

BYLAW NO. 5584

TAXI, LIMOUSINE AND SHUTTLE BYLAW, 2019

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WHEREAS, the Council of the City of Moose Jaw is empowered by Section 8 of *The Cities Act*, 2002 to control, regulate and license Owners and Operators of Taxis, Limousines and Shuttles used for hire in the City of Moose Jaw;

NOW THEREFORE, the Council of the City of Moose Jaw in Council assembled enacts as follows:

1. This Bylaw may be cited as the "Taxi, Limousine and Shuttle Bylaw".
2. For the purpose of this bylaw:
 - a. "Accessible Taxi" means a Taxi having a gross vehicle weight rating of not more than 4,500 kg, which is designed and manufactured or converted for the purpose of transporting persons who use mobility aids;
 - b. "City" means the City of Moose Jaw;
 - c. "Council" means the Council of the City of Moose Jaw;
 - d. "Driver" means any person in charge of the operation of the Taxi, Limousine or Shuttle whether they are the Owner of the Taxi or an agent, Licensee, or employee of the Owner;
 - e. "License Inspector" means the License Inspector for the City of Moose Jaw as appointed from time to time, or anyone authorized to act on their behalf, and any member of the Moose Jaw Police Service;
 - f. "Limousine" means, subject to the regulations, a stretch Limousine, sport utility Limousine or Limousine bus-type Vehicle intended for hire that:
 - i. has seating capacity for 6 or more passengers;
 - ii. is operated by a chauffeur;
 - iii. is the object of a valid prescribed inspection certificate;
 - iv. is not equipped with a Taxi meter or any equipment designed to calculate a passenger fare based on distance travelled;
 - v. is not equipped with a dispatch device, two-way radio or mobile data terminal whereby the Vehicle is matched with or

directed to a passenger seeking to purchase transportation;
and

- vi. is used exclusively for the transportation of passengers.
- g. "Mobility Aid" means a device, including a manual wheelchair, electric wheelchair or scooter, that is used to facilitate the transport, in a normally seated orientation, of a person with a physical disability;
- h. "Owner" means any person, firm or corporation that has the control, direction and maintenance of a Taxi, Limousine or Shuttle and the benefit of the collection of revenue derived from the operation of the Taxi, whether as registered Owner, Licensee or in possession under any conditional sale, chattel mortgage or hire-purchase agreement, receiving calls for Taxi, Limousine or Shuttle service and dispatching Taxis;
- i. "Service Animal" means an animal trained to be used and is used by a person with a disability for reasons related to the disability;
- j. "Shuttle" means a Vehicle duly licensed under *The Vehicles for Hire Act* used for the conveyance of passengers from Moose Jaw to a destination outside of City Limits for a fee, but shall not include a public service Vehicle or a Vehicle of a transportation company having a franchise granted by the City of Moose Jaw or any person or company which provides public transportation services under a contract or agreement with the City; and is:
 - i. registered in a prescribed class; and
 - ii. marked as a Shuttle by a company decal.
- k. "Taxi" means a Vehicle duly licensed under the provisions of *The Vehicles for Hire Act* including "Accessible Taxi", and used for the conveyance of passengers within the City for a fee, but shall not include a public service Vehicle or a Vehicle of a transportation company having a franchise granted by the City or any person or company which provides public transportation services under a contract or agreement with the City; and is:
 - i. registered in a prescribed class;
 - ii. equipped with a Taxi meter or any equipment designed to calculate a passenger fare based on distance travelled or delivers the service for a flat rate per trip;

- iii. equipped with a dispatch device, two-way radio or mobile data terminal whereby the Vehicle is matched with or directed to a passenger seeking to purchase transportation;
 - iv. marked as a Taxi by a company decal or a roof mounted Taxi light or both; and
 - v. is used exclusively for the transportation of passengers.
- l. "Vehicle" means a Vehicle that meets the prescribed qualifications and that has a seating capacity of no more than 10 occupants, including the Driver.

3.

- a. No person shall operate, or permit to be operated, any Taxi, Limousine or Shuttle within the City until the fee prescribed has been paid, and the necessary License issued by the License Inspector of the City of Moose Jaw.
- b. Every Taxi, Limousine or Shuttle License issued shall be for a calendar year or portion thereof remaining and shall expire on December 31st of the year in which it is issued. Every person to whom a Taxi, Limousine or Shuttle License has been previously issued intending to continue conducting or operating the business in subsequent years shall make application to renew the License prior to January 1st of that subsequent year.
- c. Each Taxi, Limousine or Shuttle shall be licensed annually by the City. Prior to annual licensing, the Owner shall produce to the License Inspector, a valid inspection certificate and decal from a qualified mechanic appointed by Traffic Safety Services of Saskatchewan Government Insurance.
- d. The inspection certificate and decal referred to in 3(c) must be renewed yearly and be dated no more than sixty (60) days prior to the expiry date of the Vehicle registration, as required by Saskatchewan Government Insurance. The cost of obtaining the annual inspection shall be the responsibility of the Owner.
- e. A person operating a Taxi, Limousine or Shuttle shall carry a valid inspection certificate within the Taxi and shall, at all times, display a valid inspection decal on the rear right side window of the Vehicle.
- f. A person operating a Taxi, Limousine or Shuttle must maintain Vehicle registration and insurance on each Taxi and provide proof of such upon application and renewal.

- g. A person operating a Taxi, Limousine or Shuttle must, upon request, issue a receipt to the passenger containing the total amount paid; the date, time and duration of the trip; the Driver's first name; the Vehicle license plate number and the name of the Taxi, Limousine or Shuttle company.
 - h. Prior to obtaining a License to operate a Taxi, Shuttle or Limousine business, every Owner shall obtain a Taxi, Limousine or Shuttle Company License.
- 4. Prior to obtaining a License to drive a Taxi, Shuttle or Limousine every Driver shall:
 - a. Obtain a criminal record check annually that is provided to SGI in accordance with *The Vehicles for Hire Act*. A copy of the criminal record check must also accompany the Taxi, Limousine or Shuttle Driver's Photo Permit application or renewal. The cost of the criminal record check is the responsibility of the Driver.
 - b. Hold a valid Class 1-4 driver's license which may be used to operate a Taxi, Limousine or Shuttle. A Class 5 driver's license may be used provided that the Driver:
 - i. is not in the Graduated Driver Licensing (GDL) program;
 - ii. has at least 2 years post-GDL driving experience in Canada or a reciprocal jurisdiction;
 - iii. has a satisfactory driver history and submits an SGI Driver's Abstract to the License Inspector; and
 - iv. Obtain a City of Moose Jaw Driver's Photo Permit. The Driver's Permit shall be displayed prominently for passengers to view.
- 5.
 - a. Any "Accessible Taxi" is to conform with CSA Standards D409-16 with regard to configuration and passenger security and safety as per Section 3(d) and (e) of this Bylaw;
 - b. Any Driver must not transport non-ambulatory passengers in a wheelchair or scooter unless the Vehicle is designed and certified for that purpose in accordance with all applicable laws; and if the transportation of non-ambulatory passengers is permitted pursuant to all applicable laws, securely fasten all wheelchairs and scooters so as to prevent any movement of the wheelchairs or scooters while the Vehicle is in motion;

- c. Any Driver must fold and store wheelchairs of ambulatory patients with physical disabilities; and
 - d. Any Driver, unless exempted by the License Inspector pursuant to the Bylaw, shall permit a passenger with a disability to be accompanied by their Service Animal and must not demand any additional charge for the transportation of Service Animals accompanying a passenger with a disability.
- 6. A Driver may apply for an exemption from the application of clause 6(d) regarding Service Animals upon providing proof acceptable to the License Inspector of the Driver's inability to comply with the requirements without suffering undue hardship.
- 7. Every Owner and Driver shall post and keep posted in a conspicuous place in each Taxi, Limousine or Shuttle, the tariff of fees established and charged by the Taxi operator on a card clearly visible and legible to any passenger who rides in the Taxicab.
- 8.
 - a. Every Driver shall carry in a Taxi, Limousine or Shuttle, no more than the number of persons for which the capacity has been rated by Provincial Law;
 - b. Every Owner and Driver of a Taxi, Limousine or Shuttle in the City shall ensure that the Vehicle is kept in a neat, clean and tidy condition, both as to its interior and exterior while it is in use;
 - c. Every Owner and Driver shall ensure that no person, including the Driver, smokes, burns, uses or holds a lighted or otherwise heated cigarette, cigar, pipe, electronic cigarette, vaporizer, hookah or similar equipment in the Vehicle; and
 - d. Any person who charges or attempts to charge a fee in excess of the posted fee is guilty of an offense.
- 9.
 - a. Any Owner with no more than one Taxi, Limousine or Shuttle may operate as a home occupation as defined in the City of Moose Jaw Zoning Bylaw; and
 - b. Owners with multiple Vehicles shall be dispatched and operate from a commercial location as defined in the City of Moose Jaw Zoning Bylaw.
- 10. This Bylaw may be enforced by a Bylaw Enforcement Officer, License Inspector or any member of the Moose Jaw Police Service.

11. The License Inspector may revoke, refuse to issue or refuse to renew a License under this Bylaw if an Applicant or Licensee has:

- a. Failed to comply with any provision of this Bylaw;
- b. Failed to comply with any requirements of *The Vehicles for Hire Act*;
- c. Been convicted of an offence pursuant to this Bylaw; or
- d. Failed to pay the license fee on or before the date required.

12. The License Inspector shall send notice of any decision to revoke or refuse to issue or renew a License pursuant to this Bylaw to the Applicant or Licensee by registered mail at the address provided by the Applicant or Licensee.

13. Where the License Inspector has:

- a. refused to issue or renew a License under this Bylaw; or
- b. revoked a License under this Bylaw;

the Applicant or Licensee may appeal the decision to the Executive Committee of City Council within 30 days of the date of the decision. An appeal must be in writing and delivered to the City Clerk's Office within 30 days of the decision. An appeal cannot be made if the the reason for the refusal is the failure to pay any fee or provide the required information.

14. Where the Executive Committee of City Council hears an appeal pursuant to this Bylaw, they may:

- a. Confirm the decision of the License Inspector;
- b. Set aside the decision of the License Inspector; or
- c. Order the License Inspector to make further inquiry into the facts of the case.

15. Where a License is revoked pursuant to this Bylaw, the Licensee is required to return any City-issued identification pertaining to the License.

16. Any person who contravenes a provision of this Bylaw is guilty of an offense and liable upon summary conviction:

- a. in the case of an individual, to a fine not exceeding \$10,000;
- b. in the case of a corporation, to a fine not exceeding \$25,000;

- c. in the case of a continuing offence, to a maximum of daily fine of not more than \$2,500 for each day or part of a day during which the offence continues; or
- d. in default of payment by an individual, by imprisonment for a term of not more than one year.

17. If a person is found guilty of an offence against this Bylaw the Court may, in addition to any other penalty imposed, order the person to comply with this Bylaw or a License issued pursuant to this Bylaw or a condition of a License issued pursuant to this Bylaw.

READ A FIRST TIME the 10th of June, 2019.

READ A SECOND TIME the 10th of June, 2019.

READ A THIRD TIME AND PASSED the ____ of ____, 2019.

MAYOR

CITY CLERK

SCHEDULE "A"

TO BYLAW NO. 5584
ANNUAL TAXI, LIMOUSINE OR SHUTTLE LICENSE FEES

1.	Taxi, Limousine or Shuttle Company License	\$125.00
2.	For each Taxi, Limousine or Shuttle License per Vehicle	\$125.00
3.	Taxi, Limousine or Shuttle Driver's photo permit	\$ 50.00
3.	Replacement of lost/damaged License – Vehicle or Driver	\$ 35.00