

THE CORPORATION OF THE CITY OF NANAIMO

BY-LAW NO. 1143

A BY-LAW TO PROVIDE FOR THE LICENSING OF OR EXEMPTION FROM LICENSING OF
COMMERCIAL VEHICLES.

The Municipal Council of The Coporation of the City of Nanaimo in open meeting assembled, enacts as follows:-

1. In this by-law, unless the context otherwise requires;

"Act" means the Municipal Act being chapter 255 of the Revised Statutes of British Columbia 1960, as amended;

"City" means The Corporation of the City of Nanaimo;

"Gross Vehicle Weight" means the weight at which a vehicle is licenced under the Department of Commercial Transport Act or the Motor-vehicle Act, 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 Highway Act;

"License Inspector" means the person from time to time duly appointed as License Inspector for the municipality and also any person lawfully acting in that capacity for the time being;

"License-year" means the license-year as prescribed under the Motor-vehicle Act;

"Motor-Vehicle" means a vehicle designed to be self-propelled, except
(a) a vehicle operating wholly on a fixed rail or rails;
(b) an electric trolley bus;

"Municipality" means a municipality as defined by the Act (Other than a local district) and the City of Vancouver;

"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 Department of 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 Department of Commercial Transport Act;

"Semi-trailer" means a vehicle without motive power designed to be drawn by a motor-vehicle or truck-tractor and so constructed that an appreciable part of its weight and that of its load rests on and is carried by the motor-vehicle or truck-tractor;

"Truck-tractor" means a motor-vehicle designed and used primarily for drawing a semi-trailer, and not constructed to carry a load other than part of the weight of the semi-trailer and its load;

"Vehicle" means any vehicle used by any person upon any highway in the City which is a commercial vehicle defined as such by and licensed under the Department of Commercial Transport Act, and any vehicle licensed under the Motor-Vehicle Act which is used for the collection or delivery, or both, of goods, wares, merchandise, or other commodity in the ordinary course of a business undertaking.

2. Division (2) of Part X of the Act is hereby declared to apply to the City from and after the commencement of the license-year beginning in 1963.
3. (1) Except as otherwise provided in this by-law and in the Act, but subject to the Motor Carrier Act, no vehicle shall be used or operated on any highway in the City unless there is displayed upon the vehicle a valid and subsisting licence-plate or exemption-plate issued for the vehicle in accordance with Division (2) of Part X of the Act and with this by-law.
(2) A valid and subsisting licence and licence-plate or exemption-plate issued for the current licence-year by any other municipality is valid in the City for such licence-year.
4. 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, cause the vehicle to be licensed with the License Inspector and a licence-plate or exemption-plate obtained pursuant to the Act and this by-law.
5. The application for a licence and licence-plate or exemption-plate, as the case may be, shall be in the form "A" shown as Appendix "A" hereto attached and forming part of this by-law and shall be signed by the owner

or his duly authorized agent, provided that in the case of partnerships or multiple owners any one of such owners may apply and such owner applying shall be deemed to be the duly authorized agent of all the owners.

6. 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 own or their behalf and as his own or their statements.
7. (1) The application form, together with the registration card for the vehicle, shall be delivered to the License 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 Appendix "B" hereto attached and forming part of this by-law.
(2) Where the applicant for licences is one and the same person, as many applications of the same kind as may conveniently be made on any one of the forms prescribed may be combined in one such form without the necessity for the completion of separate application forms for each vehicle for which a licence and a licence-plate or exemption-plate is sought.
(3) Notwithstanding subsection (1) and (2) but not inconsistent with the Act or this by-law, the License Inspector is hereby authorized to modify any of the forms prescribed, or any of the administrative procedures prescribed, deemed necessary by him when dealing with any owner applying for licences and plates for more than one vehicle.
8. The owner of any vehicle enumerated and described in Appendix "C" hereto attached and forming part of this by-law is exempt from payment of a licence fee but the vehicle is required to have displayed thereon an exemption-plate, if operated upon a highway in the City, which plate shall be issued without charge by the License Inspector upon being satisfied that the vehicle should in fact be exempted.
9. Except as is otherwise provided by section 15 all fees collected by the License Inspector under this by-law and in accordance with Division (2) of Part X of the Act shall be paid forthwith to the Treasurer of the City who shall deal with the said fees in the manner provided by the Act.

10. Upon receipt of the application for a license and upon being satisfied of the truth of the statements contained therein, and that the prescribed fee (if any) has been paid, the License Inspector shall cause to be issued and delivered a numbered licence-plate or exemption-plate, as the case may be, and shall endorse on the registration card
 - (a) the number of such licence-plate or exemption-plate;
 - (b) the date of issuance thereof; and
 - (c) the fee paid or the qualification for exemption.
11. The licence-plate or exemption-plate shall at all times be affixed in a horizontal position on the front of the vehicle either to, or immediately adjacent to, the provincial motor-vehicle license plate, and shall be kept entirely unobstructed and in a legible condition and shall not obscure any other legally required plate, sign, or notice .
12. (1) Where a person ceases to be the owner of a vehicle licensed and authorized to carry a licence plate or an exemption-plate, the registration thereof and the licence-plate or exemption-plate therefor, as the case may be, are deemed to be cancelled and the new owner of such vehicle shall make application forthwith to the Licence Inspector of the municipality for:
 - (a) a transfer of the registration and plate; or
 - (b) the cancellation of the licence and the surrender of the plate.(2) The fee for the transfer of a licence and licence-plate or exemption-plate is two dollars.
(3) Notwithstanding subsections (1) and (2) the purchase of a vehicle by a dealer in vehicles for resale shall not require the licence-plate or exemption-plate to be cancelled or transferred until the dealer sells the vehicle to a person other than another such dealer for resale; provided, however, that the vehicle shall not be operated upon any highway in the City except for the purpose of transporting the vehicle to such other dealer or except for demonstration purposes for a prospective purchaser.
13. Where a licence-plate or exemption-plate is lost, stolen, destroyed or becomes illegible or mutilated, the owner of the vehicle in respect of which the plate was issued, or his agent, may apply to the License

Inspector for a replacement thereof for a fee of two dollars upon the surrender of such plate, if still in possession of the owner, and the Licence Inspector, if satisfied of the truth of the facts in support of the application, may cause a new licence-plate or exemption-plate, as the case may be, to be issued in replacement and shall endorse the record of its issuance on the registration card.

14. Notwithstanding anything in this by-law contained, where the vehicle in respect of which an application for a licence and a licence-plate is made is a vehicle operated by the owner under an agreement under section 23 of the Department of Commercial Transport Act, such licence-plate shall be valid for display on any of the vehicles operated by the owner.
15. The fees collected under sections 12 and 13 are revenues of the City and are deemed not to be part of the fees mentioned in Division (2) of Part X of the Act.
16. Except as provided by section 14, it is unlawful to operate a vehicle having affixed to it a licence-plate or exemption-plate not authorized or issued for that vehicle.
17. (1) Every person who offends against any of the provisions of this by-law, or who suffers or permits any act or thing to be done in contravention or violation of any of the provisions of this by-law, or neglects to do or refrains from doing anything required to be done under this by-law, or who does any act or thing which violates any of the provisions of this by-law shall be deemed to have committed an offence under this by-law and shall be liable, on conviction to a fine and penalty of not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00).
(2) Without affecting the generality of subsection (1) and pursuant to Division (2) of Part X of the Act:
 - (a) it is an offence for any person to operate or cause to be operated an unlicensed vehicle in the City and upon conviction such person is liable to a fine equal to the prescribed licence fee and shall be required to pay the prescribed licence fee forthwith to the Licence Inspector;

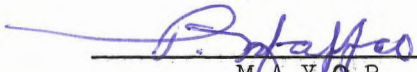
(b) any person fraudulently obtaining or issuing an exemption-plate under the said Division is liable, on summary conviction, to a fine not exceeding five hundred dollars (\$500.00).

18. This by-law shall come into force and effect on the first day of January A. D. 1963.

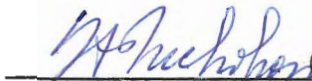
19. This by-law may be cited as the "COMMERCIAL VEHICLE LICENSING BY-LAW 1962 NO. 1143".

PASSED BY the Municipal Council on the Tenth day of October, 1962.

RECONSIDERED, FINALLY PASSED AND ADOPTED on the Nineteenth day of November, 1962.



M A Y O R.



CITY CLERK.

Appendix "A"

By-law No. 1143

Municipal Licence Plate _____

Exemption-plate _____

I, _____, owner (agent of _____
_____ who is the owner) of _____
_____ of a gross vehicle weight of _____
pounds, Motor-vehicle Registration No. _____ apply to The Corporation of
the City of Nanaimo for:

1. A municipal licence-plate for the above vehicle for the licence-year 19__ for which is hereby tendered the fee of \$ _____.

or

2. An exemption plate for the above vehicle for the licence-year 19__ and in support of this application, I (on behalf of the owner) declare that the above vehicle is exempt for the reason that _____

Signed: _____
Owner/Agent

Address: _____

Appendix "B"

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F E E S

The fees for licences applied for under the provisions of this by-law for each licence-year are as follows:

<u>Gross Vehicle Weight</u>	<u>Fee</u>
1. Up to 6,000 lbs.	\$10.00
6,001 lbs. to 26,000 lbs.	15.00
26,001 lbs. to 44,000 lbs.	20.00
44,001 lbs. and over	25.00
2. For an application under Section 14 hereof	\$25.00

Appendix "C"

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Notwithstanding anything hereinbefore contained where the vehicle is of the kind or class or subject to the uses hereinafter set forth, no fees shall be payable for:-

1. A tractor owned by a bona fide farmer and used for towing a trailer for the purpose of transporting thereon the produce of his own farm to market and of transporting supplies for his own farm from market, or for towing any implement of husbandry used by or on behalf of the farmer.
2. A vehicle licensed as a farm vehicle under the "Department of Commercial Transport Act".
3. A vehicle owned or leased exclusively by any municipality or school district.
4. A Government of Canada vehicle.
5. A school bus or mission bus, the sole property of a religious organization, and used solely for religious purposes.
6. A vehicle used exclusively for fire protection purposes.
7. A vehicle owned and operated by an improvement district.
8. A vehicle owned and used by any person who, through active service in the Armed Forces of the Crown in any war has lost a limb or is in receipt of one hundred per centum (100%) disability pension, but the exemption does not extend to the concurrent registration or licensing of more than one vehicle.
9. A vehicle licensed under the "Department of Commercial Transport Act" not being used by a person for the purpose of his business, trade, occupation, or by an organization for profit.