

BYLAW 30-2016

VEHICLE FOR HIRE

STRATHCONA COUNTY

WHEREAS pursuant to sections 7 and 8 of the *Municipal Government Act*, RSA 2000, c M-26, Council may pass bylaws for municipal purposes respecting:

- (A) the safety, health and welfare of people and the protection of people and property;
- (B) licences, permits and approvals; and
- (C) the enforcement of bylaws.

NOW THEREFORE, the Council of Strathcona County enacts as follows:

PART I CITATION, PURPOSE, INTERPRETATION, AND DEFINITIONS

Citation	1	This bylaw may be cited as the "Vehicle for Hire Bylaw".
Purpose	2	<p>The purposes of this bylaw are:</p> <ul style="list-style-type: none">(1) to ensure safety for customers and service providers in the vehicle for hire industry; and(2) to establish a system of permitting of vehicles for hire.
Interpretation	3	The headings in this bylaw are for reference purposes only.
Definitions	4	Unless otherwise specified, words used in this bylaw have the same meaning as defined in the Traffic Safety Act.
	5	<p>In this bylaw:</p> <ul style="list-style-type: none">(1) <u>"Accessible Taxi" means a taxi that is equipped to provide transportation services to persons using a mobility aid;</u>(1)(2) "Chief Commissioner" means the chief administrative officer of the County or delegate;(2)(3) "County" means the municipal corporation of Strathcona County;(3)(4) "driver's permit" means a permit to drive a vehicle

for hire issued pursuant to this bylaw~~7~~, and includes:

(a) an accessible taxi driver's permit;

(b) a taxi driver's permit;

~~(4)~~(5) "Fees, Rates and Charges Bylaw" means the County's Fees, Rates and Charges Bylaw, being County Bylaw 5-2016, as amended and replaced from time to time;

~~(5)~~(6) "highway", for clarity, has the same meaning as defined in the Traffic Safety Act which is any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestleway or other place or any part of them, whether publicly or privately owned, that the public is ordinarily entitled or permitted to use for the passage or parking of vehicles and includes:

- (a) a sidewalk, including a boulevard adjacent to the sidewalk,
- (b) if a ditch lies adjacent to and parallel with the roadway, the ditch, and
- (c) if a highway right of way is contained between fences or between a fence and one side of the roadway, all the land between the fences, or all the land between the fence and the edge of the roadway, as the case may be,

but does not include a place declared by regulation not to be a highway;

~~(6)~~(7) "limousine" means a luxury motor vehicle that provides pre-arranged transportation services;

~~(7)~~(8) "peace officer" has the same meaning as defined in the Provincial Offences Procedure Act;

~~(8)~~(9) "permittee" means a person named on a permit issued pursuant to this bylaw;

~~(9)~~(10) "Provincial Offences Procedure Act" means the *Provincial Offences Procedure Act*, RSA 2000, c P-34;

~~(10)~~(11) _____ "shuttle" means a motor vehicle that provides transportation services to passengers based on a pre-determined schedule and route;

~~(11)~~(12) _____ "taxi" means a motor vehicle that provides transportation services to passengers as requested by the passenger based on the distance travelled and includes but is not limited to a vehicle for which a taxi permit has been issued, but does not include a limousine, a transportation network automobile, or a shuttle;

~~(12)~~(13) _____ "Traffic Safety Act" means the *Traffic Safety Act*, RSA 2000, c T-6;

~~(13)~~(14) _____ "transportation network" has the same meaning as defined in the Transportation Network Companies Regulation;

~~(14)~~(15) _____ "transportation network automobile" has the same meaning as defined in the Transportation Network Companies Regulation, which for clarity means a motor vehicle with a manufacturer's seating capacity originally designed for 8 or fewer passengers, including the driver, used to provide pre-arranged transportation of passengers for compensation through the use of a transportation network;

~~(15)~~(16) _____ "Transportation Network Companies Regulation" means the *Transportation Network Companies Regulation*, Alta Reg 100/2016;

~~(16)~~(17) _____ "vehicle for hire":

- (a) 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 County to a destination either within or outside of the County, and includes but is not limited to:

- (i) an accessible taxi;

- ~~(i)~~(ii) _____ a taxi;

- (b) does not include:

- (i) a limousine;

- (ii) a transportation network automobile;
- (iii) a shuttle;
- (iv) any vehicle or class of vehicle exempted by the Chief Commissioner;
- (c) without limiting the generality of clause (a), if the transportation of a passenger is provided as part of a package of additional goods or services for which there is a fee, then the transportation of the passenger is considered to be in return for a fee unless the transportation is shown, on a balance of probabilities, to be merely ancillary to the goods or services;

~~(17)~~(18) "vehicle permit" means a permit issued for a vehicle for hire pursuant to this bylaw, and includes:

(a) an accessible taxi permit;

~~(a)~~(b) a taxi permit.

~~(18)~~(19) "violation ticket" has the same meaning as defined in the Provincial Offences Procedure Act.

PART II

VEHICLE FOR HIRE OPERATION

Permit Required

- 6 No person may drive, or cause or permit the driving, of a vehicle for hire unless the person holds a valid driver's permit.
- 7 No person may drive, or cause or permit the driving, of a vehicle for hire unless a valid vehicle permit has been issued for that vehicle.
- 8 No person may undertake, cause, or permit any of the actions in sections 6 and 7 of this bylaw contrary to any term or condition imposed on a permit.
- 9 Sections 6 through 8 of this bylaw do not apply to:
 - (1) a motor vehicle used as part of a transit system operated by a municipality;
 - (2) a motor vehicle permitted and used as part of an inter-municipal or inter-provincial bus service; or

- (3) an emergency vehicle.

10 Sections 6 through 8 of this bylaw do not apply to:

- (1) an accessible taxi for which a valid licence, permit or approval has been issued by another municipality that meets or exceeds the requirements of section 28 of this bylaw as determined by the Chief Commissioner; or
- (2) a person driving an accessible taxi to whom a valid licence, permit or approval has been issued by another municipality that meets or exceeds the requirements of section 31 of this bylaw as determined by the Chief Commissioner.

Display of Information

~~10~~11 No person may drive, or cause or permit the driving, of a vehicle for hire unless the valid driver's permit issued to the person driving the vehicle for hire is:

- (1) clearly and prominently displayed on or within the vehicle in a location that is visible to all passengers; or
- (2) provided to all passengers electronically through a mobile application.

~~11~~12 No person may drive, or cause or permit the driving, of a vehicle for hire unless the valid vehicle permit issued for that vehicle or other marking approved by the Chief Commissioner is displayed so that it is visible from the exterior of the vehicle.

Documents for Inspection

~~12~~13 On the request of a peace officer, the driver of a vehicle for hire must produce to the peace officer any of the following:

- (1) the person's valid driver's permit;
- (2) a valid mechanical inspection certificate, in a form satisfactory to the Chief Commissioner, for that vehicle dated within one year prior to the date of the request;
- (3) the valid vehicle permit for that vehicle;
- (4) a valid certificate of insurance that meets the requirements of section ~~25~~28(5) of this bylaw;
- (5) the person's valid provincial operator's licence;

- (6) a valid provincial registration certificate for that vehicle; and
- (7) any other information pertaining to the operation of the vehicle for hire requested by the peace officer.

**Vehicle for
Inspection**

~~43~~14 Upon the direction of a peace officer or the Chief Commissioner, a vehicle permit permittee must provide the peace officer or Chief Commissioner with a valid mechanical inspection certificate, in a form satisfactory to the Chief Commissioner, for that vehicle dated within five days of the date of the direction.

**Seizure of
Permit**

~~44~~15 If a peace officer has reasonable grounds to believe that a vehicle for hire is being driven in a manner contrary to this bylaw, the peace officer may seize and take possession of:

- (1) the vehicle permit issued for that vehicle;
- (2) the driver's permit of the driver of the vehicle for hire; or
- (3) the vehicle permit issued for that vehicle and the driver's permit of the driver of the vehicle for hire.

~~45~~16 A permit seized pursuant to this section must be returned to the Chief Commissioner as soon as practicable, along with a written summary of the basis of the peace officer's reasonable belief in support of the seizure.

~~46~~17 Upon receipt of a seized permit, the Chief Commissioner must either return the permit or decide to suspend, cancel, or impose terms and conditions on the permit in accordance with section ~~37~~40 of this bylaw.

**Service
Refusal**

~~47~~18 A person driving a vehicle for hire must not refuse a request for service from a potential passenger.

~~48~~19 Notwithstanding section ~~47~~18 of this bylaw, a person driving a vehicle for hire may refuse a request for service from a potential passenger if, based on the circumstances, the person reasonably believes there is a danger to their personal safety or of serious damage to property.

~~49~~20 The fact that a potential passenger is accompanied by an assistance animal cannot be used to support a reasonable belief as referred to in section ~~48~~19 of this bylaw.

**Driver of
Accessible
Taxi**

21 No person may drive an accessible taxi unless that person holds a valid accessible taxi driver's permit.

**PART III
VEHICLE FOR HIRE PERMITTING**

**Types of
Permits**

~~20~~22 Subject to the requirements of this Part, the Chief Commissioner may issue the following permits:

- (1) vehicle permit; and
- (2) driver's permit.

**Vehicle
Permits**

~~21~~23 Subject to the requirements of this Part, the Chief Commissioner may issue the following types of vehicle permits:

- (1) accessible taxi permit;
- ~~(1)~~ (2) taxi permit.

**Driver's
Permits**

24 Subject to the requirements of this Part, the Chief Commissioner may issue the following types of driver's permits:

- (1) accessible taxi driver's permit;
- (2) taxi driver's permit.

**Property of
County**

~~22~~25 Every permit issued pursuant to this bylaw or County Bylaw 20-2013 does not confer any property rights and remains at all times the sole property of the County.

~~23~~26 A permittee or other person in possession of a permit issued pursuant to this bylaw may not sell, assign, lease, or otherwise dispose of or give up control of a permit and must surrender the permit to the County immediately if requested by the Chief Commissioner.

Transferability

~~24~~27 All permits are non-transferable.

**Vehicle Permit
Issue**

~~25~~28 A person applying for a vehicle permit must provide all of the following to the Chief Commissioner:

- (1) a completed application form;
- (2) the fee prescribed by the Fees, Rates and Charges

Bylaw;

- (3) proof in a form satisfactory to the Chief Commissioner that the person has a sufficient ownership interest in the vehicle for which the vehicle permit will be issued;
- (4) proof in a form satisfactory to the Chief Commissioner that the vehicle for which the vehicle permit will be issued has a valid provincial registration certificate;
- (5) proof in a form satisfactory to the Chief Commissioner that the vehicle for which the vehicle permit will be issued and all persons who may drive that vehicle are covered under a valid commercial insurance policy or other valid insurance policy that meets all applicable requirements for driving a vehicle for hire in the Province of Alberta;
- (6) a recent, and in any event dated within 90 days prior to the date of application, valid mechanical inspection certificate, in a form satisfactory to the Chief Commissioner, for the vehicle for which the vehicle permit will be issued; ~~and~~

(7) if the person is applying for an accessible taxi permit, proof in a form satisfactory to the Chief Commissioner that the vehicle for which the accessible taxi permit will be issued is equipped to provide transportation services to persons using mobility aids; and

~~(7)~~(8) any other information reasonably required by the Chief Commissioner to process the application.

Vehicle Permit Expiry ~~26~~29 Unless cancelled pursuant to this bylaw or as otherwise specified on the vehicle permit, every vehicle permit expires on the date that is one year following the date the vehicle permit is issued.

Automatic Cancellation of Vehicle Permit ~~27~~30 If a permittee's provincial registration certificate or insurance policy is suspended, cancelled, or expires at any time during the term of a vehicle permit, the vehicle permit is deemed to be immediately cancelled without prior notice to the permittee.

Driver's Permit Issue ~~28~~31 A person applying for a driver's permit must provide all of the following to the Chief Commissioner:

- (1) a completed application form;

- (2) the fee prescribed by the Fees, Rates and Charges Bylaw;
- (3) proof in a form satisfactory to the Chief Commissioner that the applicant holds a valid provincial operator's licence that meets all applicable requirements for driving a vehicle for hire in the Province of Alberta;
- (4) a recent, and in any event dated within 30 days prior to the date of application, criminal record check and a vulnerable sector search acceptable to the Chief Commissioner;
- (5) a photograph of the applicant's face for incorporation into the driver's permit to be taken by the Chief Commissioner at the time of application; ~~and~~

(6) if the person is applying for an accessible taxi driver's permit, proof of successful completion of an accessible taxi driver training program acceptable to the Chief Commissioner; and

~~(6)~~(7) _____ any other information reasonably required by the Chief Commissioner to process the application.

**Driver's Permit
Expiry**

~~29~~32 Unless cancelled pursuant to this bylaw or as otherwise specified on the driver's permit, every driver's permit expires on the date that is one year following the date the driver's permit is issued.

**Automatic
Refusal of
Driver's Permit**

~~30~~33 The Chief Commissioner shall refuse to issue a permit to any person if during the 10 years immediately preceding the person's application for a driver's permit the person was convicted of an offence under the *Criminal Code* (Canada) or the *Controlled Drugs and Substances Act* (Canada) that is related to the functions, duties or business of a driver of a vehicle for hire, including, without limitation,

- (1) any offences of a violent nature, including firearms and weapons offences,
- (2) any offence involving sexual assault, sexual exploitation, sexual interference, procuring or invitation to sexual touching,
- (3) trafficking,

- (4) any offence involving fraud or fraudulent transactions, conspiracy to defraud, the use of false pretences, bribery, extortion or theft, or
- (5) any offences relating to the unlawful operation of a motor vehicle.

**Automatic
Cancellation of
Driver's Permit**

~~34~~34 If a permittee is convicted of an offence under the *Criminal Code* (Canada) or the *Controlled Drugs and Substances Act* (Canada) that is related to the functions, duties or business of a driver of a vehicle for hire, including, without limitation,

- (1) any offences of a violent nature, including firearms and weapons offences,
- (2) any offence involving sexual assault, sexual exploitation, sexual interference, procuring or invitation to sexual touching,
- (3) trafficking,
- (4) any offence involving fraud or fraudulent transactions, conspiracy to defraud, the use of false pretences, bribery, extortion or theft, or
- (5) any offences relating to the unlawful operation of a motor vehicle,

that permittee's driver's permit is deemed to be immediately cancelled without prior notice to the permittee.

~~32~~35 If a permittee's provincial operator's licence is suspended, cancelled, or expires at any time during the term of a driver's permit, the driver's permit is deemed to be immediately cancelled without prior notice to the permittee.

Duty to Inform

~~33~~36 If, at any time during the term of a vehicle permit, the provincial registration certificate or insurance policy required by section ~~25~~28 of this bylaw expires or is suspended or cancelled, the permittee must immediately notify the Chief Commissioner.

~~34~~37 If, at any time during the term of a driver's permit, any information contained in the criminal record check or vulnerable sector search required by section ~~28~~31 of this bylaw changes, the permittee must immediately notify the Chief Commissioner and provide an updated criminal record check or vulnerable sector search.

3538 If, at any time during the term of a driver's permit, the permittee's provincial operator's licence expires or is suspended or cancelled, the permittee must immediately notify the Chief Commissioner.

PART IV

ROLE OF THE CHIEF COMMISSIONER

- Permit Review** 3639 The Chief Commissioner may refuse to issue, suspend, or cancel any permit issued pursuant to this bylaw, and may impose any terms and conditions on any permit for any of the following reasons:
- (1) the applicant or permittee does not or no longer meets the requirements of this bylaw;
 - (2) the applicant or the permittee or any of its officers, employees, agents, or affiliates:
 - (a) furnishes false information or misrepresents any fact or circumstance to a peace officer or the Chief Commissioner;
 - (b) has, in the opinion of the Chief Commissioner based on reasonable grounds, contravened this bylaw whether or not the contravention has been prosecuted;
 - (c) fails to pay a fine or obey any order issued by a court for a contravention of this bylaw;
 - (d) fails to pay any fee required by this bylaw;
 - (e) provides a cheque or other negotiable instrument for payment of a fee required by this bylaw that is returned to the County based on non-sufficient funds; or
 - (3) in the opinion of the Chief Commissioner based on reasonable grounds it is in the public interest to do so.

Service of Decision 3740 A decision to refuse to issue, suspend, cancel, or impose terms and conditions on any permit issued pursuant to this bylaw must be in writing and served on the applicant or permittee by:

- (1) sending the decision by regular mail to the mailing

address of the applicant or permittee; or

- (2) personally serving the decision on the applicant or permittee.

~~3841~~ Service of a decision in accordance with section ~~3740~~(1) of this bylaw is presumed to be effected:

- (1) 7 days from the date of mailing if the decision is mailed to an address in Alberta; or
- (2) 14 days from the date of mailing if the decision is mailed to an address outside of Alberta but within Canada.

~~3942~~ Service of a decision in accordance with section ~~3740~~(2) of this bylaw is effected on the date of delivery.

Appeal

~~4043~~A person:

- (1) who has been refused a permit;
- (2) whose permit has been suspended or cancelled;
- (3) whose permit has been made subject to terms or conditions;

may appeal the decision to the General Appeals and Review Committee by providing the fee prescribed by the Fees, Rates and Charges Bylaw and filing a notice of appeal, including reasons for the appeal, with the Chief Commissioner within 14 days of the date the decision is served on the person.

~~4144~~Notwithstanding section ~~4043~~ of this Bylaw:

- (1) a person may not appeal a refusal to issue a permit if the reason for the refusal is the failure to provide those items listed in this Bylaw and otherwise required by the Chief Commissioner to process the application;
- (2) a person may not appeal a refusal to issue a permit if the refusal is pursuant to section ~~3033~~ of this Bylaw;
- (3) a person may not appeal a cancellation of a permit if the cancellation is pursuant to section ~~3134~~ of this Bylaw;

- (4) a person may not appeal a suspension of a permit imposed automatically by the provisions of this Bylaw; and
- (5) a person may not appeal a cancellation of a permit imposed automatically by the provisions of this Bylaw.

~~4245~~In deciding an appeal filed pursuant to section ~~4043~~ of this bylaw, the General Appeals and Review Committee has the same powers granted to the Chief Commissioner under this Bylaw.

**Chief
Commissioner
Role**

~~4346~~In addition to any other power, duty, or function prescribed by this bylaw, the Chief Commissioner may:

- (1) issue, refuse, suspend, cancel, or impose terms and conditions on any permit authorized by this bylaw;
- (2) designate vehicles or classes of vehicles as exempt vehicles for hire;
- (3) prescribe the form of valid mechanical inspection certificate;
- (4) prescribe the forms of vehicle permits and driver's permits;
- (5) prescribe application forms for permits issued pursuant to this bylaw;
- (6) prescribe minimum ownership interest requirements for issuance of a vehicle permit;
- (7) prescribe the form of and minimum requirements for criminal record checks, vulnerable sector searches, insurance policies, and provincial registration certificates;
- (8) prescribe criteria for any requirements or approvals not otherwise specified in this section;
- (9) modify or waive any requirement for issuance of a permit pursuant to this bylaw, including reducing or waiving the applicable fee;
- (10) certify a record of the County as a true copy of the original;

(11) carry out any inspection necessary to determine compliance with this bylaw; and

(12) delegate any power, duty, or function under this bylaw.

**Permit
Replacement
Fee**

~~44~~47 If a permit issued pursuant to this bylaw is lost, damaged, stolen, or destroyed, the Chief Commissioner may issue a replacement permit of the same type, term, and with the same terms and conditions upon payment of the permit replacement fee prescribed in the Fees, Rates and Charges Bylaw.

**PART V
ENFORCEMENT**

Offence

~~45~~48 A person who contravenes this bylaw is guilty of an offence.

**Continuing
Offence**

~~46~~49 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 for each such day.

Fine

~~47~~50 A person found guilty of an offence under this bylaw is liable to a fine in an amount not less than that established in this section:

- (1) \$250 for any offence for which a fine is not otherwise established in this section;
- (2) \$1000 for an offence under sections 6, 7 or 8 of this bylaw.

~~48~~51 If a person is guilty of a subsequent offence, the fine amounts established in this section are doubled.

**Violation
Ticket**

~~49~~52 If a violation ticket is issued for an offence under this bylaw, the violation ticket may:

- (1) specify the fine amount established by this bylaw for the offence; or
- (2) require a person to appear in court without the alternative of making a voluntary payment.

~~50~~53 A person who commits an offence may, if a violation ticket is issued specifying the fine amount established by this

bylaw for the offence, make a voluntary payment equal to the specified fine amount.

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| Proof of Permit | 54 <u>55</u> The onus of proving that a person has a valid permit for the purpose of this bylaw is on the person alleging the permit on a balance of probabilities. |
| Proof of Exemption | 52 <u>55</u> The onus of proving that a person is exempt from a requirement of this bylaw is on the person alleging the exemption on a balance of probabilities. |
| Certified Copy | 53 <u>56</u> A copy of a record of the County, certified by the Chief Commissioner as a true copy of the original, will 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. |
| Vicarious Liability | 54 <u>57</u> For the purposes of this bylaw, an act or omission by an employee or agent of a person is deemed to be an act or omission of the person if the act or omission occurred in the course of the employee's employment or agency relationship with the person. |
| Corporations | 55 <u>58</u> If a corporation commits an offence under this bylaw, every principal, director, manager, officer, employee, or agent of the corporation who authorized, assented to, 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. |
| Partnership | 56 <u>59</u> If a partner in a partnership is guilty of an offence under this bylaw, each partner in that partnership who authorized, assented to, acquiesced, or participated in the act or omission that constitutes the offence is guilty of the offence. |

PART VI TRANSITIONAL PROVISIONS, REPEAL AND COMING INTO FORCE

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|---------------------|---|
| Transitional | 57 <u>60</u> On the coming into force of this bylaw and subject to section 58 <u>61</u> of this bylaw, the following transitional provisions will apply to permits issued pursuant to County Bylaw 20-2013 until the expiry, suspension, or cancellation of the permit pursuant to this bylaw:

(1) a valid Taxi Driver's Permit is deemed to be a valid driver's permit; and |
|---------------------|---|

(2) a valid Taxi Vehicle Permit is deemed to be a valid taxi permit.

~~5861~~ If any permit deemed valid by the operation of section ~~5760~~ of this bylaw was subject to terms and conditions prior to the coming into force of this bylaw, those same terms and conditions are deemed to be applicable to the permit issued pursuant to this bylaw.

Repeal

~~5962~~ County Bylaw 20-2013 is repealed.

Coming into Force

~~6063~~ This bylaw comes into force on the 1st day of July, 2017.

READ A FIRST TIME THIS ____ day of _____, 201__.

READ A SECOND TIME THIS ____ day of _____, 201__.

READ A THIRD TIME THIS ____ day of _____, 201__.

SIGNED THIS ____ day of _____, 201__.

MAYOR

DIRECTOR, LEGISLATIVE AND LEGAL
SERVICES

