

**“COMMERCIAL VEHICLE LICENCING REGULATION
BYLAW 2007 NO. 7054”**

Consolidated Version

2015-MAY-04

Includes Amendment: 7054.01

CITY OF NANAIMO

BYLAW NO. 7054

A BYLAW TO PROVIDE FOR THE LICENCING OF
COMMERCIAL VEHICLES OPERATING WITHIN THE CITY OF NANAIMO

WHEREAS the Council of the City of Nanaimo may by bylaw, pursuant to Part 20 of the *Local Government Act*, to licence commercial vehicles operating within the City of Nanaimo;

AND WHEREAS the Council declares that Part 20 of the *Local Government Act* applies to the City of Nanaimo.

THEREFORE BE IT RESOLVED that the Council of the City of Nanaimo in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. Title

This Bylaw may be cited as the "COMMERCIAL VEHICLE LICENCING REGULATION BYLAW 2007 NO. 7054".

2. Interpretation

"City"	Means the City of Nanaimo
"Director of Finance"	Means municipal officer assigned responsibility by Council under the <i>Local Government Act</i> .
"Gross Vehicle Weight (G.V.W.)"	Means the weight of a vehicle without the load plus the weight of any load therein, as licenced under <i>Commercial Transport Act</i> or <i>Motor Vehicle Act</i> .
"Highway"	Includes every highway within the meaning of the <i>Transportation Act</i> and every road, street, lane or right-of-way designed or intended for or used by the general public for the passage of vehicles and every private place or passageway to which the public, for the purpose of the parking or servicing of vehicles, has access or is invited."
"Licence Plate"	Means a commercial vehicle licence decal issued under Part 20 of the <i>Local Government Act</i> .
"Licence Year"	Means the period of time defined in the <i>Local Government Act</i> s.664.
"Owner"	Includes a person in possession of a motor vehicle under a contract by which he may become its owner on full compliance with the contract.

- “Owner’s Certificate” Means and owner’s certificate as defined in the *Insurance (Motor Vehicle) Act*.
- “Participating Municipality” Means a municipality in which a bylaw is in force declaring that Part 20 of the *Local Government Act* applies in that Municipality.
- “Peace Officer” means a bylaw enforcement officer appointed by Council or an RCMP officer authorized to enforce the provisions of this bylaw. (*Bylaw No. 7054.01*)
- “Vehicle” Means a vehicle used by a person on a highway in a participating municipality which is a commercial vehicle defined as such by and licensed under the *Commercial Transport Act* and a vehicle not so licensed by which is used for the collection or delivery, or both, of merchandise or other commodity in the ordinary course of a business undertaking.
3. No person shall drive or operate a vehicle other than a vehicle exempt under Section 12(1) of this Bylaw on a highway within the City of Nanaimo, unless there is displayed on the vehicle a valid and subsisting licence plate, issued in accordance with this Bylaw, for the vehicle. (*Bylaw No. 7054.01*)
 4. The owner of a vehicle requiring a licence plate or operating under an agreement under the *Commercial Transport Act* shall:
 - (1) make an application as outlined in Schedule “A” to this Bylaw;
 - (2) provide an owner’s certificate for the vehicle to which the application applies; and
 - (3) pay the fees as prescribed by the program administered by the Union of British Columbia Municipalities.
 5. All fees collected under this bylaw and in accordance with Division 3 of Part 20 of the *Local Government Act* shall be forwarded to the Director of Finance, who shall deal with them in the manner provided for by the said *Act*.
 6. Upon receipt of the completed application and prescribed fee, a licence plate will be issued.
 7. The licence plate issued under Section 6, shall be affixed to the inside of the front windshield in the upper centre (behind the rear-view mirror in most cases) of the vehicle to which it applies.
 8. Where the owner ceases to be the owner of a vehicle to which a licence plate has been issued, the owner shall remove the licence plate and return it to the City for destruction.

9. A licence plate may be transferred from:
 - (1) person to person for the same vehicle, provided that:
 - (a) an application form is completed as noted in Section 4; and,
 - (b) a fee of \$6.25 is paid to the City.
 - (2) vehicle to vehicle for the same person, provided that:
 - (a) the old licence plate is returned to the City for destruction
 - (b) an application form is completed and noted in Section 4; and,
 - (c) a fee of \$6.25 is paid to the City, and any sum representing the difference in licence fee required for the transfer of a licence plate to a vehicle of a greater g.v.w. and the latter sum is deemed to be a licence fee for the purpose of Part 20 of the *Local Government Act*.
10. Where a licence plate becomes illegible or mutilated, the owner may apply to the City for a replacement, providing:
 - (1) the licence plate is returned to the City;
 - (2) a new application form as outlined in Section 4 is completed.
11. A licence plate issued by the municipality is valid in every municipality for the current licence year.
12. Penalty:
 - (1) The owner or operator of a vehicle, other than a vehicle exempt under Section 667 of the *Local Government Act*, who operates or uses or causes the vehicle to be operated or used on a highway in a participating municipality without holding and displaying a valid and subsisting licence plate for the vehicle commits an offence and may be subject to a fine as prescribed by the program administered by the Union of British Columbia Municipalities and attached as Schedule 'B'. (*Bylaw No. 7054.01*)
 - (2) A person who displays or causes to be displayed a licence plate on a vehicle not authorized to have it displayed on a vehicle, commits an offence and may be subject to a fine as prescribed by the program administered by the Union of British Columbia Municipalities and attached as Schedule 'B' and the licence plate may be seized by any peace officer. (*Bylaw No. 7054.01*)
 - (3) No fine imposed under this Section removed any liability for a prescribed licence fee under Part 20, Division 3 of the *Local Government Act*.
13. "COMMERCIAL VEHICLE LICENCING REGULATION BYLAW 1987 No. 3175" and all amendments thereto are hereby repealed.

SCHEDULE "A"

CITY OF NANAIMO
APPLICATION FOR MUNICIPAL COMMERCIAL VEHICLE LICENSE - APPENDIX A
BY-LAW 3300 / 4989

Applicant _____

APPLICATION
N^o 0893

(Signed)

Address

.....

1. Municipal license(s) on the following vehicle(s):

VEHICLE MAKE AND TYPE	REGISTRATION NUMBER	GROSS VEH. WEIGHT	FEE	LICENSE NUMBER	DECAL NUMBER
TOTAL ▶				◀	

And I remit herewith the total license fee for the year 20_____

NOTE: Motor Vehicle Registration Card must accompany this application.
The plate must be affixed on the front of the vehicle.

(Bylaw No. 7054.01)

SCHEDULE B
FINE SCHEDULE

Description	Section	Fine
Fail to display licence decal	12(1)	\$ 50.00
Display an unauthorized decal	12(2)	\$200.00