];
- B. The Licensee has been issued a sightseeing vehicle licence (as defined in the Vehicles for Hire Bylaw) to load and transport passengers in a [*horsedrawn*] sightseeing vehicle;
- C. The City has allocated the Parking Stand to the Licensee for the Licensee's use [*or The City has granted to the Licensee permission to use the Parking Stands*];
- D. The Vehicles for Hire Bylaw requires the Licensee to enter into this Agreement with the City as a condition of the Licensee using the Parking Stand[s].

THEREFORE in consideration of the fee paid by the Licensee to the City and the mutual promises contained in this Agreement, the City and the Licensee covenant and agree with each other as follows:

- 1.0 Right to Occupy** - The City, subject to the performance and observance by the Licensee of the terms, conditions, covenants and agreements contained in this Agreement, grants to the Licensee, for the Licensee and its employees, the right to occupy the Parking Stand[s] during the Licensee's hours of operation for the purposes of loading or unloading passengers from a licensed sightseeing vehicle and for parking a licensed sightseeing vehicle between daily sightseeing tours, and for no other purpose. For certainty, but without limiting the foregoing, the Licensee shall not park a sightseeing vehicle in a Parking Stand overnight.
- 2.0 Special Events** - Notwithstanding section 1 or any other provision in this Agreement to the contrary, the Licensee agrees it will not be permitted to occupy the Parking Stand[s]

if, in the opinion of the Director of Parks, Recreation and Facilities for the City in his or her sole and absolute discretion, use of the Parking Stand[s] is required by the City for a special event or the Licensee's use of the Parking Stand[s] is incompatible with a special event occurring in the City. The Director of Parks, Recreation and Facilities will notify the Licensee, in writing, of the date and times the Parking Stand is required for a special event and the Licensee will not occupy the Parking Stand[s] on such days and during the times indicated.

- 3.0 Displacement for Capital Improvements** - Notwithstanding section 1 or any other provision in this Agreement to the contrary, the Licensee agrees it will not be permitted to occupy the Parking Stand[s] if, in the opinion of the Director of Engineering and Public Works for the City in his or her sole and absolute discretion, use of the Parking Stand[s] is required by the City in order to undertake capital improvements or the Licensee's use of the Parking Stand[s] is incompatible with capital improvements occurring in the vicinity of the Parking Stand[s]. The Director of Engineering and Public Works will notify the Licensee, in writing, of the date and times the Parking Stand[s] is required for capital improvements and the Licensee will not occupy the Parking Stand[s] on such days and during the times indicated.
- 4.0 Participation in Emissions Study** *[Schedule D parking stands only]* – If requested to do so by the City, the Licensee agrees to have data-logging devices supplied by the City installed on one or more of the licensed sightseeing vehicles approved in writing by the City to occupy the Parking Stand.
- 5.0 Reservation of Rights** - The City hereby reserves to itself from the grant and covenants made by it to the Licensee under section 1 above the right for the City, its agents, employees, contractors and subcontractors to have full and complete access to the Parking Stand[s] for any and all purposes.
- 6.0 Fee** - In consideration of the right to occupy the Parking Stand[s], the Licensee shall pay to the City the rental fee set out in the Vehicles for Hire Bylaw, such fee payable in advance on the 1st day of every month.
- 7.0 Maintenance** - The Licensee will keep the Parking Stand[s] free of any garbage or other refuse and otherwise in a state of cleanliness.
- 8.0 Insurance** - The Licensee will maintain insurance as follows:
- (a) The Licensee will take out and maintain during the term of this Agreement a policy of commercial general liability insurance against claims for bodily injury, death or property damage arising out of the use of the Parking Stand[s] in the amount of not less than five million (\$5,000,000) dollars per single occurrence or such greater amount as the City may from time to time designate, naming the City as an additional insured party thereto and will provide the City with a certificate of insurance prior to commencement of use of the Parking Stand[s].
 - (b) All policies of insurance shall contain a clause requiring the insurer not to cancel or change the insurance without giving the City thirty (30) days prior written notice.

- (c) If both the City and the Licensee claim to be indemnified under any insurance required by this Agreement, the indemnity shall be applied first to the settlement of the claim of the City and the balance, if any, to the settlement of the claim of the Licensee.

9.0 Indemnification - The Licensee releases and will indemnify and save harmless the City, its elected and appointed officials, employees and agents from and against all lawsuits, damages, costs, expenses, fees or liability that the City, the Licensee or anyone else may incur, suffer or allege by reason of this Agreement or the use of the Parking Stand[s] by the Licensee or its agents, employees, tenants and invitees.

10.0 Termination - If the Licensee is no longer allocated the Parking Stand[s] under the Vehicles for Hire Bylaw, then without further notice this Agreement shall lapse and be absolutely forfeited.

11.0 Suspension - If the Licensee:

- (a) fails to pay the rental fee prescribed by the Vehicles for Hire Bylaw,
- (b) fails to comply with the provisions of the Vehicle for Hire Bylaw or any covenant, condition or agreement in this Agreement, or
- (c) ceases to be a sightseeing vehicle licensee as defined by the Vehicles for Hire Bylaw,

then the Licensee will, immediately upon written notice from the City, cease using the Parking Stand[s] until such breach or non-compliance has been remedied by the Licensee to the satisfaction of the City or until the Licensee obtains a sightseeing vehicle licence (as the case may be).

12.0 Regulations - The Licensee will comply promptly at its own expense with all provincial, federal and local government statutes, regulations and bylaws applicable to the use of the Parking Stand[s] by the Licensee, including without limitation the Vehicles for Hire Bylaw.

13.0 No Compensation - The Licensee will not be entitled to compensation for any loss or injurious affection or disturbance resulting in any way from the termination of this Agreement or the application of sections 2 or 3 of this Agreement.

14.0 Miscellaneous:

- (a) This Agreement will not be interpreted as granting any interest in the Parking Stand[s] to the Licensee.
- (b) The Licensee expressly agrees that his or her vehicles and their contents while parked in a Parking Stand[s] shall be at the risk of the Licensee.
- (c) The Licensee agrees the Parking Stand[s] may be occupied only by those licensed sightseeing vehicles approved by the City in writing to occupy the Parking Stand[s].

- (d) Waiver of any default by a party will not be interpreted or deemed to be a waiver of any subsequent default.
- (e) This Agreement will be construed in accordance with and governed by the laws applicable in the Province of British Columbia.
- (f) Nothing in this Agreement will be construed to create a relationship of partners, joint venturers, fiduciaries or any other similar relationship between the Licensee on the one hand and the City on the other.
- (g) Nothing contained or implied in this Agreement will derogate from the obligations of the Licensee under any other agreement with the City or prejudice or affect the City's rights, powers, duties or obligations in the exercise of its functions under all public and private statutes, bylaws, orders and regulations, which may be as fully and effectively exercised in relation to the Parking Stand[s] and the Licensee as if this Agreement had not been executed and delivered by the Licensee and the City. For certainty, the City may amend or repeal the Vehicles for Hire Bylaw and the allocation of the Parking Stand[s] and otherwise terminate this Agreement notwithstanding anything contained or implied in this Agreement.

IN WITNESS of its terms, the parties hereto have executed this Agreement.

Signed by **THE CORPORATION OF THE**)
CITY OF VICTORIA on the ____ day of)
_____, _____ by its authorized signatories:)

Mayor)

Corporate Administrator)

Signed by the **[NAME OF SIGHTSEEING**)
VEHICLE LICENSEE] on the ____ day)
of _____, _____ by its authorized signatories:)

Authorized Signatory:)

Authorized Signatory:)

Schedule B

Map for Horsedrawn Vehicle Area of Operation (Section 23(1))

