

THE CITY OF PRINCE RUPERT
COMMERCIAL VEHICLE LICENCING BYLAW NO. 3229, 2007

BEING A BYLAW TO PROVIDE FOR THE LICENCING OF
COMMERCIAL VEHICLES WITHIN THE CITY OF PRINCE RUPERT

Pursuant to the *Local Government Act*, Part 20: Regulation of Carriers and Commercial Vehicle Licensing, the Council of the City of Prince Rupert, in open meeting assembled, enacts as follows:

- 1) That this Bylaw may be cited for all purposes as the "Commercial Vehicle Licensing Bylaw No. 3229, 2007".
- 2) In this Bylaw, unless the context otherwise requires:

ACT	means the <i>Local Government Act</i> , Chapter 323 [RSBC 1996];
GROSS VEHICLE WEIGHT	means the weight at which a vehicle is licenced under the <i>Commercial Transport Act</i> or the <i>Motor Vehicle Act</i> , as the case may be;
HIGHWAY	means a highway as defined by the Act, but does not include an arterial highway as defined by the <i>Transportation Act</i> ;
LICENCE INSPECTOR	means the person from time to time duly appointed as Licence Inspector for the Municipality and also any person lawfully acting in that capacity for the time being;
LICENCE DECAL	means the decals issued under the provisions of the Act and this Bylaw;
LICENCE YEAR	means the period from January 01 st to December 31 st ;
MOTOR VEHICLE	means a vehicle designed to be self-propelled, except: <ol style="list-style-type: none">a) a vehicle operating wholly on a fixed rail or rails;

- b) an electric trolley bus; or
- c) a motor assisted cycle within the meaning of the *Motor Vehicle Act*;

OWNER

means when used in reference to a vehicle, the person or persons duly registered from time to time under the *Motor Vehicle Act* or the *Commercial Transport Act* as the owner or owners of the vehicle;

REGISTRATION CARD

means the motor vehicle licence for the motor vehicle issued pursuant to the *Motor Vehicle Act* or the *Commercial Transport Act*;

VEHICLE

means any vehicle used by any person upon any highway in a participating municipality which is a commercial vehicle defined as such by and licenced under the *Commercial Transport Act*, and any vehicle not so licenced but which is used for the collection or delivery, or both, of goods, wares, merchandise or other commodities in the ordinary course of a business undertaking.

- 3) Except as may be otherwise lawfully provided, the owner of every vehicle shall, before it is used or operated on any highway in the City of Prince Rupert, cause the vehicle to be licenced or registered with the Licence Inspector and affixed with the licence decal.
- 4) The application for a licence decal shall be signed by the owner or his/her duly authorized agent, provided that in such case of partnerships of multiple owners, any one of such owners may apply and such owner applying shall be deemed to be the duly authorized agent of all of the owners.
- 5) Where the applicant for a licence is an agent or co-owner, the owner or owners shall be deemed to have authorized all statements set forth in the application and shall be deemed to have made such statements on his/her own or on their behalf.
- 6) (1) The application form, together with the registration card for the vehicle, shall be delivered to the Licence Inspector, and, in the case where a licence fee is applicable, shall be accompanied by the fee prescribed in the Act and set out in Schedule A – attached to and forming part of this Bylaw.

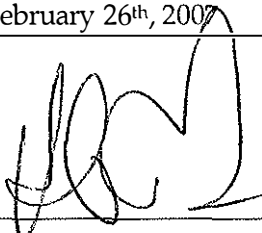
- (2) Where the applicant for multiple licences is one and the same person, the Licence Inspector may require only one application form to be completed as practicably possible.
- 7) The following vehicles are exempt from this Bylaw:
- a) a vehicle owned or leased exclusively by any municipality, regional district or school district as defined in the School Act or by an organization comprised of municipalities, regional districts or school districts;
 - b) a vehicle owned by the Government of Canada;
 - c) a school bus, mission bus or truck, the sole property of a religious organization and used solely for religious purposes;
 - d) a vehicle used exclusively for fire protection purposes;
 - e) a vehicle licenced as a farm vehicle under the *Commercial Transport Act* except when used for the collection or delivery, or both, of goods, wares, merchandise or other commodity not required in the ordinary course of the farm undertaking of the owner of the vehicle;
 - f) notwithstanding paragraph (i), a vehicle licenced under the *Commercial Transport Act* owned by a farmer and used only to transport the produce of his farm to market and to transport supplies required for his farm;
 - g) a vehicle owned and operated by an improvement district;
 - h) a vehicle not requiring a licence fee under section 3 (8) of the *Motor Vehicle Act*;
 - i) a vehicle licenced under the *Commercial Transport Act* not being used by a person for the purpose of his business, or by an organization for profit; and
 - j) a vehicle owned by the Crown in the right of the Province.
- 8) All fees collected by the Licence Inspector under this Bylaw shall be paid to the Treasurer or Chief Financial Officer of the Municipality who shall then deal with the said fees in the manner prescribed by the Commercial Vehicle Licencing (CVL) Program, in accordance with the *Local Government Act*.
- 9) Upon receipt of the application for a licence and upon being satisfied of the accuracy of the statements, and that the prescribed fee has been paid, the Licence Inspector shall cause to be issued and delivered a numbered licence decal and shall endorse on the registration card:
- a) the number of such licence decal;

- b) the date of issuance thereof; and
 - c) the fee paid.
- 10) The licence decal shall at all times be attached on the inside of the windshield in such a manner that it can be readily seen from the outside front of the vehicle and shall be kept entirely unobstructed and in a legible condition and shall not obscure any other legally required plate, sign or notice.
- 11) (1) Where a person ceases to be the owner of a vehicle licenced, and authorized to carry a licence decal, the registration thereof and the licence decal is deemed to be cancelled and not eligible for any refund. The new owner of such vehicle may make an application to the Licence Inspector for:
- (a) transfer of the registration, and licence decal; or
 - (b) the cancellation of the licence and the surrender of the licence decal.
- (2) Where a person ceases to be the owner of a vehicle licenced and authorized to carry a licence decal, the registration thereof and the licence decal are deemed to be cancelled and not eligible for any refund. Where the licence holder purchases a new vehicle and wishes to transfer the licence decal to another vehicle he/she shall submit to the Licence Inspector:
- (a) the existing licence decal from the old vehicle;
 - (b) information showing motor vehicle registration number and gross vehicle weight of the vehicle from which the plate is being transferred;
 - (c) name of municipality which issued the subsisting licence decal;
 - (d) the registration card of the new vehicle;
 - (e) any sum, that represents the difference between the original licence fee and the new licence fee that would be applicable for a vehicle with a greater gross vehicle weight, in addition to the transfer fee as set forth in Schedule "A", as attached to this Bylaw.
- 3) For Licence Year 2007 only, should an application be made for a licence decal on or before June 30th, 2007 then the full fee must be paid as per Schedule "A" attached to this Bylaw;
- 4) In addition to Section 11 (3), if an application is made after June 30th 2007, but before December 31st, 2007 for operation in Licence Year 2007, then the fee shall be charged as per Schedule "B" which is attached to and forming part of this Bylaw.


- 5) Notwithstanding subsections (1) through (4), the purchase of a vehicle by a dealer in vehicles for resale shall not require the licence decal to be cancelled or transferred until the dealer sells the vehicle to a person other than another such resale dealer.
- 12) Where a licence decal is lost, stolen, destroyed or becomes illegible or mutilated, the owner of the vehicle for which the decal was issued, or his/her agent, may, upon surrender of such a decal, apply to the Licence Inspector for a replacement decal, for a fee as stipulated in Schedule "A" – attached to and forming part of this Bylaw. The Licence Inspector may cause a new licence decal to be issued in replacement and shall endorse the record of its issuance on the registration card.
- 13) Notwithstanding anything in this Bylaw, where the vehicle in respect of which an application for a licence and a licence decal is made and such a vehicle is operated by the owner under an agreement in accordance with the *Commercial Transport Act*, such a licence decal shall be valid for display on any of the vehicles operated by the owner.
- 14) Except as provided by Section 12 of this Bylaw, it is unlawful to operate a vehicle having affixed to it a licence decal that is not authorized or issued for that vehicle.
- 15)
 - 1) Every person who offends against any of the provisions of this Bylaw, or who suffers or permits any act or thing to be done in contravention or violation of any of the provisions of this Bylaw, or neglects to do or refrains from doing anything required to be done under this Bylaw, or who does any act or thing which violates any of the provisions of this Bylaw shall be deemed to have committed an offence under this Bylaw and shall be liable, on summary conviction, to the penalties provided for in the *Offence Act*.
 - 2) Without affecting the generality of 15.1, and pursuant to the *Local Government Act* – Part 20:
 - (a) the owner or operator of a vehicle who operates or uses or causes such vehicle to be operated or used upon any highway in a participating municipality without holding and displaying a valid and subsisting licence and licence decal for such a vehicle is liable on summary conviction, to a fine not exceeding Fifty Dollars (\$50.00) except a vehicle that is exempt under Section 7.00.
 - (b) any person who displays or causes to be displayed a licence decal upon any vehicle not authorized to have displayed thereon such licence decal, is liable on summary conviction to a fine not exceeding Two hundred Dollars (\$200.00) and the confiscation of such a licence decal; and
 - (c) no fine imposed under this Section removes any liability for any prescribed licence fee under this Part 20 of the *Local Government Act* or this Bylaw.

- 16) Bylaw No. 2475, 1984 and Bylaw No. 2616, 1988 being Bylaws to provide for the licencing of Commercial Vehicles in the City of Prince Rupert are hereby repealed.
- 17) Any licence decal sold for year 2007 prior to the adoption of this Bylaw shall remain in force with this Bylaw, with an expiry of December 31st, 2007.
- 18) This Bylaw is effective and in force and binding on all persons upon the time of adoption.

FIRST READING	February 12 th , 2007
SECOND READING	February 12 th , 2007
THIRD READING	February 12 th , 2007
ADOPTION	February 26 th , 2007



Herb Pond
Mayor



Douglas Jay
Corporate Administrator

SCHEDULE "A" to BYLAW NO. 3229, 2007

1.	The fees for licences applied for each licence year are for a single vehicle:	
	Not exceeding 2,800 kg gross vehicle weight (gvw)	\$ 25.00
	Exceeding 2,800 kg but not exceeding 11,800 kg (gvw)	30.00
	Exceeding 11,800 kg but not exceeding 20,000 kg (gvw)	35.00
	Exceeding 20,000 kg (gvw)	40.00
2.	For a Transfer	\$ 6.25
3.	For a Replacement	6.25
4.	For an application under Section 12 of this Bylaw	25.00

SCHEDULE "B" to BYLAW NO. 3229, 2007
 (Effective and In Force from July 01st, 2007 to December 31st, 2007)

1.	The fees for licences applied for licence year 2007 on or after July 01 st , 2007 are, for a single vehicle:	
	Not exceeding 2,800 kg gross vehicle weight (gvw)	\$ 15.00
	Exceeding 2,800 kg but not exceeding 11,800 kg (gvw)	20.00
	Exceeding 11,800 kg but not exceeding 20,000 kg (gvw)	25.00
	Exceeding 20,000 kg (gvw)	30.00
2.	For a Transfer	\$ 6.25
3.	For a Replacement	6.25
4.	For an application under Section 12 of this Bylaw	25.00