

TOWN OF CANMORE

BYLAW 13-2010

Office Consolidation Current as of July 7, 2022

PROVINCE OF ALBERTA

BEING A BYLAW OF THE TOWN OF CANMORE IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE LICENSING, REGULATING AND CONTROLLING OF TAXIS AND TAXI BUSINESSES WITHIN THE TOWN OF CANMORE

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 Canmore in the Province of Alberta, duly assembled, hereby enacts as follows:

CITATION

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

PURPOSE

This bylaw provides for the regulation of taxi brokers, taxi cab drivers, and taxi cab conditions for the purpose of protecting the safety, health, and welfare of the public.

2015-21

DEFINITIONS

1. In this Bylaw:

- a) "**Broker**" means a person who holds a subsisting Broker's Licence pursuant to this Bylaw;
- b) "**Broker's Office**" means the business premise of the Broker located within the corporate boundaries of the Town of Canmore;
- c) "**Broker's Licence**" means a licence issued by the Licence Inspector pursuant to the provisions of the Bylaw, that authorizes the person named therein to carry on a Taxi Cab business;
- d) "**Chief Licence Inspector**" means the member of the Town's administration designated by the Chief Administrative Officer of the Town, or the designate of that person;
- e) "**Licensee**" includes any person who holds a licence under this Bylaw;
- f) "**Licence Inspector**" means the member of the Town's Bylaw Services Department, designated by the Chief Licence Inspector of the Town;
- g) "**Licensed Mechanic**" means an automotive service technician or a heavy equipment technician who is employed by or owns an automotive business that holds a current licence, in good standing, issued by Alberta Motor Vehicle Industry Council;
- h) "**Limousine**" means a motor vehicle including a stretch

limousine, sedan limousine or specialized limousine which is intended to be operated for the purpose of carrying passengers for valuable consideration which is paid to the limousine company, and;

- (i) with a manufactured seating capacity of not more than 11 passengers; and
 - (ii) is available for hire only by appointments made at least 2 hours prior to the time that passengers are picked up; and
 - (iii) which scheduled appointments are recorded in an agreement satisfactory to the Licence Inspector which shall be recorded at the time of the agreement in English and shall be carried in the Limousine at all times while the Limousine is engaged pursuant to the agreement.
- i) "**Peace Officer**" means a Bylaw Enforcement Officer appointed by the Chief Administrative Officer to do any act or perform any duties under this bylaw and includes a member of the Royal Canadian Mounted Police and, when authorized, a Peace Officer under the Peace Officer Act;
- j) "**Taxi Cab**" means a motor vehicle that is operated or intended to be operated for the purpose of carrying passengers for valuable consideration which is paid directly to the driver, and;
- (i) is available for on demand service by members of the general public to travel to a destination requested by a customer; and
 - (ii) measures its fare or charge to its customers on the basis of distance traveled, or the amount of time for which the vehicle is hired, or a combination of the same; and
 - (iii) does not include a vehicle whose manufactured seating capacity exceeds 10 adults, including the driver; and
 - (iv) does not include a Limousine.
- k) "**Taxi Cab Driver**" means a person who holds a valid and current Taxi Cab Driver's Licence issued by the Licence Inspector pursuant to this Bylaw;
- l) "**Taxi Cab Driver's Licence**" means a licence that authorizes the person named therein to operate a Taxi Cab.

LICENSING AND REGULATING OF BROKERS

2. No person may carry on the business of a Broker without being the holder of a valid Broker's Licence.
3. A person other than a corporation, desiring to obtain a Broker's Licence shall submit an application to the Licence Inspector. Such application shall be in writing (in a form to be supplied by the Licence Inspector), be signed by the applicant and include the following information:
 - (a) the applicant's full and correct name, address and telephone

number; and

(b) whether the applicant is legally entitled to work in Canada; and

(c) current and valid Town of Canmore Business Registry Licence .

4. A Corporation desiring to obtain a Broker's Licence shall submit an application to the Licence Inspector. Such application shall be in writing (in a form to be supplied by the Licence Inspector), be signed by the applicant's appropriate corporate officers and include the following information:

(a) the applicant's full and correct name, business address and telephone number; and

(b) a current Certificate of Status; and

(c) the full and correct name, address and telephone number of all of the applicant's directors; and

(d) current and valid Town of Canmore Business Registry Licence.

5. A corporation shall resubmit an application to the Licence Inspector with the same requirements of Section 4 of this Bylaw, in the event of any of the following:

(a) a fundamental change as described in Part 14 of the Business Corporations Act of Alberta, as amended; or

(b) any change or addition to the directors of the corporation.

6. A Broker's Licence is valid unless cancelled, suspended or voluntarily surrendered.

7. No person may obtain a Broker's Licence unless:

(a) the applicant satisfies all of the requirements of this Bylaw; and

(b) the applicant pays the fee for the Broker's Licence as set forth under Schedule "A" of this Bylaw.

8. A Broker shall, at all times during the currency of its Broker's Licence provide to the Licence Inspector no later than the third (3rd) business day of each month on a form approved by the Licence Inspector;

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(a) a current list of all Taxi Cabs which are used in relation to the Broker's business, which list shall include:

(i) licence plate numbers of all vehicles; and

(ii) year, make, model and colour of all vehicles; and

(iii) registration and proof of insurance of all vehicles; and

(iv) odometer readings for all vehicles as of the last day of the previous month; and

(v) taxi cab identification number for all vehicles.

- (b) a list of Taxi Cab Drivers employed by that Broker as of the last day of the preceding month.
9. Every Broker shall keep or cause to be kept a daily drivers log 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; and
 - (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; and
 - (d) retain such daily drivers log for a minimum period of one year.
 10. A Broker shall inform the Licence Inspector within seventy-two (72) hours as to any additions or deletions of Taxi Cabs to the list required under Section 8 of this Bylaw.
 11. If a Taxi Cab at any time does not meet the requirements under this bylaw, the Broker shall ensure that all markings of any kind upon or within it, which serve to identify it as a Taxi, are removed within fourteen (14) days of the date on which it ceases to meet the requirements.
 12. A Broker shall locate its Broker's Office in an area of the Town designated for such use under the Town's Land Use Bylaw.
 13. A Broker's Licence issued under this Bylaw is not transferable.
 14. A Broker shall not either directly or indirectly permit any other person to operate or carry on a Broker's business pursuant to a Broker's Licence issued to that Broker.
 15. A Broker shall not either directly or indirectly permit any person to operate a Taxi Cab except a person who is a holder of a valid Taxi Cab Driver's Licence, and shall ensure that all Taxi Cabs used by that Broker have and maintain adequate automobile insurance and registration pursuant to the Provisions of the Traffic Safety Act of Alberta.
 16. A Broker shall ensure that each Taxi Cab has a top light approved by the Licence Inspector which is connected in such a manner so as to be illuminated when the Taxi Cab is available for hire and turned off when the Taxi Cab is not available for hire.
 17. A Broker shall ensure that all Taxi Cabs used in relation to a Broker's business meet all requirements of this Bylaw.

LICENSING AND REGULATING OF TAXI CAB DRIVERS

18. No person shall operate a Taxi Cab without being the holder of a valid Taxi Cab Driver's Licence.
19. No Taxi Cab Driver's Licence or renewal shall be issued to any person who:
 - (a) has been convicted of an offence under the *Criminal Code of Canada*, or the *Controlled Drugs and Substances Act* within the five (5) year period immediately preceding the date of application;

- (b) has been charged with any offence under the *Criminal Code of Canada*, or the *Controlled Drugs and Substances Act* until the charge has been withdrawn or the matter is otherwise dealt with in a manner which does not result in a conviction;
20. When an individual with an existing Taxi Cab Driver's Licence has been charged with an offence under the *Criminal Code of Canada* or the *Controlled Drugs and Substances Act*:
- (a) the individual shall forthwith notify a Licence Inspector of the charges;
 - (b) upon receiving notification of the charges, the Licence Inspector shall suspend the Taxi Cab Driver's Licence of the individual until the charge has been withdrawn or the matter is otherwise dealt with in a manner which does not result in a conviction
21. An individual desiring to obtain a Taxi Cab Driver's Licence or to renew such Taxi Cab Driver's Licence shall submit an application to the Licence Inspector. Such application shall be in writing (in the form to be supplied by the Licence Inspector), be signed by the applicant and shall include the following information:
- (a) the applicant's full and correct name, address, telephone number, date of birth, applicant's physical description; and
 - (b) whether the applicant is legally entitled to work in Canada; and
 - (c) a criminal records check; and
 - (d) whether the applicant has been convicted of an offence under the *Criminal Code of Canada*, or the *Controlled Drugs and Substances Act* within the five (5) year period immediately preceding the date of the application; and
 - (e) whether the applicant has been charged with an offence under the *Criminal Code of Canada*, or the *Controlled Drugs and Substances Act* which has not been withdrawn or otherwise disposed of by a court of law; and
 - (f) evidence that the applicant is properly Licensed to drive a Taxi Cab in Alberta, including proof of a valid Province of Alberta Driver's Licence as required by the *Traffic Safety Act of Alberta*.
22. No person may obtain a Taxi Cab Driver's Licence unless:
- (a) the applicant satisfies the requirements of this Bylaw; and
 - (b) the applicant pays the fee for a Taxi Cab Driver's Licence as set forth under Schedule "A" of this Bylaw and
 - (c) the applicant completes a written test, in a form approved by the Licence Inspector, based on the Town of Canmore taxi cab drivers orientation program, and satisfies the pass criteria established by the Licensing Inspector.
- 2018-04
23. A Taxi Cab Driver's Licence shall expire each year on the Taxi Cab Driver's birth date.
24. Every Taxi Cab Driver shall at all times while operating a Taxi Cab:

- (a) prominently display his Taxi Cab Driver's Licence in the Taxi Cab such that the Taxi Cab Driver's Licence is clearly visible to the passengers in the Taxi Cab; and
 - (b) be neatly dressed, clean, well behaved and courteous at all times; and
 - (c) shall not smoke or allow smoking by any person at any time in the Taxi Cab; and
 - (d) shall not transport a greater number of passengers than there are seats belts installed by the manufacturer; and
 - (e) unless otherwise directed by a person, drive the person by the most direct practical route to their destination; and
 - (f) while operating a Taxi Cab or waiting for hire, not obstruct sidewalks or streets or cause any nuisance or annoyance or solicit any person; and
 - (g) upon request, issue a receipt for the amount of the Taxi Cab fare.
25. Except only in cases where a Taxi Cab is previously engaged or for other good reason and sufficient cause, the Taxi Cab Driver shall accept as a passenger any person requiring the service of such Taxi Cab within the corporate boundaries of the Town of Canmore and who is able to pay the fare payable under this Bylaw.
26. Notwithstanding the foregoing, a Taxi Cab Driver may refuse to serve a person requesting the service of his Taxi Cab if such person:
- (a) owes money to the Taxi Cab Driver for a previous fare; or
 - (b) upon being requested by the Taxi Cab Driver, refuses to disclose his final destination before or immediately upon entering the Taxi Cab; or
 - (c) asks to be driven to a place in circumstances which the Taxi Cab Driver reasonably believes to be unsafe or;
 - (d) is obnoxious, abusive or offensive; or
 - (e) cannot pay the anticipated cost of the fare.
27. A Taxi Cab Driver shall provide service to all physically handicapped persons, providing that such persons are able to reach the curb side and are able to enter and leave the Taxi Cab with minimum of assistance from the Taxi Cab Driver.
28. Unless prior special provisions are made between the Broker and the handicapped passenger, a Taxi Cab Driver shall be required to accept only those passengers who have the ability to transfer themselves in and out of the Taxi Cab.
29. A Taxi Cab Driver is required to fold and store a wheelchair belonging to a physically handicapped passenger who the Taxi Cab Driver accepts to carry.
30. A Taxi Cab Driver's Licence issued under this Bylaw is not transferable.

**REGULATIONS RESPECTING THE CONDITION OF TAXI
CABS**

31. Every Broker shall ensure that every Taxi Cab, once every twelve (12) months or 45,000 kilometers, whichever ever comes first, has a complete mechanical inspection made by a Licensed Mechanic.
32. The Licensed Mechanic shall complete and sign a Mechanical Fitness Report in a form approved by the Licence Inspector, which report shall obtain such information as the Licence Inspector may require, and without limiting the generality of the foregoing may contain information as to the safety and condition of the Taxi Cab's steering mechanism, brake system, body work and windows, electrical light and signal systems, exhaust systems and tire wear and condition.
33. Each Taxi Cab licensed pursuant to this Bylaw shall be inspected at the cost of the Taxi Cab Licensee at such times as the Licence Inspector may specify.
34. The Licence Inspector may require a Taxi Cab to be inspected by a Licensed Mechanic.
35. No person shall obstruct or interfere with any inspection that may be required or carried out pursuant to this Bylaw.
36. Upon the completion of an inspection, a Mechanical Fitness Report shall be delivered directly to the Licence Inspector and a copy of which shall be kept at all times in the Taxi Cab.
37. A Licensee shall at all times between inspections:
 - (a) ensure that the Taxi Cab is clean and in good interior condition; and
 - (b) ensure that all Taxi Cabs meet the standard as set out in the Mechanical Fitness Report so that it is at all times safe, fit and suitable for use as a Taxi Cab.
38. No Licensee shall operate or permit the operation of a Taxi Cab for which a Mechanical Fitness Report has not been passed by a Licensed Mechanic within the required inspection period.
39. A card containing the current rates charged for the use of the Taxi Cab shall be prominently and visibly displayed to the passengers, in each Taxi Cab at all times.
40. Every Licensee shall, upon demand of a Peace Officer or Licence Inspector, produce any permit, identification card, registration card, licence or other document which he may be, from time to time, required to produce or have in his possession by this Bylaw or which has been issued to him under this Bylaw.
41. The name and telephone number of the Taxi Cab, owned, operated or affiliated with the Licensee shall be prominently displayed on the rear and side of each such Taxi Cab in lettering not less than two inches (2") in height, and the company name and/or the word "TAXI" shall be prominently displayed on the top light in lettering not less than two inches (2") in height to the satisfaction of the Licence Inspector.
42. Every Broker shall ensure that each Taxi Cab has a taxi identification number assigned by the Licence Inspector prominently displayed on the rear and side of each Taxi Cab and;

- (a) shall not be in lettering less than two inches (2”) in height; and
- (b) shall only be used in connection with the Taxi Cab for which it was issued; and
- (c) shall be removed promptly pursuant to section 11 when the Taxi cab ceases to meet the requirements under this bylaw.

43. Top lights are to meet the following standard:

- (a) Signs shall be a standard manufactured unit and such unit shall not exceed fifteen inches (15") in height; and
- (b) Illumination of sign shall not exceed 40 watts and shall be non-flashing; and
- (c) Top lights shall be safely and securely fastened to the roof of the Taxi Cab, all to the satisfaction of the Licence Inspector.

44. No Licensee shall display or permit, suffer or allow the displaying of any advertising material upon the exterior of a Taxi Cab other than material identifying the Licensee which owns or operates the Taxi Cab.

POWERS OF THE LICENCE INSPECTOR AND PEACE OFFICERS

45. The Licence Inspector is hereby authorized and empowered to:

- (a) refuse to issue any Licence if the applicant does not, in the opinion of the Licence Inspector, based on reasonable and probable grounds, comply with the requirements of this Bylaw; and
- (b) refuse to issue any Licence if the Licence Inspector, based on reasonable and probable grounds, has reason to believe that issuing the Licence would pose a danger to the safety, health and welfare of the public or not be in the best interests of the public; and
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- (c) cancel or suspend any Licence if, in the opinion of the Licence Inspector, based on reasonable and probable grounds, the Licensee is not complying or has not complied with the requirements of this Bylaw; and
- (d) cancel or suspend any Licence if the Licence Inspector, based on reasonable and probable grounds, has reason to believe that issuing the Licence would pose a danger to the safety, health and welfare of the public or not be in the best interests of the public; and
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- (e) prescribe and authorize the forms, licenses and certificates pursuant to the provisions of this Bylaw; and
- (f) issue a Licence if the applicant therefore, in the opinion of the Licence Inspector, complies with all of the requirements of this Bylaw, and
- (g) specify the type, course content, and pass/fail criteria for written tests intended to satisfy the Licence Inspector that an applicant is qualified to receive a Taxi Cab Driver’s Licence.

46. A suspension of any Licence issued under this Bylaw by the Licence Inspector may be:
- (a) for a period of time not exceeding the unexpired term of the licence; 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 Licence Inspector, have been complied with.
47. A Peace Officer may suspend a Taxi Cab Driver's Licence temporarily, for a period not exceeding seventy-two (72) hours where the Taxi Cab Driver does not, in the opinion of the Peace Officer, comply with the requirements of this Bylaw.
48. Where a Taxi Cab Driver's Licence is suspended or cancelled by a Peace Officer, that Peace Officer shall as soon as practically possible forward to the Chief Licence Inspector, the Broker and Taxi Cab Licensee, notification of the suspension or cancellation and the reasons therefore.
49. A Taxi Cab Driver's Licence issued under this Bylaw may be suspended by a Peace Officer for non-compliance with the requirements of this Bylaw regardless of whether the holder of the licence has been prosecuted for contravention of the Bylaw.
50. Where a Taxi Cab Driver's Licence application is not approved pursuant to section 45(b) the Licence Inspector shall send notice of such by ordinary mail, addressed to the applicant or Licensee, as the case may be, to the address provided to the town, under this Bylaw by the applicant or Licensee, as the case may be, and shall be deemed received by the applicant or Licensee, as the case may be, within five (5) days of being posted.

APPEALS

51. An applicant whose Licence has been refused by the Licence Inspector under Section 45(b) may appeal that decision to the Enforcement Appeal Review Committee.
- 2022-11
52. A Licensee whose Licence has been suspended or cancelled by the Licence Inspector under Section 45(d) may appeal that decision to the Enforcement Appeal Review Committee.
- 2022-11
53. *Repealed 2022-11*
54. *Repealed 2022-11*
55. *Repealed 2022-11*

ENFORCEMENT

56. Any person who makes any false or misleading statement in any application or Mechanical Fitness Report filed with the Licence Inspector shall commit an offence under this Bylaw and be liable for the penalties set out therein.
57. Any person contravening this Bylaw is guilty of an offence and shall be liable for the minimum penalties set out in Schedule "B" of this Bylaw, and not exceeding \$10,000.
58. Any person who commits an offence under this Bylaw for which a

penalty is not otherwise provided in Schedule "B" is liable to a minimum specified penalty of \$500.00.

59. In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a person guilty of such an offence is liable to a fine in an amount not less than that established by this bylaw.
60. Notwithstanding anything contained herein to the contrary, a Peace Officer is hereby authorized and empowered to issue a violation ticket pursuant to the *Provincial Offences Procedure Act*, as amended, to any person who the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.

ENACTMENT

61. If any clause in this bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.
62. Schedules "A" and "B" form part of this Bylaw.
63. Bylaw 34-2006 is hereby repealed upon this Bylaw coming in to effect.
64. This Bylaw, except section 42 comes into force on Third reading.
 - (a) Section 42 comes into force on January 1, 2011.

FIRST READING: August 17, 2010
SECOND READING: September 7, 2010
THIRD READING: September 7, 2010
DATE IN FORCE: September 7, 2010

OFFICE CONSOLIDATION

This document is a consolidation of a bylaw with one or more amending bylaws. Anyone making use of this consolidation is reminded that it has no legislative sanction. Amendments have been included for convenience of reference only. The approved bylaws should be consulted for all purposes of interpreting and applying the law.

Bylaws included in this consolidation:

13-2010	Taxi Bylaw
2015-21	Amending Bylaw Licencing
2018-04	Amending Bylaw Licencing Examination
2022-11	Enforcement Appeal Review Committee

SCHEDULE "A"**ANNUAL FEES**

Taxi Cab Inspection Fee	As determined by inspection location. To be paid by applicant.
Taxi Cab Driver's Licence	\$50.00
Broker's Licence	Payment of Business Registry Licence fee pursuant to Bylaw 14-2010 and any other fees stipulated by the Inspector.

SCHEDULE "B"**PENALTIES**

<u>Section</u>	<u>Description</u>	<u>Minimum Specified Penalty</u>
2	Fail to have a Broker's Licence	\$ 650.00
5 (b)	Fail to notify Licence Inspector of change to Corporations directors	\$ 200.00
8 (a)	Fail to provide current list of Taxi Cabs to Licence Inspector	\$ 400.00
8 (b)	Fail to provide current list of Taxi Drivers to Licence Inspector	\$ 400.00
9	Taxi Broker fail to keep Daily Driver Log	\$ 200.00
11	Taxi Broker fail to remove taxi markings from vehicle within 14 days	\$ 400.00
18	Fail to have a Taxi Cab Driver's Licence	\$ 650.00
24(a)	Fail to display Taxi Cab Driver's Licence	\$ 150.00
24(c)	Smoke or permit smoking in Taxi Cab	\$ 250.00
31	Taxi Broker fail to have complete Mechanical Inspection	\$1,000.00
37 (a)	Operate a cab that is not in good condition	\$ 250.00
37 (b)	Operate a cab that fails to meet the safety standards	\$1,000.00
38	Operate Taxi Cab without a passed Mechanical Fitness Report within the previous 6 months	\$1,000.00
39	Fail to post rates and charges	\$ 250.00
42	Fail to display Taxi Cab identification number	\$ 300.00