

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BYLAW NO. 2494

A Bylaw to Provide for the Licencing of Commercial Vehicles

WHEREAS, pursuant to Section 666 of the *Local Government Act*, a Council may, by bylaw, provide for the licencing of commercial vehicles;

AND WHEREAS the Corporation of the Township of Esquimalt has been a participating municipality in the Commercial Vehicle Licencing Program since 1963;

AND WHEREAS there have been numerous legislative changes to the *Local Government Act* since the adoption of the *Commercial Vehicle Licencing Bylaw, 1987, No. 1868*;

NOW THEREFORE, THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF ESQUIMALT, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as the "Commercial Vehicle Licencing Bylaw, 2002, No. 2494".
2. In this bylaw, unless the context otherwise requires:
 - (1) "Commercial Vehicle" means a vehicle used by a person on a highway in the Municipality which is a commercial vehicle defined by and licenced under the *Commercial Transport Act*, or a vehicle not so licenced but which is used for the collection or delivery, or both, of merchandise or another commodity in the ordinary course of a business;
 - (2) "Director of Financial Services" means the municipal officer assigned responsibility under section 199 [*financial administration*] of the *Local Government Act*;
 - (3) "Gross vehicle weight" means the weight of at which a vehicle is licenced under the *Commercial Transport Act* or the *Motor Vehicle Act*, as the case may be;
 - (4) "Highway" means a highway as defined in the *Local Government Act*;

- (5) "Licence Inspector" means the person from time-to-time duly appointed as Business Licence Inspector for the Municipality and also any person lawfully acting in that capacity;
 - (6) "Licence plate" includes a licence decal;
 - (7) "Licence year" means the period from March 1 to the last day of February of the following year;
 - (8) "Municipality" means the Corporation of the Township of Esquimalt;
 - (9) "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;
 - (10) "Registration card" mean the motor vehicle licence for the motor vehicle issued pursuant to the *Motor Vehicle Act* or the *Commercial Transport Act*, as the case may be;
3. Division 3 of Part 20 of the *Local Government Act* is hereby declared to continue to apply to the Municipality.
 4. Except as otherwise provided in this bylaw and in the *Local Government Act*, but subject to the *Motor Carrier Act*, no commercial vehicle shall be used or operated on any highway in the Municipality unless there is displayed upon the said vehicle a valid and subsisting licence plate for the current year issued for the vehicle in accordance with Division 3 of Part 20 of the *Local Government Act* and this bylaw.
 5. Except as may otherwise be provided by the *Local Government Act*, the owner of every commercial vehicle shall, before it is used or operated on any highway in the Municipality, cause the said vehicle to be licenced and a licence plate obtained pursuant to the *Local Government Act* and this bylaw.
 6. Any licenced issued during January and February shall be issued for the following licence year and is a valid and subsisting licence from the date of issue until the end of the following licence year.
 7. The application for a licence and licence plate, or a transfer or replacement thereof, shall be in the form prescribed by the Licence Inspector, and shall be signed by the owner of the commercial vehicle, or his duly authorized agent, provided that in the case of a partnership or multiple owners, any one of such owners or partners may apply and such owner or partner applying shall be deemed to be the duly authorized agent of all of the owners or of the partnership.

8. Where the applicant for a licence or a transfer or replacement thereof 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 their behalf and as their statements.
9. Fees pursuant to this bylaw are those set out in Schedule "A" attached hereto and forming part of this bylaw.
10.
 - (1) The application form, together with the registration card for the commercial vehicle shall be delivered to the Licence Inspector and shall be accompanied by the prescribed fee.
 - (2) Where one person applies for more than one licence, as many applications of the same kind as may conveniently be made on one prescribed form may be combined in one such form without the necessity for the completion of separate application forms for each commercial vehicle for which a licence and licence plate is sought.
 - (3) Notwithstanding subsections (1) and (2), but not inconsistent with the *Local Government Act* or this bylaw, the Licence Inspector is hereby authorized to modify any of the forms prescribed or any of the administrative procedures described or deemed necessary by him when dealing with any owner applying for licences and plates for more than one commercial vehicle.
11. All fees collected under this bylaw and in accordance with Division 3 of Part 20 of the *Local Government Act* shall be dealt with by the Director of Financial Services in the manner provided by the said *Act*.
12. Upon receipt of the application for a licence or licences and payment of the prescribed fee(s), the Licence Inspector shall cause to be issued to the applicant a numbered licence plate for each commercial vehicle and shall endorse on the registration card for each such vehicle:
 - (1) the number of such licence plate,
 - (2) the date of issuance thereof, and
 - (3) the fee paid.
13. The licence plate shall at all time be affixed to the inside upper centre of the windshield, or to the lower inside right-hand corner of the windshield, or to the inside of the fixed glazed surface to the right of the operator of the commercial vehicle, and shall be kept entirely unobstructed and in a legible condition.

14. When a licence plate is lost, stolen, destroyed or becomes illegible or mutilated, the owner of the commercial vehicle in respect of which the plate was issued, or his agent, may apply to the Licence Inspector for a replacement thereof, and the Licence Inspector, upon the surrender of such plate, if still in the possession of the owner, and payment by the applicant of the vehicle licence transfer fee, may cause a new licence plate to be issued in replacement and shall endorse the record of its issuance on the registration card.
15. Where a person ceases to be the owner of a commercial vehicle licenced and authorized to carry a licence plate, the registration and the licence plate are deemed to be cancelled, and the new owner may make application for the transfer of the licence plate by removing the existing plate from the old vehicle and presenting it to the Licence Inspector who will issue a replacement thereof upon payment by the applicant of the vehicle licence transfer fee and any sum representing the difference in licence fee required for the transfer of a licence plate to a vehicle of greater gross vehicle weight.
16. Where a person ceases to be the owner of a commercial vehicle licenced and authorized to carry a licence plate, the registration and the licence plate are deemed to be cancelled, and the person may make application for the transfer of the licence plate to another commercial vehicle by removing the existing plate from the old vehicle and presenting it to the Licence Inspector who will issue a replacement thereof upon payment by the applicant of the vehicle licence transfer fee and any sum representing the difference in licence fee required for the transfer of a licence plate to a vehicle of greater gross vehicle weight.
17.
 - (1) The owner or operator of a commercial vehicle, other than a vehicle exempted under section 667 of the *Local Government Act*, who operates or causes or uses the vehicle to be operated or used on a highway in the Municipality without holding and displaying a valid and subsisting licence plate for the vehicle is liable on conviction to a fine not exceeding \$50.
 - (2) A person who displays or causes to be displayed a licence plate on a commercial vehicle not authorized to have it displayed on the vehicle is liable on conviction to a fine not exceeding \$200 and confiscation of the licence plate.
 - (3) A fine imposed under this section does not remove any liability for a prescribed licence fee under this bylaw.
18. Bylaw No. 1868, cited as the *Commercial Vehicle Licencing Bylaw, 1987, No. 1868*, is hereby repealed, except insofar as it repeals any other bylaw.

Read a first time by the Municipal Council on the 18th day of February 2002

Read a second time by the Municipal Council on the 18th day of February 2002

Read a third time by the Municipal Council on the 18th day of February 2002

ADOPTED by the Municipal Council on the 4th day of March 2002

R.T. RICE
MAYOR

J.P.G. McLUCKIE
CORPORATE ADMINISTRATOR

Bylaw No. 2494

SCHEDULE "A"
Pursuant to Section 9

FEES

Vehicle Licence Fees for each licence year for a gross vehicle weight

- not exceeding 2,800 kg \$25.00
- over 2,800 kg but not over 11,800 kg \$30.00
- over 11,800 kg but not over 20,000 kg \$35.00
- over 20,000 kg..... \$40.00

Vehicle Licence Fee for each licence year for a vehicle
operated under an agreement under section 10 of the

Commercial Transport Act\$30.00

Vehicle Licence Transfer Fee\$6.25