

CITY OF PRINCE ALBERT BYLAW NO. 29 OF 2002

A Bylaw of The City of Prince Albert
respecting the Licensing, Control and
Regulation of Taxicabs and Taxicab
Drivers, Owners, and Brokers in the City of
Prince Albert

WHEREAS pursuant to Section 161 of The Urban Municipality Act, 1984, the Council of The City of Prince Albert may, by bylaw, control, regulate and license taxicab owners, drivers and brokers within The City of Prince Albert;

AND WHEREAS the Council of The City of Prince Albert considers that an efficient and dependable taxi industry is of importance to The City of Prince Albert;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF PRINCE ALBERT IN OPEN MEETING ASSEMBLED ENACTS AS FOLLOWS:

DEFINITIONS

1. This Bylaw may be cited as "The Taxicab Bylaw."

2. (1) In this Bylaw, unless the context otherwise requires, the term:
 - (a) "*accurate*" means, with respect to distance travelled, a tolerance of two (2%) percent for distances less than 1.6 kilometres (one mile) and a tolerance of three (3%) percent for greater distances and, with respect to time tests, a tolerance of no greater than four (4%) percent more than actual time elapsed;
 - (b) "*Administrator*" means the person designated as administrator pursuant to The Vehicle Administration Act;
 - (c) "bus" means a vehicle used for transportation of passengers which includes an omnibus, school bus, minibus, van or any other motorized vehicle with a capacity of carrying 10 or more passengers;

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- (d) "Certificate of Approval" means a subsisting certificate of approval respecting the status of a Taxicab License, issued by the License Inspector pursuant to subsection 29(5)(a) of The Vehicle Administration Act ;
- (e) Certificate of Good Character" means subsisting certificates of approval respecting the good character of a taxicab driver or taxicab owner issued jointly by the City Clerk and the Chief of Police pursuant to subsection 20(2)(a) and subsection 20(2)(b) of The Vehicle Administration Act;
- (f) "City" means the City of Prince Albert;
- (g) "City Clerk" means the person designated as Clerk for the City of Prince Albert pursuant to The Urban Municipality Act, 1984;
- (h) "*Chief of Police*" means the Chief of Police appointed by the Prince Albert Board of Police Commissioners and any member of the Prince Albert Police Service authorized by the Chief of Police to act on behalf of the Chief of Police in the administration of this Bylaw;
- (i) "*Council*" means the Council of the City of Prince Albert;
- (j) "*display*" means post in a conspicuous place in the taxicab such that the item posted is clearly visible to any passenger;
- (k) "*expiry date*" as referred to in Sections 4(3)(a) and 11 means the 31st day of December in the same year as the year in which the license referred to therein is issued;
- (l) "*License Inspector*" means the person authorized by the City to approve and issue Taxicab Licenses and to provide a Certificate of Approval pursuant to subsection 29(5)(a) of The Vehicle Administration Act;
- (ll) "*limousine service*" means a vehicle which:
 - (i) is chauffeur driven;
 - (ii) is not equipped with a taximeter; and
 - (iii) is not dispatched by radio or other method similar to the manner in which taxicabs are dispatched and does not travel along City streets for the purpose of soliciting passengers;
- (m) "*new applicant*" means a person making application pursuant to this Bylaw for a Taxicab License for purposes other than renewal or replacement;

- (o) **"Photo Identification Card"** means a photo identification card issued to a taxicab driver in relation to a Certificate of Good Character furnished by the Chief of Police pursuant to subsection 20(2)(b) of The Vehicle Administration Act;
- (p) **"Seniors Transportation"** means a service provided by a vehicle scheduled in advance for the conveyance of senior persons at a fixed rate from points of origin to predetermined points of destination;
- (q) **"taxicab"** means an vehicle used for the conveyance of passengers for hire within the City of Prince Albert including an vehicle used for Seniors Transportation and televan service, but does not include any other public service vehicle, a bus or a vehicle of a transportation company having a franchise granted by the City of Prince Albert, or a vehicle licensed to provide limousine service;
- (r) **"taxicab broker"** includes a person who receives requests for taxi service or who dispatches taxicabs on behalf of taxicab owners;
- (s) **"taxicab driver"** includes any person who is the driver of or *de facto* in control of a taxicab, whether he is a taxicab owner, agent or employee of the taxicab owner, or otherwise;
- (t) **"taxicab owner"** includes:
 - (i) the holder of a license to operate referred to in Section 9; or
 - (ii) any person who has the control, direction and maintenance of a taxicab and obtains any benefit or collection of revenue from the operation of the taxicab, whether such person is the registered owner of the taxicab, or a person in possession under a security interest;
- (u) **"Taxicab Driver's License"** means a provincial driver's license of the class required for the lawful operation of a taxicab in the Province of Saskatchewan
- (v) **"Taxicab License"** means a license issued for the lawful operation of a taxicab to the owner of a taxicab which may be in the form of a decal which indicates the year during which the license is valid and a taxicab number assigned by the License Inspector;
- (w) **"taximeter"** means a mechanical or electronic device by which the charge for transportation by a taxicab is mechanically or electronically calculated and upon which the charge is indicated by figures; and

- (x) "*televan service*" means a service provided by a taxicab and scheduled in advance for the conveyance of passengers at a fixed rate from points of origin to predetermined points of destination.

(2) Schedule "A", the license fees to be paid by taxicab owners and applicants, as same may be amended from time to time, is incorporated into and forms part of this Bylaw.

CERTIFICATE OF GOOD CHARACTER

3. (1) The City Clerk and Chief of Police are the proper persons to furnish a Certificate of Good Character in accordance with subsections 20(2)(a) and 20(2)(b) of The Vehicle Administration Act, which shall be valid for a term of three (3) years, subject to renewal thereof on the same terms and conditions as provided for herein.

(2) The Chief of Police shall review the certificates annually and may review any certificate at any time. In such cases as he deems appropriate, the Chief of Police may withdraw such certificates and give notice of such withdrawal to the City Clerk, License Inspector and the Administrator.

4. (1) Prior to operating a taxicab, all taxicab drivers within the City of Prince Albert initially shall make application to the Chief of Police for a Certificate of Good Character pursuant to section 20(2)(b) of The Vehicle Administration Act;

(2) The applicant shall complete an application in the prescribed form, together with the following:

- (a) A copy of an unexpired and valid provincial class 4 driver's license required for the lawful operation of a taxicab in the Province of Saskatchewan.
- (b) A signed consent form authorizing a criminal record check by or on behalf of the Chief of Police.
- (c) Payment of an administration fee for the criminal record check and a processing fee to cover the costs of issuing a Photo Identification Card as provided under Schedule "A";

(d) A signed letter from the owner of a taxicab owner confirming employment of the taxicab driver.

(3) The Photo Identification Card shall show:

(a) On the front, a picture of the applicant, the number assigned by the Chief of Police and the expiry date;

(b) On the back, the taxicab driver's license type, provincial drivers license number and the date of issue of the Photo Identification Card.

(4) If the Chief of Police is of the opinion at any time that the Photo Identification Card requires replacement due to its poor condition or if the information shown requires correction, upon notice to the taxicab driver, the Chief or Police may require the taxicab driver to apply for a renewal of the Photo Identification Card for the prescribed fee.

5. (1) As soon as practicable after the approval of an application under section 4 by the Chief of Police and upon payment of the prescribed fees, the Chief of Police shall sign a Photo Identification Card to the applicant and forward the signed Certificate of Good Character to the City Clerk. Based on this information, if acceptable, the City Clerk shall co-sign and then issue the Certificate of Good Character to the applicant in respect to his status as a taxicab driver as may be required for purposes of subsection 20(2)(a) and subsection 20(2)(b) of The Vehicle Registration Act.

(2) If the Chief of Police and the City Clerk are of the opinion that it may not be in the public interest to issue or renew a Certificate of Good Character, their decision shall be final.

CONDUCT OF TAXICAB DRIVERS

6. Every taxicab driver in the City of Prince Albert shall:

(a) be the holder of an unexpired and valid provincial class 4 driver's license, and display the license and Photo Identification Cards in the taxicab and produce same for inspection when requested to do so by the Prince Albert Police Service or License Inspector;

(b) display in the taxicab a tariff of fees charged for taxicab services;

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- (c) at all times while the taxicab is in operation for the carriage of passengers for hire, but not otherwise, ensure the taximeter is in a recording position, except when the taxicab is being operated for a rate not requiring metering of time or distance pursuant to the tariff of fees referred to in Subsection (b) of this section;
- (d) while in charge of any taxicab, be clean and neat in his or her person and dress and orderly in conduct to passengers and prospective passengers;
- (e) not allow any runner or any other person to assist in solicitation of any prospective passenger;
- (f) while waiting for hire or at any taxi stand:
 - (i) keep the taxicab under constant observation;
 - (ii) not obstruct any sidewalk or pedestrian;
 - (iii) not importune anyone for the purpose of soliciting a prospective passenger;
- (g) proceed by the most direct route to the point of destination unless otherwise directed by the passenger;
- (h) upon request of any passenger, provide in writing to such passenger the license number issued by the province to permit him to operate a taxicab, his provincial class 4 driver's license number, the public service vehicle registration number of the taxicab he operates and the name and address of any taxicab owner or taxicab broker for which he is driving;
- (i) upon being requested to do so by any passenger, except for the taxicab's radio communication with the taxicab broker, turn off any radio, tape player or other sound-producing device in the taxicab;
- (j) while he is in charge of the taxicab, shall not be under the influence of, consume or have in his or her possession any alcoholic beverage or any drug capable of causing impairment;
- (k) not knowingly transport or assist, suffer or allow the transport in the taxicab of any drugs or narcotics within the meaning of the Controlled Drugs and Substances Act or the Food and Drugs Act;
- (l) not smoke tobacco in any form while driving a taxicab in which passengers are being carried, except with the consent of all passengers;

- (m) only operate a taxicab that is clean on the interior and exterior and free of defect capable of causing injury or damage to the person or property of a passenger;
- (n) only operate a taxicab that has an unexpired and valid Taxicab License; and
- (o) notify the License Inspector within seven (7) days of the date of change of his address.

TAXICAB LICENSES

7. Taxicab Licenses issued under this By-law are the property of the City of Prince Albert.

8. (1) There shall be a maximum of thirty nine (39) Taxicab Licenses issued to operate taxicabs within the City of Prince Albert, allocated under the following categories:

- (a) Up to a maximum of three (3) licenses for Seniors Transportation;
- (b) Up to a maximum of thirty-six (36) licenses for general taxicab services;
- (c) All thirty-six (36) taxicab licenses used for general taxicab services shall be transferable in accordance with the provisions of this By-law;
- (d) All taxicab licences issued after the coming into force of this By-law shall:
 - (i) be available for 2 months from the date the licence is granted
 - (ii) be in operation within 2 months from the date the licence is granted.
- (e) No new taxicab owner's licenses will be issued until such time as the City is satisfied that there are insufficient taxis in use in the City to provide adequate taxi transportation for the public.

(2) No taxicab licensed to operate within the City of Prince Albert shall operate unless an unexpired and valid Taxicab License is displayed therein.

9. (1) No Taxicab License shall be issued to a taxicab owner for a taxicab unless and until the License Inspector in his sole discretion, shall have been satisfied:

- (a) that the City Clerk and Chief of Police have provided a Certificate of Good Character of the taxicab owner, or the principal, if the taxicab owner is a corporation;
- (b) that any unexpired and valid taxicab inspection certificate and decal which is available from a qualified mechanic appointed by Vehicle Standards and Inspection of Saskatchewan Government Insurance has been issued in respect of the taxicab for which the Taxicab License is requested; and
- (c) if the applicant for the Taxicab License is the holder of a license referred to in Section 8.(1)(c) hereof or if such interest was acquired through transfer from a former holder of the license referred to in Section 8.(1)(c) hereof, that the transfer fees set forward on Schedule "A" have been paid; and
- (d) that he has received all other information which he considers pertinent to his consideration for issuance of a Taxicab License;

and the taxicab owner has submitted to the License Inspector:

- (e) a fully completed application in the form prescribed by the License Inspector;

(2) Before an owner of a taxicab may change the vehicles to which a Taxicab License applies, he shall make application for a replacement Taxicab License.

(3) No replacement or renewal of a Taxicab License shall be issued to an applicant therefore unless and until the License Inspector shall have been satisfied that the Chief of Police has not withdrawn his Certificate of Good Character in respect to the taxicab owner, and the taxicab owner has submitted to the License Inspector:

- (a) a fully completed application for renewal in the form prescribed by the License Inspector;
- (b) evidence satisfactory to the License Inspector that he is entitled to lawfully carry on the taxicab business under the provisions of this Bylaw; and
- (c) evidence satisfactory to the License Inspector that there has been issued a valid taxicab inspection certificate and decal from a qualified mechanic appointed by Vehicle Standards and Inspection of Saskatchewan Government Insurance with respect to the taxicab for which the replacement or renewal of the Taxicab License is requested.

10. (1) The License Inspector may approve an application for the replacement or renewal of an existing Taxicab License submitted in accordance with Section 9 provided that the Taxicab License has not been forfeited, suspended or revoked and there are no arrears of license fees assessed in any year prior to the then current year. If the License Inspector is of the opinion that it may not be in the public interest to replace or renew a Taxicab License, the License Inspector shall refer the application to Council with written reasons for their determination.

(2) All applications by new applicants for Taxicab Licenses submitted in accordance with Section 9 shall be referred to City Council for approval.

(3) A taxicab owner will be deemed to be a new applicant if his business is being purchased or taken over by another person.

(4) The approval by Council for the issuance of licenses to new applicants shall be based on a just and equitable scheme of distribution as it may so determine.

11. As soon as practicable after the approval of an application under Section 9 by the License Inspector or Council and upon payment of the license fee prescribed in Schedule "A", the License Inspector shall issue to the taxicab owner a Taxicab License which shows the Taxicab License number assigned by the License Inspector to the taxicab and its expiry date. A Certificate of Approval respecting the status of the Taxicab License shall also be issued by the License Inspector to the taxicab owner as may be required for purposes of subsection 29(5)(a) of The Vehicle Administration Act.

TRANSFER OF TAXICAB LICENCES

12. (1) Only a Taxicab Licence referred to under subsection 8.(1)(c) hereof, may be transferred subject to the prior approval of the Licence Inspector as provided herein.

(2) The provisions of section 9(1) shall apply *mutatis mutandis* in respect of an application to transfer a Taxicab Licence.

(3) For purposes of this Bylaw, any change in the majority shareholder of a corporation that holds a Taxicab Licence shall be deemed a transfer of a Taxicab Licence for the purposes of section 12(1) hereof.

TAXICAB OWNERS

13. Every taxicab owner in the City of Prince Albert shall:

- (a) display in the passenger side back seat window of the taxicab a valid taxicab inspection decal issued by a qualified mechanic appointed by Vehicle Standards and Inspection of Saskatchewan Government Insurance;
- (b) be the holder of an unexpired and valid Taxicab License and display same at all times in top left corner of the rear window of the taxicab;
- (c) ensure that the taxicab is clean on the interior and exterior and free of defect capable of causing injury or damage to the person or property of a passenger;
- (d) ensure that the taxicab is equipped with a spare tire and wheel that are ready for use;
- (e) ensure that the taxicab is equipped at all times with an accurate taximeter of a type and affixed to the taxicab in a manner approved by the License Inspector;
- (f) ensure the taximeter in the taxicab is sealed by the License Inspector;
- (g) in the event of a broken seal of a taximeter or any tampering, interference with or damage to a taximeter in the taxi, forthwith give written notice of same to the License Inspector and ensure any repair or replacement is promptly effected;
- (h) keep a record of each test of a taximeter available for inspection upon request of the License Inspector or Chief of Police;

- (i) upon request of the License Inspector, submit the taxicab for inspection including, but not to limit the generality of the foregoing, tests of the accuracy and calibration of the taximeter at the time of changing vehicles; and
- (j) submit the taxicab every six (6) months for inspection by a qualified mechanic appointed by Vehicle Standards and Inspection of Saskatchewan Government Insurance and provide the License Inspector immediately thereafter with the appropriate certificate thereto; and
- (k) ensure the vehicle in respect of which the Taxicab License is issued, shall be kept in operation on an ongoing basis; and
- (l) notify the License Inspector within seven (7) days of the date of change of his address or any change in license plating for a vehicle that is operating in respect to a Taxicab License;
- (m) ensure that their taxicab brokers maintain a place of business in a commercial zone within the City;
- (n) notify the License Inspector if his business is being discontinued, relocating or being purchased or taken over by another party;

TELEVAN SERVICE

14. No person shall provide a televan service except with the consent of the company having an exclusive franchise to provide bus service within the City and at such times when scheduled bus service is not available through the company having an exclusive franchise to provide bus service within the City.

OFFENCES AND PENALTIES

15. (1) No person shall operate, or permit to be operated, a taxicab within the City unless the taxicab is licensed in accordance with the provisions of this Bylaw.

(2) For purposes of this Bylaw, a person shall be deemed to be operating a taxicab within the City of Prince Albert, if the passenger's trip originates within the City limits.

16. A taxicab owner shall not permit, suffer or allow:
- (a) the transfer, conveyance or assignment in whole or in part of any interest or benefit which may accrue in respect of a Taxicab License without the prior approval of the License Inspector as provided herein;
 - (b) the taxicab to be operated without first having obtained a Taxicab License in respect of that taxicab;
 - (c) a taxicab driver who does not hold a valid provincial class 4 drivers license or has been unable to obtain a Certificate of Good Character from the City Clerk and Chief of Police, to operate the owner's taxicab for hire; or
 - (d) a taxicab driver to charge a fare to a passenger transported in the taxicab except in accordance with the tariff of fees posted in the taxicab;
17. A taxicab driver shall not:
- (a) operate a taxicab in the City without having and unexpired and valid provincial class 4 drivers license, and without first having obtained a Certificate of Good Character and Photo Identification Card issued by the City Clerk and the Chief of Police;
 - (b) use for hire a vehicle which does not display an unexpired and valid Taxicab License pursuant to this Bylaw; or
 - (c) charge a fare to a passenger transported in his or her taxicab except in accordance with the tariff of fees posted in the taxicab.
18. (1) Any person in violation of a provision of this Bylaw shall be guilty of an offence and liable on summary conviction to a fine not exceeding:
- (a) \$2,000.00 in the case of an individual with a minimum penalty of \$500.00;
 - (b) \$5,000.00 in the case of a corporation with a minimum penalty of \$1000.00;

INTERPRETATION

19. Nothing in this Bylaw limits the right of Council to suspend or revoke a Taxicab License pursuant to section 97 of The Urban Municipality Act, 1984 or limits the ability of policing authorities to enforce the provisions of The Traffic Bylaw and The Highway Traffic Act with respect to seizure and impoundment of vehicles as provided therein.

20. In this Bylaw and Schedule hereto, unless the context otherwise requires, reference:
- (a) to individuals includes corporations, executors, Administrators, successors, and permitted assigns;
 - (b) in the singular number includes the plural number, and reference in the plural number includes the singular; and
 - (c) in the masculine includes the feminine or the neuter gender.

21. If any section, subsection, sentence, clause, phrase or other portion of this Bylaw is for any reason held invalid or unconstitutional by a court of competent jurisdiction, that portion shall be deemed to be a separate distinct and independent provision, and the holding of the court shall not affect the validity of the remaining portions of this Bylaw.

REPEAL AND COMING INTO FORCE

22. Bylaws No. 44 of 1988; Bylaw No. 15 of 1990; and Bylaw No. 49 of 1990 are hereby repealed.

CONSEQUENTIAL AMENDMENTS

23. Subsection 13(38) of The Licensing Bylaw is repealed and the following substituted therefor:

"13.(38) LIMOUSINE SERVICE: Means a person operating a limousine service as defined in the Taxicab Bylaw."

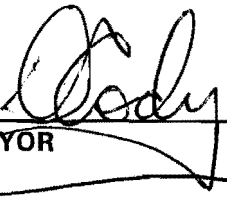
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24. This Bylaw shall come into force and take effect on, from and after the final passing thereof.

INTRODUCED AND READ A FIRST TIME THIS 2ND DAY OF JULY A.D. 2002.

READ A SECOND TIME THIS 2ND DAY OF JULY A.D. 2002.

READ A THIRD TIME AND PASSED THIS 15TH DAY OF JULY A.D. 2002.


MAYOR


CITY CLERK

CITY OF PRINCE ALBERT

Saskatchewan

SCHEDULE "A"
TO BYLAW NO. 29 OF 2002

	Fees		
	2002	2003	2004
1. Taxicab Owner's License			
New Taxicab Licenses	\$160	\$200	\$250
Annual Renewal Fees	\$160	\$200	\$250
Transfer Fee (new owner)	\$25	\$25	\$25
Transfer Fee (new vehicle)	\$25	\$25	\$25
Duplicate License	\$25	\$25	\$25
2. Photo Identification Card			
New	\$25	\$25	\$25
Renewal (Replacement)	\$25	\$25	\$25
Renewal (No Replacement)	\$25	\$25	\$25
Duplicate Card	\$25	\$25	\$25
3. Criminal Record Check	\$25	\$25	\$25