

## BYLAW NO. 17 - 2013

### A BYLAW OF THE CITY OF SWIFT CURRENT, IN THE PROVINCE OF SASKATCHEWAN TO PROVIDE FOR THE CONTROL AND REGULATIONS OF TAXIS.

WHEREAS, Section 8(1) of *The Cities Act* authorizes a Council to pass any bylaw that is considered expedient for promoting the health, safety, morality and welfare of the inhabitants; and

WHEREAS, Section 8(3) of *The Cities Act* authorizes a Council, by bylaw, to classify, control, regulate and license any business carried on within the City; and

WHEREAS the Council of the City of Swift Current deems it expedient to provide for the control and regulation of taxis and taxi drivers within the City of Swift Current.

THE COUNCIL OF THE CITY OF SWIFT CURRENT, IN THE PROVINCE OF  
SASKATCHEWAN IN COUNCIL ASSEMBLED ENACTS AS FOLLOWS:

1.0 This Bylaw shall be cited as the "Taxi Bylaw".

2.0 Principles and Purpose of Bylaw:

2. (1) This Bylaw recognizes that taxis:
  - (a) are an important part of the City's public transportation system; and
  - (b) are relied upon by both the residents and visitors to the City.
  
- (2) Taking the principles mentioned in subsection (1), the purposes of this Bylaw are:
  - (a) to ensure that taxi services will be available, safe and economical for the use of both citizens and visitors to the City;
  - (b) to establish rates that are fair and reasonable for both the traveling public and persons involved in the taxi industry;
  - (c) to ensure that taxi services meet the needs of all citizens and visitors, including those persons with mobility and physical challenges;
  - (d) to ensure the taxi services operate in a manner that reflects positively on the image of the City; and
  - (e) to ensure that in achieving these objectives, all persons who are involved in the taxi industry are accountable for their part in the provision of taxi services.

### 3.0 Definitions:

#### 3. (1) For the purpose of this bylaw the expression:

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- (a) “Bona Fide Place of Business” means a complete physical office (not virtual office) space leased in a Commercial or Industrial Zone District.
- (b) “*Bylaw Enforcement Officer*” means any person appointed by Council to represent the City, pursuant to Section 337 of *The Cities Act*.
- (c) “*City*” means the City of Swift Current.
- (d) “*Council*” means the Council of the City of Swift Current.

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- (e) “*Courier or Delivery Services*” means incidental accessory activities of the taxi services offered to customers.
- (f) “*Dispatch Service*” means a person responsible for receiving and transmitting messages.
- (g) “*Operator/Driver*” means any person who operates/drives a taxi and holds a Class 4 Saskatchewan Drivers License.
- (h) “*Owner*” means any person who owns and operates, contracts or leases a taxi.
- (i) “*Person*” means any individual, firm, company or partnership.
- (j) “*Taxi*” means a vehicle duly licensed as a taxi by the Province of Saskatchewan and used for the conveyance of passengers within the City, but shall not include:
  - (i) a Public Service vehicle;
  - (ii) a vehicle of a transportation company having a franchise granted by the City;
  - (iii) any person or company which provides public transportation service under a contract or agreement with the City; or
  - (iv) a limousine duly licensed by the Province.
- (k) “*Taxi Business*” means a person who receives requests for taxi service or who dispatches taxis on behalf of taxi owners.

### 4.0 Taxi Business:

- 4. (1) No person shall operate any taxi business within the City until the license fee prescribed by the City Licensing Bylaw has been paid and the license issued. The Business License once issued, is not transferable.

#### (2) Every taxi business shall:

- (a) maintain a bona fide place of business in a Commercial or

Industrial District with a telephone installed in that place of business where the business license is located in a visible location within the establishment; and

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- (b) provide a dispatch service of their own choice during their hours of service; and
  - (c) utilize the off-street or on-street parking associated with the location of the business.
- (3) Every taxi business shall make every reasonable effort to park offstreet where feasible. If parked on-street, vehicles shall be parked properly. If possible, vehicles shall be located off-street on the property of the bona fide place of business.
- (4) If any licensee fails to comply with Subsection 4(2) or 4(3), the City Director of Planning and Development shall revoke the license forthwith.

#### 5.0 Taximeters:

- 5. (1) Every taxi shall be equipped with a taxi meter calibrated to register and visually display fees or charges in accordance with the rates set out in Schedule "A" attached to a forming part of this Bylaw, and each taxi meter shall be installed and calibrated so as to operate automatically while the taxi is providing services 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 fares payable to by passengers.
- (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 fares payable by passengers in the 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 license has reason to believe that the taxi meter in the taxi may not be functioning properly, the operator or license holder shall forthwith inform the License Inspector

and shall make the taxi available at the direction of the License Inspector for taxi meter inspection and testing.

- (7) When a taxi meter has been repaired or replaced, the holder of the taxi license for the taxi in which the taxi meter is installed shall forthwith inform the License Inspector of the repair or replacement of the taxi meter and shall make the taxi available to the License 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 functioning properly, the Bylaw Enforcement Officer may require the holder of the taxi license 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 license for each inspection of a taxi meter installed in the taxi.

#### 6.0 Taxi Owners:

6. (1) Every taxi owner shall:
  - (a) annually provide the City Bylaw Enforcement Officer a certificate of inspection from a licensed mechanic certifying that each vehicle is mechanically safe, free of body damage that might be harmful to passengers or impact the road worthy condition of the vehicle; This certificate is required for the initial business license and be updated annually in order to obtain a license renewal.
  - (b) ensure that each vehicle is equipped with an approved operating meter equipped with an electric light of sufficient candle power and so focused that during hours of darkness the dial of the taximeter will be illuminated adequately at all times when the taxi is under hire; and be utilized for all routine passenger trips other than special trips arranged by separate fee;
  - (c) ensure that each vehicle used as a taxi is clearly identified as a taxi through proper body markings including the name of the company, and provide a telephone number on the body of the vehicle in at least two (2) locations, along with lighted signage attached to the roof of the vehicle. The lighted roof sign shall carry the phone number or name of the taxicab company;
  - (d) only allow their vehicles to be driven by operators who are licensed by the City;
  - (e) maintain accurate records of the maintenance on each taxi and make the records available to the City Bylaw Enforcement Officer upon request;
  - (f) maintain all taxis in good repair and general appearance; and

- (g) taxi rates shall be provided on the passenger windows and/or body of each taxicab visible to all passengers.

#### 7.0 Taxi Driver/Operator:

- 7. (1) No taxi driver shall operate any taxi within the City until a photo identification card is obtained from the City Bylaw Enforcement Officer and the appropriate fee has been paid.
- (2) Prior to obtaining a photo identification card (initial application and renewals), the driver shall provide the City with:
  - (a) proof of a class 4 Saskatchewan Driver's License;
  - (b) an RCMP criminal check;
  - (c) an RCMP vulnerable sector check for aberrant personal behavior to be sure that the individual is a fit person to operate a public conveyance;
  - (d) any other information which concerns the character or conduct of that individual; and
  - (e) the individual's driving record for the past five years from Saskatchewan Government Insurance.
- (3) Each taxi driver shall display their photo identification in a location within the vehicle that is visible to passengers at all times during the operation of the taxi.
- (4) Each taxi driver shall maintain their personal hygiene, decorum and appearance at all times.
- (5) Each taxi driver shall maintain the interior and exterior of the taxi in a clean and tidy manner on a regular basis.

#### 8.0 Taxi Supply and General Regulations:

- 8. (1) A taxi shall proceed by the most direct route to the point of destination unless otherwise requested by the passenger. Alternative routes may be necessary due to road or weather conditions which should be discussed with the passenger(s) beforehand. Taxi Supply is identified in Schedule "B".
- (2) An operator of a taxi shall not:
  - (a) while carrying a passenger display the roof signage on the taxi lit as to indicate that such taxi is not engaged;
  - (b) fail to light the roof signage at the termination of the engagement.

- (3) Every taxi operated within the City shall keep the tariff of fees posted in at least one conspicuous place in each taxi that would be visible to the passenger(s).
  - (4) All personal luggage and hand baggage shall be carried free of charge. Transport or courier service for non-personal items may be charged a separate fee per the tariff of fees.
  - (5) All taxi businesses, owners and driver/operators shall comply with all applicable Provincial Acts and City bylaws at all times.
  - (6) All taxis shall be issued a decal from the City which indicates their license number and date of issuance. These decals shall be affixed to the vehicle on the rear passenger window of the taxicab.
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- (7) All taxis may provide courier and/or delivery service as an accessory use.

#### 9.0 Voluntary Penalty:

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9. (1) Where a member of the Royal Canadian Mounted Police, Special Constable or Bylaw Enforcement Officer believes that a person has contravened any provision of this bylaw, the member of the Royal Canadian Mounted Police, Special Constable or Bylaw Enforcement Officer may issue a Bylaw Violation Tag for not less than \$100.00 for the first offense in any 30 day period. A second or subsequent violation in the same 30 day period requires an increase in the fine of \$100.00 for each subsequent offense, with the total in any 30 day period not exceeding nor more than \$500.00 per offense.
- (2) Service of a Bylaw Violation Tag shall be by personal service, regular mail or by leaving at the person's last known address and such service shall be adequate for the purpose of this bylaw.
- (3) A Bylaw Violation Tag shall be in such form as determined by the City and shall state the section and the amount which will be accepted by the City in lieu of prosecution.
- (4) Upon payment of a Bylaw Violation Tag within fifteen (15) days from the date of issue, the person to whom the tag was issued shall not be liable for prosecution for the contravention in respect to which the tag was issued.

- (5) Notwithstanding the provisions of this section, a person to whom a Bylaw Violation Tag has been issued pursuant to this section may exercise their right to defend any charge of committing a contravention of any provisions of this bylaw.

#### 10.0 Schedule "A" Tariff of Fees:

10. (1) The City may create a taxi advisory committee to advise and make recommendations on issues brought to their attention by the City Council related to taxi bylaw provisions, quotas on taxis, and rates for services offered.
- (2) The tariff of fees initiated by the City Council are to be updated as needed by separate action from this Bylaw.

#### 11.0 Offences and Penalties:

- 11.(1) A person who violates any provision of this bylaw or fails to comply therewith is guilty of an offence and shall be liable on summary conviction to a penalty not exceeding \$2,000.00 for individuals: \$5,000.00 for corporations.
- (2) The imposition of such penalty for failure to comply with any of the provisions of this bylaw shall not relieve the person in default from carrying out the work therein mentioned, but the said person shall be liable on summary conviction of a further penalty of not less than \$10.00 nor more than \$50.00 for each day after the first penalty is imposed until they have complied with the provisions of this bylaw.

#### 12.0 Severability:

If a court of competent jurisdiction should declare any section or subsection of this Bylaw to be invalid, such section or subsection shall not be construed as having persuaded the Council to pass the remainder of the Bylaw, and it is hereby declared that the remainder of this Bylaw shall be valid and remain in force.

#### 13.0 Repeal of Former Bylaw:

Bylaw No. 22 – 1981 and all amendments thereto are hereby repealed.

14.0 Effective Date:

This Bylaw shall come into force and have effect from and after the date of the final reading.

\_\_\_\_\_ MAYOR \_\_\_\_\_ CITY CLERK

***INTRODUCED AND READ a first time this 12th day of November, 2013  
READ a second time this 12th day of November, 2013 READ a  
third time and finally passed this 12<sup>th</sup> day of November, 2013 SCHEDULE  
“A”***



## **City of Swift Current Charges for Taxi Services**

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- (1) For carriage occurring entirely within the City there shall be a minimum charge of \$4.00 each time a taxi is hired, to which shall be added:
  - (a) a charge of \$0.25 for every 100 metres, or portion thereof, that the taxi travels; and
  - (b) where applicable, a charge of \$1.00 for each minute, or portion thereof, of waiting time;

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- (2) Where all or any portion of the carriage occurs outside the City, the fee for the taxi services may be whatever the passenger and the owner or operator of the taxi may mutually agree upon.
- (3) Section (2) 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 fees or charges for taxi services within its own geographic boundaries.
- (4) All fees and charges for taxi services set forth in this Schedule shall be inclusive of Goods and Services Tax established pursuant to Bill C-62 of the Parliament of Canada.
- (5) Identified special groups of individuals, such as but not limited to senior citizens, students and/or the disabled, may be offered reduced rates for regular travel arrangements based on their status or frequency of use to adjust downward or eliminate the additional rate charge for each 100 metres of travel and/or the waiting time charge.

**Schedule “B”  
City of Swift Current  
Taxi Supply**

The number of licensed regular and temporary taxicabs allowed by the City shall be based on a formula associated with the population of the City (official census data). The maximum allowed number of such taxicabs will be 2.6 taxicabs per 1,500 population (17,000 city population as of this date) or 30 taxicabs. Each registered licensed taxicab company would be part of the lottery for allocation of available taxicab licenses.

Eight (8) Seasonal or Special Events are available for issuance annually at the discretion of the City.

The City Council reserves the right to amend the licensed taxi supply for regular and temporary taxicabs on an annual basis as necessary based on population changes, specialized demands for services and any other reasonable factors that might arise to warrant reconsideration of the total allocation of available licensed taxicabs in service.

Additional taxicab licenses may be allowed on a seasonal basis by the City Council through a lottery allocation overseen by the Bylaw Enforcement Officer.

The seasonal taxicab licenses when issued will be for a maximum of five years (not renewable) on an annual basis per registered taxi company. There will be a rotation basis for these seasonal taxicab licenses based on availability and the number of registered taxi companies in the city.

If there is a population increase, any additional regular or temporary taxicab licenses able to be determined by the City Council and will be subject to issuance on a lottery basis to the firms registered to provide taxi service in the community.