

BYLAW NO. 4617

CONSOLIDATION OF A BYLAW OF THE CITY OF MEDICINE HAT to licence, regulate and control Vehicles For Hire.

WHEREAS pursuant to the provisions of the *Municipal Government Act*, RSA 2000, c M- 26, as amended, the council of a municipality may pass bylaws respecting the safety, health and welfare of people and the protection of people and property; transport and transportation systems; businesses, business activities and persons engaged in business; and the enforcement of bylaws;

AND WHEREAS Council deems it necessary and desirable to licence, regulate and control Vehicles For Hire in the City of Medicine Hat;

NOW THEREFORE THE MUNICIPAL CORPORATION OF MEDICINE HAT, IN COUNCIL ASSEMBLED, ENACTS AS FOLLOWS:

1. SHORT TITLE

This Bylaw may be cited as the “Vehicle For Hire Bylaw”.

2. DEFINITIONS

In this Bylaw, including the recitals and schedules:

- (1) **“Accessible Taxi”** means a Taxi which is designed and manufactured or converted for the purpose of transporting persons who use Mobility Aids in accordance with the Accessibility Standards, and does not include a Taxi equipped with a Swivel Chair;
- (2) **“Accessibility Standards”** means the standards established and amended from time to time by the Canadian Standards Association regarding the transport of persons with physical disabilities;
- (3) **“Administrative Committee”** means the Administrative Committee of the City;
- (4) **“App”** means a software program residing on a mobile phone or other digital electronic device which performs one or more of the following functions:
 - (a) allows a person to identify the locations of available Vehicles For Hire and allows a driver of a Vehicle For Hire to identify the location of a person who is seeking the services of a Vehicle For Hire;
 - (b) allows a person to request a Vehicle For Hire via the mobile phone or other digital electronic device;
 - (c) allows a driver of a Vehicle For Hire to receive a request from a potential Passenger; and
 - (d) allows for the payment for a Vehicle For Hire service through electronic means;
- (5) **“Bylaw Enforcement Officer”** means any police officer, community peace

officer or bylaw enforcement officer of the City, and includes the Licence Inspector;

- (6) **“Canadian Standards Association”** means the Canadian Standards Association founded in 1919, or any successor association;
- (7) **“Charter Service”** means a Prearranged transportation service provided for valuable consideration to Passengers by the use of a Charter Service Vehicle;
- (8) **“Charter Service Business Licence”** means a business licence issued or renewed pursuant to the provisions of Section 19 of this Bylaw;
- (9) **“Charter Service Vehicle”** means a Vehicle For Hire used to provide a Charter Service and which has a rear compartment seating capacity of not less than three (3) Passengers;
- (10) **“Chief of Police”** means the Chief of Police of the Medicine Hat Police Service and includes any person designated by the Chief of Police to perform the Chief’s duties pursuant to this Bylaw, or any person authorized to act in the absence of the Chief of Police;
- (11) **“City”** means the municipal corporation of Medicine Hat, or the area contained within the boundary thereof, according to the context in which the term is used;
- (12) **“Commercial Vehicle Inspection Certificate”** means a certificate, issued by a licenced mechanic pursuant to section 27 of the Vehicle Inspection Regulation, Alta Reg 211/2006, as amended or replaced from time to time, certifying that a Motor Vehicle is safe and suitable to convey Passengers;
- (13) **“Dispatch Hail”** means a request for a transportation service provided by Vehicle for Hire where such request is made through a verbal telephone call to a dispatch centre;
- (14) **“Emergency Vehicle”** means an emergency vehicle as defined in the *Traffic Safety Act*;
- (15) **“Fare”** means the total of any fees, charges, rates, tariffs or prices demanded of or payable by a prospective Passenger or Passenger of a Vehicle For Hire transportation service, and includes Surge Pricing;
- (16) **“Highway”** means a highway as defined in the *Traffic Safety Act*;
- (17) **“Licence Inspector”** means a person appointed by the City as the Licence Inspector or temporary Licence Inspector;
- (18) **“Mobility Aids”** means devices, including manual wheelchairs, electric wheelchairs and scooters, that are used to facilitate the transport, in a normally seated orientation, of a person with a physical disability;
- (19) **“Motor Vehicle”** means a motor vehicle as defined in the *Traffic Safety Act*;
- (20) **“On-Demand”** or **“On-Demand Service”** means, with respect to a transportation service, a transportation service provided by a Vehicle For

Hire that is not Prearranged;

- (21) **"Operate"** or **"Operation"** means to drive or to have care or control of a Motor Vehicle;
- (22) **"Owner"** means, with respect to a Motor Vehicle, a person who holds a subsisting certificate of registration issued pursuant to the provisions of the *Traffic Safety Act*;
- (23) **"Passenger"** means a natural person for whom a transportation service is provided and does not include a driver;
- (24) **"Prearranged"** or **"Prearranged Service"** means, with respect to a transportation service, a transportation service provided by a Vehicle For Hire that is arranged, booked, scheduled, or requested by the Passenger in advance of the arrival of the Vehicle For Hire at the Passenger's location;
- (25) **"Prescribed Form"** means a form prescribed by the Licence Inspector;
- (26) **"Safety Fitness Certificate"** means a certificate required by the government of Alberta or the government of Canada, as the case may be, to Operate a commercial vehicle;
- (27) **"Surge Pricing"** means any pricing of a Vehicle For Hire transportation service that is based in whole or in part on the level of consumer demand for the transportation service at or about the time at which the transportation service is offered or provided;
- (28) **"Street Hail"** means a request:
 - (a) through a verbal action such as calling out, yelling or whistling;
 - (b) through a visible physical action such as raising one's hand or arm;
or
 - (c) both (a) and (b);for a transportation service provided by a Vehicle For Hire, and includes a verbal or visible request for transportation at a Taxi stand;
- (29) **"Swivel Chair"** means a Passenger seat that:
 - (a) is able to turn ninety degrees from a forward position to a position over the doorsill of a Motor Vehicle;
 - (b) is designed to allow Passengers to transfer themselves from a mobility aid into the Passenger seat; and
 - (c) has been approved by the Licence Inspector;
- (30) **"Swivel Chair Requirement"** means the requirement that not less than nine (9) percent of Taxis, excluding Accessible Taxis, operated by or for a Taxi business must be Taxis equipped with an operating Swivel Chair;
- (31) **"Taxi"** means any Vehicle For Hire that provides On-Demand and Prearranged transportation services for valuable consideration to Passengers, and includes an Accessible Taxi, a Taxi equipped with a

Swivel Chair, and a Temporary Taxi, but does not include:

- (a) a Transportation Network Automobile; and
 - (b) a Charter Service Vehicle;
- (32) "**Taxi Business Licence**" means a Licence issued or renewed pursuant to the provisions of Section 6 of this Bylaw;
- (33) "**Taxi Driver's Licence**" means a Licence issued or renewed pursuant to the provisions of Section 3 of this Bylaw;
- (34) "**Taxi Licence**" means a Licence issued or renewed pursuant to the provisions of Section 4 of this Bylaw;
- (35) "**Taxi Meter**" means a device, normally installed in a Taxi, that is capable of computing and displaying the Fare payable by or on behalf of the Passenger on each occasion when a Taxi transportation service is provided;
- (36) "**Temporary Taxi**" means a Taxi the operation of which is restricted in accordance with Section 5 of this Bylaw;
- (37) "**Temporary Taxi Licence**" means a Licence issued or renewed pursuant to the provisions of Section 5 of this Bylaw;
- (38) "**Transportation Network Automobile**", has the same meaning as defined in the Transportation Network Companies Regulation;
- (39) "**Transportation Network Company**" has the same meaning as defined in the Transportation Network Companies Regulation;
- (40) "**Transportation Network Companies Regulation**" means the Transportation Network Companies Regulation, AR 100/2016 as amended or replaced from time to time;
- (41) "**Transportation Network Driver**" has the same meaning as defined in the Transportation Network Companies Regulation;
- (42) "**Traffic Safety Act**" means the *Traffic Safety Act* R.S.A. 2000 T-6, as amended, and includes any regulation passed under the authority of the *Traffic Safety Act*;
- (43) "**Vehicle For Hire**" means a Motor Vehicle used or offered for the transportation of Passengers for valuable consideration from any place within the City to any other place, and includes:
- (a) a Taxi, including an Accessible Taxi, a Taxi equipped with a Swivel Chair and a Temporary Taxi;
 - (b) a Transportation Network Automobile; and
 - (c) a Charter Service Vehicle;
- but, does not include:
- (d) an Emergency Vehicle;

- (e) a funeral service vehicle in the course of providing a funeral service;
- (f) a public transit bus;
- (g) a school bus;
- (h) a Motor Vehicle Operated solely on established and pre-determined routes in accordance with established and pre-determined time schedules; and
- (i) any Motor Vehicle or class of Motor Vehicles exempted in writing by the Licence Inspector where the Licence Inspector deems the exception to be in the public interest.

3. TAXI DRIVER'S LICENCE

- (1) No person shall Operate a Taxi in the City unless that person holds a subsisting Taxi Driver's Licence issued or renewed pursuant to the provisions of this Bylaw.
- (2) A person who desires to obtain or renew a Taxi Driver's Licence shall submit to the Chief of Police a fully completed and signed application in the Prescribed Form, together with a Driver's Abstract from the Motor Vehicles Branch of the Province of Alberta which is dated not more than two weeks prior to the date of the application.
- (3) Upon receiving an application to obtain or renew a Taxi Driver's Licence, the Chief of Police shall take such steps as the Chief of Police deems necessary to verify the accuracy of the information contained in the application and shall determine whether the applicant is a fit person to Operate a Vehicle For Hire, having regard to:
 - (a) whether the applicant has been found guilty or convicted of an offence under the Criminal Code (Canada), the *Controlled Drugs and Substances Act* (Canada) or under any other criminal statute of Canada or any other country, within the ten (10) years preceding the application;
 - (b) whether the applicant has been found guilty or convicted of an offence under the *Traffic Safety Act*, or under any similar statute or regulation or bylaw of a jurisdiction other than Alberta, within the three (3) years preceding the application; and
 - (c) any other information within the knowledge of the Chief of Police concerning the character or conduct of the applicant.
- (4) Without limiting the grounds on which the Chief of Police may refuse to authorize a Taxi Driver's Licence, the Chief of Police shall not authorize a Taxi Driver's Licence if, during the ten (10) years immediately preceding the application, the person applying for the Taxi Driver's Licence was convicted of an offence under the Criminal Code (Canada), the *Controlled Drugs and Substances Act* (Canada), or under any other similar statute of Canada, or any other jurisdiction, where such statute is related to the functions, duties

or business of a Taxi business or a Taxi driver, including:

- (a) any offence of a violent nature, including firearms and weapons offences;
 - (b) any offence involving sexual assault, sexual exploitation, sexual interference, procuring or invitation to sexual touching;
 - (c) any offence involving the trafficking of drugs or any other contraband;
 - (d) any offence involving fraud or fraudulent transactions, conspiracy to defraud, the use of false pretenses, bribery, extortion or theft; and
 - (e) any offence relating to the unlawful operation of a Motor Vehicle.
- (5) If the Chief of Police is of the opinion that the applicant is a fit person to Operate a Taxi, the Chief of Police shall so inform the Licence Inspector and the Licence Inspector shall issue a Taxi Driver's Licence to the applicant or renew the applicant's Taxi Driver's Licence, as the case may be, upon receipt of payment of the fee therefor as set out in Schedule "A" of this Bylaw.
- (6) If,
- (a) after a Taxi Driver's Licence has been issued or renewed pursuant to the provisions of this Section, and
 - (b) on the basis of:
 - (i) any or all of the criteria in Subsection (3) and (4) of this Section; or
 - (ii) any non-compliance with the requirements of this Bylaw;
- the Chief of Police decides that the holder of a Taxi Driver's Licence is not a fit person to Operate a Taxi, the Chief of Police shall revoke the Taxi Driver's Licence or suspend the Taxi Driver's Licence for a period of time not exceeding the unexpired term of the Taxi Driver's Licence or, if the suspension is for non-compliance with the requirements of this Bylaw, until the requirements of this Bylaw, in the opinion of the Chief of Police, have been complied with.
- (7) If, after a Taxi Driver's Licence has been issued or renewed pursuant to the provisions of this Section, the holder of the Taxi Driver's Licence ceases Operating any Taxi for a continuous period of six (6) months, the Taxi Driver's Licence shall immediately expire and shall be revoked.
- (8) If the Chief of Police decides to refuse an application under this Section or to suspend or revoke a Taxi Driver's Licence, the Chief of Police shall notify the applicant or licence holder in writing of the refusal, suspension or revocation, giving written reasons for the decision.
- (9) A person whose Taxi Driver's Licence has expired or been revoked and who desires to obtain a Taxi Driver's Licence shall submit to the Chief of Police an application in the manner set out in this Section.

- (10) Unless a Taxi Driver's Licence expires, is suspended or is revoked at an earlier date in accordance with this Section, the Taxi Driver's Licence shall expire and cease to be subsisting three (3) years after the date on which the Taxi Driver's Licence was issued or most recently renewed.
- (11) No person shall Operate a Taxi unless that person's subsisting Taxi Driver's Licence is openly displayed at all times inside the Motor Vehicle being so Operated in such manner as to be visible to Passengers.

4. TAXI LICENCES

- (1) No person shall cause, suffer or permit a Taxi to be Operated in the City unless:
 - (a) there exists a subsisting Taxi Licence, issued or renewed pursuant to the provisions of this Section, in respect of the Taxi and the Taxi Licence is present inside of the Taxi during such Operation; or
 - (b) there exists a subsisting Temporary Taxi Licence, issued or renewed pursuant to the provisions of Section 5 of this Bylaw in respect of the Taxi, and the Temporary Taxi Licence is present inside of the Taxi during such Operation.
- (2) A Taxi Licence may be issued only to the Owner of a Motor Vehicle, or to a lessee for valuable consideration of the Motor Vehicle.
- (3) Eligibility for the issuance of a Taxi Licence, other than a Taxi Licence in respect of an Accessible Taxi, shall be determined by way of a lottery.
- (4) The Licence Inspector shall determine the date, time and location for a lottery held pursuant to Subsection (3).
- (5) A lottery held pursuant to Subsection (3) shall be advertised in a newspaper or other publication circulating in the City at least three (3) weeks before the lottery is to be held, and the advertisement shall contain the following information:
 - (a) the date, time and location of the lottery;
 - (b) the number of Taxi Licences to be issued;
 - (c) the procedure to apply for a Taxi Licence; and
 - (d) a summary of any rules and procedures for lotteries adopted pursuant to Subsection (6).
- (6) The Licence Inspector may adopt rules and procedures for lotteries.
- (7) A person wishing to apply for a Taxi Licence, other than a Taxi Licence in respect of an Accessible Taxi, shall:
 - (a) submit to the Licence Inspector a fully completed and signed application in the Prescribed Form; and
 - (b) pay the non-refundable lottery fee set out in Schedule "A" to this

Bylaw;

at least two (2) days before the scheduled date of the lottery.

- (8) An applicant who is determined by lottery to be eligible for the issuance of a Taxi Licence shall have a period of ninety (90) days to:
- (a) pay the Taxi Licence fee set out in Schedule "A" to this Bylaw; and
 - (b) upon request, provide evidence satisfactory to the Licence Inspector that all the requirements of this Bylaw have been met.
- (9) A person wishing to apply for the issuance of a Taxi Licence in respect of an Accessible Taxi may apply at any time by submitting to the Licence Inspector:
- (a) a fully completed and signed application in the Prescribed Form;
 - (b) payment of the Taxi Licence fee set out in Schedule "A" to this Bylaw; and
 - (c) upon request, the applicant shall provide evidence satisfactory to the Licence Inspector that the requirements of this Bylaw have been met.
- (10) If the Licence Inspector is satisfied that:
- (a) an applicant described in Subsection (8) has met the requirements set out in Subsection (8); or
 - (b) an applicant described in Subsection (9) has met the requirements set out in Subsection (9);
- the Licence Inspector shall issue a Taxi Licence to the applicant.
- (11) If the Licence Inspector determines that:
- (a) An applicant described in Subsection (8) has not met the requirements set out in Subsection (8); or
 - (b) An applicant described in Subsection (9) has not met the requirements set out in Subsection (9);
- the Licence Inspector shall refuse the application with written reasons for the decision.
- (12) A Taxi Licence issued or renewed pursuant to the provisions of this Section shall, unless sooner revoked or suspended pursuant to the provisions of this Bylaw, expire and cease to be subsisting one (1) year after it was issued or most recently renewed.
- (13) A person who desires to renew a subsisting Taxi Licence shall submit to the Licence Inspector a fully completed and signed application in the Prescribed Form.
- (14) If the Licence Inspector determines that an application for renewal of a Taxi Licence complies with the requirements of this Bylaw, the Licence Inspector shall renew the Taxi Licence upon receipt of payment of the Taxi Licence

fee set out in Schedule "A" to this Bylaw.

- (15) The Licence Inspector may refuse to renew a Taxi Licence, or may revoke or suspend a Taxi Licence, if in the Licence Inspector's opinion there are just and reasonable grounds for the refusal, revocation or suspension.
- (16) If the Licence Inspector refuses an application for renewal of a Taxi Licence, or suspends or revokes a Taxi Licence pursuant to the provisions of this Bylaw, the Licence Inspector shall notify the applicant or licence holder in writing and give written reasons for the decision.
- (17) The holder of a subsisting Taxi Licence may substitute another Motor Vehicle for the Taxi in respect of which the Taxi Licence was issued, upon application to the Licence Inspector and upon payment of the fee prescribed in Schedule "A" to this Bylaw for substitution of a Motor Vehicle under a subsisting Taxi Licence, if the Licence Inspector is satisfied that the substitute Motor Vehicle is suitable for use as a Taxi according to the criteria set out in Section 9 of this Bylaw.
- (18) No person shall use a Taxi Licence, or allow it to be used by any other person, in connection with a Motor Vehicle other than:
 - (a) the Taxi in respect of which the Taxi Licence was issued; or
 - (b) a Motor Vehicle which has been substituted for the Motor Vehicle in respect of which the Taxi Licence was issued, pursuant to the provisions of Subsection (17).
- (19) A Taxi Licence, other than a Taxi Licence in respect of an Accessible Taxi, shall not be issued to any person unless that person will be Operating the Taxi for or on behalf of the holder of a subsisting Taxi Business Licence.

5. TEMPORARY TAXI LICENCE

- (1) No person shall cause, suffer or permit a number of Taxis to be Operated in excess of the number of Taxi Licences held by that person, except where, for each Taxi Operated in excess of the number of Taxi Licences:
 - (a) the Taxi is Operated by a person who is the holder of a subsisting Taxi Driver's Licence;
 - (b) there exists a subsisting Temporary Taxi Licence in respect of the Taxi; and
 - (c) the Operation of the Taxi occurs on a date which the Licence Inspector has approved in writing as a date when such Operation as a Temporary Taxi is permitted.
- (2) No person shall cause, suffer or permit a Taxi to be Operated as a Temporary Taxi unless a subsisting Temporary Taxi Licence in respect of the Taxi is present inside of the Taxi during such Operation.
- (3) A Temporary Taxi Licence may be issued only to the holder of a subsisting Taxi Business Licence.

- (4) A person who desires to obtain or renew a Temporary Taxi Licence shall submit to the Licence Inspector a fully completed and signed application in the Prescribed Form.
- (5) Upon receipt of a fully completed and signed application in the Prescribed Form accompanied by payment of the licensing fee as set out in Schedule "A" for the issuance or renewal of a Temporary Taxi Licence, the Licence Inspector may issue or renew a Temporary Taxi Licence, as the case may be.
- (6) The Licence Inspector may refuse to issue or renew a Temporary Taxi Licence, or may revoke or suspend a Temporary Taxi Licence, if in the Licence Inspector's opinion there are just and reasonable grounds for the refusal, revocation or suspension.
- (7) If the Licence Inspector decides to refuse an application under this Section or to suspend or revoke a Temporary Taxi Licence, the Licence Inspector shall notify the applicant or licence holder in writing of the refusal, suspension or revocation, giving written reasons for the decision.
- (8) A Temporary Taxi Licence issued or renewed pursuant to the provisions of this Section shall, unless sooner revoked or suspended pursuant to the provisions of this Bylaw, expire and cease to be subsisting one (1) year after it was issued or most recently renewed.
- (9) The number of Temporary Taxi Licences that may be issued by the Licence Inspector shall be determined in accordance with Schedule "C" to this Bylaw.
- (10) Where the holder of a Temporary Taxi Licence desires to Operate a Temporary Taxi, the licence holder shall apply to the Licence Inspector for written authorization to Operate a Temporary Taxi.
- (11) An application under Subsection (10) shall specify the date on which the person desires to Operate the Temporary Taxi and shall be submitted to the Licence Inspector in the Prescribed Form not less than two (2) weeks in advance of the desired date.
- (12) Except where authorized to do so in writing by the Licence Inspector, no person shall cause, suffer or permit a Temporary Taxi to be Operated in excess of sixty (60) days per year.
- (13) The Licence Inspector may permit a Temporary Taxi to Operate in excess of sixty (60) days per year if, in the opinion of the Licence Inspector, it is advisable to do so to facilitate a need in the community.
- (14) The holder of a subsisting Temporary Taxi Licence may substitute another Motor Vehicle for the Motor Vehicle in respect of which the Temporary Taxi Licence was issued, upon application to the Licence Inspector and upon payment of the fee prescribed in Schedule "A" to this Bylaw for substitution of a Motor Vehicle under a subsisting Temporary Taxi Licence, if the Licence Inspector is satisfied that the substitute Motor Vehicle is suitable

for use as a Taxi according to the criteria set out in Section 9 of this Bylaw.

- (15) No person shall use a Temporary Taxi Licence, or allow it to be used by any other person, in connection with a Motor Vehicle other than:
 - (a) the Taxi in respect of which the Temporary Taxi Licence was issued; or
 - (b) a Motor Vehicle which has been substituted for the Motor Vehicle in respect of which the Temporary Taxi Licence was issued, pursuant to the provisions of Subsection (14).

6. TAXI BUSINESS LICENCE

- (1) No person shall carry on the business of offering or providing Taxi services in the City unless that person holds a subsisting Taxi Business Licence issued or renewed pursuant to the provisions of this Section.
- (2) A person who desires to obtain or renew a Taxi Business Licence shall submit to the Licence Inspector a fully completed and signed application in the Prescribed Form.
- (3) Upon receipt of a fully completed and signed application in the Prescribed Form accompanied by payment of the licensing fee as set out in Schedule "A" for the issuance or renewal of a Taxi Business Licence, the Licence Inspector may issue or renew a Taxi Business Licence, as the case may be.
- (4) The Licence Inspector may refuse to issue or renew a Taxi Business Licence, or may revoke or suspend a Taxi Business Licence, if in the Licence Inspector's opinion there are just and reasonable grounds for the refusal, revocation or suspension.
- (5) If the Licence Inspector decides to refuse an application under this Section or to suspend or revoke a Taxi Business Licence, the Licence Inspector shall notify the applicant or licence holder in writing of the refusal, revocation or suspension, giving written reasons for the decision.
- (6) A Taxi Business Licence issued or renewed pursuant to the provisions of this Section shall, unless sooner revoked or suspended pursuant to the provisions of this Bylaw, expire and cease to be subsisting one (1) year after it was issued or most recently renewed.
- (7) Nothing in this Bylaw shall be read or construed as requiring a person to apply for and obtain a Taxi Business Licence if the person is the Owner or Operator of a Taxi which is Operated exclusively for or on behalf of a holder of a subsisting Taxi Business Licence.
- (8) A person who desires to obtain or renew a Taxi Business Licence shall submit proof satisfactory to the Licence Inspector that the person:
 - (a) will Operate from a business location in the City in compliance with all relevant provisions of the City's Land Use Bylaw and amendments

- thereto; and
- (b) will Operate a 24 hour/7 day a week dispatching service satisfactory to the Licence Inspector.
- (9) No person shall Operate a Taxi business in the City unless that Taxi business:
- (a) operates out of a business location in the City in compliance with all relevant provisions of the City's Land Use Bylaw and amendments thereto; and
 - (b) provides a 24 hour/7 day a week dispatching service satisfactory to the Licence Inspector.
- (10) The Licence Inspector may waive the business location and hours of operation requirements in Subsections (8) and (9) in the case of a Taxi business that Operates only Accessible Taxis, if the Licence Inspector is of the opinion that it is advisable to do so in order to facilitate the operation of Accessible Taxis in the City.
- (11) No person shall Operate a Taxi business in the City unless the Taxi business meets the Swivel Chair Requirement.
- (12) To determine if a person has complied with the provisions of Subsection (11), the Licence Inspector shall apply the following rules:
- (a) the total number of Taxis Operated for or on behalf of the Taxi business, as determined by the Licence Inspector acting reasonably, shall be multiplied by the Swivel Chair Requirement of nine (9) percent;
 - (b) where the calculation performed pursuant to Subsection (12)(a) results in:
 - (i) a number that is not a whole number, then the result shall be rounded to the nearest whole number;
 - (ii) a half number, then the result shall be rounded up to the nearest whole number; and
 - (iii) A number between zero and one, then the result shall be rounded so that the result is one;
 - (c) the calculation performed pursuant to Subsection (12)(a) shall determine the number of Taxis that are required to have operating Swivel Chairs installed.
- (13) Notwithstanding Subsection (12)(c), the Licence Inspector may reduce the number of Taxis required to have a Swivel Chair by two (2) for each fully equipped Accessible Taxi operated by the business to which such reduction applies.
- (14) If the Taxi Business Licence held by a person ceases to be subsisting for any reason, then every Taxi Licence and Temporary Taxi Licence held by

that person shall, automatically and without notice, be suspended until such time as the Licence Inspector, at their sole discretion, determines in writing whether to revoke, further suspend, transfer, renew, reinstate or otherwise dispose of those Taxi Licences and Temporary Taxi Licences.

7. TAXI LICENCE QUOTA

- (1) The total number of subsisting Taxi Licences at any time, not including Temporary Taxi Licences and not including Taxi Licences issued in respect of Accessible Taxis, shall not exceed the number determined in accordance with Schedule "D" of this Bylaw.
- (2) Subject to Subsection (4), the Licence Inspector may transfer a subsisting Taxi Licence to a person other than the original Taxi Licence holder where:
 - (a) the original Taxi Licence holder has transferred their interest in the Taxi to the proposed new Taxi Licence holder for valuable consideration; and
 - (b) the fee for transfer of a subsisting Taxi Licence to a new Taxi Licence holder, as set out in Schedule "A" to this Bylaw, has been paid.
- (3) No written agreement shall be effective to transfer a subsisting Taxi Licence to a person other than the person to whom the Taxi Licence was issued until the Licence Inspector has transferred the Taxi Licence.
- (4) A Taxi Licence issued pursuant to this Bylaw is not transferable for a period of one (1) year from the date the Taxi Licence is issued.

8. DOCUMENTATION IN SUPPORT OF APPLICATIONS

- (1) The Licence Inspector may require an applicant pursuant to any provision of this Bylaw to provide such supporting information and documentation as is reasonably necessary to enable the Licence Inspector to evaluate the merits of the application and decide whether the application should be approved or refused.
- (2) Without limiting the generality of Subsection (1), the Licence Inspector may require an applicant to provide information including but not limited to:
 - (a) a certificate of registration for a Motor Vehicle issued pursuant to the provisions of the *Traffic Safety Act*, or a true copy thereof;
 - (b) proof of a subsisting Motor Vehicle liability policy and any other insurance as may be required, as determined by the Licence Inspector;
 - (c) full particulars as to make and model, year of manufacture, colour, vehicle identification number and licence plate number of a Motor Vehicle;
 - (d) full particulars of any Taxi Meter installed or to be installed in a Motor Vehicle;

- (e) true copies or certified true copies of any document filed or required to be filed with the Registrar of Corporations in respect of any body corporate;
- (f) the original or a true copy of any written agreement for lease or sale of a Motor Vehicle or an interest in a Motor Vehicle, or for disposition of an interest in a Vehicle For Hire business;
- (g) a written report from a qualified journeyman mechanic, in respect of a mechanical inspection required pursuant to the provisions of Section 9 of this Bylaw;
- (h) in the case of an application for the issuance or renewal of a Taxi Business Licence, a list of all Taxis Operated for or on behalf of that Taxi business, including Accessible Taxis and Taxis equipped with Swivel Chairs;
- (i) in the case of a Taxi identified on a list submitted pursuant to Subsection (2)(h) as a Taxi equipped with a Swivel Chair, evidence satisfactory to the Licence Inspector that the Taxi has a properly functioning Swivel Chair installed in the Taxi;
- (j) in the case of a Taxi identified on a list submitted pursuant to Subsection (2)(h) as an Accessible Taxi, evidence satisfactory to the Licence Inspector that the Taxi meets the Accessibility Standards; and
- (k) in respect of any Transportation Network Company, Transportation Network Driver, or Transportation Network Automobile, proof, in a form satisfactory to the Licence Inspector, that all the requirements of the Transportation Network Companies Regulation have been met.

9. TAXI INSPECTIONS AND QUALITY OF TAXIS

- (1) If required to do so by the Licence Inspector, an applicant for the issuance or renewal of a Taxi Licence or a Temporary Taxi Licence shall:
 - (a) make the Motor Vehicle in question available for inspection by a Bylaw Enforcement Officer;
 - (b) arrange for and obtain a mechanical inspection of the Motor Vehicle by a qualified journeyman mechanic; and
 - (c) deliver to the Licence Inspector a written report in respect of the mechanical inspection under Subsection (1)(b).
- (2) A Taxi Licence and/or a Temporary Taxi Licence shall not be issued or renewed in respect of any Motor Vehicle which is, in the opinion of the Licence Inspector, unsuitable for use as a Taxi by reason of:
 - (a) mechanical defects as revealed by the inspection of a qualified journeyman mechanic; or

- (b) unclean or dilapidated appearance.
- (3) In addition to the requirements of Subsection (2), a Taxi Licence and/or a Temporary Taxi Licence shall not be issued or renewed for any applicant or in respect of any Motor Vehicle until such time as the applicant demonstrates, upon the request of the Licence Inspector and to the satisfaction of the Licence Inspector, that the requirements of this Bylaw have been met.
- (4) If information comes to the attention of the Licence Inspector which causes the Licence Inspector on reasonable and probable grounds to believe that a Taxi is unsuitable for use as a Taxi, the Licence Inspector may require the Owner of the Taxi to make the Taxi available for inspection by a Bylaw Enforcement Officer or to arrange for a mechanical inspection of the Taxi by a qualified journeyman mechanic.
- (5) If an inspection carried out pursuant to the provisions this Section reveals that the Motor Vehicle is unsuitable for use as a Taxi according to the criteria set forth in Subsection (2), or if the Owner of the Taxi fails to make the Taxi available for inspection when required to do so under the provisions of this Bylaw, the Licence Inspector may:
 - (a) revoke any licence issued in respect of the Taxi, or
 - (b) suspend any licence issued in respect of the Taxi for a period of time not exceeding the unexpired term of such licence, until the Motor Vehicle has been put back into a condition suitable for use as a Taxi or until it has been made available for inspection.

10. TAXI IDENTIFICATION

- (1) No person shall own or Operate a Taxi unless the Taxi is at all times equipped with an illuminable light on the roof, upon which shall be displayed in letters or numbers not less than 50 millimetres (2") in height, so as to be clearly visible from both the front and rear of the Taxi:
 - (a) the name of the Taxi business for or on behalf of which the Taxi is Operated;
 - (b) the telephone number to call to request the services of the Taxi;
 - (c) the vehicle number assigned by the Taxi business; and
 - (d) in the case of a Temporary Taxi, the Temporary Taxi must display the letter "T" in front of the vehicle number assigned by the Taxi business.
- (2) When a Motor Vehicle which was licenced as a Taxi and/or as a Temporary Taxi has ceased to be licenced as a Taxi and/or as a Temporary Taxi by reason of:
 - (a) substitution of another Motor Vehicle pursuant to the provisions of Subsections 4(17) or 5(14) of this Bylaw;

- (b) a decision by the Licence Inspector to revoke a licence, where the decision has been unsuccessfully appealed to the Administrative Committee or has not been appealed within the time limited therefor under Section 23 of this Bylaw;
- (c) a decision by the Licence Inspector to refuse to renew a licence, where the decision has been unsuccessfully appealed to the Administrative Committee or has not been appealed within the time limited therefor under Section 23 of this Bylaw; or
- (d) failure by a licence holder to apply for renewal of a licence upon its expiry;

the Owner of the Motor Vehicle shall forthwith ensure that all markings of any kind upon or within the Motor Vehicle which serve to identify it as a Taxi are removed within seven (7) days of the date on which the Motor Vehicle ceased to be licenced as a Taxi.

11. DRIVER'S LICENCE RECORDS

- (1) The holder of a business licence issued pursuant to the provisions of this Bylaw shall collect, keep and maintain a record of the provincially-issued drivers' licence numbers, and corresponding licence class numbers, of every person who Operates or has Operated a Vehicle For Hire on behalf of the business within the preceding two (2) years.
- (2) Upon the request of the Licence Inspector, a business licence holder shall immediately provide the record and information referred to under Subsection (1) to the Licence Inspector, or to such other lawful authority as the Licence Inspector may specify.
- (3) If there occurs for any reason a change in the information requested or provided under Subsection (2), the business licence holder shall inform the Licence Inspector in writing of the change not later than the third business day of the calendar month next following the month in which the change occurs.

12. TAXI METERS

- (1) Every Taxi shall be equipped with a Taxi Meter calibrated to register and visually display the Fare in accordance with Schedule "E" of this Bylaw, and each Taxi Meter shall be installed and calibrated so as to operate automatically while the Taxi is providing service to Passengers whether or not the Taxi is in motion.
- (2) Every Taxi Meter shall be so installed within the Taxi as to be plainly visible at all times to Passengers in the Taxi.
- (3) Every Taxi Meter shall be inspected and tested for accuracy by a Bylaw Enforcement Officer, prior to being used for the purpose of computing and displaying the Fare payable by a Passenger.

- (4) After conducting an inspection of a Taxi Meter, and upon being satisfied that the Taxi Meter is functioning properly, the Bylaw Enforcement Officer shall place a seal upon the Taxi Meter in such manner that the working mechanism of the Taxi Meter cannot be reached or tampered with unless the seal is broken.
- (5) No Taxi Meter shall be used by any person for the purpose of computing and displaying the Fare payable by a Passenger in a Taxi if there is not an intact and unbroken seal upon the Taxi Meter, placed in such manner as to prevent the working mechanism of the Taxi Meter from being reached or tampered with unless the seal is broken.
- (6) If an Operator of a Taxi or holder of a Taxi Licence has reason to believe that the Taxi Meter in the Taxi may not be functioning properly, the Operator or licence holder shall forthwith inform the Licence Inspector and shall make the Taxi available at the direction of the Licence Inspector for Taxi Meter inspection and testing.
- (7) When a Taxi Meter has been repaired or replaced, the holder of the Taxi Licence for the Taxi in which the Taxi Meter is installed shall forthwith inform the Licence Inspector of the repair or replacement of the Taxi Meter and shall make the Taxi available to the Licence Inspector for inspection of the Taxi Meter.
- (8) If information comes to the attention of a Bylaw Enforcement Officer which causes the Bylaw Enforcement Officer on reasonable and probable grounds to believe that a Taxi Meter may not be not functioning properly, the Bylaw Enforcement Officer may require the holder of the Taxi Licence for the Taxi in which that Taxi Meter is installed to make the Taxi available for inspection of the Taxi Meter at a time and place directed by the Bylaw Enforcement Officer.
- (9) There shall be a fee payable by the holder of a Taxi Licence for each inspection of a Taxi Meter, as specified in Schedule "A" to this Bylaw.

13. APPS AND SURGE PRICING

- (1) A person carrying on the business of offering or providing Vehicle For Hire services in the City shall not cause, suffer or permit any person to use an App to request such Vehicle For Hire services unless the App has been approved in writing by the Licence Inspector.
- (2) The Licence Inspector may approve an App only if the App:
 - (a) is capable of performing the following functions to a reasonable degree of accuracy:
 - (i) calculating a Fare based on the distance travelled by the Vehicle For Hire; and
 - (ii) estimating the Fare for a trip;

- (b) transmits to a prospective Passenger the Fare to be charged to the prospective Passenger, including any variable or Surge Pricing, prior to the prospective Passenger agreeing to the service;
 - (c) records, at the time the service is arranged, the following information:
 - (i) the time, date and location where and when the prospective Passenger is to be picked up;
 - (ii) the destination where the prospective Passenger is to be discharged;
 - (iii) the Vehicle For Hire identification number and licence plate of the Vehicle For Hire;
 - (d) transmits to the prospective Passenger the information set out in Subsection (2)(c) before the prospective Passenger enters the Vehicle For Hire; and
 - (e) includes a method by which the Licence Inspector can conveniently and immediately access the following information, either through the App or by some other means provided by the company responsible for the App:
 - (i) the current location in the City of each in-service Vehicle For Hire that is supported by the App; and
 - (ii) confirmation of whether Fares charged through the App to Passengers who have requested a Taxi by Dispatch Hail or Street Hail have been calculated in accordance with Schedule "E".
- (3) Surge Pricing shall not be charged to a Passenger unless:
- (a) the transportation service was booked and paid for by the use of an App; and
 - (b) the transportation service was not requested by means of a Street Hail or a Dispatch Hail.

14. FARES, LAWFUL PAYMENT, AND RECEIPTS

- (1) Except in the case of Taxis, no Fare shall be charged to a Vehicle For Hire Passenger unless the Fare has been determined and agreed to by the Passenger in advance of the Passenger entering the Vehicle For Hire.
- (2) No person shall cause, suffer or permit a Taxi to be Operated within the City unless there is posted at a location inside the Taxi, so as to be clearly visible to Passengers, a printed card which displays how a Fare is to be calculated in accordance with Schedule "E" of this Bylaw.
- (3) An Operator of a Taxi shall not demand, or accept payment of, any Fare except in accordance with the provisions of Schedule "E" to this Bylaw.
- (4) Nothing in this Section shall prevent the Owner or Operator of a Vehicle For

Hire from accepting, from or on behalf of a Passenger, a voluntary payment in the nature of a tip or gratuity for services rendered.

15. OPERATING REGULATIONS

- (1) If at the direction of a paying Passenger or with the consent of that Passenger, other Passengers are picked up at one or more locations to be carried to the same destination as that of the original Passenger or to any other destination, the Fare shall be calculated in accordance with Schedule "E" of this Bylaw for a continuous trip from the point where the first Passenger is picked up to the point where the last Passenger is discharged.
- (2) When the Operator of a Taxi is actively engaged in providing a transportation service to a Passenger, or is actively attempting to solicit business:
 - (a) there shall be no restriction on the length of time that the Taxi may stop and/or park at any location upon a Highway within the City that is expressly designated and marked as a Taxi stand or Taxi loading zone pursuant to the provisions of any Bylaw of the City; and
 - (b) the Taxi may stop and/or park at any location upon a Highway within the City where Motor Vehicles other than Taxis are ordinarily permitted to stop and/or park, provided that the Taxi shall not remain in any such location for a period of time longer than is reasonably necessary to pick up or discharge Passengers or to load or unload luggage or merchandise.
- (3) When the Operator of a Taxi is not actively engaged in providing service to Passengers or soliciting business, the Taxi may stop and/or park at any location where other Motor Vehicles may lawfully stop and/or park, subject to the same stopping and/or parking restrictions applicable to other Motor Vehicles.
- (4) Notwithstanding any other provision of this Bylaw, a Taxi in respect of which there is not a subsisting Taxi Licence may be Operated in the City provided that:
 - (a) the Passenger or Passengers in the Taxi are picked up at a location outside the City;
 - (b) the operation of the Taxi while carrying Passengers in the City is restricted to proceeding directly from the place where the Taxi enters the City to a single location where all Passengers are dropped off; and
 - (c) the Taxi does not under any circumstances pick up or offer to pick up any Passenger within the City for carriage to any location within or outside the City.
- (5) When responding to requests for a Taxi service, and where reasonably feasible to do so, the Operator of an Accessible Taxi or a Taxi equipped

with a Swivel Chair shall give first priority to those potential Passengers specifically requesting an Accessible Taxi or a Taxi equipped with a Swivel Chair, as the case may be, in order to accommodate those with special mobility needs.

- (6) No person shall Operate an Accessible Taxi or a Taxi equipped with a Swivel Chair unless that person has successfully completed, to the satisfaction of the Licence Inspector, training that has been approved by the Licence Inspector related to the provision of accessible transportation services.
- (7) The Operator of a Vehicle For Hire shall ensure that the Mobility Aid of every Passenger is secured in accordance with the Accessibility Standards prior to putting the Vehicle For Hire in motion.

16. TRANSPORTATION NETWORK COMPANY BUSINESS LICENCE

- (1) No person shall carry on the business of offering or providing Transportation Network Automobile services in the City unless that person holds a subsisting Transportation Network Company Business Licence issued or renewed pursuant to the provisions of this Section.
- (2) A person who desires to obtain or renew a Transportation Network Company Business Licence shall submit to the Licence Inspector a fully completed and signed application in the Prescribed Form.
- (3) Upon receipt of a fully completed and signed application in the Prescribed Form accompanied by payment of the licensing fee as set out in Schedule "B" for the issuance or renewal of a Transportation Network Company Business Licence, the Licence Inspector may issue or renew the Transportation Network Company Business Licence, as the case may be.
- (4) A Transportation Network Company Business Licence may be issued only if an applicant can demonstrate, to the satisfaction of the Licence Inspector, that the applicant has obtained every registration, authorization and approval required under the Transportation Network Companies Regulation.
- (5) The Licence Inspector may refuse to issue or renew a Transportation Network Company Business Licence, or may revoke or suspend a subsisting Transportation Network Company Business Licence, if in the Licence Inspector's opinion there are just and reasonable grounds for the refusal, revocation or suspension.
- (6) If the Licence Inspector decides to refuse an application under this Section or to suspend or revoke a Transportation Network Company Business Licence, the Licence Inspector shall notify the applicant or licence holder in writing of the refusal, suspension or revocation, giving written reasons for the decision.
- (7) A Transportation Network Company Business Licence issued or renewed

pursuant to the provisions of this Section shall, unless sooner revoked or suspended pursuant to the provisions of this Bylaw, cease to be subsisting one (1) year after it was issued or most recently renewed.

- (8) Nothing in this Bylaw shall be read or construed as requiring a person to apply for and obtain a Transportation Network Company Business Licence if the person is the Owner or Operator of a Transportation Network Automobile which is Operated exclusively for or on behalf of a holder of a subsisting Transportation Network Company Business Licence.

17. TRANSPORTATION NETWORK COMPANY RECORDS

- (1) The holder of a Transportation Network Company Business Licence shall collect, keep and maintain a record of each transportation service provided by or on behalf of the Transportation Network Company in the preceding two (2) years, which record shall include the following information in respect of each transportation service:
 - (a) the date and time the service was booked;
 - (b) the date and time the service was provided;
 - (c) the number of Passengers;
 - (d) the longitude and latitude at which each Passenger was picked up;
 - (e) the longitude and latitude at which each Passenger was dropped off;
 - (f) the driver's licence number of the person Operating the Transportation Network Automobile in which the service was provided; and
 - (g) the licence plate number of the Transportation Network Automobile in which the service was provided.
- (2) Upon the request of the Licence Inspector or the Chief of Police, the holder of a Transportation Network Company Business Licence shall immediately provide the record and information referred to under Subsection (1) in accordance with the request.
- (3) If there occurs for any reason a change in the information requested or provided under Subsection (2), the holder of the Transportation Network Company Business Licence shall inform the Licence Inspector in writing of the change not later than the third business day of the calendar month next following the month in which the change occurs.
- (4) If there occurs for any reason a change in any registration, authorization or approval required by law which affects or could affect a Transportation Network Company, the holder of the Transportation Network Company Business Licence shall inform the Licence Inspector in writing of the change not later than seven (7) days following the date on which the change occurs.
- (5) Without limiting the generality of Subsection (4), where any registration, authorization or approval required by law is suspended or revoked in

respect of a Transportation Network Company, the holder of a Transportation Network Company Business Licence in respect of that Transportation Network Company shall immediately inform the Licence Inspector in writing of the change.

18. TRANSPORTATION NETWORK AUTOMOBILE IDENTIFICATION

- (1) No person shall cause, suffer or permit the Operation of a Transportation Network Automobile except where the Transportation Network Automobile meets the following identification requirements:
 - (a) the Transportation Network Company name or trade mark is displayed on the front or rear of the Transportation Network Automobile;
 - (b) the size of the Transportation Network Company name or trade mark required by Subsection (1)(a) is at least 8 cm x 8 cm and does not exceed 20 cm x 20 cm; and
 - (c) no equipment or markings visible from the exterior are present in or on the Transportation Network Automobile that identify the vehicle as a Taxi or Accessible Taxi, including but not limited to:
 - (i) the words "Taxi", "cab", or "Accessible Taxi"
 - (ii) a top light or Taxi Meter; or
 - (iii) the contact phone number of the Transportation Network Company.

19. CHARTER SERVICE BUSINESS LICENCE

- (1) No person shall carry on the business of offering or providing a Charter Service in the City unless that person holds a subsisting Charter Service Business Licence issued or renewed pursuant to the provisions of this Bylaw.
- (2) A person who desires to obtain or renew a Charter Service Business Licence shall submit to the Licence Inspector a fully completed and signed application in the Prescribed Form.
- (3) Upon receipt of a fully completed and signed application in the Prescribed Form accompanied by payment of the licensing fee as set out in Schedule "B" for the issuance or renewal of a Charter Service Business Licence, the Licence Inspector may issue or renew the Charter Service Business Licence, as the case may be.
- (4) The Licence Inspector may refuse to issue or renew a Charter Service Business Licence, or may revoke or suspend a subsisting Charter Service Business Licence, if in the Licence Inspector's opinion there are just and reasonable grounds for the refusal, revocation or suspension.
- (5) If the Licence Inspector decides to refuse an application under this Section

or to suspend or revoke a Charter Service Business Licence, the Licence Inspector shall notify the applicant or licence holder in writing of the refusal, suspension or revocation, giving written reasons for the decision.

- (6) A Charter Service Business Licence issued or renewed pursuant to the provisions of this Section shall, unless sooner revoked or suspended pursuant to the provisions of this Bylaw, cease to be subsisting one (1) year after it was issued or most recently renewed.
- (7) Nothing in this Bylaw shall be read or construed as requiring a person to apply for and obtain a Charter Service Business Licence if the person is the Owner or Operator of a Charter Service Vehicle which is Operated exclusively for or on behalf of a holder of a subsisting Charter Service Business Licence.

20. CHARTER SERVICE REQUIREMENTS

- (1) No person carrying on the business of offering or providing a Charter Service in the City shall offer or provide a Charter Service to fewer than two (2) Passengers at any one time.
- (2) Every person Operating a Charter Service, shall ensure that a log book is kept and maintained of all Charter Services provided by that person and such log book shall include the following information for each Charter Service provided within not less than the three (3) preceding months:
 - (a) the date and time the service was booked;
 - (b) the date and time the service was provided;
 - (c) the number of Passengers;
 - (d) the location at which each Passenger was picked up;
 - (e) the location at which each Passenger was dropped off;
 - (f) the driver's licence number of the person Operating the Charter Service Vehicle in which the service was provided; and
 - (g) the licence plate number of the Charter Service Vehicle in which the service was provided.
- (3) Upon the request of the Licence Inspector or the Chief of Police, the holder of a Charter Service Business Licence shall immediately provide the record and information under Subsection (2) in accordance with the request.
- (4) If there occurs for any reason a change in the information requested or provided under Subsection (3), the holder of the Charter Service Business Licence shall inform the Licence Inspector in writing of the change not later than the third business day of the calendar month next following the month in which the change occurs.
- (5) Upon the request of the Licence Inspector, a person Operating a Charter Service Vehicle shall provide proof of:

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- (a) a subsisting certificate of registration issued pursuant to the *Traffic Safety Act* in respect of the Charter Service Vehicle, or a true copy of such registration;
 - (b) a subsisting Motor Vehicle liability policy in respect of the Charter Service Vehicle;
 - (c) a subsisting Commercial Vehicle Inspection Certificate issued within the six (6) months preceding the request in respect of the Charter Service Vehicle;
 - (d) in the case of a Charter Service Vehicle that has a seating capacity of six (6) or more Passengers, a subsisting Provincial Operating Authority Certificate;
 - (e) in the case of a Charter Service Vehicle that has a seating capacity of ten (10) or more Passengers, a subsisting Safety Fitness Certificate issued in respect of the Charter Service Vehicle; and
 - (f) any other insurance, registration, licence, permit, certificate, approval, authorization or information as may be required by the Licence Inspector in respect of the Charter Service Vehicle.
- (6) If there occurs for any reason a change in any registration, authorization or approval required by law which affects or could affect a Charter Service business, the holder of the Charter Service Business Licence in respect of that business shall inform the Licence Inspector in writing of the change not later than seven (7) days following the date on which the change occurs.
- (7) Without limiting the generality of Subsection (6), where any registration, authorization or approval required by law is suspended or revoked in respect of a Charter Service business, the holder of a Charter Service Business Licence in respect of that business shall immediately inform the Licence Inspector in writing of the change.
- (8) Nothing in this Bylaw shall be read or construed as requiring a person to provide a subsisting Provincial Operating Authority Certificate in respect of an airport Passenger service that only drops off and picks up Passengers at the airport, or a commercial vehicle used to transport only the employees of the registered Owner of the commercial vehicle.
- (9) A Charter Service Vehicle shall be free of any equipment or markings visible from the exterior of the Charter Service Vehicle that might, in the opinion of the Licence Inspector, cause the Charter Service Vehicle to be confused with a Taxi, including:
- (a) the words "Taxi", "cab", or "Accessible Taxi";
 - (b) a top light or meter; or
 - (c) the contact phone number of a person carrying on the business of offering or providing the Charter Service.

21. VEHICLE FOR HIRE GENERAL REQUIREMENTS

- (1) No person shall Operate a Vehicle For Hire unless that person holds a subsisting Class 1, 2 or 4 operator's licence as referred to in the Operator Licensing and Vehicle Control Regulation (AR 320/2002).
- (2) A person who Operates a Vehicle For Hire shall, upon request, provide the Licence Inspector with proof of a subsisting licence referred to in Subsection (1).
- (3) No person shall offer or provide an On-Demand Vehicle For Hire transportation service unless the Vehicle For Hire is a Taxi.
- (4) Without limiting the generality of Subsection (3), no person shall offer or provide a Vehicle For Hire transportation service in response to a Street Hail unless the Vehicle For Hire is a Taxi.
- (5) If the Operator of a Taxi accepts a Passenger through the use of a Street Hail or a Dispatch Hail, the Operator shall charge the Passenger a Fare in accordance with Schedule "E" to this Bylaw.
- (6) No person shall cause, suffer or permit any person to consume alcohol inside a Vehicle For Hire except where expressly permitted to do so in accordance with all applicable law, including all required licences, permits and approvals.

22. POWERS OF BYLAW ENFORCEMENT OFFICER

- (1) A Bylaw Enforcement Officer may at any time inspect any of the following for the purpose of determining whether the provisions of this Bylaw are being complied with:
 - (a) the interior or exterior of any Vehicle For Hire; and
 - (b) a licence, certification, permit, approval, log book or other thing required pursuant to this Bylaw.
- (2) If a Bylaw Enforcement Officer forms the opinion on reasonable and probable grounds that a person has not complied with any provision of this Bylaw, the Bylaw Enforcement Officer may charge that person with an offence.
- (3) If a Bylaw Enforcement Officer forms the opinion on reasonable and probable grounds that lack of compliance with any provision of this Bylaw by any person has caused or may cause danger to the health or safety of the public, the Bylaw Enforcement Officer may by written notice to the licence holder suspend any licence issued pursuant to the provisions of this Bylaw for so long as the state of non-compliance with this Bylaw persists, whether or not the Bylaw Enforcement Officer charges any person with an offence under this Bylaw.

23. APPEALS TO ADMINISTRATIVE COMMITTEE

- (1) A person affected by a decision of the Chief of Police, the Licence Inspector or any Bylaw Enforcement Officer to:
 - (a) issue, renew or transfer any licence;
 - (b) refuse to issue, renew or transfer any licence;
 - (c) revoke or suspend any licence; or
 - (d) refuse to allow the substitution of a Motor Vehicle pursuant to the provisions of Subsections 4(17) or 5(14) of this Bylaw;

may appeal the decision to the Administrative Committee by serving written notice of intention to appeal upon the City Clerk within thirty (30) days of the date of the decision.
- (2) The Administrative Committee, upon hearing an appeal, may uphold the decision of the Chief of Police, Licence Inspector, or Bylaw Enforcement Officer, as the case may be, or allow the appeal.
- (3) If the Administrative Committee denies an appeal of the Licence Inspector's decision to suspend, revoke, not issue or not renew a licence under this Bylaw, the Administrative Committee may, at its sole discretion, require the applicant to wait one (1) year from the date of the denial of the appeal before making another application for the same licence, a similar licence, or any other licence under this Bylaw.
- (4) If the Administrative Committee allows an appeal of any decision of the Licence Inspector related to a licence under this Bylaw, the Administrative Committee may impose such conditions on the licence as the Administrative Committee considers reasonable under the circumstances.

24. GENERAL PENALTY PROVISIONS

- (1) Where a Bylaw Enforcement Officer believes on reasonable and probable grounds that a person has contravened any provision of this Bylaw the Bylaw Enforcement Officer may commence proceedings by issuing a summons by means of a violation ticket in accordance with Part 2 or Part 3 of the *Provincial Offences Procedure Act* R.S.A. 2000 c. P-34.
- (2) The specified penalty in respect of a contravention of this Bylaw is the amount set out in Schedule "F" of this Bylaw.
- (3) If the summons issued by a Bylaw Enforcement Officer under Subsection (1) so provides, the person named in a summons may make a voluntary payment in the specified amount set out in Schedule "F" of this Bylaw, and upon making the voluntary payment, that person is not required to appear before a justice to answer the summons.
- (4) A person who contravenes any provision of this Bylaw is guilty of an offence and liable upon conviction to pay a fine of not less than the minimum penalty set out in Schedule "F" of this Bylaw and not more than Ten Thousand Dollars (\$10,000.00) or in default of payment to imprisonment for a period

of not more than one year.

- (5) Payment of any fine or imprisonment for any period of time, pursuant to the provisions of this Bylaw, shall not relieve any person from the obligation to pay any fees, charges or costs for which that person is liable under the provisions of this Bylaw.

25. TRANSITIONAL, GENERAL, AND COMMENCEMENT PROVISIONS

- (1) In this Bylaw:
 - (a) the singular may be read as though the plural had been expressed, and vice versa;
 - (b) the masculine gender may be read as though the feminine or neuter had been expressed, and vice versa;
 - (c) a reference to any thing described as “subsisting” shall be read as a reference to a thing that is valid, unmodified and in full force an effect;
 - (d) the words “includes” and “including”, where used in this Bylaw, are not intended to be exclusive and in all cases means “includes without limitation” and “including without limitation” respectively;
 - (e) the words “shall”, “will” and “must”, where used in this Bylaw, are to be read and interpreted as mandatory and the word “may”, where used in this Bylaw, is to be read and interpreted as permissive; and
 - (f) a reference to a person may be read as a reference to a legal entity other than a natural person;

wherever the context in which this Bylaw has application reasonably requires such construction.

- (2) Nothing in this Bylaw relieves a person from complying with any federal or provincial law or regulation or any requirement of any lawful permit, order, approval, authorization, licence or certificate.
- (3) Every licence issued or renewed pursuant to this Bylaw or City Bylaw No. 2648 does not confer any property rights and remains at all times the sole property of the City.
- (4) No person may sell, assign, transfer, lease or otherwise dispose of or give up control of a licence, except in accordance with this Bylaw, and must surrender the licence to the City immediately if requested by the Licence Inspector.
- (5) Except where explicitly stated in this Bylaw, nothing in this Bylaw relieves a person from complying with any other bylaw.
- (6) It is the intention of the City Council that if any provision of this Bylaw be declared invalid for any reason by a Court of competent jurisdiction then all other provisions of this Bylaw shall remain valid and enforceable.
- (7) Every Schedule to this Bylaw shall form part of this Bylaw.

- (8) A licence which has been suspended pursuant to any provision of this Bylaw shall cease to be subsisting immediately upon such suspension and shall remain suspended until such time as the suspension is lifted by the Licence Inspector.
- (9) A licence which has been revoked pursuant to any provision of this Bylaw ceases to be subsisting immediately upon such revocation.
- (10) A licence which expires pursuant to any provision of this Bylaw ceases to be subsisting immediately upon such expiry.
- (11) Any licence issued or renewed pursuant to the provisions of this Bylaw may be revoked or suspended for non-compliance with this Bylaw, regardless of whether the holder of the licence has been prosecuted for a contravention of this Bylaw.
- (12) There shall be no refund of any paid licensing fee in the event of revocation or suspension of any licence issued or renewed pursuant to the provisions of this Bylaw.
- (13) City Bylaw No. 2648 is repealed.
- (14) References to, and fees associated with, a "Charter Business License" and a "Charter Driver's License" in Schedule "B" to City Bylaw No. 2339 are repealed.
- (15) On the coming into force of this Bylaw a Taxi Driver's Licence, a Taxi Licence and a Taxi Business Licence issued under City Bylaw No. 2648, and a Charter Business Licence issued under City Bylaw No. 2339, are deemed to have been issued under the provisions of this Bylaw.

READ A FIRST TIME in open Council on June 15, 2020.

READ A SECOND TIME in open Council on June 15, 2020.

READ A THIRD TIME in open Council on July 6, 2020.

SIGNED AND PASSED on July 7, 2020.

I CERTIFY that this is a true and correct copy of Bylaw No. 4617 consolidated pursuant to Section 69 of the *Municipal Government* to incorporate all subsequent amendments thereto, printed under the authority vested in me by the said Section 69 and by City of Medicine Hat Bylaw No. 1957.

CERTIFIED THIS _____ DAY OF _____, 20____.

ANGELA CRUICKSHANK
CITY CLERK
CITY OF MEDICINE HAT

SCHEDULE "A" TO BYLAW NO. 4617
AS AMENDED BY BYLAW NO. 4652 – DECEMBER 8, 2020
(Effective January 1, 2021)

Nature of Licence	Effective January 1, 2021	Effective January 1, 2022
Taxi Licence (Vehicle)	\$91.80	\$97.30
Taxi Business Licence (Company)	\$97.25	\$103.10
Taxi Driver's Licence	\$18.25	\$19.35
Temporary Taxi Licence (Vehicle)	\$93.60	\$99.20
Licence Fees After August 31 st in any year - <i>Taxi Licence and Taxi Business Licence</i>	\$45.90	\$48.65
Lottery Fee (<i>per application</i>)	\$201.40	\$213.50

Meter Inspection – Section 12(9)	Effective January 1, 2021	Effective January 1, 2022
If Meter is functioning properly	No Fee	No Fee
Meter Re-Inspection Fee	\$18.25	\$19.35

Transfer of Licence and Substitution of Taxi	Effective January 1, 2021	Effective January 1, 2022
Substitution of a Taxi	\$18.25	\$19.35
Transfer of a subsisting Taxi Licence	\$18.25	\$19.35
Substitution of a Temporary Taxi	\$18.25	\$19.35
Transfer of a subsisting Temporary Taxi Licence	\$18.25	\$19.35

SURCHARGE

The E-Permit surcharge of 5% **has been added** to all fees contained in this Schedule.

GENERAL NOTES

1. Applicants who dispute a fee may request a review by the General Manager of Planning and Development Services. The decision of the General Manager may be appealed to the Chief Administrative Officer (CAO). The decision of the CAO will be final and binding.
2. All fees listed above are GST exempt except where specifically noted.

SCHEDULE "B" TO BYLAW NO. 4617
AS AMENDED BY BYLAW NO. 4652 – DECEMBER 8, 2020
(Effective January 1, 2021)

Nature of Licence	Effective January 1, 2021	Effective January 1, 2022
Charter Service Business Licence	\$97.25	\$103.10
Transportation Network Company Business Licence	\$2,273.45	\$2,409.85

SURCHARGE

1. The E-Permit surcharge of 5% **has been added** to all fees contained in this Schedule.

GENERAL NOTES

1. Applicants who dispute a fee may request a review by the General Manager of Planning and Development Services. The decision of the General Manager may be appealed to the Chief Administrative Officer (CAO). The decision of the CAO will be final and binding.
2. All fees listed above are GST exempt except where specifically noted.

SCHEDULE "C" TO BYLAW NO. 4617

The Licence Inspector may issue a Temporary Taxi Licence only to an existing company which holds a subsisting Taxi Business Licence issued by the City of Medicine Hat based on the following formula:

$$TTL = TL \times 12\%$$

Where TL is the total number of subsisting Taxi Licences held by a Taxi Business Licence holder; and where TTL is the number of Temporary Taxi Licences that may be issued to that Taxi Business Licence holder, subject to the following rules:

- (i) where TTL, as calculated above, results in a number that is not a whole number, then the result shall be rounded to the nearest whole number;
- (ii) where TTL, as calculated above, results in a half number, then the result shall be rounded up to the nearest whole number; and
- (iii) where TTL, as calculated above, results in a number between zero (0) and one (1), then the result shall be rounded so that the result is one (1).

SCHEDULE "D" TO BYLAW NO. 4617

TAXI LICENCE QUOTA

The maximum number of Taxi Licences that may be subsisting at any time for Taxis other than Accessible Taxis shall be one (1) Taxi Licence for every eight hundred (800) residents of the City. The City's Chief Administrative Officer (the "CAO") shall determine the total number of City residents for the purposes of this schedule. The CAO may estimate the total number of residents based on such information the CAO believes on reasonable grounds to be reliable for that purpose. Notwithstanding the foregoing, the maximum number of Taxi Licences shall not decrease if the number of residents of the City decreases.

SCHEDULE "E" TO BYLAW NO. 4617

FARES FOR TAXI SERVICES

1. All amounts set forth in this Schedule shall be inclusive of GST.
2. If a Taxi is requested for the transport of between one (1) and four (4) Passengers, there shall be a maximum initial charge of \$3.50, which shall be applied at the time the Taxi is hired and to which shall be added:
 - (a) a charge of \$0.17 for every 100 metres, or portion thereof, that the Taxi travels; and
 - (b) where applicable, a charge of \$0.57 for each minute, or portion thereof, of waiting time.
3. if a Taxi van is requested for the transport of five (5) or more Passengers, or for moving of cargo, there shall be a maximum initial charge of \$7.00 applied at the time the Taxi van is hired and to which shall be added:
 - (a) a charge of \$0.17 for every 100 metres, or portion thereof, that the Taxi travels; and
 - (b) where applicable, a charge of \$0.57 for each minute, or portion thereof, of waiting time.
4. Notwithstanding Section 3 of this Schedule, an initial charge of \$7.00 shall not be applied for the moving of cargo unless the Passenger has consented in advance to that charge.
5. Where any portion of a transportation service provided by a Taxi occurs outside the City, the charge for such portion may be whatever the Passenger and the Owner or Operator of the Taxi may mutually agree upon in accordance with all applicable law.
6. Section (5) of this Schedule shall not be read or construed as purporting to affect in any manner whatsoever the right of any municipality other than the City to establish Fares for Taxi services within its own geographic boundaries.

SCHEDULE "F" TO BYLAW NO. 4617

SECTION	OFFENCE	MINIMUM PENALTY	SPECIFIED PENALTY
3(1)	Operate a Taxi without a subsisting Taxi Driver's Licence	\$800.00	\$1,000.00
4(1)	Operate or allow operation of a Taxi, when no subsisting Taxi Licence exists	\$800.00	\$1,000.00
5(1)	Operate or allow operation of a Temporary Taxi, when no subsisting Temporary Taxi Licence exists	\$800.00	\$1,000.00
6(1)	Carry on business without a subsisting Taxi Business Licence	\$800.00	\$1,000.00
16(1)	Carry on business without a subsisting Transportation Network Company Business Licence	\$800.00	\$1,000.00
19(1)	Carry on business without a subsisting Charter Service Business Licence	\$800.00	\$1,000.00
	For any offence for which a fine is not otherwise established	\$400.00	\$500.00