

BYLAW 20-2013

BEING A BYLAW OF STRATHCONA COUNTY IN THE PROVINCE OF ALBERTA TO REGULATE THE SAFETY OF TAXIS

WHEREAS The *Municipal Government Act*, R.S.A. 2000, c.M-26, provides that council may pass bylaws respecting business, business activities, and persons engaged in business and the safety, health and welfare of people; and

WHEREAS the purposes of this Bylaw are to ensure public safety, service, quality and consumer protection for customers and service providers in the taxi industry; to establish a system of permitting; and to establish a system for the inspection of taxi vehicles.

NOW THEREFORE, the Council of Strathcona County duly assembled enacts as follows:

PART I DEFINITIONS

1. In this Bylaw, the following definitions shall apply:
 - 1.1. "Applicant" means a person who applies for:
 - (a) a Permit; or
 - (b) a renewal of a Permit;
 - 1.2. "Bylaw Enforcement Officer" means a Bylaw Enforcement Officer appointed by the County pursuant to the *Municipal Government Act*, for the purpose of enforcing County bylaws, and includes a member of the Royal Canadian Mounted Police ("RCMP") and, when authorized, a Community Peace Officer.
 - 1.3. "Certified Mechanic" means the holder of a trade certificate as an auto mechanic, technician or a heavy duty mechanic issued pursuant to the *Apprenticeship and Industry Training Act*, R.S.A. 2000, c. A-42 as it may be amended and who is employed at an Alberta Transportation Provincial Inspection Station;
 - 1.4. "Chief Commissioner" means the Chief Administrative Officer for Strathcona County or his delegate;
 - 1.5. "Committee" means the General Appeals and Review Committee;
 - 1.6. "County" means the Municipality of Strathcona County;
 - 1.7. "Director" means the Director of the County's Legislative and Legal Services Department or the designate of the Director;

DEFINITIONS continued

- 1.8. "Fee" means the Fee prescribed for a Taxi Driver's Permit, Taxi Vehicle Permit, Permit reinstatement or update or Replacement Permit as set out in Strathcona County's Fees, Rates and Charges Bylaw as amended or replaced from time to time;
- 1.9. "Licence Inspector" means the member of Strathcona County's administration designated by the Chief Commissioner or the delegate of that person.
- 1.10. "Mobility Aid" means a device, including a manual wheelchair, electric wheelchair or scooter that is used to facilitate the transport, in a normal seated orientation, of a person with a disability;
- 1.11. "Motor Vehicle" means a motor vehicle as defined in the *Traffic Safety Act*;
- 1.12. "Permit" means a Taxi Driver's Permit and Taxi Vehicle Permit
- 1.13. "Permit Holder" means a person holding a valid Permit issued pursuant to this Bylaw;
- 1.14. "Owner" when used in relation to a Taxi means:
 - (a) a person named as the registered owner on the provincial vehicle registration certificate; or
 - (b) a person who has rights in the Vehicle as its beneficial owner including having lawful control of the Vehicle.
- 1.15. "Record of Inspection" means a Government of Alberta Motor Vehicle Record of Inspection completed and signed by a Certified Mechanic certifying that the Vehicle for which the Record of Inspection is issued has passed the inspection and has been inspected in accordance with the Vehicle Inspection Regulation, *Alberta Regulation 211/2006* as amended or replaced from time to time.
- 1.16. "Service Animal" means an animal that has been trained and certified to assist a person with disabilities;

DEFINITIONS continued

- 1.17 "Taxi" 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;
- (a) is available for on demand service by members of the general public to travel to a destination requested by a customer;
 - (b) measures its fare or charge to its customers on the basis of distance traveled, or the amount of time for which the vehicle is hired, or a combination of the same; and
 - (c) does not include a vehicle whose manufactured seating capacity exceeds 10 adults, including the driver; and
 - (d) does not include a Limousine.
- 1.18 "Taxi Driver" means a person who is licensed by the Province of Alberta to operate a Vehicle and who holds a valid County Taxi Driver's Permit;
- 1.19 "Taxi Driver's Permit" means a Taxi Driver's Permit issued pursuant to this Bylaw;
- 1.20 "Taxi Number" means the taxi number as identified by the Chief Commissioner issued to a person with a valid Vehicle Licence;
- 1.21 "Taxi Vehicle" means a Taxi operated by a person with a valid Taxi Driver's Permit;
- 1.22 "Taxi Vehicle Permit" means the Permit issued by the County pursuant to this Bylaw for attachment to a Taxi;
- 1.23 "Vehicle Identification Number" means the Taxi Vehicle number issued to a person with a valid Permit as identified by the Chief Commissioner;
- 1.24 "Vehicle Inspection Facility" means an inspection facility that is certified by Alberta Transportation as a Provincial Inspection Station;
- 1.25 "Vehicle Permit Year" means the period commencing May 1 and ending on the next April 30;
- 1.26 "'Violation Tag" means a tag or similar document issued by the County pursuant to the *Municipal Government Act*;
- 1.27 "Violation Ticket" has the same meaning as in the *Provincial Offences Procedure Act*.

PART II TAXI OR ACCESSIBLE TAXI DRIVER'S PERMIT

2. Application and Renewal Process

- 2.1. A person applying for a Taxi Driver's Permit shall submit all of the following to the Chief Commissioner:
- (a) a completed application in a form prescribed by the Chief Commissioner;
 - (b) the Permit Fee for the issuance or renewal of a Taxi Driver's Permit;
 - (c) a valid Class 1, 2 or 4 Provincial Operator's Licence;
 - (d) a driver's abstract of the person's driving record provided by the Province of Alberta Registrar of Motor Vehicles dated within 30 days of the application;
 - (e) criminal records check acceptable to the Chief Commissioner from the RCMP dated within 30 days of the application;
 - (f) a certified Vulnerable Sector Check from the RCMP dated within 30 days of the application; and
 - (g) anything else required by this Bylaw for the issue or renewal of a Taxi Driver's Permit.

3. Criminal Conviction

- 3.1 The Chief Commissioner shall not issue or renew a Taxi Driver's Permit to any person who has been convicted under the *Criminal Code of Canada* of:
- (a) an offence relating to homicide, assault, kidnapping, arson, or abduction;
 - (b) an offence relating to robbery or extortion; or
 - (c) an offence of criminal negligence, dangerous driving, impaired driving, or driving while his Alberta driver's licence or Taxi Driver's Licence is suspended.
- 3.2. A Driver shall immediately notify the Chief Commissioner if:
- (a) his Provincial Operator's Licence is suspended; or
 - (b) he has been charged with an offence under the *Criminal Code of Canada* or the *Controlled Drugs and Substances Act*.

4. Expiry

- 4.1. Unless otherwise revoked, every Taxi Driver's Permit is valid for a period of two (2) years and expires on the date of birth of the Permit Holder two years following the date the Taxi Driver's Permit is issued or renewed.

5. Transfer of Driver's Permit

- 5.1. A Taxi Driver's Permit shall not be transferred.

6. Automatic Suspension

- 6.1. A Taxi Driver's Permit shall be immediately suspended upon any suspension of the Permit Holder's Provincial Operator's Licence.

7. Obligations of a Driver

- 7.1. No Person shall operate, or permit to be operated, a Taxi Vehicle without a valid Taxi Driver's Permit.
- 7.2. A Driver operating a Taxi Vehicle shall have in the Taxi Vehicle at all times:
- (a) a valid Taxi Driver's Permit displayed on the sun visor located on the interior of the Vehicle just above the windshield showing his picture and name;
 - (b) a valid Taxi Vehicle Permit displayed in accordance with the requirements of Section 12 of this Bylaw; and
 - (c) a valid Record of Inspection for that Taxi Vehicle.
- 7.3. While operating a Vehicle, every Driver shall inspect the Taxi vehicle he will be operating before each shift and repair any defects;

8. Prohibited Driver Actions

- 8.1 A person operating a Taxi Vehicle shall not refuse a passenger because he requires that a Service Animal accompany him.

9. Service Refusal

- 9.1. While operating a Vehicle, a Driver must accept all persons as passengers except when entitled to refuse such persons as pursuant to this section.
- 9.2. A Driver is entitled to refuse a passenger if such person:
- (a) requests that the Driver carry an animal in the Taxi Vehicle other than a Service Animal;
 - (b) request that the Driver carry baggage in the Taxi Vehicle which might be detrimental to the repair, cleanliness or sanitary condition of the Taxi Vehicle;
 - (c) request the Driver to carry any passengers or baggage which the Taxi Vehicle is incapable of carrying;
 - (d) insists on smoking or persists in smoking in the Taxi Vehicle; or
 - (e) is disorderly or abusive to the Driver.

PART III TAXI VEHICLE PERMIT

10. Taxi Vehicle Permit Application

- 10.1. A person applying for the issuance or renewal of a Taxi Vehicle Permit shall, for each Taxi Vehicle, provide all of the following to the Chief Commissioner:
- (a) a completed application in a form prescribed by the Chief Commissioner;
 - (b) the Permit Fee for the issuance or renewal of a Taxi Vehicle Permit;
 - (c) proof in a form satisfactory to the Chief Commissioner that the person is the owner of the Taxi Vehicle on which the Taxi Vehicle Permit will be displayed;
 - (d) proof in a form satisfactory to the Chief Commissioner that the Taxi vehicle on which the Taxi Vehicle Permit will be displayed has a valid provincial registration certificate and complies with all requirements of this Bylaw;
 - (e) proof of Taxi Vehicle insurance satisfactory to the Chief Commissioner; and
 - (f) a Record of Inspection.

Taxi Vehicle Permit Application continued

- 10.2. Upon the Chief Commissioner being satisfied that the application for a Taxi Vehicle Permit is complete and that the Taxi Vehicle meets the requirements of this Bylaw, the Chief Commissioner may issue a Taxi Vehicle Permit and a Vehicle Identification Number.
- 10.3. No Person shall operate, or permit the operation of Taxi Vehicle without a valid Taxi Permit.
- 10.4. A person shall not operate or permit the operation of a Taxi Vehicle unless the Taxi Vehicle Permit displayed on the Taxi Vehicle was issued for use on that Taxi Vehicle.
- 10.5. A Taxi Vehicle Permit shall be valid for a Vehicle Permit Year.
- 10.6. Each Taxi Vehicle Permit shall bear on its face the date on which it will expire.

11. Mechanical Inspection

- 11.1. No person shall operate a Taxi Vehicle without a valid Record of Inspection.
- 11.2. Each Taxi Vehicle shall be inspected at least once every twelve (12) months by a Certified Mechanic.
- 11.3. If a Certified Mechanic is satisfied that a Taxi Vehicle is mechanically sound, he may issue a Record of Inspection indicating that the Taxi Vehicle has passed the inspection.
- 11.4. For the purposes of this Bylaw, a Record of Inspection Certificate expires on a date that is one year from the date of inspection shown on the Record of Inspection.

12. Taxi Vehicle Equipment and Markings

- 12.1. Each Taxi Vehicle shall prominently and permanently display:
 - (a) on each side of its exterior, the name and phone number of the Taxi Vehicle Permit Holder;
 - (b) on each side of and the rear of the exterior of the Taxi Vehicle, the Vehicle Identification Number with lettering no less than 15 centimeters in height.
 - (c) the Taxi Vehicle Permit on the front license plate holder or the front grill of the Taxi Vehicle.
 - (d) an inspection decal.

Taxi Vehicle Equipment and Markings continued

- 12.2. If a Taxi Vehicle permitted as a Taxi ceases to be permitted as a Taxi for any reason, its owner shall ensure that all markings of any kind upon or within it, which serve to identify it as a Taxi, are removed within 7 days of the date on which it ceases to be permitted as a Taxi.

PART IV GENERAL LICENSING POWERS

13. Chief Commissioner Authority

- 13.1. The Chief Commissioner is granted authority to carry out the provisions of this Bylaw.

- 13.2. The Chief Commissioner is authorized to:

- (a) receive, consider and deal with all applications for issuance and renewal of Permits;
- (b) record such information with respect to Permits as may be considered necessary by him;
- (c) issue a Permit, with or without conditions, upon payment of the appropriate fee; and
- (d) prosecute violators of this Bylaw.

14. Chief Commissioner Duties

- 14.1. Without restricting any other power, duty or function granted by this Bylaw, the Chief Commissioner may:

- (a) establish and vary forms and procedures for the issuance of all types of Permits and certificates under this Bylaw;
- (b) specify the form, content, colour and location of Taxi Vehicle Permits and all other identification markings required to be placed on Taxi Vehicles;
- (c) specify or prohibit safety equipment or devices which may be placed in the Taxi Vehicles;
- (d) specify the number of passengers which may be carried in a Taxi Vehicle;
- (e) carry out any inspections required to determine compliance with this Bylaw;

Chief Commissioner Duties continued

- (f) take any steps or carry out any actions required to enforce this Bylaw;
and
- (g) take any steps or carry out any actions required to remedy a
contravention of this Bylaw.

15. Power to Delegate

- 15.1. The Chief Commissioner may delegate any or all powers, duties or functions of the Chief Commissioner by this Bylaw to an employee of the County.

16. Refusal, Revocation or Suspension

- 16.1. The Chief Commissioner may refuse to issue or renew a Permit, may suspend or cancel a Permit and may impose any conditions on a Permit, for the following reasons:

- (a) the Applicant or Permit Holder does not or no longer meets the requirements of this Bylaw with respect to the Permit applied for or held;
- (b) in the opinion of the Chief Commissioner, based on reasonable grounds, it is in the public interest to do so; and
- (c) the Applicant or Permit Holder or any of its officers or employees:
 - (i) furnished false information or misrepresented any fact or circumstance to a Bylaw Enforcement Officer or the Chief Commissioner;
 - (ii) failed to pay any fee required by this Bylaw;
 - (iii) failed to pay a fine imposed by a Court for a contravention of this Bylaw; or
 - (iv) has, in the opinion of the Chief Commissioner based upon reasonable grounds, contravened this Bylaw whether or not the contravention has been prosecuted.

17. Notification of Refusal, Revocation or Suspension

- 17.1. Where the Chief Commissioner refuses an application or renewal for a Permit or where a Permit is revoked or suspended, the Chief Commissioner shall notify the Applicant in writing of such refusal, revocation or suspension and the reasons for the same.

18. Appeal to Committee

- 18.1. An Applicant may appeal to Committee where:
- (a) an application for issuance or renewal of a Permit has been refused;
 - (b) a Permit has been issued, subject to conditions other than conditions imposed by the Bylaw;
 - (c) a Permit has been revoked; or
 - (d) a Permit has been suspended.
- 18.2. A person may not appeal a refusal to issue or renew a Permit if the reason for the refusal is the failure to pay any fee or provide any required information.
- 18.3. A person may not appeal any condition, suspension or cancellation imposed automatically by the provisions of this Bylaw.

19. Notice of Intention to Appeal

- 19.1. A person appealing pursuant to section 18 shall:
- (a) make the appeal in writing addressed to the Director;
 - (b) deliver the appeal within 14 days of the refusal, revocation, suspension or date of conditions being imposed;
 - (c) detail all grounds of appeal on which the appeal is based.

20. Committee's Powers on Appeal

- 20.1. After hearing an appeal, the Committee may:
- (a) direct a Permit to be issued without conditions;
 - (b) direct a Permit to be issued with conditions; or
 - (c) uphold the decision of the Chief Commissioner on grounds which appear just and reasonable to Council.

21. Reinstatement

- 21.1. The Chief Commissioner may reinstate a suspended Permit upon:
- (a) the expiration of the suspension;
 - (b) the applicant paying the Fee for reinstatement; and
 - (c) the applicant complying with all provisions required by this Bylaw for the reinstatement of the Permit.

PART V ENFORCEMENT

22. Offences

- 22.1. A person who contravenes this Bylaw is guilty of an offence.
- 22.2. A person shall not make a false statement in a document, application, statement, declaration or report made under or required by this Bylaw.

23. Continuing Offence

- 23.1. If the offence is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a person guilty of such an offence is liable to a fine in an amount not less than that established by this Bylaw for each such day.

24. Fines and Penalties

- 24.1. Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable to penalty as set out in Schedule "A" to this Bylaw.
- 24.2. Notwithstanding Section 24.1 of this Bylaw, any person who commits a second or subsequent offence under this Bylaw within one (1) year of committing the first offence may be liable to a fine of not less nor more than the sum as set out Schedule "A" of this Bylaw.
- 24.3. Under no circumstances shall any person contravening any provision of this Bylaw be subject to the penalty of imprisonment.

25. Violation Tag

- 25.1. If a Violation Tag is issued in respect to an offence, the Violation Tag shall specify the fine amount established by this Bylaw for the offence.

26. Payment in Lieu of Prosecution

- 26.1. A person who commits an offence may, if a Violation Tag is issued in respect to the offence, pay the fine amount established by this Bylaw for the offence and if the amount is paid on or before the required date, the person will not be prosecuted for the offence.

27. Violation Ticket

- 27.1. If a Violation Ticket is issued in respect to an offence, the Violation Ticket may:
 - (a) specify the fine amount established by this Bylaw for the offence; or
 - (b) require the person to appear in Court without the option of making a voluntary payment.

28. Voluntary Payment

- 28.1. A person who commits an offence may make a voluntary payment equal to the specified fine, if:
- (a) a Violation Ticket is issued in respect to the offence, and
 - (b) the Violation Ticket specifies the fine amount established by this Bylaw for the offence.

PART VI General

29. Replacement

- 29.1. If a Taxi Driver's Permit or a Taxi Vehicle Permit is lost, stolen or destroyed, the Chief Commissioner may issue a replacement Permit upon payment of the Fee for replacement of the Permit.

30. Notice

- 30.1. Any notice issued or required under this Bylaw, unless otherwise excluded, is sufficiently served on a person if it is:
- (a) served personally; or
 - (b) mailed by registered mail to the most recent address that the person provided to the Chief Commissioner as shown in the records of the Chief Commissioner and service shall be deemed to be served on the 5th business day after mailing.

31. Changes or Updates

- 31.1. A person who changes or updates any information required to be provided to the Chief Commissioner by this Bylaw shall pay the required Fee.

32. Gender

- 32.1. The masculine gender used when referring to same, shall include the plural and the plural shall include the singular, and shall also include the feminine gender if the context so requires.

33. Severability

- 33.1 Should any provision of this Bylaw be invalid, then such invalid provision shall be severed and the remaining Bylaw shall be maintained.

34. Effective Date

34.1 This Bylaw shall come into effect on July 1, 2015.

READ A FIRST TIME THIS 25th DAY OF June, 2013.

READ A SECOND TIME THIS 7th DAY OF October, 2014.

READ A THIRD TIME AND FINALLY PASSED THIS 7th DAY OF October, 2014.

STRATHCONA COUNTY

Roxanne Carr
MAYOR

Jacqueline Roblin
DIRECTOR,
LEGISLATIVE AND & LEGAL SERVICES

DATE SIGNED: December 18, 2014

SCHEDULE "A"
OFFENCES AND FINES

SEC.	OFFENCE	1ST OFFENCE	2ND OR SUBSEQUENT OFFENCE
7.1	Operating, or permitting the operation of, a Taxi Vehicle without a Taxi Drivers Permit	\$500.00	\$1000.00
7.2	Failure to display Taxi Drivers Permit	\$250.00	\$500.00
7.2	Failure to produce valid Record of Inspection	\$250.00	\$500.00
7.3 8.1	Failure to meet the obligations of the Driver of a Taxi Vehicle	\$250.00	\$250.00
10.3 10.4	Operating or permitting the operation of a Taxi Vehicle without a valid Taxi Vehicle Permit issued for use on that Taxi Vehicle	\$1000.00	\$1000.00
11.1	Operating or permitting to be operated a Taxi Vehicle without a valid Record of Inspection	\$250.00	\$250.00
12.1	Failure to comply with Taxi Vehicle equipment and marking requirements	\$250.00	\$250.00
22.2	Making a false statement in a document, application, statement, declaration or report made under or required by this Bylaw	\$250.00	\$500.00