



**TOWN OF CARDSTON
IN THE PROVINCE OF ALBERTA**

BYLAW 1678

TAXI BYLAW

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TOWN OF CARDSTON IN THE PROVINCE OF ALBERTA

BYLAW 1678

TAXI BYLAW

A BYLAW OF THE TOWN OF CARDSTON IN THE PROVINCE OF ALBERTA TO REGULATE THE OPERATION OF TAXIS WITHIN THE TOWN.

WHEREAS, the *Municipal Government Act, RSA2000, c/. M-26* authorizes Council to pass bylaws for purposes respecting the following matters: safety, health and welfare of people and the protection of people and property; people, activities and things in, on or near a public place that is open to the public; businesses, business activities, and persons engaged in business;

AND WHEREAS, Council deems it necessary and in the public interest to regulate the safe operation, licensing and registering of Taxi Driver(s) and taxi vehicles within the Town of Cardston,

AND WHEREAS, the *Traffic Safety Act R.S.A. 2000, c. T-6* provides that a Peace Officer may stop, enter and inspect a commercial vehicle, including a Taxi, and to make inquiries of the person operating the vehicle,

NOW THEREFORE, the Council of the Town of Cardston, duly assembled, enacts as follows:

PART I - TITLE, PURPOSE, DEFINITIONS AND INTERPRETATION

- TITLE**
1. This bylaw shall be known as the “Taxi Bylaw” of the Town of Cardston.
- PURPOSE**
2. The Purpose of this Bylaw is to regulate the operation of Taxis within the Municipality of the Town of Cardston.
- DEFINITIONS**
3. In this bylaw:
 - (3.1) “Applicant” means a person who applies for a Taxi Driver Permit,
 - (3.2) “Council” means the Council of the Town of Cardston,
 - (3.3) “Driver” means a person who is driving or is in actual care and control of a vehicle,
 - (3.4) “Licensed Mechanic” means the holder of a Certificate of Proficiency as a motor mechanic or heavy-duty

- mechanic or equivalent certificate of accreditation;
- (3.5) “Municipal Ticket” means a tag or similar document issued by the Town of Cardston pursuant to the *Municipal Government Act*.
- (3.6) “Operate” means the driving of a Taxi, or the care and control of a Taxi, whether or not it is in motion;
- (3.7) “Peace Officer” means a Bylaw Enforcement Officer appointed by the CAO of the Town of Cardston, pursuant to Section 555 of the *Municipal Government Act* and for the purpose of enforcement of this Bylaw and shall include a Peace Officer appointed by the Province of Alberta or a Member of the RCMP.
- (3.8) “Provincial Violation Ticket” means a violation ticket issued in accordance with the *Provincial Offences Procedures Act*;
- (3.9) “Registration Certificate” means the identification certificate issued by the Town of Cardston pursuant to this Bylaw to indicate that the vehicle may be used as a Taxi. A Registration Certificate shall expire on the date specified by the Licensing Officer;
- (3.10) “Taxi” means a motor vehicle, in compliance with the requirements of this Bylaw, that is operated by a Licenced Taxi Operator within the Town of Cardston and is used or intended to be used in the business of conveying passengers or goods to destinations by the passengers for hire, for gain or reward; and
- 3.10.1. is available for on demand service/hire by members of the general public to travel to a destination requested by the customer;
- 3.10.2. includes shuttle-buses (buses for transporting large numbers of people at special events) and limousines that are for hire, gain or reward;
- 3.10.3. does not include a motor vehicle authorized as a school bus,
- 3.10.4. its fare or charge to its customers is based on the distance travelled, or the amount of time for which the vehicle is the vehicle is hired, or a combination of the same;
- (3.11) “Taxi Business” means the business of operating Taxis, including accepting calls for the dispatch of Taxis in any manner and/or the operation of any motor vehicle

for hire by the public-at-large and has a valid Town of Cardston Business Licence;

- (3.12) “Taxi Inspector” means
- 3.12.1. the Chief Administrative Officer (CAO) of the Town of Cardston or his/her designate for the purposes of carrying out the responsibilities defined under this Bylaw and;
 - 3.12.2. Any Peace Officer as defined by this bylaw;
- (3.13) “Taxi Operator” means a person who holds a valid and subsisting Taxi Operator Permit issued by the Taxi Inspector pursuant to this Bylaw;
- (3.14) “Town” means the municipal corporation of the Town of Cardston, or the geographical area falling within the municipal boundaries of the Town of Cardston, as the context requires.

RULES FOR INTERPRETATION

4. The table of contents, marginal notes and headings in this bylaw are for reference purposes only.

PART II – GENERAL AUTHORITY

TAXI INSPECTOR AUTHORITIES

5. The Taxi Inspector is hereby delegated the authority to:
- (5.1) carry out any inspections to determine compliance with this Bylaw;
 - (5.2) take any steps or carry out any actions required to enforce this Bylaw;
 - (5.3) take any steps or carry out any actions required to remedy any contravention of this Bylaw;
 - (5.4) establish investigation and enforcement procedures with respect to any contravention of this Bylaw;
 - (5.5) issue permits with such terms and conditions as are deemed appropriate;
 - (5.6) delegate any powers, duties or functions under this Bylaw to an employee of the Town of Cardston.

PART III – TAXI BUSINESSES AND VEHICLES

BUSINESS AND VEHICLES

6. No person shall carry on a Taxi Business within the Town, without complying with this Bylaw and being the holder of a

valid business licence, for such purpose, issued by the Town.

- 7.** Upon application for a business licence, the annual renewal of the business licence, or at such other time as may be directed by the Taxi Inspector or Peace Officer, the person shall produce the following:
 - (7.1) name of Taxi Company including the Certificate of Incorporation;
 - (7.2) name(s) of the registered owner(s) and driver(s) of the vehicle(s) the applicant owns or uses for the Taxi business;
 - (7.3) proof of registration of the vehicle(s) to be used as Taxis;
 - (7.4) make, year, colour, and serial number of the vehicle(s);
 - (7.5) a written, and current within 6 months, mechanical inspection check of vehicle(s) to be operated as a Taxi;
 - (7.6) a certificate from an insurance company licensed to carry on business in the Province of Alberta, showing that the applicant is the holder of a current existing policy of insurance in respect of the vehicle(s) for which the applicant intends to operate as a Taxi.
- 8.** No person shall operate, cause to operate or permit a Taxi driver to operate a vehicle as a Taxi:
 - (8.1) without first having obtained an approval for such vehicle and placing the Registration Certificate on the right bottom corner of the vehicle's windshield;
 - (8.2) if that vehicle has not completed a satisfactory mechanical inspection in accordance with this Bylaw, within the previous 12 months.
- 9.** The name of the Taxi Business and unit number of the Taxi shall be prominently displayed on each Taxi or its roof light in lettering no less than 50mm in height.
- 10.** The Registration Certificate must be prominently displayed on the Taxi prior to it being utilized as a Taxi.
- 11.** Every Taxi must have a mechanical inspection performed on it by a Licenced Mechanic who shall inspect the steering, brake system; windows, electrical light and signal systems, exhaust system, and tire wear annually and all other provincial safety standards for motor vehicles.
- 12.** Every person who operates a Taxi shall ensure the Taxi is equipped with a:

- (12.1) first Aid kit;
- (12.2) class 5BC fire extinguisher;
- (12.3) two-way radio or phone system capable of communicating with their Taxi Business office.

PART IV – TAXI OPERATORS PERMITS

OPERATOR PERMITS

- 13.** No person shall operate, or cause permit or hire another person to operate, a vehicle as a Taxi within the Town without first applying for and being issued a Valid Taxi Operators Permit for the driver and having complied with the requirements of this Bylaw.
- 14.** An application for a Taxi Operators Permit, in accordance with Schedule “A”, shall be fully completed and signed by the Applicant. The completed form shall be submitted to the Licensing Officer with all required documents.
- 15.** Eligibility requirements for a Taxi Operators Permit include a:
 - (15.1) valid Class of driver’s licence that allows the driver to operate a Taxi;
 - (15.2) letter stating ‘acceptance for employment’ from a Taxi Business for which the driver will be employed;
 - (15.3) drivers Abstract; which must not include a finding of guilt or conviction of an offence under the *Traffic Safety Act* that in the opinion of the Licencing Officer, posed a threat to public safety, within the last three years preceding the application;
 - (15.4) criminal Records Check from the RCMP which must not include a conviction for a an offence under Part V or Part VIII of the Criminal Code of Canada or a conviction for an offence that in the opinion of the Taxi Inspector, posed a threat to public safety under any other criminal statute of Canada or any other country within the five years preceding the application; if a Criminal Records Check reveals a “possible match” the applicant must then provide an enhanced Criminal Records Check to the Licencing Officer;
 - (15.5) confirmation that the driver has not been found in breach of the Taxi Bylaw or had any conviction pursuant to any municipal Bylaw or provincial statute which would adversely affect the driver’s ability to properly conduct their duties as a Taxi Operator.

- 16.** Should the applicant be selected for an enhanced Criminal Records Check to further verify applicant eligibility requirement specified in section 15(d), the Licencing Officer may issue a Taxi Operators Permit extension of no more than one hundred-twenty (120) days if the:
- (16.1) applicant has met all other eligibility requirements to the satisfaction of the Licencing Officer;
 - (16.2) applicant's current Taxi Operator Permit has not expired; and
 - (16.3) the applicant pays a \$100.00 fee to the Town of Cardston that will be held as a security deposit until satisfactory Criminal Records Check has been provided, within the one hundred-twenty (120) day extension period, to the Licencing Officer. Should the Taxi Operator Permit applicant fail to submit a Criminal Records Check, the \$100.00 fee is not refundable.
- 17.** Upon receipt of an application for a Taxi Operators Permit and all supporting documents, the Licencing Officer, or designate, shall take such steps as deemed necessary to verify the accuracy of the information contained in the application.
- 18.** If the Licencing Officer determines that the applicant is eligible to operate a Taxi and all documentation is submitted with payment of an annual fee of \$50.00, a Taxi Operators Permit may be issued.
- 19.** A Taxi Operators Permit expires one (1) year from the date of issuance, or earlier if the Permit is suspended or cancelled by a Peace Officer or the Taxi Inspector.
- 20.** The Taxi Inspector shall refuse to issue a Taxi Operators Permit if the applicant is ineligible for a permit in accordance with this Bylaw.
- 21.** A Peace Officer shall cancel a Taxi Operators Permit if the permit holder becomes ineligible for a permit in accordance with this Bylaw.
- 22.** A Peace Officer may suspend a Taxi Operators Permit for a time not exceeding the unexpired term of the permit or licence for non-compliance with any requirement of this Bylaw or if the person is charged with violations that may pose a threat to public safety under any provincial or federal statute. The suspension may be until such time as the requirements of the Bylaw have been complied with or charges are cleared.

23. In the event of a refusal, cancellation or suspension of a Taxi Operators Permit, the applicant or holder of Taxi Operators Permit shall receive written notification by the Taxi Inspector stating:

(23.1) the decision of the Taxi Inspector;

(23.2) reasons for the decisions;

(23.3) appeal process available.

PART V – TAXI OPERATORS PERMIT APPEALS

OPERATORS PERMIT APPEALS

24. If the owner of a Taxi Business, or a Taxi Operator Permit holder or applicant receives notice of refusal, cancellation or suspension of a Taxi Operators Permit, within seven (7) calendar days of receiving the notice, the person so affected may appeal the decisions to Council by

(24.1) personally delivering written notice of appeal and reasons for the appeal to the office of the CAO; or,

(24.2) mailing a double registered written notice of appeal and reasons for the appeal to the CAO.

25. Council shall conduct a hearing within twenty-one (21) calendar days of receipt of the written notice of appeal.

26. Council shall render a decision to:

(26.1) uphold the appeal and direct that the permit be issued or reinstated; or,

(26.2) dismiss the appeal and direct that the decision of the Taxi Inspector is final.

27. If the refusal, cancellation or suspension of a Taxi Operators Permit is appealed, the Taxi Inspector's decision shall be in effect until Council renders a decision. Council's decision shall be final and binding.

PART VI – OBLIGATIONS AND RESTRICTIONS ON TAXI OPERATORS

OBLIGATIONS AND RESTRICTIONS

28. The holder of a Taxi Operators Permit shall:

(28.1) at all times while operating a Taxi, display his/her permit in a place where all customers can view the permit;

(28.2) report the loss or theft of the Taxi Operators Permit to the Taxi Inspector;

- (28.3) surrender the Taxi Operators Permit to a Peace Officer when such permit has been cancelled or suspended;
 - (28.4) immediately notify the Taxi Inspector if he/she has been charged with an offence under the Criminal Code of Canada or the Controlled Drugs and Substances Act;
 - (28.5) immediately notify the Taxi Inspector if he/she has been charged with any offence which would have made him/her ineligible to apply for a Taxi Operators Permit.
- 29.** Every person operating a Taxi shall produce any documents relating to the operation of a Taxi to a Peace Officer upon request.
- 30.** No person operating a Taxi shall:
- (30.1) drink any alcoholic beverage or be in any way intoxicated or “under the influence” of any substance while on duty;
 - (30.2) carry more passengers than there are legal seat belts for;
 - (30.3) knowingly or negligently misinform or deceive any person as to the time, place, arrival, or departure of any public conveyances, or location of any place, structure or building of destination;
 - (30.4) induce or coerce a person to hire a Taxi under false pretences;
 - (30.5) smoke any tobacco products or electronic cigarettes in a Taxi at any time in accordance with the *Tobacco and Smoking Reduction Act S.A. 2005, cT-3.8* and the Town of Cardston Smoking Bylaw;
 - (30.6) knowingly carry any dangerous, illegal or contraband goods or substances.
- 31.** Every Taxi Operator shall accept all persons as customers except when the person:
- (31.1) is drunk, disorderly or in any way under the influence of any substance that affects their better judgement;
 - (31.2) is indebted to Taxi Business with which the driver is affiliated;
 - (31.3) is apparently unable to pay for the Taxi service;
 - (31.4) requests the Taxi to transport an animal or any article which may affect the cleanliness of the Taxi, with the exception of dogs trained for and used to guide the

visually impaired, the hearing impaired or a person with another physical disability;

- (31.5) requests the Taxi to transport any prohibited item, or request the Taxi driver to break any federal, provincial or municipal laws.

PART VI – OBSTRUCTION

OBSTRUCTION

- 32.** No person shall;
- (32.1) obstruct or attempt to mislead a Peace Officer during the course of his/her investigation into a contravention of any section of this bylaw;
- (32.2) provide false or misleading information to a Taxi Inspector on any permit or business licence application.

PART VII – OFFENCES AND PENALTIES

OFFENCES AND PENALTIES

- 33.** An person or corporation that contravenes any provision of this Bylaw is guilty of an offence pursuant to this Bylaw and is liable on a:
- (33.1) first conviction to a penalty not less than that established in Schedule “B” of this Bylaw, and not exceeding \$10,000.00 or imprisonment for not more than 1 year, or both, and in default of payment, to imprisonment for a term not exceeding one year;
- (33.2) second conviction, within a calendar year, to a penalty not less than twice the amount of the penalty in accordance with Schedule “B”;
- (33.3) third conviction, and subsequent offences within a calendar year, to a penalty not less than three times the penalty amount in accordance with Schedule “B”.
- 34.** When Peace Officer believes that a person has contravened any provision of this Bylaw, the Peace Officer may commence proceedings against the person by doing any of the following;
- (34.1) serve the person with a Municipal Ticket, a Provincial Violation Ticket, or a summons to appear in court;
- (34.2) issue an order in accordance with the *Municipal Government Act, R.S.A. 2000, c-M26* as amended to remedy the infraction;
- (34.3) take whatever steps are necessary to remedy the breach of the Bylaw and the cost of doing so becomes debt

owing to the Town by the person whom the order was issued in accordance with the *Municipal Government Act R.S.A. 2000, c-M26* as amended.

- 35.** If the person to whom an action under section 34 has been issued, fails to comply with the action issued under section 34 within the specified time indicated, that person is guilty of an offence under this section and a Peace Officer may take any or all of the actions listed in section 34 regardless of any action which has already been taken pursuant to section 34.
- 36.** Where a contravention of this Bylaw is of a continuing nature, further tickets may be issued by a Peace Officer provided, however, that no more than one ticket shall be issued for each day the contravention continues.
- 37.** A ticket or summons shall be deemed to have been sufficiently served if either:
- (37.1) served personally on the accused;
 - (37.2) delivered by registered mail;
 - (37.3) left at the accused's usual place of residence with a person who appears to be at least sixteen (16) years of age; or,
 - (37.4) where the accused is a corporation, association, or partnership, service shall be deemed sufficient if delivered by registered mail or provided to a person who is an employee or officer of the corporation, association, or partnership.
- 38.** If a Municipal Ticket is issued it must specify the fine amount established in accordance with Schedule "B" of this Bylaw.
- 39.** The person receiving the Municipal Ticket may either
- (39.1) voluntarily pay the fine within (30) days of the date it was issued, by delivering the Ticket and the full fine amount, in person, to the Town of Cardston at 67 3 Avenue West, Cardston, Alberta, or by mailing the Ticket and full fine amount to the Town of Cardston at P.O. Box 280, Cardston, Alberta (T0K 0K0), or
 - (39.2) prior to the required date, request that a Provincial Violation Ticket be issued in place of a Municipal Ticket to allow that person to attend court with respect to the offence.
 - (39.3) Neglecting to pay a Municipal Ticket within the Thirty (30) days, will result in the Ticket becoming a

Provincial Violation Ticket.

- 40.** Payment of a specified penalty or fine or prosecution or conviction for an offence under this Bylaw does not relieve a person from compliance with any provision of this Bylaw. Further, nothing in this Bylaw relieves a person from complying with any federal, provincial, municipal bylaw, or any lawful permit, order or consent.

**SEVERABILITY
PROVISION**

- 41.** It is the intention of Council that each separate provision of this Bylaw shall be deemed independent of all other provisions herein and it is the further intention of Council that if any provision of this Bylaw is declared invalid by a court or tribunal of competent jurisdiction, all other provisions hereof shall remain valid and enforceable.

EFFECTIVE DATE

- 42.** This Bylaw shall come in force upon the date of its third and final reading.

Received First Reading this 22 day of January, 2019

Received Second Reading this 12 day of February, 2019

Received Third & Final Reading this 12 day of February, 2019

Signed by the Mayor and the Chief Administrative Officer this 25 day of February, 2019

TOWN OF CARDSTON

MAYOR – *Maggie Kronen*

CHIEF ADMINISTRATIVE OFFICER – *Jeff Shaw*