

**Bylaw No. 782-2011**  
**TAXI BYLAW**

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**A BYLAW OF THE CITY OF LEDUC IN THE PROVINCE OF ALBERTA, TO ESTABLISH A  
SYSTEM OF LICENSING AND REGULATION OF TAXIS IN THE CITY OF LEDUC**

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**WHEREAS** Part 2 of the Municipal Government Act grants a municipality the authority to pass bylaws for the licensing, regulating and controlling of businesses.

**THEREFORE**, the Council of the City of Leduc, in the Province of Alberta duly assembled, hereby enacts as follows:

**PART 1 BYLAW TITLE**

1.1 This bylaw may be referred to as the Taxi Bylaw.

**PART 2 DEFINITIONS**

2.1 In this Bylaw, unless the context otherwise requires:

- (a) "Brokerage" means a person providing dispatch services to a Taxi;
- (b) "Brokerage Permit" means a Permit issued pursuant to Part 5 of this Bylaw;
- (c) "City" means the City of Leduc;
- (d) "City Manager" means the chief administrative officer of the City;
- (e) "Fees and Charges Bylaw" means Bylaw 712-2008, the Fees and Charges Bylaw or any successor or replacement bylaw;
- (f) "Motor Vehicle" has the same meaning as in the *Traffic Safety Act*;
- (g) "Municipal Tag" means a ticket alleging an offense issued pursuant to the authority of a bylaw of the City;
- (h) "operate" or "operating" when used in relation to a Motor Vehicle means to drive or to have care or control of the vehicle;
- (i) "Owner" when used in relation to a Motor Vehicle means any person named as an owner or as a lessee on the provincial vehicle registration certificate;
- (j) "Peace Officer" means a police officer employed by the Royal Canadian Mounted Police or a municipal enforcement officer employed by the City and authorized to enforce this Bylaw;
- (k) "Permit" includes a Taxi Vehicle Permit and a Brokerage Permit;
- (l) "Permit Holder" means a person named on a Permit;

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- (m) "Taxi" means a Motor Vehicle used or offered for the transportation of at least one passenger in return for a fee from any place within the City to a destination either within or outside of the City;
  - (n) "Taxi Vehicle Permit" means a Permit issued pursuant to Part 4 of this Bylaw;
  - (o) "valid" when used in relation to a document or a Permit means that at the relevant time the document or Permit is current and is not expired, suspended or cancelled;
  - (p) "Violation Ticket" has the same meaning as in the *Provincial Offences Procedure Act*;

**PART 3 TAXI OPERATION**

**3.1 Taxi Vehicle Permit Required**

- (1) A person shall not operate, cause or permit the operation of a Taxi unless a Valid Taxi Vehicle Permit is clearly displayed on the vehicle.
- (2) A person shall not operate, cause or permit the operation of a Taxi unless the Taxi Vehicle Permit displayed on the vehicle was issued for use on that vehicle;
- (3) A person shall not operate, cause or permit the operation of a Taxi contrary to any restriction or condition placed on the Taxi Vehicle Permit for the Taxi.

**3.2 Taxi Driver Obligations**

- (1) A person operating a Taxi shall:
  - (a) display the rates to be charged by the Taxi in the manner prescribed by the City Manager;
  - (b) take the most economical route to the passenger's destination unless otherwise requested or directed by the passenger;
  - (c) at the conclusion of each trip of transporting passengers, check the vehicle for any articles of personal property left behind by a passenger and deal with such property in the manner prescribed by the City Manager;
  - (d) be courteous at all times and provide reasonable assistance to any passenger as requested or required in the circumstances; and

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- (e) charge exactly the fare based on the rates provided by the Brokerage to the City Manager and displayed in the Taxi with no reductions or additions.
- (2) No person operating a Taxi shall:
  - (a) consume alcohol or allow alcohol to be consumed in the vehicle;
  - (b) carry more passengers than the maximum number of available seat belts available for use by passengers; or
  - (c) conduct or allow to be conducted any illegal activities within or from the vehicle.
- (3) Subject only to the exceptions in this section, a person operating a Taxi shall provide service to any person requesting such service.
- (4) A person operating a Taxi is entitled to refuse a person as a customer if the customer is:
  - (a) drunk or disorderly;
  - (b) unable to pay for the service;
  - (c) requesting the transportation of passengers or baggage that the vehicle is incapable of transporting;
  - (d) requesting the transportation of an animal (other than an assistance animal for a person with disabilities) which may be detrimental to the repair, cleanliness or sanitary condition of the vehicle

**3.3 Documents for Inspection**

- (1) On the request of a Peace Officer any person operating a Taxi shall produce to the Peace Officer for inspection a valid Taxi Vehicle Permit.

**3.4 Vehicle for Inspection**

- (1) If a Peace Officer has reasonable grounds to believe a vehicle is in contravention of this Bylaw then upon the direction of the Peace Officer a person named on a Taxi Vehicle Permit shall provide for inspection the vehicle for which the Taxi Vehicle Permit was issued at the time and location specified by the Peace Officer and shall

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provide to the Peace Officer a current mechanical inspection form.

3.5 Vehicle Equipment and Markings

- (1) A person shall not operate, cause or permit the operation of a Taxi unless the vehicle equipment and markings comply with all requirements prescribed by this Bylaw and the City Manager.

3.6 Brokerages

- (1) A person shall not provide dispatch services to any Taxi unless they have a valid Brokerage Permit.

3.7 Exemption from Taxi Regulations

- (1) Notwithstanding the definition of Taxi, the following vehicles are not to be considered as Taxis for the purposes of this Bylaw:
  - (a) any ambulance;
  - (b) any municipally operated transit vehicle; and
  - (c) any vehicle so prescribed by the City Manager.

**PART 4 TAXI VEHICLE PERMIT**

4.1 Expiry

- (1) Unless otherwise cancelled, every Taxi Vehicle Permit expires on December 31 of each year;
- (2) A Taxi Vehicle Permit may be renewed subject to the provisions of this Bylaw;

4.2 Issue and Renewal

- (1) A person applying for the issue or renewal of a Taxi Vehicle Permit must provide all of the following to the City Manager:
  - (a) a completed application for issue or renewal in the form prescribed by the City Manager;
  - (b) the fee for the issue or renewal of a Taxi Vehicle Permit prescribed by the Fees and Charges Bylaw;

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- (c) proof in a form satisfactory to the City Manager that the vehicle on which the Taxi Vehicle Permit will be displayed;
    - i) has a valid provincial registration certificate listing the applicant as an owner or a lessee of the vehicle;
    - ii) has valid insurance in a form and amount satisfactory to the City Manager;
    - iii) complies with the mechanical inspection standards prescribed by the City Manager; and
    - iv) complies with the vehicle identification standards for Taxis prescribed by the City Manager;
  - (d) the Brokerage providing dispatching services to the Taxi; and
  - (e) anything else reasonably required by the City Manager to process the application.

**4.3 Automatic Cancellation**

- (1) A Taxi Vehicle Permit is immediately cancelled upon the cancellation or expiry of the provincial registration or vehicle insurance of the vehicle for which the Taxi Vehicle Permit is issued.

**4.4 Seizure of Taxi Vehicle Permit**

- (1) If a Peace Officer believes, on reasonable grounds, that a Taxi Vehicle Permit:
  - (a) is not clearly displayed on a vehicle in the manner prescribed by the City Manager;
  - (b) was not issued for use on the vehicle; or
  - (c) is not a Valid Taxi Vehicle Permit;

the Peace Officer may seize and take possession of the Taxi Vehicle Permit.

- (2) Any Taxi Vehicle Permit seized pursuant to this section must be returned to the City by the Peace Officer forthwith or as soon as practical.

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- (3) A Taxi Vehicle Permit seized pursuant to this section may be returned to the Permit Holder upon the City Manager being satisfied the Permit Holder is in full compliance with this Bylaw.

**PART 5 BROKERAGE PERMIT**

5.1 Expiry

- (1) Unless otherwise cancelled, every Brokerage Permit expires on December 31 of each year.
- (2) A Brokerage Permit may be renewed subject to the provisions of this Bylaw.

5.2 Issue or Renewal

- (1) A person applying for the issue or renewal of a Brokerage Permit must provide all of the following to the City Manager;
- (a) a completed application for the issue or renewal in the form prescribed by the City Manager;
  - (b) the fee for the issue or renewal of a Brokerage Permit prescribed by the Fees and Charges Bylaw;
  - (c) a complete list of every Taxi Vehicle Permit for which the Brokerage is providing dispatch services;
  - (d) the rates to be charged by any Taxi for which the Brokerage is providing dispatch services; and
  - (e) anything else reasonably required by the City Manager to process the application.

**PART 6 LICENSING POWERS**

6.1 GENERAL

- (1) The City Manager may refuse to issue or renew a Permit, may suspend or cancel a Permit and may impose any conditions on a Permit for any of the following reasons:
- (a) the applicant or Permit Holder does not or no longer meets the requirements of this Bylaw with respect to the Permit applied for or held;

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- (b) the applicant or Permit Holder or any of its officers or employees:
  - i) furnishes false information or misrepresents any fact or circumstance to a Peace Officer or the City Manager;
  - ii) has, in the opinion of the City Manager based on reasonable grounds, contravened this Bylaw whether or not the contravention has been prosecuted;
  - iii) fails to pay a fine imposed by a court for a contravention of this Bylaw;
  - iv) fails to pay any fee required by this Bylaw; or
- (c) in the opinion of the City Manager based on reasonable grounds it is in the public interest to do so.

**6.2 NOTICE**

- (1) Before refusing to issue or renew a Permit, and before a Permit is suspended or cancelled or conditions are imposed, other than any suspension, cancellation or conditions imposed by this Bylaw, the applicant or Permit Holder must be given:
  - (a) notice of the potential refusal, suspension or cancellation or the potential conditions with reasons, and
  - (b) a reasonable opportunity to make written representations to the City Manager.
- (2) This section does not apply if the City Manager believes, on reasonable grounds, that an emergency exists with respect to refusing to issue or renew a Permit, or with respect to any suspension of, cancellation of, or conditions to be imposed on a Permit.

**6.3 DECISION**

- (1) If a decision is made to refuse the issue or renewal of a Permit, to suspend or cancel a Permit or to impose conditions on a Permit, other than conditions imposed by this Bylaw, notice of the decision may be served on the applicant or Permit Holder:
  - (a) in person on the applicant or Permit Holder or any of its officers or employees; or

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- (b) by ordinary mail to the address in the application or in the records of the City for the Permit.

**6.4 APPEAL**

- (1) A person:
  - (a) who has been refused the issue or renewal of a Permit;
  - (b) whose Permit has been suspended or cancelled; or
  - (c) whose Permit is made subject to conditions, other than conditions imposed by this Bylaw;

may appeal the decision within fourteen (14) days by providing written notice to the City Clerk and paying the notice of appeal fee prescribed by the Fees and Charges Bylaw.

- (2) A person may not appeal a refusal to issue or renew a Permit if the reason for the refusal is the failure to pay any fee or provide any required information.
- (3) A person may not appeal any condition, suspension or cancellation imposed automatically by the provisions of this Bylaw.
- (4) An appeal does not act as a stay of the City Manager's decision unless otherwise ordered by a court of competent jurisdiction.

**6.5 REINSTATEMENT**

- (1) A suspended Permit may, upon the expiration of the suspension, be reinstated upon payment of the fee for reinstatement prescribed by the Fees and Charges Bylaw and if the Permit Holder complies with all provisions required by this Bylaw for the renewal of the Permit.

**6.6 REPLACEMENT**

- (1) If a Permit is lost, stolen or destroyed the City Manger may issue a replacement Permit upon payment of the fee for replacement prescribed by the Fees and Charges Bylaw.

**PART 7 ENFORCEMENT**

**7.1 OFFENCE**

- (1) A person who contravenes this Bylaw is guilty of an offence.

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7.2 CONTINUING OFFENCE

- (1) 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 for each such day.

7.3 CORPORATIONS AND PARTNERSHIPS

- (1) When a corporation commits an offence under this Bylaw, every principal, director, manager, employee or agent of the corporation who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence whether or not the corporation has been prosecuted for the offence.
- (2) If a partner in a partnership is guilty of an offence under this Bylaw, each partner in that partnership who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence.

7.4 FINES AND PENALTIES

- (1) A person who is guilty of an offence is liable to a fine in an amount not less than that established in this section, and not exceeding \$10,000.00, and to imprisonment for not more than six months for non-payment of a fine.
- (2) Without restricting the generality of subsection (1) the following fine amounts are established for use on Municipal Tags and Violation Tickets if a voluntary payment option is offered:
  - (a) \$100.00 for any offence for which a fine is not otherwise established in this section;
  - (b) \$250.00 for an offence under sections 3.3, 7.14(3), and 8.6; and
  - (c) \$500.00 for an offence under sections 3.1 and 3.6.

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7.5 MUNICIPAL TAG

- (1) If a Municipal Tag is issued in respect of an offence the Municipal Tag must specify the fine amount established by this Bylaw for the offence.

7.6 PAYMENT IN LIEU OF PROSECUTION

- (1) A person who commits an offence may, if a Municipal Tag is issued in respect of the offence, pay the fine amount established by this Bylaw for the offence and if the amount is paid on or before the required date, the person will not be prosecuted for the offence.

7.7 VIOLATION TICKET

- (1) If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:
  - (a) specify the fine amount established by this Bylaw for the offence; or
  - (b) require a person to appear in court without the alternative of making a voluntary payment.

7.8 VOLUNTARY PAYMENT

- (1) A person who commits an offence may make a voluntary payment equal to the specified fine if:
  - (a) a Violation Ticket is issued in respect of the offence; and
  - (b) the Violation Ticket specifies the fine amount established by this Bylaw for the offence.

7.9 PROOF OF PERMIT

- (1) The onus of proving that a person has a valid Permit is on the person alleging the existence of the Permit on a balance of probabilities.

7.10 PROOF OF EXEMPTION

- (1) The onus of proving that a person is exempt from the provisions of this Bylaw requiring a Permit is on the person alleging the exemption on a balance of probabilities.

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7.11 ENGAGING IN OR OPERATING A BUSINESS

- (1) In a prosecution for a contravention of this Bylaw against operating without a Permit, proof of one transaction, offer of a transaction, or advertisement is sufficient to establish that a person is operating as alleged.

7.12 PERMIT HOLDER LIABILITY

- (1) Where a vehicle displaying a Taxi Vehicle Permit is involved in a contravention of this Bylaw the Permit Holder named on the Taxi Vehicle Permit is considered to be responsible for the contravention unless the Permit Holder proves, on a balance of probabilities, that the vehicle was being operated without their consent, either express or implied.

7.13 CERTIFIED COPY OF RECORD

- (1) A copy of a record of the City, certified by the City Manager as a true copy of the original, shall be admitted in evidence as prima facie proof of the facts stated in the record without proof of the appointment or signature of the person signing it.

7.14 ORDER TO COMPLY

- (1) If the City Manager believes, on reasonable grounds, that a person is contravening any provision of this Bylaw, the City Manager may, by written order, require any person responsible for the contravention to remedy it.
- (2) The order may:
  - (a) direct a person to stop doing something, or to change the way in which the person is doing it;
  - (b) direct a person to take any action or measures necessary to remedy the contravention of the Bylaw and, if necessary, to prevent a re-occurrence of the contravention;
  - (c) state a time within which the person must comply with the directions; and
  - (d) state that if the person does not comply with the directions within a specified time, the City will take the action or measure.

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- (3) A person named in and served with an order issued pursuant to this section shall comply with any action or measure required to be taken within the time specified.
- (4) An order issued pursuant to this section may be served:
- (a) in the case of an individual:
    - i) by delivering it personally to the individual;
    - ii) by leaving it for the individual at their apparent place of residence with someone who appears to be at least 18 years of age; or
    - iii) by mail addressed to the individual at their apparent place of residence or at any address for the individual in the Permit records of the City, or on the tax roll of the City;
  - (b) in the case of a corporation:
    - i) by delivering it personally to any director or officer of the corporation;
    - ii) by delivering it personally to a person apparently in charge of an office or the corporation at an address held out by the corporation to be its address; or
    - iii) by mail addressed to the registered office of the corporation or to any address for the corporation in the Permit records of the City, or on the tax roll of the City.

**PART 8 GENERAL**

**8.1 NO PROPERTY RIGHTS**

- (1) Every Permit issued under this Bylaw or any bylaw preceding this Bylaw remains at all times the sole property of the City and the Permit Holder or person in possession of a Permit shall return it to the City when requested to do so by the City Manager.
- (2) A Permit Holder shall not sell, assign, lease or otherwise dispose of or give up control of a Permit.

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8.2 CORPORATE PERMIT

- (1) Where a corporation applies for the issue of a Permit, the corporation must provide the name of at least one individual who will be responsible for the corporation complying with all provisions of this Bylaw.
- (2) In addition to the name of the individual the corporation must provide a consent and acknowledgement from the individual as to their responsibilities in a form acceptable to the City Manager.

8.3 CITY MANAGER POWERS

- (1) Without restricting any other power, duty or function prescribed by this Bylaw, the City Manager may:
  - (a) carry out any inspections required to determine compliance with this Bylaw;
  - (b) take any steps or carry out any actions required to enforce this Bylaw;
  - (c) take any steps or carry out any actions required to remedy a contravention of this Bylaw;
  - (d) delegate any powers, duties or functions under this Bylaw to an employee of the City; and
  - (e) prescribe any or all of the following:
    - i) the manner in which Taxi Vehicle Permits are to be displayed on Taxis;
    - ii) vehicle equipment and maintenance standards for Taxis;
    - iii) other vehicle requirements including but not restricted to sizes, makes and models, and year of production for Taxis;
    - iv) markings and colours for Taxis;
    - v) regulations for advertising on Taxis;
    - vi) the manner in which rates are to be displayed in Taxis;

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- vii) the procedures for dealing with property left behind by a passenger in a Taxi;
- viii) the manner in which records required by this Bylaw are to be kept;
- ix) the manner in which any notice required to be provided to the City by this Bylaw may be provided;
- x) forms for the purposes of this Bylaw;
- xi) vehicles that are not to be considered as Taxis for the purposes of this Bylaw; and
- xii) any other matter necessarily incidental to the purpose of this Bylaw and not inconsistent with any other provision of this Bylaw or any provincial or federal legislation.

**8.4 NON-RESIDENTS**

- (1) A person who does not reside or maintain a place of business in the City shall, in the event it is a different amount than the fee otherwise required to be paid by this Bylaw for a Permit, pay the Non-Resident fee for the Permit prescribed by the Fees and Charges Bylaw.

**8.5 CHANGES OR UPDATES**

- (1) A Permit Holder shall forthwith notify the City of any changes or updates to any of the information required to be provided to the City Manager by this Bylaw.

**8.6 FALSE OR MISLEADING INFORMATION**

- (1) A person shall not provide false or misleading information in respect of any matter governed by this Bylaw.

**PART 9 TRANSITIONAL**

**9.1 EXISTING LICENCE**

- (1) An existing Permit issued under Bylaw 405-97, the Taxi and Livery Bylaw, remains valid until the term of such Permit expires or until it is replaced by a Permit issued pursuant to this Bylaw.

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- (2) For the purposes of this section the following are considered to be the equivalents for currently existing Permits:
- (a) Taxi Vehicle Permit – no current equivalent;
  - (b) Brokerage Permit – Livery Business Permit; and
  - (c) no proposed equivalent – Livery Driver Permit.

**9.2 TAXI AND LIVERY BYLAW REPEAL**

- (1) Bylaw 405-97, the Taxi and Livery Bylaw, is repealed.

**9.3 EFFECTIVE DATE**

- (1) This Bylaw comes into force on January 1, 2012.

**PART 10 ENACTMENT**

This Bylaw shall come into force and effect when it receives Third Reading and is duly signed.

READ A FIRST TIME IN COUNCIL THIS 28<sup>th</sup> DAY OF NOVEMBER, AD 2011.

READ A SECOND TIME IN COUNCIL THIS \_\_\_\_ DAY OF \_\_\_\_\_, AD 2011.

READ A THIRD TIME IN COUNCIL AND FINALLY PASSED THIS \_\_\_\_ DAY OF \_\_\_\_\_, AD 2011.

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**Greg Krischke  
MAYOR**

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**Laura Knoblock  
CITY CLERK**

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Date Signed