



City of Port Moody

Bylaw No. 3217

A Bylaw to facilitate an intermunicipal business licence scheme for transportation network services.

The Council of the City of Port Moody enacts as follows:

1. Citation

- 1.1 This Bylaw may be cited as “City of Port Moody Transportation Network Services Intermunicipal Business Licence Bylaw, 2019, No. 3217”.

2. Intermunicipal Scheme

- 2.1 Pursuant to section 14 of the *Community Charter* and according to the terms and conditions of this Bylaw, an intermunicipal business licence scheme is hereby established.

3. Definitions:

- 3.1 In this Bylaw,

Accessible Vehicle means a Transportation Network Services Vehicle designed and manufactured, or converted, for the purpose of transporting persons who use mobility aids;

Applicant means the person who makes and signs an application for, or who submits an application to renew, a licence;

Base Fee means the component of an annual *licence* fee payable under this Bylaw for a Transportation Network Service based on the estimated number of Transportation Network Services Vehicles affiliated with that Transportation Network Service in the Licence year, as adjusted from time to time;

Business has the meaning as defined by the *Community Charter*;

Licence means a business licence required or issued under the provisions of this Bylaw for the offering or providing of Transportation Network Services;

Originating Trip Fee means the component of a Licence fee payable under this Bylaw calculated per trip originating in a Participating Municipality in a Transportation Network Services Vehicle (other than an Accessible Vehicle or a Zero Emission Vehicle);

Participating Municipality means those of the following municipalities that have adopted this Transportation Network Services Intermunicipal Business Licence Bylaw and any other municipalities that adopt this Bylaw at a later date:

City of Coquitlam
City of Port Coquitlam
City of Port Moody

Passenger Transportation Act means the *Passenger Transportation Act*, S.B.C. 2004, c. 39 and any regulations enacted or adopted under it, all as amended or replaced from time to time;

Passenger Transportation Authority means the Passenger Transportation Board and the Registrar of Passenger Transportation established or appointed, as the case may be, under the *Passenger Transportation Act*;

Person includes an individual, corporation, organization, partnership, proprietorship, firm, and the personal or other legal representative of a person as the context may apply under this Bylaw;

Premises means a fixed or permanent location where a Transportation Network Service ordinarily carries on Business;

Transportation Network Services has the same meaning as defined in the *Passenger Transportation Act*;

Transportation Network Services Vehicle means a motor vehicle that is used, or is capable of being used, to provide Transportation Network Services; and

Zero Emission Vehicle means a motor vehicle that is exclusively propelled by electricity or hydrogen from an external source.

4. Licensing Requirements

- 4.1 No Person shall carry on the Business of providing or offering to provide Transportation Network Services in any of the Participating Municipalities unless that Person:
- a) holds a valid and subsisting licence;
 - b) holds all licences, permits, authorizations and approvals required by the Passenger Transportation Authority; and
 - c) is otherwise in compliance with all applicable bylaws of each Participating Municipality in which the services are being provided or offered.
- 4.2 Unless otherwise required by the *Passenger Transportation Act* or the Passenger Transportation Authority, a driver who operates a Transportation Network Services Vehicle is not required to have a Licence under this Bylaw provided that each Transportation Network Service Business with which that driver is affiliated has a Licence; and

- 4.3 Transportation Network Services Businesses may operate within one or more of the Participating Municipalities without a Licence for the following purposes only:
- a) a Transportation Network Service Vehicle is being driven through the Participating Municipalities without picking up or dropping off any passengers;
 - b) a Transportation Network Service Vehicle is being driven solely to drop off a passenger within a Participating Municipality;
- 4.4 Neither this Bylaw nor the issuance of a Licence under it replaces or removes the requirement to obtain and maintain any additional municipal business licences that may be required for each Premises owned or operated by a Transportation Network Service within the jurisdiction of a Participating Municipality.

5. Licence Application, Term, Fees, General Conditions

- 5.1 An application for a Licence must be submitted to the City of Coquitlam in whatever form may be required by its licensing inspectors from time to time.
- 5.2 Each Applicant must, in the application for a Licence:
- a) set out the total number of Transportation Network Service Vehicles expected to operate in the Participating Municipalities; and
 - b) indicate how many of those vehicles are Accessible Vehicles and how many are Zero Emission Vehicles.
- 5.3 The City of Coquitlam’s licensing inspectors may issue a Licence to a Transportation Network Services Business if satisfied the Applicant meets the requirements of:
- a) this Bylaw;
 - b) all applicable provisions of the participating municipalities’ business licensing bylaws and other general application bylaws; and
 - c) the Passenger Transportation Act and Passenger Transportation Authority.
- 5.4 Licences are valid for one year from the date of issuance, unless cancelled by the Applicant or the City of Coquitlam earlier in accordance with the terms of this Bylaw.
- 5.5 The annual Base Fee for a Licence is as follows:

Number of Vehicles	Fee
0-25	\$1000
25-100	\$2500
100+	\$5000

- 5.6 The Originating Trip Fee is \$0.10.

- 5.7 At the time of submitting an initial application for a Licence, and upon each annual renewal of a Licence, an Applicant or licensee as the case may be must pay the Base Fee calculated on the number of Transportation Network Services Vehicles affiliated with its service that it expects to operate in any of the Participating Municipalities over the course of the Licence term.
- 5.8 In addition to the Base Fee, upon renewal of an issued Licence a licensee must pay the Originating Trip Fee in respect of each trip initiated in the Participating Municipalities during the previous Licence term, except to the extent some or all of the previous year's Originating Trip Fees were assessed and collected in accordance with section 5.9 (b).
- 5.9 Notwithstanding sections 5.7 and 5.8, no more than three times per Licence term:
- a) the City of Coquitlam may recalculate the Base Fee applicable to a Transportation Network Service for the Licence term in accordance with the licensee's then-current number of affiliated vehicles operating in one or more of the Participating Municipalities, if that number is greater than when the Base Fee was last calculated and paid; and
 - b) a participating municipality assess the Originating Trip Fee for the previous four month interval,

and the licensee must pay any Base Fee adjusted under this section within 10 business days of the date of invoice by the City of Coquitlam and any Originating Fees adjusted under this section within 10 business days of the date of invoice by a Participating Municipality.

- 5.10 It is a term and condition of every Licence that the licensee must provide any non-personal information about its Transportation Network Service and its affiliated vehicles and trips that any Participating Municipality may in their sole discretion request for the purposes of administering this Bylaw, the Licence fees, or the regulation of Transportation Network Services generally, including, without limitation, information respecting:
- a) the number of Transportation Network Service Vehicles affiliated with the Licence holder, including the number of Accessible Vehicles and Zero Emission Vehicles;
 - b) the availability of its Transportation Network Service Vehicles, at given points in time, for hailing by the methods as permitted under the Passenger Transportation Act; and
 - c) trips taken by passengers in Transportation Network Service Vehicles, including:
 - i) pick-up times and locations in decimal degrees latitude and longitude;
 - ii) drop-off times and locations in decimal degrees latitude and longitude; and
 - iii) trips taken by Passengers in Accessible Vehicles and Zero Emission Vehicles.

- 5.11 Each licensee under this Bylaw must submit the information set out in section 5.10 to the Participating Municipality without request on a monthly basis within five business days of the end of each month, and upon written request by the Participating Municipality within 10 business days of the date of the request.
- 5.12 It is a term and condition of every Licence that all information about a licensee or its services provided to or obtained by any one of the Participating Municipalities may be shared with the other Participating Municipalities for the purposes of:
- a) administering this Bylaw;
 - b) developing, implementing and enforcing other regulations and guidelines applicable to Transportation Network Services; and
 - c) developing and implementing transportation policy for the Participating Municipalities.
- 5.13 Licences issued under this Bylaw are non-transferrable and non-refundable.

6. Revenue Sharing

- 6.1 The Base Fees will be shared amongst all Participating Municipalities as follows:

Participating Municipality	Percent Share
City of Coquitlam	40%
City of Port Coquitlam	30%
City of Port Moody	30%

- 6.2 The Originating Trip Fees will be distributed to the Participating Municipalities in accordance with the percentage of trips originating in each Participating Municipality.
- 6.3 The City of Coquitlam will distribute the fees collected under this Bylaw in each calendar year to the other Participating Municipalities by March 1st of the succeeding year.

7. Suspension and Cancellation of Licences

- 7.1 If a licence inspector or the council of a Participating Municipality is of the opinion that reasonable cause exists to suspend or cancel a Licence issued by the City of Coquitlam, then that Participating Municipality may request that the City of Coquitlam consider suspending or cancelling the Licence pursuant to sections 15 and 60(2) of the *Community Charter*, as amended from time to time.
- 7.2 A request under section 7.1 must be communicated in writing to the City of Coquitlam, together with such documentary evidence of the reasonable cause as may be available, and the City of Coquitlam will as soon thereafter as reasonably possible consider whether the Licence should be suspended or cancelled.
- 7.3 In making any decision as to whether to suspend or cancel a Licence under this Bylaw, the City of Coquitlam will consider the matter as if the conduct complained of had occurred within its own boundaries.
- 7.4 For clarity, only the City of Coquitlam may:

- a) decide to issue or refuse a Licence under this Bylaw;
- b) suspend or cancel a Licence under this Bylaw;
- c) hear a reconsideration of a decision under sections 7.1 or 7.2 as required under section 60 of the Community Charter,

but nothing in this Bylaw affects Participating Municipalities' authority in respect of other Licences or Permits issued by those municipalities or limits Participating Municipalities' authority to enact regulations in respect of any class of Business.

8. Withdrawal from Intermunicipal Scheme

- 8.1 A Participating Municipality may, by notice in writing to each of the other Participating Municipalities, withdraw from the Transportation Network Services Intermunicipal Business Licence scheme established by this Bylaw.
- 8.2 A notice under section 8.1 must:
 - a) set out the date on which the withdrawing municipality will no longer recognize the validity within its boundaries of Licences under this Bylaw, which date must be at least six months from the date of the notice; and
 - b) include a certified copy of the Bylaw authorizing the withdrawal.
- 8.3 Despite section 8.1, a Licence issued prior to the effective date of the withdrawal will remain valid within the boundaries of the withdrawing municipality until the term of the Licence expires.

9. Severability

- 9.1 The provisions of this Bylaw are intended to be severable and, should any part of this Bylaw be found to be invalid by a court of competent jurisdiction, the finding of invalidity will not affect the validity of the remainder of this Bylaw.

10. Commencement

- 10.1 This Bylaw comes into effect on the date on which the council for the final Participating Municipality to enact the Bylaw gives it fourth and final reading.

Read a first time this ___ day of _____, 2019.

Read a second time this ___ day of _____, 2019.

Read a third time this ___ day of _____, 2019.

Adopted this ___ day of _____, 2020.

R. Vagramov
Mayor

D. Shermer
Corporate Officer

I hereby certify that the above is a true copy of Bylaw No. 3217 of the City of Port Moody.

Dorothy Shermer
Corporate Officer