

BYLAW NO. 14/038

**BEING A BYLAW OF THE REGIONAL MUNICIPALITY OF WOOD BUFFALO
TO AMEND VEHICLE FOR HIRE BYLAW NO. 13/001**

WHEREAS Section 7 of the *Municipal Government Act* empowers a council to pass a bylaws for municipal purposes;

AND WHEREAS pursuant to Section 8 of the *Municipal Government Act* a council may in a bylaw:

1. regulate or prohibit;
2. deal with any development, activity, industry, business or thing in different ways, divide each of them into classes and deal with each class in different ways;
3. provide for a system of licences, permits or approvals including any or all of the items enumerated therein;
4. establish and specify the fees, rates, fares, tariffs or charges that may be charged for the hire of taxis or limousines; and
5. provide for an appeal, the body that is to decide the appeal and related matters.

AND WHEREAS it is deemed to be in the public interest to amend Bylaw No. 13/001 to adjust certain provision provided for therein;

NOW THEREFORE the Regional Municipality of Wood Buffalo in council assembled hereby enacts to amend Bylaw 13/001 in the following ways:

1. By deleting subsection 2(i) and replacing it with: “‘Chief of Bylaw Services’ means the Chief of Bylaw Services of the Municipality, or his delegate”;
2. In subsection 2(ee) by deleting “‘Operate’, or ‘Operating’ when used in relation to a Motor Vehicle...” and replacing with “‘Operate’, ‘Operating’, or ‘Operation’ when used in relation to a Motor Vehicle...”;
3. By deleting subsection 2(ii);
4. By adding the following as a new subsection 2(oo) “‘Stand’ means to park, either with the engine running or not running, a Vehicle for Hire for the purpose of picking up or soliciting customers”;
5. In subsection 2(uu) by deleting “twelve (12)” and replacing with “six (6)”;

6. By revising subsection 2(ww) to read as follows: “Vehicle for Hire Inspection Station” means a business that holds a commercial vehicle inspection station license issued by Alberta Transportation and approved by the Chief Taxi Inspector to conduct Mechanical Inspections for the purpose of this bylaw”;
7. By deleting subsection 2(zz);
8. By revising subsection 4(a) to read as follows: “a Motor Vehicle that is designed to carry fifteen (15) or more passengers, including a Motor Vehicle being Operated pursuant to a valid provincial Operating Authority Certificate”;
9. By revising subsection 5(b) to read as follows: “Any service that originates in the Urban Service Area and involves transporting a passenger entirely or partly in the Urban Service Area is deemed to be operating exclusively in the Urban Service Area.”;
10. By adding the following as a new subsection 5(c): “All Vehicles for Hire operating within the Hamlet of Fort Chipewyan are restricted to fairs that originate or end in the Hamlet of Fort Chipewyan”;
11. In section 6 by deleting “of the Municipality”, and by replacing “Chief Administrative Officer” wherever it appears with “Chief of Bylaw Services”;
12. In clause 7(i)(i) by adding “including defensive driving”, after “driver safety”;
13. By deleting clause 9(a)(ii) and replacing it with the following: “providing a copy of the bulletin to all Brokerages and Independent Driver Owners by electronic mail transmission to the electronic mail address provided to the Chief Taxi Inspector by the Licensee”;
14. In subsection 10(b) by deleting “by registered mail or courier”;
15. By changing the heading “Industry Obligation” to “Service of Bulletins”;
16. By deleting section 11 and replacing it with the following: “All bulletins published by the Chief Taxi Inspector in accordance with sections 9 and 10 are deemed to be served within three days of the date of publication of the bulletin”;
17. By adding a new section 11.1 to read as follows: “A bulletin published and signed by the Chief Taxi Inspector or certified true copy of the bulletin signed by the Chief Taxi Inspector is a business record of the Municipality.”;
18. By replacing “operation” in subsection 12(b) with “Operation”;
19. By adding a new section 12.1 as follows: “A Chauffeur’s Permit is not valid if the Chauffeur’s Permit has expired, has been suspended or if any of the requirements of the

application for the Chauffeur's Permit are not provided or are found to be incomplete, inaccurate, incorrect or invalid, in the sole opinion of the Chief Taxi Inspector.”;

20. In section 13 by replacing “operation” with “Operation”;
21. In clause 15(b)(iv) by adding “subject to subsection 18(c)” at the end of the clause;
22. In clause 15(b)(v) by adding “including a vulnerable sector search” after “confirmation of a criminal record check”;
23. In clause 15(b)(v) by deleting “thirty (30) days” and replacing with “ninety (90) days”;
24. By deleting clause 15(b)(viii) and replacing with: “an active electronic mail address to which documents may be served or delivered and which must be updated in writing within twenty-four (24) hours of any change to the address”;
25. By deleting “approved by the Chief Taxi Inspector in the previous three years” in clause 15(b)(ix);
26. By deleting subsection 15(c) and replacing it with: “A Licensee in their first two (2) years of licensing is required to provide the driver abstract pursuant to clause 18(a)(iv) every four months in the first year of licensing in the Municipality and every six months in the second year of licensing in the Municipality.”;
27. By deleting subsection 15(e) and replacing it with: “Where a complaint has been received by the Chief Taxi Inspector relating to a Driver's conduct or performance, the Chief Taxi Inspector may require the Driver to successfully complete additional testing, training, educational or awareness programs approved by the Chief Taxi Inspector within a specific time period at the Driver's own expense”;
28. By deleting subsection 17(a) and replacing it with: “Unless otherwise cancelled, every Chauffeur's Permit shall be valid for one (1) year and shall expire on the expiration date shown on the Chauffeur's Permit”;
29. By deleting subsection 17(b);
30. By deleting subsection 18(b) and replacing it with: “the Chauffeur's Permit is lost or stolen and a police report has been filed;”
31. By adding new subsection 18(c) as follows: “the Chauffeur's Permit is lost or stolen and a police report has not been filed”;
32. By amending section 20 to add “or any conviction under the *Criminal Code of Canada*” at the end of the section;
33. In section 21 by replacing “operation” with “Operation”;

34. By adding new section 21.1 as follows: “A Vehicle for Hire Licence is not valid if the Vehicle for Hire Licence has expired, has been suspended, or if any requirements of the application for the Vehicle for Hire Licence are not provided or are found to be incomplete, inaccurate, incorrect or invalid, in the sole opinion of the Chief Tax Inspector”;
35. In clause 24(b)(iii) by adding “or lessee” after “the Owner”;
36. In subsection 24(b) by adding clause(vii) as follows: “proof of valid insurance in the Livery classification with a minimum of two million (\$2,000,000.00) dollar third party liability”;
37. In subsection 24 by adding clause(viii) as follows: “proof that the Motor Vehicle is equipped with a fully functioning Electronic Payment System that is capable of use in processing all non-cash transactions”;
38. In subsection 27(b) by adding “and a police report has been filed; or” after the word “stolen” and deleting all the words that follow;
39. By revising subsection 27(c) to read as follows: “the Vehicle for Hire Licence is lost or stolen and a police report has not been filed”;
40. By adding section 29.1 as follows: “A Brokerage Licence is not valid if the Brokerage Licence has expired, has been suspended or if any requirements of the application for a Brokerage Licence are not provided or are found to be incomplete, inaccurate, incorrect, or invalid, in the sole opinion of the Chief Tax Inspector.”;
41. By deleting subsection 33(c);
42. By adding subsection 33(d) as follows: “an active electronic mail address to which documents may be served or delivered and which must be updated in writing within twenty-four (24) hours of any change to the address”;
43. In section 33(e) by deleting “address” in subsection 33(c) and replacing it with “location”;
44. By adding the heading “Property of Municipality” immediately before new section 33.1;
45. By adding new section 33.1 as follows: “Every Brokerage Licence issued under this Bylaw or any bylaw preceding this Bylaw remains at all times the sole property of the Municipality and the Person in possession of a Brokerage Licence shall immediately return it to the Chief Tax Inspector upon the suspension, cancellation or expiry of the Brokerage Licence.”;
46. By adding the heading “Expiry” after section 33.1;

47. By adding new section 33.2 as follows: “Unless otherwise cancelled, every Brokerage Licence shall be valid for one (1) year from the date the Brokerage Licence is issued”;
48. By adding the heading “Licence Inspection” after section 33.2;
49. By adding new subsection 33.3(a) as follows: “(a) Each Brokerage Licence shall be available on request by the Chief Taxi Inspector, a Peace Officer, or a Driver affiliated with the Brokerage.”;
50. By adding new subsection 33.3(b) as follows: “(b) A Person who fails to show the Brokerage Licence on request by the Chief Taxi Inspector, a Peace Officer, or a Driver affiliated with the Brokerage is guilty of an offence”;
51. By adding the heading “Transfer” after section 33.3;
52. By adding section 33.4 as follows: “Brokerage Licences are not transferrable”;
53. By adding the heading “Automatic Cancellation” after section 33.4;
54. By adding section 33.5 as follows: “A Brokerage Licence is immediately cancelled if the Brokerage is not providing dispatch services or accepting calls for contracts for the service of Taxis or Limousines (as the case may be) to at least:
 - (a) six Taxis or two Limousines, if operating in the Urban Service Area; or
 - (b) two Taxis, if operating exclusively in the Rural Service Area.The Chief Taxi Inspector must provide notice of a Brokerage Licence being cancelled pursuant to this section to the Licensee and to the holders of any Vehicle for Hire Licences the Brokerage was providing dispatch services or accepting calls for service”;
55. In subsection 34(b) by adding “except that where the Independent Driver Owner provides the Chief Taxi Inspector with satisfactory proof of illness or medical incapacity such that the Independent Driver Owner cannot Operate the Vehicle for Hire, the Independent Driver Owner may employ one Driver to Operate the Motor Vehicle for no more than 12 hours in a single 24 hour shift” at the end of the subsection;
56. By adding section 34.1 as follows: “An Independent Driver Owner Licence is not valid if the Independent Driver Owner Licence has expired, has been suspended, or if any requirements of the application for the Independent Driver Owner Licence are not provided or are found to be incomplete, inaccurate, incorrect, or invalid, in the sole opinion of the Chief Taxi Inspector”;
57. In subsection 38(c) by adding “including a vulnerable sector search” after “confirmation of a criminal record check”;

58. In subsection 38(c) by deleting “thirty (30) days” and replacing with “ninety (90) days”;
59. By deleting subsection 38(d) and replacing it as follows: “an active electronic mail address to which documents may be served or delivered and which must be updated in writing within twenty-four (24) hours of any change to the address”;
60. In section 39 by deleting “Brokerage Licence and every”, “Brokerage Licence or”, “Brokerage Licence or” and “(as the case may be)”;
61. In section 40 by deleting “Brokerage Licence and”, “Brokerage Licence or”, and “(as the case may be)”;
62. In section 41 by deleting “Brokerage Licence and”, and by deleting “in the case of a Brokerage a Driver affiliated with the Brokerage” and replacing it with “a passenger”;
63. In subsection 41(a) by deleting “the Brokerage Licence or” and replacing with “the” and deleting “(in the case of Brokerage) a Driver affiliated with the Brokerage” and replacing with “a passenger”;
64. By deleting subsection 42(b) and replacing it with: “the Independent Driver Owner Licence is lost or stolen and a police report has been filed; or”;
65. By adding new subsection 42(c) as follows: “the Independent Driver Owner Licence has been lost or stolen and a police report has not been filed”;
66. In section 43 by deleting “Brokerage Licences and”;
67. By deleting both section 44 and the heading “Automatic Cancellation” that precedes it;
68. In section 45 by adding new subsection 45(b) as follows: “information provided by the Applicant or Licensee in the Applicant or Licensee application is not provided or is found to be incomplete, inaccurate, incorrect or invalid, in the sole opinion of the Chief Taxi Inspector”;
69. In section 46 by deleting “personally or by registered mail to” and replacing with “by way of electronic mail at” and by adding “and the Notice or Order shall be deemed served twenty-four (24) hours after the date and time the electronic mail was sent” at the end of the section;
70. By adding section 46.1 as follows: “A Notice of Order signed by the Chief Taxi Inspector or a certified copy of a Notice of Order signed by the Chief Taxi Inspector is conclusive evidence of the Notice of Order as a business record of the Municipality”;
71. In section 47 by adding “Notice of” before “Order” and by deleting “Chief Administrative Officer” and replacing with “Chief of Bylaw Services”;

72. In section 49 by deleting “ under Section 47”;
73. In subsection 49(c) by deleting “Planning and Development Department Office of the Regional Municipality of Wood Buffalo” and replacing it with “Bylaw Services Office”;
74. In section 50 by deleting “Administrative Officer” and replacing it with “of Bylaw Services”;
75. In subsection 50(b) by deleting “Administrative Officer” and replacing it with “of Bylaw Services”;
76. By adding new section 50.1 as follows: “The Chief of Bylaw Services will provide the decision on appeal to the appellant at the electronic mail address as provided by the appellant”;
77. In section 51 by deleting “Administrative Officer” and replacing with “of Bylaw Services” and by deleting “Administrative Officer’s” and replacing with “of Bylaw Services”;
78. In section 52 by deleting “Administrative Officer” wherever found and replacing with “of Bylaw Services” in each case;
79. In section 53 by deleting “Administrative Officer” and replacing with “of Bylaw Services”;
80. By deleting clause 58(e)(iv) and replacing it with: “sealed by a Peace Officer under the direction of the Chief Taxi Inspector; and”;
81. By deleting subsection 58(m) and replacing it with: “has a top light approved by the Chief Taxi Inspector with the term “Taxi” or the name of the Brokerage on both the front facing and rear facing profiles which is connected in such a manner so as to be illuminated when the Taxi is available for hire and turned off or bagged when the Taxi is not available for hire”;
82. By deleting subsection 58(n) and replacing it with: “is equipped with a functioning Electronic Payment System”;
83. In section 60 by deleting “Taxis and Accessible Taxis” and replacing it with “Vehicles for Hire”;
84. By adding new subsection 60(c) as follows: “If a Vehicle for Hire makes available a child car safety seat to passengers, the child car safety seat must meet the Canadian Motor Vehicle Safety Standards (CMVSS213)”;

85. By adding new subsection 60(d) as follows: “If a passenger requests the use of a Vehicle for Hire’s a child car safety seat, the passenger may be charged an additional user fee of five (\$5.00) dollars”;
86. In subsection 62(a) by deleting “manufacturer’s”;
87. In subsection 63(a) by deleting “manufacturer’s”;
88. By deleting subsection 67(l) and replacing it with: “is equipped with a functioning Electronic Payment System”;
89. In subsection 68(a) by deleting “the Chief Taxi Inspector or a third party approved by the Chief Taxi Inspector” and replacing with “Peace Officers under the direction of the Chief Taxi Inspector”;
90. In clause 68(a)(ii) by deleting “every six (6) months” and replacing with “once per year”;
91. In subsection 68(b) to add the following subsections: “(i) The Chief Taxi Inspector may require or cause a Taxi Meter to be inspected at any time notwithstanding that an inspection has been performed within the previous one (1) year. (ii) The failure to obtain a Meter Accuracy Certificate pursuant to subsection 68(a) may result in the suspension or cancellation of a Vehicle for Hire Licence”;
92. In section 69 by adding new subsection (c) as follows: “The failure to immediately report a defective Taxi Meter or the operation of a Vehicle for Hire with a defective Taxi Meter may result in the suspension or cancellation of a Vehicle for Hire Licence”;
93. In section 70 by deleting “replaces a Taxi Meter installed in a Vehicle for Hire during the six (6) month period” and replacing with “has a Taxi Meter in the Vehicle for Hire replaced or repaired at any time”;
94. In section 70 by deleting “new Taxi Meter” and replacing with “replaced or repaired Taxi Meter”;
95. In section 71 by deleting “operation” and replacing with “Operation”;
96. By adding new section 71.1 as follows: “Failure of the Owner to obtain a valid Mechanical Inspection Certificate for a Vehicle for Hire or Courtesy Vehicle may result in a suspension or cancellation of a Vehicle for Hire License”;
97. In section 72 by deleting “at a Vehicle for Hire Inspection Station that is not owned or operated, in whole or in part, by the relevant Brokerage, Owner or Independent Driver Owner or by a party that would not be considered a third party at arm’s length from the relevant Brokerage, Owner or Independent Driver Owner” and replacing with “at a Vehicle for Hire Inspection Station”;

98. By deleting subsection 73(a);
99. In section 74 by deleting “has reasonable grounds to believe” and replacing with “in his sole opinion believes” and by adding “pending the outcome of a review by Alberta Transportation the Chief Taxi Inspector may send to Alberta Transportation any documentation the Chief Taxi Inspector deems necessary for a proper review” after “where the Licensed Mechanic is employed”;
100. In subsection 75(a) by deleting “that is not owned or operated, in whole or in part, by the relevant Brokerage, Owner, or Independent Driver Owner, or by a party that would not be considered a third party at arm’s length from the relevant Brokerage, Owner, or Independent Driver Owner”;
101. In subsection 75(b) by deleting “that is not owned or operated, in whole or in part, by the relevant Brokerage, Owner, or Independent Driver Owner, or by a party that would not be considered a third party at arm’s length from the relevant Brokerage, Owner, or Independent Driver Owner”;
102. In section 76 by adding new subsection (d) as follows: “Failure to complete a vehicle inspection pursuant to section 89(a) or attend to have a vehicle inspection conducted pursuant to section 89(c) may result in suspension or cancellation of the Vehicle for Hire Licence of the Motor Vehicle in question”;
103. In subsection 77(i) by deleting “7 days of a change of address” and replacing with “seven days of a change in mailing address and within twenty-four hours of a change in electronic mail address”;
104. In section 77 by adding new subsection (k) as follows: “be able to provide the passenger with exact change if the passenger pays the fare with cash; and”;
105. In section 77 by adding a new subsection (l) as follows: “be able to operate the Electronic Payment System in the Motor Vehicle and always be able to provide the Electronic Payment System as a means to pay the fare”;
106. In subsection 79(b) by adding new clause (ix) as follows: “the Person refuses to pay a deposit in advance of service either by preauthorized credit card payment, an estimated debit transaction or a cash deposit on any fare determined to be equal to or greater than one hundred (\$100.00) dollars whether determined by flat rate or meter service. “
107. In section 80 by deleting “pursuant to Section 79” and by adding the following to the end of the section: “Failure to report a refused request for service may result in the Driver’s Chauffeur’s Permit or Independent Driver Owner Licence being cancelled or suspended, as the case may be.”;

108. In section 82 by adding “in the Urban Service Area” after “Operate a Taxi or Accessible Taxi”;
109. In section 83 by deleting clause (a)(ii);
110. In subsection 83(e) by adding new clause (vi) as follows: “shall have available at the Brokerage a record of the booking agreement including the rate charged for service, the time of dispatch and the time of completion of service”;
111. In section 84 by adding subsection (d) as follows:” solicit passengers” and by deleting “this Section 84” and replacing with “this section”;
112. In section 86 by deleting “section 86” and replacing it with “this section”;
113. In subsection 87(f) by deleting “the Chief Taxi Inspector or a third party provider approved by the Chief Taxi Inspector” and substituting in its place “a Peace Officer under the direction of the Chief Taxi Inspector”;
114. In section 87 by adding new subsection (i) as follows: “has a road supervisor available twenty-four hours a day for seven days a week”;
115. In subsection 89(g) by deleting “sections 55 and 56 hereof” and replacing with “this Bylaw”;
116. In section 89 by adding new subsection (m) as follows: “deliver service requests from a call centre and dispatch located within the Municipality”;
117. In section 89 by adding new subsection (n) as follows: “process all point of sale transactions to clearing houses located within Canada and in compliance with all federal laws governing point of sale legislation; and”;
118. In section 89 by adding new subsection (o) as follows: “abide by the rate schedule as set out by Schedule “B” of this Bylaw”;
119. In subsection 93(d) by adding “or lessee” after “Owner”;
120. In clause 93(e)(iii) by deleting “sections 55 and 56 hereto” and replacing with “this Bylaw”;
121. In section 103 by adding “, Independent Driver Owner Licence” after “Chauffeur’s Permit”;
122. In section 115 by deleting “section 58(h)” and replacing with “this Bylaw”;
123. In section 116(b) by deleting “section 58(h)” and replacing with “this Bylaw”;

124. In section 117 by deleting “section 58(h) of this bylaw” and replacing with “this Bylaw”;
125. In section 117 by deleting “under subsection 116(a)” and replacing with “pursuant to this Bylaw”;
126. In section 118 by deleting “Notwithstanding section 58(d)”;
127. By deleting section 119, 120, 121, and 125;
128. In section 124 by deleting “with the exception of sections 55 and 56.”;
129. By repealing Schedule A and replacing it with the Schedule A attached to this Bylaw;
130. By repealing Schedule B and replacing with the Schedule B attached to this Bylaw;
131. By deleting Schedule D and replacing it with Schedule C attached to this Bylaw;
132. By making such modifications to grammar, spelling, punctuation and format, and to numbering, lettering and cross-referencing of sections, subsections, clauses and sub-clauses, as are necessarily incidental to the amendments set out in section 1 to 131.
133. This bylaw comes into effect on the date that it is passed shall be passed.

READ a first time this _____ day of _____, 2014.

READ a second time this _____ day of _____, 2014.

READ a third and final time this _____ day of _____, 2014.

SIGNED and PASSED this _____ day of _____, 2014.

Mayor

Chief Legislative Officer