

NIMPkish BAND BY-LAW
BY-LAW NO. 26

A By-Law to regulate and to authorize the issuance of permits to operate taxicabs on Nimpkish Reserve No. 1 and Nimpkish Reserve No. 1A.

The Council of the Nimpkish First Nation, in open meeting assembled, enacts as follows:

1. This By-Law may be cited for all purposes as "Nimpkish Taxi Driver Regulation By-Law No. 26".
2. In this By-Law, unless the context otherwise requires:
 - (a) "Chief of Police" means the N.C.O. in charge of the Alert Bay Detachment of the Royal Canadian Mounted Police;
 - (b) "Council" means the Council of the Nimpkish Band;
 - (c) "Owner" as applied to a motor vehicle, means:
 - (i) the person who holds the legal title to the vehicle;
 - (ii) a person who is a conditional vendee, a lessee or a mortgagor and is in lawful possession of the vehicle;
 - (iii) the person in whose name the vehicle is registered.
3. Subject to Section 5, no person shall, within Reserve No. 1 and Reserve 1A, drive, operate or be in care and control of a taxicab or other motor vehicle which is carrying passengers for hire, unless she/he is the holder of a valid Taxi Driver's Permit issued by the Chief of Police in the form prescribed by Schedule "A" of this By-Law.
4. Subject to Section 5, no person, being the owner of a motor vehicle, shall suffer or permit any person to drive, operate or be in care and control of the motor vehicle within the Nimpkish Reserve No. 1 and No. 1A for the purpose of carrying passengers for hire, unless the person driving, operating or being in care and control of the vehicle is the holder of a valid Taxi Driver's Permit issued by the Chief of Police in the form prescribed by Schedule "A" of this By-Law.
5. Every person operating a taxicab business on the Reserves 1 and 1A shall, within 24 hours of employing a new driver to operate a taxicab, notify the Chief of Police giving the name of the driver, after which the said driver shall apply for a permit.
6. Every application for a Taxi Driver's permit shall be submitted to the Chief of Police in the form prescribed by Schedule "B" of this By-Law.

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7. The Chief of Police shall not issue a Taxi Driver's Permit to any person unless he is satisfied that the applicant:
 - (a) is of the full age of 19 years; and
 - (b) is the holder of a valid British Columbia driver's licence which authorizes him to operate a motor vehicle for the purpose of carrying passengers for hire.
 8. The Chief of Police may have the option not to issue a Taxi Driver's Permit to any person who has:
 - (a) been convicted of an indictable offence in Canada, unless he has been pardoned for it or 5 years have passed from completion of punishment therefore.
 - (b) been convicted of an offence under the Liquor Control and Licensing Act of the Province of British Columbia unless 5 years have passed from completion of the punishment therefore.
 9. Every permit issued under this By-Law shall expire not later than 2 years from the date of issue thereof.
 10. The Chief of Police may suspend any Taxi Driver's Permit issued under this By-law for any period he deems appropriate, if the holder:
 - (a) been convicted of an indictable offence in Canada, unless he has been pardoned for it or 5 years have passed from completion of the punishment therefore; or
 - (b) is convicted of an offence under any other By-Law of the Nimpkish Band in respect of the carrying of passengers for hire or Statute of the Province of British Columbia in respect of the carrying of passengers for hire;
 - (c) has been guilty of such gross misconduct in respect of the business of carrying passengers for hire that it warrant the suspension of his permit.
 - (d) has ceased to meet the requirements for the issuance of a permit under this By-Law; or
 - (e) has, by reason of his use of or dealing in intoxicants or narcotic drugs or any other reason been deemed to be unfit to act as a chauffeur.
 11. The Chief of Police shall, upon refusing to issue or suspending a Taxi Driver's Permit, notify the applicant or holder in writing within twenty-four hours, stating the grounds for the refusal or suspension.
 12. The applicant for or holder of a Taxi Driver's Permit may, within 10 days of receipt of a notice of refusal to issue or suspension, appeal to the Council by delivering a notice in writing to the Band Membership Clerk stating his intention to appeal and the grounds for the appeal.

13. On hearing the appeal, the Council may confirm or set aside the decision of the Chief of Police to refuse to issue or suspend a Taxi Driver's Permit, on terms it deems appropriate.
- 14.(A)The Council may revoke a permit issued under this By-Law for reasonable cause after giving notice to the holder of the permit and after giving her/him the opportunity to be heard.
- (B) Council may deny a permit if, in the opinion of council, a business is not in the best interest of the Band as per By-Law 19.
15. Every holder of a permit issued under this By-Law shall have the permit in her/his possession at all times while driving operating or being in care and control of a motor vehicle which is carrying passengers for hire on any highway or street on the Nimpkish Reserves No. 1 and No. 1A and shall produce the permit for inspection at any time upon the request of a peace officer.
16. No person shall make any false statement or declaration in an application for a permit under this By-Law.
17. Every person who contravenes or violates any of the provisions of this By-Law or any permit issued pursuant hereto, or who suffers or permits any act or thing to be done in contravention of this By-Law or any permit issued pursuant hereto or who neglects to do or refrains from doing anything required to be done by any of the provisions of this By-Law or any permit issued pursuant hereto, commits an offence and, upon summary conviction therefore, shall be liable to a fine of not less than \$100.00 and not more than the maximum fine provided by the "Offence Act" and, where the offence is a continuing one, each day that the offence is continued shall constitute a separate offence.

READ A FIRST TIME this April 8, 1994

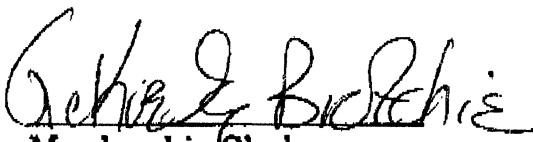
READ A SECOND TIME this April 8, 1994

READ A THIRD TIME this April 8, 1994

RECONSIDERED and FINALLY PASSED AND ADOPTED this 8th

day of April, 1994.


Chief Councillor


Membership Clerk

Certified a True Copy of By-Law No. 26 as adopted.

Schedule "A" of By-Law No. 26 No.

**NIMPKISH BAND
CHAUFFEURS PERMIT**

Driver's Licence No. _____ Class _____

Chauffeur's Permit to operate a motor vehicle carrying passengers for hire,
pursuant to the provisions of the Motor Vehicle Act.

Name in Full _____

Address _____

Date _____

Expires _____

N.C.O. i/c R.C.M.P. Detachment

This permit shall be carried by the person in whose name it is issued and be produced for inspection on demand by any police officer, police constable or licence inspector.

SCHEDULE "B" OF BY-LAW NO. 26**APPLICATION FOR A TAXI DRIVER'S PERMIT**

TO: THE CHIEF OF POLICE
VILLAGE OF ALERT BAY
ALERT BAY, B.C.

APPLICATION IS HEREBY MADE BY THE UNDERSIGNED FOR A TAXI DRIVER'S PERMIT, PURSUANT TO THE PROVISIONS OF THE NIMPKISH BAND TAXI DRIVER REGULATION BY-LAW NO. 26, 1994 AND ANY AMENDMENTS THERETO:

1. Name of Applicant (in full) _____
2. Address of Applicant _____
_____ Phone _____
3. How long at that address and previous address _____

4. Date of Birth _____ Place of Birth _____
5. B. C. Driver's Licence No. _____ Class _____ Expiry Date _____
6. Restrictions or Endorsements _____
7. Have you ever been convicted of an offence under the Liquor Control and Licencing Act of the Province of B. C. or the Narcotic Control Act, the Food and Drug Act or the Criminal Code of Canada in the past five years.
_____ If the answer is "Yes", give dates and details.

8. Have you ever been refused insurance as a driver? _____ If the answer is "Yes", give dates and details. _____

I hereby certify that the above statements are true and correct and that, if I am granted a permit, I will conform with all laws of Canada and of the Province of British Columbia and by-laws of the Nimpkish Band in connection with the operation of a taxicab. I understand that violation of such laws and by-laws may result in suspension of the permit, and that a false declaration to obtain a permit will be sufficient grounds for immediate suspension and for charges against me.

Signature of Applicant _____ Date _____

Approved ___ Rejected ___ Permit No. _____ Date Issued _____

Signed _____ N.C.O. i/c R.C.M.P. Detachment