

BYLAW 25-3

A BYLAW OF THE TOWN OF BANFF IN THE PROVINCE OF ALBERTA, BEING A BYLAW TO PROVIDE FOR THE LICENSING, REGULATING AND CONTROLLING OF THE TAXI BUSINESS WITHIN THE TOWN OF BANFF

WHEREAS The Council of the Town of Banff wishes to protect the safety, health and welfare of residents and visitors through the regulation of the Taxi business;

AND WHEREAS the Council of the Town of Banff wishes to promote a positive visitor experience through regulation of the Taxi business;

AND WHEREAS pursuant to Sections 7 and 8 of the *Municipal Government Act*, RSA 2000, c. M-26, a council may pass bylaws dealing with transportation, business, and other activities;

NOW THEREFORE, the Council of the Town of Banff in the Province of Alberta, duly assembled, hereby enacts the following:

CITATION

1. This bylaw may be cited as the "Taxi Bylaw".

DEFINITIONS

2. In this bylaw:
 - a) Any capitalized words not defined within this bylaw will have the meaning as set out in the Town of Banff Interpretation Bylaw, as amended from time to time.
 - b) **"Dispatch Office"** means an office located in a building within a land use district which is designated for such use, staffed on a 24-hour basis, from which all Taxis under the jurisdiction of the Taxi Broker are directed by a staff member in that office by means of a two-way communication network;
 - c) **"Dispatch System"** means a two-way communication network operated between Taxis and a Dispatch Office for the purpose of directing Taxis;
 - d) **"Driver"** means any Person who is properly licensed pursuant to any Provincial Act and this bylaw;
 - e) **"Driver's License"** means a Driver's License issued pursuant to the provisions of this bylaw
 - f) **"Highway"** means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestleway or other place or any part of any of them, whether publicly or privately owned, that the public is ordinarily entitled or permitted to use for the passage or parking of vehicles.
 - g) **"License"** means a Taxi Broker's License, a Taxi Livery Plate, or a Driver's License.
 - h) **"Licensee"** means a Person named on a License issued pursuant to the provisions of this bylaw; and
 - i) **"License Inspector"** means the member of the Bylaw Services Department in the Town of Banff, designated to be the License Inspector pursuant to this bylaw;
 - j) **"Licensed Mechanic"** means the holder of a Certificate of Proficiency as a motor mechanic or a heavy duty mechanic issued pursuant to the *Apprenticeship and Industry Training Act* of Alberta;

- k) **“Person”** includes a corporation and the heirs, executors, administrators or other legal representative of a Person;
- l) **“Registered Owner”** means any Person who is registered with the Motor Vehicle Branch of the Government of Alberta as the owner of a Taxi;
- m) **“Seal”** means a lead or wire device which is attached to a Taxi Meter and is used to indicate that a Taxi Meter has not been opened or tampered with;
- n) **“Taxi”** means a motor vehicle displaying a valid Taxi Livery Plate;
- o) **“Taxi Broker”** means a Person named on a valid Taxi Broker’s License;
- p) **“Taxi Broker’s License”** means a Taxi Broker’s License issued pursuant to the provisions of this bylaw;
- q) **“Taxi Livery Plate”** means a Taxi Livery Plate issued pursuant to the provisions of this bylaw;
- r) **“Taxi Meter”** means a mechanical apparatus or device for automatically calculating the fare payable for services rendered by a Taxi, based on the distance traveled where the elapsed time while under hire, or both, as herein after specified in this bylaw.
- s) **“Town”** means the Corporation of the Town of Banff and, where the context requires, the land included within the boundaries of the Town of Banff.
- t) **“Vehicle for Hire”** means a motor vehicle with a driver used or offered for the transportation of at least one passenger in return for a fee from any place within the Town to a destination either within or outside of the Town.

TAXI BROKER’S LICENSES

- 3. No Person shall carry on a Taxi business within the Town without being the holder of a valid Taxi Broker’s License for such purpose issued by the License Inspector of the Town.
- 4. Any Person desiring to obtain a Taxi Broker’s License from the Town shall make application to the License Inspector in a form approved by the License Inspector.
- 5. No Taxi Broker’s License shall be issued to any Person unless:
 - a) each Person actively engaged in the conduct of the business is of the full age of 18;
 - b) such Person is the Registered Owner of at least three Taxis, or has acquired the right to use at least this number Taxis pursuant to any agreement or arrangement with another Person or Persons ;
 - c) Such person obtains a license under the Banff Business License Bylaw;
 - d) such Person obtains and produces any permits and approvals as may be required for the Business under the Town’s Land Use Bylaw;
 - e) such Person is able to maintain an office in accordance with this bylaw;
 - f) such Person has paid the Taxi Broker’s License fee according to Schedule A of this bylaw;
 - g) a list of the make, model and year of all motor vehicles which will be used in the operation of the applicant’s Taxi business has been supplied;
 - h) such Person is able to provide seven days a week 24-hour per day service to the public in accordance with the terms and conditions as may be established by this bylaw;
 - i) such Person is able to provide a Dispatch System which ensures:
 - i) a 24-hour per day service 365 days of the year without delay except when adverse weather or road conditions or extreme workloads preclude the supply of service;
 - ii) maintenance of a two-way communications network between all Taxis of the Taxi Broker that are on duty for as long as those Taxis remain on duty;

- iii) capability of maintaining two-way communications when a Taxi is operated within a radius of 10 kilometers of the boundaries of the Town; and
 - iv) ability to provide a Dispatch Office which shall be equipped with a manually answered business telephone and staff so as to continuously provide seven days a week 24-hour per day service.
6. If a Person ceases to qualify for a Taxi Broker's License under Section 5 of this bylaw, then the Taxi Broker's License is automatically revoked.
 7. The Taxi Broker shall inform the License Inspector within 72 hours as to any additions or deletions of motor vehicles to the list of motor vehicles required under Section 5(g) of this bylaw, which are used in the operation of the Taxi Broker's business.
 8. If a Taxi Broker ceases to be the holder of a valid Taxi Broker's License, then the Taxi Broker shall cease to operate a Taxi business and any Person holding a Taxi Livery Plate in respect to a motor vehicle used in the operation of the Taxi Broker's Taxi business shall cease to operate the motor vehicle as a Taxi and shall return the Taxi Livery Plate to the License Inspector.
 9. All Taxi Brokers operating in the Town shall locate their offices, operations and communication center in an area in the Town designated in the Town's Land Use Bylaw of the Town for such use.
 10. If a Taxi Broker desires to sell or dispose of his business, he shall forthwith notify the License Inspector of the name of the proposed purchaser, and if such proposed purchaser is eligible to obtain a Taxi Broker's License pursuant to the provisions of the bylaw, the proposed purchaser shall make application in writing to the Town for the Taxi Broker's License and for each Taxi Livery Plate to be issued to the proposed purchaser until the Taxi Broker selling the Taxi business has delivered to the License Inspector, the Taxi Broker's License and any Taxi Livery Plates issued to him by the Town. The proposed purchaser shall then pay to the Town the sum required under the scheduling of License fees currently in effect per Schedule 'A' to this bylaw.
 11. In any case where the Taxi Broker ceases to be the Registered Owner of at least three (3) motor vehicles or has lost his right to use at least this number of vehicles, the Taxi Broker's License issued to such Taxi Broker shall immediately be cancelled and the Taxi Broker shall forthwith deliver to the License Inspector his Taxi Broker's License and all Taxi Livery Plates issued to him.
 12. In any case where an arrangement or agreements between a Taxi Broker and any other Person for the use by the Taxi Broker of a motor vehicle as a Taxi of which motor vehicle the Taxi Broker is not the Registered Owner is terminated, the Taxi Broker shall forthwith deliver to the License Inspector the Taxi Livery Plate issued to the Taxi Broker in respect of such motor vehicles, but if he fails to do so the License Inspector may retake and retain possession of the said Taxi Livery Plate.

13. A Taxi Broker shall not either directly or indirectly permit any other Person to use the Taxi Broker's License issued to the Taxi Broker pursuant to the provisions of this bylaw nor shall he permit any other Person to carry on the business so licensed.
14. A Taxi Broker shall not either directly or indirectly permit any Person to drive a Taxi unless he holds a Driver's License.
15. A Broker shall ensure all motor vehicles used in the operation of the Broker's business are the same colour or combination of colours. Colours must be registered with the License Inspector and are subject to the License Inspector's approval.

TAXI LIVERY PLATES

16. All Taxi Livery Plates are the property of the Town and no Person shall sell, assign or transfer a Taxi Livery Plate unless permitted to do so by this bylaw.
17. No Person shall operate a Taxi for the purposes of transporting passengers unless a Taxi Livery Plate is issued and attached to that motor vehicle.
18. The total number of Taxi Livery Plates which may be issued annually by the License Inspector shall not exceed thirty-five (35).
19. Unless otherwise cancelled, every Taxi Livery Plate expires on June 30 of each year.
20. A Person applying for the issue of a Taxi Livery Plate must provide the following to the License Inspector:
 - a) a completed application in the form prescribed by the License Inspector;
 - b) proof that the Person applying is a Taxi Broker holding a subsisting Taxi Broker's License;
 - c) the Taxi Livery Plate fee according to Schedule A of this bylaw;
 - d) the motor vehicle proposed to be used as a Taxi for inspection by the License Inspector
 - e) a current mechanical fitness report for the vehicle referred to in subsection (d), in a form prescribed by the License Inspector; and
 - f) evidence that the Person applying for the Taxi Livery Plate is the holder of valid insurance for the conduct of a Taxi business pursuant to provincial regulations.
21. A Taxi Livery Plate may be renewed subject to the provisions of this bylaw.
22. A Person applying for the renewal of a Taxi Livery Plate must provide all of the following to the License Inspector:
 - a) a completed application for the renewal in the form prescribed by the License Inspector;
 - b) the valid Taxi Livery Plate to be renewed;
 - c) the Taxi Livery Plate renewal fee according to Schedule A of this bylaw;
 - d) the motor vehicle proposed to be used as a Taxi for inspection by the License Inspector
 - e) a current mechanical fitness report for the vehicle referred to in subsection (d), in a form prescribed by the License Inspector; and
 - f) evidence that the Person applying for the Taxi Livery Plate is the holder of valid insurance for the conduct of a Taxi business pursuant to provincial regulations.

23. The License Inspector may issue or renew a Taxi Livery Plate only if he is satisfied that the vehicle produced in accordance with section 20 or 22 is safe, fit and suitable for use as a Taxi.
24. If a Taxi Livery Plate is not renewed on or before June 30, it is deemed to have been abandoned and the right to renew is forfeited.
25. The License Inspector will conduct a lottery for any Taxi Livery Plate deemed abandoned in accordance with section 24 on or before September 30 of the year in which the Taxi Livery Plate was abandoned.
26. A notice of a lottery for a Taxi Livery Plate must be published at least once a week for two (2) consecutive weeks in at least one newspaper circulating in the Town.
27. A Person applying to enter a lottery for a Taxi Livery Plate must provide the following to the License Inspector :
 - a) a completed application in the form prescribed by the License Inspector; and
 - b) a lottery application fee according to Schedule A of this bylaw.
28. The License Inspector shall issue a Taxi Livery Plate to any Person who has been selected by way of a lottery conducted in accordance with this bylaw and who complies with all other provisions of this bylaw.
29. If for any reason a holder of a Taxi Livery Plate wishes to change or alter the information recorded pursuant to Section 20 or 22 of this bylaw, he shall first register such a change or alteration with the License Inspector. Failure to do so shall render the Taxi Livery Plate issued null and void.
30. The holder of a valid Taxi Livery Plate shall not permit any Taxi Livery Plate issued to him to be attached to, or be used in connection with, any motor vehicle other than the Taxi licensed.
31. Notwithstanding section 30, should the holder of valid Taxi Livery Plate desire to substitute another motor vehicle for any Taxi for which Taxi Livery Plate has been issued to him, he shall provide all of the following to the License Inspector:
 - a) the motor vehicle proposed to be used as a Taxi for inspection by the License Inspector;
 - b) a current mechanical fitness report for the vehicle referred to in subsection (a), in a form prescribed by the License Inspector;

When the License Inspector is satisfied that the motor vehicle proposed to be substituted is safe, fit and suitable for use as a Taxi, he shall approve the transfer of the Taxi Livery Plate to the substituted vehicle.

32. The Taxi Livery Plates or any other plates or insignia required by Provincial law or regulations shall be located on the Taxi where directed by the Town or the Government of Alberta.

33. The holder of a valid Taxi Livery Plate shall not either directly or indirectly permit any Person to drive a Taxi that is affiliated with a Taxi Broker unless such Person is the holder of valid Driver's License issued by the License Inspector and is bona fide employed by or affiliated with the Taxi Broker as a Driver.

TAXI METERS

34. All Taxis operated within the Town pursuant to this bylaw shall be equipped with a Taxi Meter.
35. The Taxi Meter in use in a Taxi shall mechanically register the distance and the correct fee or charge in accordance with the Taxi Broker's tariff of fees. Such Taxi Meter shall be so installed and adjusted as to automatically operate while the Taxi is under hire whether the Taxi is in motion or standing.
36. All Taxi Meters shall be installed in the Taxis in such manner as the License Inspector may direct, and they shall be in such a location as to be plainly visible to passengers in the Taxi and shall be sealed as required by this bylaw.
37. All Taxi Meters shall be so illuminated that the fare can be read at all times by a passenger in the front or rear seats of such Taxi.
38. Taxi Meters shall be installed such that activation of the meter turns out the roof top illuminated sign upon the Taxi.
39. All Taxi Meters shall be inspected, tested for accuracy and registration, and sealed by a qualified meter technician.
40. Upon the request of a License Inspector or a Bylaw Officer a Licensee shall cause his Taxi Meters to be re-inspected, retested, and resealed by a qualified meter technician.
41. It shall be an offence for a Taxi Licensee to allow a Taxi to be operated when the Taxi Meter fails to comply with any of the requirements set forth in Sections 35 to 41 herein.

SETTING AND COLLECTION OF TAXI FARES

42. All fares must be recorded through the Taxi Meter. The fees to be charged passengers carried in Taxis within the Town will be determined by each individual Taxi Broker.
43. Any Driver may carry two or more strangers from a common starting point to two or more destinations provided they agree to such an arrangement and are advised that:
- a) the meter fare authorized by the Taxi Broker shall be charged;
 - b) the Driver shall collect from each his proportionate share of the fare payable; and
 - c) at each stop the passengers shall share equally the cost of that portion of the trip.
44. Every Taxi Broker shall keep or cause to be kept a record on a form approved by the License Inspector showing:
- a) the time and date when every customer is picked up and the number of customers;

- b) the location at which every customer is picked up; and
- c) the destination at which every customer is discharged and the time of discharge.

VEHICLE FOR HIRE RESTRICTIONS

- 45. Any Vehicle for Hire, other than a Taxi, may only provide service to a customer if the customer has entered into an agreement, prior to the pick-up, with the business providing the service.
- 46. No Vehicle for Hire, other than a Taxi, may park upon a Highway unless it is engaged in the performance of an agreement pursuant to section 45.
- 47. No Person shall, while operating a Vehicle for Hire other than a Taxi, pick up a passenger unless the passenger has entered into an agreement pursuant to section 45 in advance of the pick-up.

LICENSING AND REGULATION OF DRIVERS

- 48. No Person shall drive or operate a Taxi within the Town without being the holder of a valid Driver's License.
- 49. Any Person desiring to obtain or renew a Driver's License from the Town shall make application to the License Inspector in a form approved by the License Inspector.
- 50. A Driver's License shall be valid only for the calendar year or portion thereof during which it was issued.
- 51. If a Driver's License is not renewed by reason of failure to apply or refusal to grant a renewal, the Person shall cease to drive or operate a Taxi within the Town.
- 52. Every Driver is obligated at all times when in charge of a Taxi to:
 - a) prominently display in such vehicle his Driver's License in a holder supplied by the Taxi Broker in such a position inside the Taxi that is clearly visible to passengers in all seats of the Taxi;
 - b) be neatly dressed, clean, well behaved and courteous to passengers and shall not smoke in the vehicle;
 - c) not permit to be carried in his Taxi at any time a greater number of passengers than there are seat belts installed by the manufacturer of the motor vehicle;
 - d) not demand payment of any fees not specifically authorized by the Taxi Broker's tariff of fees;
 - e) after completion of every trip, check the Taxi and if he finds any article lost or left therein, deliver the same to the Taxi Broker for return to the owner, if known, and if the owner is not known, the Taxi Broker shall deliver the article to the local RCMP Detachment and the article will be handled according to the existing policies of the RCMP.;
 - f) unless otherwise directed by a passenger, drive the passenger by the most direct practical route to their destination;
 - g) while waiting for hire, not obstruct sidewalks, nor cause any nuisance or annoyance or solicit any passengers;

- h) whenever carrying a passenger or passengers in the Taxi, will have the Taxi Meter in operation; and
 - i) whenever requested by a passenger, issue to such passenger a receipt for the amount of the Taxi fare paid by such passenger to the Driver.
53. Every Driver is obligated to complete the Banff's Best training course offered by the Banff Heritage Tourism Corporation within three months of obtaining a Driver's License. Failure to complete the training course within the stipulated time will result in suspension of the Driver License until such time as the course is completed.
54. A Driver shall accept as a passenger any Person requiring the service of such Taxi within the limits of the Town and who is able to pay.
55. Notwithstanding the foregoing, a Driver may refuse to serve the Person requesting the service of his Taxi if such person requiring the service:
- a) owes money to the Driver for a previous fare of service;
 - b) upon being requested by the Driver, refuses to disclose his final destination before or immediately after entering the Taxi;
 - c) asks to be driven to a remote place in circumstances which the Driver reasonably believes to be unsafe; or
 - d) is obnoxious, abusive or offensive;
- provided that such Driver, in all such cases, immediately records on his daily trip report the reasons for his refusal.
56. A Driver may seek police assistance to have removed from his Taxi a Person to whom he has the right to refuse service under this bylaw.
57. Taxi service will be extended to all physically handicapped Persons providing that such Persons are able to reach the curbside and are able to enter and leave the Taxi with a minimum of assistance from the Driver. Unless prior special provisions are made between the Taxi Broker and the handicapped passenger, the Driver will be required to accept only passengers who have this ability to transfer themselves. Drivers will be required to fold and store wheelchairs belonging to the physically handicapped passengers whom they accept to carry.

MECHANICAL REGULATIONS RESPECTING TAXI CONDITIONS

58. Each Taxi licensed pursuant to this bylaw shall be inspected by a Licensed Mechanic at the cost of the Licensee at such times as specified by this bylaw. After each inspection the Licensed Mechanic shall complete and sign a mechanical fitness report in a form approved by the License Inspector. The mechanical fitness report shall contain such information as the License Inspector may require to ensure that the Taxi is safe, fit and suitable for continued use as a Taxi, and without limiting the generality of the foregoing shall contain information as to the safety and condition of the steering mechanism, brake system, body work and windows, electrical light and signal systems, exhaust systems and tire wear and condition.

59. A mechanical fitness report for each vehicle licensed pursuant to this bylaw must be submitted to the License Inspector:
 - a) prior to the issuance or renewal of a Taxi Livery Plate; and
 - b) at any other time the License Inspector deems necessary.
60. Should a mechanical fitness report indicate that a Taxi is not safe, fit or suitable for use, the Taxi Broker, shall not permit the vehicle to be operated as a Taxi, unless and until all deficiencies have been corrected and repaired and a certificate of repair in a form approved by the License Inspector has been signed, certifying that the required repairs or alterations have been carried out, and a further mechanical fitness report for the vehicle confirming that it is in fact safe, fit or suitable for use as a Taxi has been delivered to the License Inspector.
61. No Licensee shall operate or permit the operation of a Taxi pursuant to his Taxi Broker's License, which a Licensed Mechanic is unable to certify to be safe, fit or suitable for conveyance of the public and in good condition and repair with respect to all items for which it is inspected under Section 58.
62. The Licensee shall at all times between inspections ensure that the vehicle for which the Taxi Livery Plate is held is clean and in good interior condition, and mechanically maintained so that it is at all times safe, fit and suitable for use as a Taxi.
63. No Person shall obstruct or interfere with any inspection that may be required or carried out pursuant to this bylaw.
64. Upon completion of inspection, all mechanical fitness reports and all certificates of repair shall be delivered directly to the License Inspector by the Licensed Mechanic.

GENERAL REGULATIONS RESPECTING TAXI CONDITIONS

65. The Taxi Broker shall at all times display decals in each Taxi showing rates and fares which:
 - a) face outward on each rear door window;
 - b) are in a form approved by the License Inspector;
 - c) set out the fare to be charged for the hire of the Taxi ;
 - d) set out any additional charges for excess baggage or oversize items.
66. Every Taxi Broker, Licensee or Driver shall, upon demand of a License Inspector, Bylaw Services Officer or Peace Officer produce any permit, identification card, registration card, license or other document which he may, from time to time, be required to produce or have in his possession by this bylaw or which has been issued to him under this bylaw.
67. No Taxi Broker, and no Licensee, shall suffer, allow or permit the use of a radio scanner or any device capable of monitoring the radio signals of any other Taxi business.
68. The business name and telephone number of the Taxi Broker that a Licensed vehicle is affiliated with shall be prominently displayed on the rear and side of each such Taxi in lettering not less than three centimetres (3 cm) in height. Where a rooftop display unit is in use, the business name and phone number will be displayed on the roof light in lettering not

less than three centimetres (3 cm) in height. Both displays shall be to the satisfaction of the License Inspector.

69. Rooftop display units are to meet the following standard:
- a) signs must be a standard manufactured unit and such unit shall not exceed thirty-five centimetres (35 cm) in height;
 - b) illumination of sign shall not exceed 40 watts and shall be non-flashing; and
 - c) the roof top display unit shall be safely and permanently bolted or riveted to the roof of the Taxi, all to the satisfaction of the License Inspector.
70. No Taxi Broker, Licensee or Driver shall display or permit, suffer or allow the displaying of any trademark or emblem on the exterior of the Taxi, other than a trademark or emblem that is registered or copyrighted by the business, or that is expressly authorized to be used by the business.
71. In addition to the annual mechanical inspections required by Section 58, each Taxi licensed pursuant to this bylaw shall have a complete physical inspection made by the License Inspector, at a time selected by the License Inspector, and for an annual fee as specified in Schedule "A" of this Bylaw:
- a) prior to the issuance or renewal of a Taxi Livery Plate; and
 - b) six (6) months following the issuance or renewal of a Taxi Livery Plate.
72. Any deficiencies noted by the License Inspector at the time of the physical inspection must be corrected within forty-eight (48) hours to the satisfaction of the License Inspector. Failure to correct any deficiency will result in the revocation of the Taxi Livery Plate until such a time as the deficiency is corrected to the satisfaction of the License Inspector.

POWERS OF THE LICENSE INSPECTOR, BYLAW SERVICES OFFICERS, AND PEACE OFFICERS

73. The License Inspector is hereby authorized and empowered to:
- a) refuse to issue a Taxi Broker's License where the applicant, in the opinion of the License Inspector, fails to comply with the requirements of this bylaw;
 - b) revoke or suspend a Taxi Broker's License where the Licensee, in the opinion of the License Inspector, fails to comply with the requirements of this bylaw;
 - c) refuse to issue or renew any Taxi Livery Plate for any Taxi, which in the opinion of the License Inspector, fails to comply with the requirements of this bylaw;
 - d) revoke or suspend a Taxi Livery Plate with respect to any Taxi which, in the opinion of the License Inspector, fails to comply with the requirements of this bylaw;
 - e) refuse to issue or renew a Driver's License where the Licensee, in the opinion of the License Inspector, fails to comply with the requirements of this bylaw;
 - f) revoke or suspend a Driver's License where the Licensee, in the opinion of the License Inspector, fails to comply with the requirements of this bylaw;
 - g) prescribe and authorize the forms, licenses and certificates pursuant to the provisions of this bylaw, and without limiting the generality, including a form of Taxi Broker's License, Taxi Livery Plate, Driver's License, Mechanical Fitness Report, Certification of Repair, and Application for License Certificate.

74. A suspension of any License by the License Inspector may be:
- a) for a period of time not exceeding the un-expired term of the License, or
 - b) where the suspension is for non-compliance with the requirements of this bylaw, until the requirements of the bylaw, in the opinion of the License Inspector, have been complied with.
75. A Bylaw Services Officer or a Peace Officer is hereby authorized and empowered to:
- a) suspend a Taxi Livery Plate for any Taxi which, in the opinion of the Bylaw Services Officer or Peace Officer, fails to comply with the requirements of this bylaw;
 - b) suspend a Driver's License issued pursuant to this bylaw:
 - i) where the Driver has a driving record which, in the opinion of the License Inspector or Peace Officer makes him unfit to drive a public conveyance or
 - ii) where the conduct or state of health of the Driver is such that he is, in the opinion of the License Inspector or Peace Officer, unable to drive a public conveyance, or
 - iii) where the Driver does not, in the opinion of the Bylaw Services Officer or Peace Officer, comply with the requirements of this bylaw.
76. Where a Taxi Livery Plate or a Driver's License is suspended by a Bylaw Services Officer or a Peace Officer, the Bylaw Services Officer or Peace Officer shall as soon as practically possible, forward to the License Inspector and any affected Licensee, notification of the suspension and the reasons therefore.
77. The suspension of the Taxi Livery Plate or a Driver's License by a License Inspector, a Bylaw Services Officer, or a Peace Officer is to be of a temporary nature and may be for a period not exceeding seventy-two (72) hours.
78. A Taxi Livery Plate or a Driver's License issued under this bylaw may be suspended by a License Inspector or a Peace Officer for non-compliance with the requirements of this bylaw notwithstanding that the holder of that License has not been prosecuted for contravention of the bylaw.

PENALTIES

79. Non-compliance with the following shall constitute a breach of this bylaw and shall render the offender liable to cancellation or suspension of the License(s) issued to him and the retaking and retention of such License(s) issued to such offender, and any other penalties imposed by the provisions of this bylaw.
- a) any of the provisions of this bylaw, or
 - b) the maintenance of the standard of qualification including Taxi maintenance prescribed herein for the issue of a License, or
 - c) the maintenance of the standard of service required by the provisions of this bylaw, or
 - d) the supplying of accurate and complete information in an application for any License, permit issued, mechanical fitness report or certificate filed with the License Inspector pursuant to this bylaw.
80. Persons contravening certain sections of this bylaw shall be liable for the penalties set out in such section or set out opposite such section number in Schedule B hereto.

81. Any Person who makes any false or misleading statement in any application, mechanical fitness report, or certificate filed with the License Inspector, or otherwise contravenes any of the provisions of this bylaw shall be in breach of this bylaw and may be issued an offence ticket requiring payment of a penalty as outline in Schedule B.
82. Except as otherwise provided in this bylaw, a Person who is guilty of an offence under this bylaw for which a penalty is not otherwise provided, is liable to a fine of not more than \$500.00 and in default of payment, is liable to imprisonment for a Term not exceeding six (6) months or to imprisonment for a term not exceeding six (6) months without the option of a fine.
83. If a Person upon whom such offence ticket is served fails to pay the required sum within the times therein indicated, the provisions of this section for acceptance of payment in lieu of prosecution do not apply. Should a prosecution be entered against such Person he shall be liable on summary conviction to pay a minimum fine equal to the penalty stated on the offence ticket, plus court costs, and in default of payment of the penalty in costs imposed by the court, to imprisonment for a period not exceeding thirty (30) days.
84. Nothing in this part shall:
 - a) prevent any Person from exercising his right to defend any charge laid for committing a breach of any of the provisions of this bylaw; or
 - b) prevent any Person from laying information or complaint against any other Person for breach of any of the provisions of this bylaw.
85. Peace Officers and the License Inspector are hereby authorized to enforce the provisions of this bylaw, to seize and take possession of Taxi Livery Plates and/or Licenses when the same are suspended, revoked or by this bylaw returnable to the Town, and to issue summons or offence tickets to any Person whom they reasonably believe has contravened the provisions of this bylaw.

TRANSITION

86. Schedules A and B form part of this bylaw.
87. Bylaw 25-2 is repealed upon this bylaw coming into effect.

88. This bylaw comes into force when it receives third reading and is signed by the Mayor and the Town Manager or designates.

Read a first time this 16th day of August, 2010.
Read a second time this 16th day of August, 2010.
Read a third time this 16th day of August, 2010.

John Stutz
Mayor

Date

Robert Earl
Town Manager

Date

SCHEDULE A – Taxi Fees (Bylaw 25-3)

Amended 2011.01.28

- | | |
|--|--------------------------|
| 1. Taxi Broker's License | \$31.00 per License |
| 2. Taxi Livery Plate | \$62.00 per Taxi |
| 3. Taxi Livery Plate Renewal | \$62.00 per Taxi |
| 4. Driver License Fee | \$31.00 per Driver |
| 5. Driver License Fee Renewal | \$31.00 per Driver |
| 6. Taxi Inspection Fee (2 inspections) | \$62.00 per Taxi |
| 7. Taxi Livery Plate Lottery Application | \$100.00 per application |

SCHEDULE B**PENALTIES**

- | <u>Section</u> | <u>Description</u> | <u>Specified Penalty</u> |
|----------------|--|--------------------------|
| 3 | Taxi Brokers License | \$100.00 |
| 17 | Taxi Livery Plate | \$100.00 |
| 32 | Location of Plates Insignia | \$100.00 |
| 33 | Unauthorized Driver | \$100.00 |
| 34 | Taxi Meters | \$100.00 |
| 35 | Metered Fares Requirement | \$100.00 |
| 46 | Vehicle for Hire Parked on Highway Without Agreement | \$100.00 |
| 47 | Pick up Passengers Without Agreement | \$100.00 |
| 52 | Driver's License | \$100.00 |
| 57 | Driver Obligations | \$100.00 |
| 58 | Mechanical Inspection | \$100.00 |
| 68 | Prohibited Use of Radio Scanner | \$100.00 |
2. Where payment of the penalty prescribed in the Offence Ticket is received within seven (7) days of the date of service of such ticket by a Person authorized by the Town to receive such payment, the penalty specified herein shall be reduced by \$50.00 and such reduced payment shall be accepted in lieu of prosecution.
 3. Where payment for the penalty for an Offence Ticket issued for breach of any section of this bylaw is received within eight (8) to fifteen (15) days from the date of service of the Offence Ticket, by a Person authorized by the Town to receive such payment, the penalty specified therein shall be reduced by \$25.00 and such reduced payment shall be accepted in lieu of prosecution.
 4. If at a date after the expiry of fifteen (15) days from the date of service of the Offence Ticket, and up to but excluding the seven (7) days prior to the return date of any summons issued, the Person tenders payment of the full amount of the specified penalty, a Person Authorized by the Town to receive such payment shall accept it in lieu of prosecution.
 5. If a Person who has been served with an Offense Ticket fails to pay the fine specified therein and is thereafter prosecuted and convicted of the offence specified in the Offense Ticket, the fine imposed shall be not less than \$100.00 plus \$200.00 for each day that the offence is continued.
 6. If a Person is convicted of a second offence under this bylaw within twelve (12) months of committing the first offence, the minimum penalty shall be \$200.00 plus \$200.00 for each day the offence has continued.
 7. If a person is convicted of a third or in excess of three offences under this bylaw within twelve (12) months of committing the first offence, the minimum penalty shall be \$500.00 plus \$200.00 for each day the offence has continued.