TOWN OF SLAVE LAKE

Bylaw #06-2020
TAXI AND RIDE FOR HIRE BYLAW

BEING A BYLAW OF THE TOWN OF SLAVE LAKE IN THE PROVINCE OF ALBERTA TO LICENSE, REGULATE AND CONTROL TAXI AND RIDE FOR HIRE BUSINESSES.

WHEREAS pursuant to the provisions of the Municipal Government Act, R.S.A. 2000 Chapter M-26 as may be amended, Council may pass a bylaw for the licensing, regulating and controlling of taxi and ride for hire businesses.

NOW THEREFORE the Municipal Council of the Town of Slave Lake in the Province of Alberta enacts a Bylaw to license, regulate and control the Taxi and Ride for Hire business within the Town of Slave Lake.

1. This Bylaw may be cited as the Town of Slave Lake "**Taxi and Ride for Hire Bylaw**".

   1.1 Bylaw #16-2002 is hereby repealed.

2. **Definitions**

   For the purposes of this bylaw, the following have been defined as:

   2.1 "Bylaw Enforcement Officer" means a person appointed as a Bylaw Enforcement Officer of the Town of Slave Lake.

   2.2 "Chief Administrative Officer" means the Chief Administrative Officer of the Town, or their designate.

   2.3 "Council" means the council of the Town of Slave Lake, duly assembled and acting as such.

   2.4 "Current Photograph" shall mean a complete head and shoulders picture of the person named on the taxi driver's license which accurately reflects a current likeness of the person and is no more than two (2) years old.

   2.5 "He/His" shall mean all genders.

   2.6 "License Issuing Authority" shall mean the Chief Administrative Officer or his designate.

   2.7 "Licensing Officer" means a member of the Enforcement Services Department or Director of Community Services, capable of conducting the necessary background checks.

2.8 "Licensed Mechanic" shall mean an automotive service technician or a heavy equipment technician who is employed by or owns an automotive business that holds a current license, in good standing, issued by the Alberta Motor Vehicle Industry Council.

2.9 "Liquor Delivery Service" means a person who engages in the business of delivering alcoholic beverages as regulated by the Gaming, Liquor and Cannabis Regulations.

2.10 "Limousine" means a motor vehicle including a stretch limousine, sedan limousine or specialized limousine, which is intended to be operated for the purpose of carrying passengers for valuable consideration which is paid to the limousine company and:

2.10.1. with a manufactured seating capacity of not more than 11 passengers; and

2.10.2. is available for hire only by appointments made at least 2 hours prior to the time that passengers are picked up; and

2.10.3. which scheduled appointments are recorded in an agreement satisfactory to the Licensing Officer which shall be recorded at the time of the agreement in English and shall be carried in the Limousine at all times while the Limousine is engaged pursuant to the agreement.

2.11 "Municipal Government Act" means the *Municipal Government Act* of Alberta, RSA 2000, c. M-26, as amended, repealed or replaced.

2.12 "Operate" means the driving of a taxi cab, or the care or control of a taxi cab, whether or not it is in motion.

2.13 "Owner" means a company, partnership, trade, business, or person or persons, who is the registered owner of one or more taxi cabs.

2.14 "Peace Officer" means Bylaw Enforcement Officer appointed by the Chief Administrative Officer to do any act or perform any duties under this bylaw and includes a member of the Royal Canadian Mounted Police (RCMP) and when authorized, a Peace Officer under the Peace Officer Act.

2.15 "Taxi Cab" means a motor vehicle that is operated or intended to be operated for the purpose of carrying passengers for valuable consideration which is paid directly to the driver, and

2.15.1. is available for on demand for service by members of the general public to travel to a destination; and

2.15.2. measures its fare or charges to its customers on the distance travelled, or the amount of time for which the vehicle is hired, or a combination of the same; and

2.15.3. does not include a vehicle whose manufactured seating capacity exceeds 10 adults, including the driver; and

2.15.4. does not include a limousine.

2.16 "Taxi Business License" means a business license issued by the License Issuing Authority, pursuant to the provisions of this bylaw.

2.17 "Taxi Company" means a person who carries on the business of accepting orders for dispatching taxi cabs in any manner, and who otherwise carries on the business of a taxi broker.

2.18 "Taxi Driver" means any person who is required to be licensed pursuant to this bylaw to drive a taxi.

2.19 "Taxi Driver's License" means the license issued by the Bylaw Enforcement Officer or Peace Officer pursuant to the provisions of this bylaw authorizing the person named therein to drive a taxi cab.

2.20 "Town" means the municipal corporation of the Town of Slave Lake.

2.21 "Violation Tag" means a tag or similar document issued by the Town pursuant to the Municipal Government Act.

2.22 "Violation Ticket" means a notice issued under Part two (2) or Part three (3) of the *Provincial Offences Procedure Act* RSA 2000 c. P-34.

3. Regulations Respecting the Condition of Taxi Cabs

3.1 Every Taxi Company shall ensure that every Taxi Cab, once every year has a complete mechanical inspection made by a licensed mechanic. Mechanic Fitness Reports are to be completed by December 31st of each year.

3.2 The licensed mechanic shall complete and sign a mechanical fitness report in a form approved by the Licensing Officer, which report shall obtain such information as the Licensing Officer may require, and without limiting the generality of the foregoing may contain information as to the safety and condition of the Taxi Cab's steering mechanism, brake system, body work and windows, electrical light and signal systems, exhaust systems and tire wear and condition.

3.3 All taxi cabs shall be maintained in a clean, undamaged condition and present a favourable appearance so that the exterior of the vehicle is in good appearance and without any visible body damage. For purpose of this bylaw, the exterior of the vehicle includes body paint, any body rust, all glass, hubcaps, headlights and headlight assemblies and tail light assemblies, grilles, door handles, trunk lock mechanisms, side mirrors, bumpers and body trim.

3.4 Each Taxi Cab licensed pursuant to this bylaw shall be inspected at the cost of the Taxi Company at such times as the Licensing Officer may specify.

3.5 The Licensing Officer or Peace Officer may require a Taxi Cab to be inspected by a Licensed Mechanic if in the License Inspector's or Peace Officer's opinion that there may be a visible defect.

3.6 No person shall obstruct or interfere with any inspection that may be required or carried out pursuant to this bylaw.

3.7 Upon completion of an inspection, a Mechanical Fitness Report shall be delivered directly to the Licensing Officer and a copy of which shall be kept at all times in the Taxi Cab. This report shall be in the form set out by the Licensing Officer.

3.8 A Taxi Company shall at all times between inspections:

3.8.1. ensure that the Taxi Cab is clean and in good interior condition; and

3.8.2. ensure that all Taxi Cabs meet the standard set out in the Mechanical Fitness Report so that it is at all times safe, fit and suitable for use as a Taxi Cab.

3.9 No Taxi Company shall operate or permit the operation of a Taxi Cab for which a Mechanical Fitness Report has not been passed by a Licensed Mechanic within the required inspection period.

3.10 Current rates charged for the use of the Taxi Cab shall be prominently and visibly displayed to the passengers, in each Taxi Cab at all times.

3.11 Every Taxi Cab driver shall upon demand of a Licensing Officer, produce any permit, identification card, registration card, license or other document which he may be, from time to time, required to produce or have in his possession by this bylaw or which has been issued to him under this bylaw.

3.12 The name and telephone number of the Taxi Cab, owned, operated or affiliated with the Taxi Company shall be prominently displayed on the rear and side of each such Taxi Cab.

3.13 Every Taxi Company shall ensure that each Taxi Cab has a taxi identification number assigned to the Taxi Cab and shall be on both sides of the vehicle and on the rear as to be prominently visible to the Officer or public.

3.14 No Taxi Company shall display or permit, suffer or allow the displaying of any advertising material upon the exterior of a Taxi Cab other than material identifying the Taxi Company which owns or operates the Taxi Cab.

4. Taxi Business License

4.1 No person, partnership or corporation shall carry on the business of operating a Taxi Service/Ride For Hire in the Town of Slave Lake unless the person, partnership or corporation holds a current Town of Slave Lake Business License in accordance with Town of Slave Lake Business Licensing Bylaw and amendments thereto.

4.2 An applicant for a taxi business license shall produce upon application of the annual renewal of the taxi business license and at such other time as may be directed by the Licensing Officer the following:

4.2.1. name(s) of the registered owner and driver(s);

4.2.2. proof of registration of the vehicle or vehicles to be licensed;

4.2.3. make, year, colour and serial number of the vehicle(s);

4.2.4. name of the taxi company, and if an incorporated company, such company shall be registered pursuant to the Alberta Business Corporations Act;

4.2.5. written mechanical inspection of vehicle(s) as set out in Section 3 of this bylaw; and

4.2.6. a certificate from an insurance company licensed to carry on business in the Province of Alberta, showing that the applicant for the license is the holder of an existing policy of insurance issued by such insurer in respect of the taxi for which the applicant intends to obtain a license to operate a taxi.

4.3 The License Issuing Authority shall issue a taxi business license upon satisfaction of compliance with the above listed requirements of this bylaw and payment of fee as set out in the Town's Business License Bylaw.

4.4 The License Issuing Authority may refuse to issue or renew a taxi business license, or may revoke or suspend an existing taxi business license, if the requirements of the application have not been met or if there are reasonable grounds for refusal of the application or for revocation or suspension of the taxi business license. The regulations in this regard shall be followed as per the Business License Bylaw.

5. Taxi Driver's License

5.1 No person shall operate a taxi cab within the Town, whether or not for a fare, unless the taxi driver is the holder of an existing taxi driver's license issued pursuant to the provisions of this bylaw. A breach of this provision shall result in a fine or penalty as set out in Schedule "A" as attached to and forming part of this bylaw.

5.2 Licensed Mechanics are exempt from the provisions of this Section, provided they are in the process of conducting mechanical checks on a taxi cab.

5.3 Taxi companies and drivers, which normally operate or carry on business outside the Town, and do not originate the transport of passengers from within the Town of Slave Lake, are exempt from the provisions of this Section.

5.4 A person who desires to obtain or renew a taxi driver's license shall submit to the Licensing Officer a fully completed and signed application in the form set out in Schedule "B" of this bylaw. Items to be included with the application:

5.4.1. 5 year driver's abstract from the Motor Vehicles Branch of the Province of Alberta, which is dated not more than six (6) months prior to the date of the application; and

5.4.2. criminal record check dated no more than thirty (30) days prior to application;

5.4.3. vulnerable sector check dated no more than thirty (30) days prior to the application; and

5.4.4. photo copy of current driver's license.

5.5 Upon receiving an application to obtain or renew a taxi driver's license, the Licensing Officer may take such steps deemed necessary to verify the accuracy of the information contained in the application and shall determine whether the applicant should be approved to operate a taxi cab, having regard to:

5.5.1. whether the applicant has been charged with a Criminal Code offence or found guilty or convicted of an offence, under the Criminal Code (Canada), or under any other Federal Statute of Canada, or any other country, within the five (5) years preceding the application;

5.5.2. whether the applicant has been charged with a Criminal Code offence, or found guilty or convicted of a serious offence, or of multiple offences under the *Traffic Safety Act,* RSA 2000 c. T-06 and regulations there under, or bylaw passed under the authority of either of those statutes, or under any similar statute or regulation or bylaw of a jurisdiction other than Alberta within the three (3) years preceding the application.

5.5.3. if the applicant has failed to disclose all charges or convictions under the Criminal Code, or any other Federal Statutes, on the taxi driver's application form.

5.6 If the applicant meets the requirement for a taxi driver license as set out in this bylaw, and the application is acceptable, the Licensing Officer may issue or renew a taxi driver's license, upon receipt of payment of the fee as set out in Schedule "C" of this bylaw.

5.7 Every licensed taxi driver shall:

5.7.1. operate the taxi in accordance with the provisions of this bylaw and the applicable regulations;

5.7.2. carry the taxi driver's license issued under this bylaw and their Alberta driver's license at all times while operating a taxi cab;

5.7.3. the taxi driver's license shall be openly displayed at all times in the taxi cab in such manner as to be visible to passengers;

5.7.4. post the prescribed rates and fares in the taxi cab in such manner as to be available to passengers;

5.7.5. only drive a taxi cab which is licensed under this bylaw; and

5.7.6. ensure that their taxi driver's licence displays a current photograph of themselves.

5.8 No Taxi Driver's License or renewal shall be issued to any person who:

5.8.1. Has been convicted of an offense under the Criminal Code of Canada, or the Controlled Drugs and Substances Act within the (5) year period immediately preceding the date of application; or

5.8.2. Has been charged with any offence under the Criminal Code of Canada, or the Controlled Drugs and Substance Act until the charge has been withdrawn or otherwise dealt with in a manner which does not result in a conviction.

5.9 When an individual with an existing Taxi Driver's License has been charged with an offence under the Criminal Code of Canada or the Controlled Drugs and Substance Act:

5.9.1. The individual shall forthwith notify a License Inspector of the charges;

5.9.2. Upon receiving notification of the charges, the License Inspector may suspend the Taxi Cab License until the charges have been withdrawn or the matter is otherwise dealt with in a manner which does not result in a conviction.

5.10 The Licensing Officer may:

5.10.1. revoke the taxi driver's license, or

5.10.2. suspend the taxi driver's license

for non-compliance with the requirements of this bylaw until the requirements have been met or until the term of the license expires, whichever is sooner.

5.11 If an application under this Section is refused, or a taxi driver's license is suspended or revoked pursuant to this bylaw, the Licensing Officer shall notify the applicant or taxi driver who is a license holder in writing, of the refusal, suspension or revocation, giving written reasons for the decision.

5.12 Every taxi driver's license issued under this bylaw will expire on December 31st of the year issued. Every taxi driver is required to renew their taxi driver's license on or before January 1st of the licensing year. Taxi licenses are valid for one year at a time.

5.13 Notwithstanding any other provision of this Section, the Licensing Officer may refuse to approve the issuance of a taxi driver's license if the applicant is not the holder of a valid class 1, 2, or 4 Alberta driver's license.

5.14 Upon termination or cessation of operating a Taxi Company/Ride for Hire or driving a Taxi Cab, Taxi Licenses shall be returned to the Licensing Officer forthwith.

6. Appeal:

6.1 Any person whose:

6.1.1. application for a taxi driver's license is refused,

6.1.2. taxi driver's license is suspended or revoked, or

6.1.3. taxi business license is suspended, revoked or denied,

may appeal the decision of the Licensing Officer to Town Council within twenty (20) days of being notified of any license or application revocation, cancellation or refusal, by notifying the Chief Administrative Officer of the intention to appeal by personally delivering written notice, or by mailing a double registered letter.

6.2 If an applicant applies for an appeal hearing before Town Council, the applicant must pay a one hundred and fifty ($150.00) dollar deposit. The deposit may be returned to the applicant with the appeal decision. The disposition of the deposit will be determined by Council. If the applicant fails to attend the appeal hearing the one hundred and fifty ($150.00) dollar deposit will be forfeited to the Town of Slave Lake.

6.3 The Chief Administrative Officer shall notify all persons concerned of the date and time of the hearing of the appeal.

6.4 All persons concerned shall be given an opportunity to be heard at the hearing of the appeal.

6.5 The decision of Council, after hearing all persons concerned, shall be final and binding. Council may uphold, reverse or amend timelines and/or conditions based on the facts and extenuating circumstances presented.

6.6 When an application for a license or for renewal of a license is refused, any license fee paid shall be fully refunded.

7. Transferability of License:

7.1 Licenses issued under this bylaw are the property of the Town of Slave Lake.

7.2 Licenses issued under this bylaw may not be sold or transferred to any other person or persons.

7.3 If a license issued under this bylaw is issued to an incorporated company, a change in control of more than 50% of the issued voting shares shall constitute a sale of transfer, which is prohibited under this Section.

8. General Provisions:

8.1 Every owner shall ensure that all persons operating the taxi cab are in possession of a current and valid class 1, 2, or 4 Alberta driver's license as well as a taxi driver's license. A breach of this provision shall result in a fine or penalty as set out in Schedule "A" attached to and forming part of this bylaw.

8.2 Every person who operates a taxi cab in the Town shall not transport a greater number of passengers than the manufacturer's recommended capacity or as defined in the bylaw. A breach of this provision shall result in a fine or penalty as set out in Schedule "A" attached to and forming part of this bylaw.

8.3 Every owner or taxi cab driver shall, upon being requested by a Licensing Officer, give full information concerning the address of a house, or place, to or from which any passenger has been driven, and such other reasonable information as the Licensing Officer may request. A breach of this provision shall result in a fine or penalty as set out in Schedule "A" attached to and forming part of this bylaw.

8.4 Every taxi business license holder operating in the Town shall operate his or her business in accordance with the Town's Land Use Bylaw, Business Licensing Bylaw and this bylaw.

8.5 Any taxi driver operating a taxi cab may carry two or more groups of passengers from a common starting point to two or more destinations provided the passengers agree to such an arrangement in advance.

8.6 By the first day of every month the taxi cab owner must provide a list of any additions or deletions of vehicles and taxi drivers to the Bylaw Enforcement Officer.

9. Liquor Delivery Services:

9.1 In addition to the requirements identified in the Business License Bylaw, the holder of a taxi driver license may only perform liquor delivery services between the hours of 10:00 a.m. and 10:30 p.m. weekdays, weekend days and statutory holidays. Drivers must have a valid receipt for the liquor to be delivered. The receipt must indicate the date of purchase which must coincide with the date of delivery. The receipt MUST be present with the driver and must be produced upon demand of a Peace Officer.

10. Powers of Peace Officer:

10.1 If a Peace Officer concludes on reasonable grounds that any provision of this bylaw is not being complied with, the person not complying may be charged with the offence of having failed to comply with that provision of the bylaw.

10.2 If a Licensing Officer forms the opinion, on reasonable and probable grounds, that lack of compliance with any provision of this bylaw by any person has caused or may cause danger to the health or safety of the public, the Licensing Officer may, by written notice to the license holder, suspend any taxi driver's license, or taxi cab approval issued pursuant to the provisions of the bylaw for so long as the state of non-compliance with this bylaw persists, whether or not the Licensing Officer charges any person with an offence under this bylaw.

10.3 A License Inspector may at any time inspect any taxi cab or limousine to determine the following:

10.3..1. the validity of the taxi or limousine vehicle permit;

10.3..2. the validity of the operator's chauffeur permit;

10.3..3. test to confirm accuracy of a taximeter;

10.3..4. the mechanical condition of the vehicle; or

10.3..5. standards of repair and cleanliness of the vehicle.

10.4 A Peace Officer may enter any facility or vehicle and inspect records for the purpose of determining whether a taxi owner or taxi driver have complied with this bylaw.

10.5 A Licensing Inspector may at any time require a taxi cab or limousine to be inspected by a motor vehicle service centre and the vehicle owner shall deliver such taxi cab or limousine at the time and place so designated. All costs of the mechanical inspection shall be paid by the vehicle owner.

10.6 Where a Peace Officer believes, on reasonable and probable grounds, that an offence has been committed under this bylaw in relation to a taxi cab or limousine Licensing Officer may seize that vehicle and cause it to be removed, and stored at a suitable location.

11. Enforcement and Penalties

11.1 Except as otherwise provided herein, any Person who contravenes any provision of this Bylaw is guilty of an offence, and shall be liable, upon summary conviction, to the fine as set out in Schedule "A" attached to and forming part of this Bylaw.

11.2 A Licensing Officer is hereby authorized and empowered to issue a Violation Tag to any Person whom the Licensing Officer has reasonable grounds to believe has contravened any provision of this Bylaw.

11.3 A Violation Tag may be issued to such person:

11.3..1. personally;

11.3..2. by registered mail sent to the postal address of the person, as shown on the Tax Assessment Roll or on the Certificate of Title for the property; or

11.3..3. by leaving it with a person apparently over eighteen (18) years of age at the place of residency of the person to whom the Violation Tag is addressed.

11.4 Any Violation Tag shall conform to a format approved by the Chief Administrative Officer and shall include all required content.

11.5 Subject to the provisions of section 11.2 and 11.3, upon issuance and service of a Municipal Violation Ticket under section 11.1 the amount the Town will accept for the alleged offences shall be the amount of the specified penalty, and upon payment to a person authorized by the Chief Administrative Officer to receive such payment, there shall be issued an official receipt thereof and such payment shall be accepted in lieu of prosecution for the alleged offence.

11.6 In the event that a Violation Tag has been issued and the penalty specified on the Violation Tag has not been paid within the prescribed time, a Peace Officer may issue a Violation Ticket to the Person to whom the Violation Tag was issued.

11.7 A Violation Ticket issued with respect to a violation of this Bylaw shall be served upon the Person responsible for the contravention in accordance with the Provincial Offences Procedure Act.

11.8 The person to whom the Violation Ticket has been issued may plead guilty by making a voluntary payment in respect of the Part 2 or Part 3, by delivering it to the Provincial Court, on or before the initial appearance date, the Violation Tag together with an amount equal to the specified penalty for the offence as provided within Schedule "A" attached to and forming part of this Bylaw.

11.9 When the Courts records the receipt of a voluntary payment pursuant to Provincial Offences Procedure Act, the act of recording the receipt of that payment constitutes acceptance of the guilty plea and also constitutes the conviction and the imposition of a fine in the amount of the specified penalty.

11.10 Nothing in this Bylaw shall be read or construed as:

11.10..1. preventing any person from exercising their right to defend an allegation that he has committed an offence listed in Schedule "A"; or

11.10..2. preventing a Licensing Officer from issuing a summons or offence notice under the Provincial Offences Procedure Act or otherwise initiating court process in any other manner permitted by law, in respect of an alleged offence which a violation tag may be issued.

12. Vicarious Liability:

12.1 For the purpose of this bylaw, an act or omission by an employee or agent for a person is deemed also to be an act or omission of the person, if the act of omission occurred in the course of the employee's employment with the person, or in the course of the agent exercising the powers of, or performing duties on behalf of, the person under their agency relationship.

13. Severability:

13.1 If a court of competent jurisdiction should declare any Section or Subsection of this Bylaw to be invalid, that Section or Subsection shall be severed from the remainder of the Bylaw, and the remaining provisions of this Bylaw shall continue to be valid and enforceable.

14. Transition and Execution :

14.1 This Bylaw shall come into full force and effect on the date of third reading.

READ A FIRST TIME THIS 10 DAY OF March, 2020.

MAYOR

CHIEF ADMINISTRATIVE OFFICER

READ A SECOND TIME THIS 10 DAY OF March, 2020.

MAYOR

CHIEF ADMINISTRATIVE OFFICER

READ A THIRD TIME THIS 10 DAY OF March, 2020.

MAYOR

CHIEF ADMINISTRATIVE OFFICER

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