

BYLAW 2005-1714

A BYLAW OF THE CITY OF ESTEVAN IN THE PROVINCE OF SASKATCHEWAN BEING A BYLAW TO REGULATE, LICENSE AND CONTROL TAXI-CABS, TAXI-CAB DRIVERS AND TAXI-CAB OWNERS.

WHEREAS, Subsection 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 of the urban municipality; and

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

WHEREAS, the Council of the City of Estevan deems it in the interests of Public Safety to provide for the regulation, licensing and control of taxi-cabs, taxi-cab drivers and taxi-cab owners within the City of Estevan;

NOW THEREFORE, the Council of the City of Estevan enacts as follows:

1. This bylaw may be cited as the Taxi-Cab Bylaw.
2. In this bylaw the following definitions apply:
 - (a) “**City**” means the City of Estevan;
 - (b) “**Chief of Police**” means the Chief of Police of the Estevan Police Service or any designate;
 - (c) “**Council**” means the Council of the City of Estevan;
 - (d) “**Estevan Police Service**” means the police force of the City of Estevan;
 - (e) “**Taxi-Cab**” is an automobile used for the conveyance of passengers for a fee within the City of Estevan but does not include a public service vehicle or a vehicle of a transportation company having a franchise to operate within the City of Estevan.
 - (f) “**Taxi-Cab Driver**” means any person in charge of the operation of a taxi-cab, whether that person is an owner of the taxi or is an agent, licensee or employee of the owner;
 - (g) “**Taxi-Cab Owner**” means any person, business or corporation that has the control, direction and maintenance of the taxi-cab and the benefit of the collection of revenue derived from the operation of the taxi-cab whether as registered owner,

licensee or in possession under any conditional sale, chattel mortgage or hire-purchase agreement;

3. TAXI-CAB OPERATOR'S LICENSE

- (a) No person shall drive a taxi-cab within the City of Estevan for hire unless that person has a valid taxi-cab operator's license that shall be renewed annually.
- (b) Every applicant for taxi-cab operator's license shall submit the following information along with their application and appropriate fee:
 - Proof of a valid Class 4 or above license for the Province of Saskatchewan;
 - Request for a Certificate of Good Character from the Chief of Police or designate.
- (c) The Chief of Police or designate shall not issue a certificate of good character nor shall the Estevan Police Service issue a taxi-cab operators license should any applicant have convictions on their record of an indictable offense as defined by the Criminal Code of Canada.
- (d) Upon approval of an application for a taxi-cab operator's license, the Estevan Police Service shall issue a license and picture identification for the licensed operator.
- (e) Any person previously licensed as a Taxi-Cab Operator within the City of Estevan shall one month prior to the anniversary date complete a renewal application form and along with the prescribed fee request an updated Certificate of Good Character from the Chief of Police or designated officer.
- (f) Should the Chief of Police or designate issue a Certificate of Good Character and the operator's license is renewed; the Estevan Police Service shall issue a license and picture identification for the licensed operator.
- (g) Any person charged with the offenses as listed in section 3(d) after their annual renewal shall have their operator's license suspended until the trial is completed or charges have been otherwise disposed of with no recourse for any fees paid.

4. TAXI-CAB LICENSE

- (a) No person shall operate a taxi-cab within the City of Estevan unless such taxi-cab has a valid City of Estevan taxi-cab license that shall be renewed annually.
- (b) Every applicant for taxi-cab license shall submit the following information along with their application and appropriate fee:
 - make
 - model

- serial number and year of the vehicle or vehicles for which a taxi-cab license is obtained
 - the name of the registered owner of the vehicle or vehicles.
 - A valid taxi inspection certificate and decal from a qualified mechanic appointed by the Traffic Safety Services of the Government of Saskatchewan.
- (c) The Estevan Police Service shall issue a license and designate a taxi-cab number that must be displayed in a prominent place on the inside and on the outside of the taxi-cab in such a size that can easily be seen by customers. The cost of such signage is the responsibility of taxi-cab company.
- (d) The decal as noted in 4(b) shall be displayed on a prominent place on the taxi-cab.
- (e) The taxi-cab owner shall notify the Estevan Police Service in writing should any taxi-cab be involved in an accident and that taxi-cab shall be taken out of service until such time as the owner can provide the Estevan Police Service with a valid Taxi-Cab Inspection Certificate completed after repairs have been made to the vehicle.
- (f) The taxi-cab owner shall notify the Estevan Police Service in writing should any taxi-cab be permanently taken out of service and the number designated for that taxi-cab shall not be used again.

4. TAXI-CAB METERS

- (a) Every owner and every operator of a taxi-cab operated within the City shall cause the same to be equipped at all times with a taxi-meter.
- (b) Every taxi-meter shall be equipped with an electric light of sufficient candle power and so focused that during hours of darkness the dial of the taxi-meter will be illuminated adequately at all times when the taxi-cab is under hire.
- (c) Every owner, or operator of a taxi-cab, or employee of such owner or operator shall:
- (i) attach the taxi-meter to the taxi-cab as directed by the Estevan Police Services;
 - (ii) annually when renewing the license or when requested by the Estevan Police Service, submit his taxi-cab for inspection and operate the taxi-cab over a measured course for the purpose of testing the accuracy of the meter;
 - (iii) keep a record of each test of a taxi-meter, which record shall be available for inspection by the Estevan Police Service;

5. GENERAL

- (a) Every owner of a taxi-cab shall post and keep posted in a conspicuous place in each taxi-cab the schedule of fees charged for the taxi-cab as well as the statement; **“that should the taxi-meter not be turned on, the ride is free”**.
- (b) Every operator shall display in the taxi in such a location where it can be easily seen by a passenger or passengers, their picture identification issued and signed by the Chief of Police or his designate;
- (c) Every owner shall maintain accurate records of the operations of each taxi-cab and make the same available to the Estevan Police Service upon request.
- (d) The operator of a taxi-cab shall proceed by the most direct route to the point of destination unless otherwise requested by the passenger.
- (e) No operator of a taxi-cab shall, while carrying a passenger, display the flag of the taxi-meter on said taxi-cab at such a position as to indicate that such taxi-cab is not employed, nor shall such operator have the flag of the taxi-meter of the said taxi-cab in a recording position while the said taxi-cab is not actually engaged by a passenger; nor shall the operator fail to throw the flag of the taxi-meter to a non-recording position at the termination of the engagement, provided however, that the operator shall not be required to have the flag of the taxi-meter in the recording position when engaged in carrying passengers on:
 - (a) tours of the City;
 - (b) funeral drives;
 - (c) airline contracts from airport to central business district or central business district to airport.
- (f) Every taxi-cab licensee shall have a bona-fide place of business in the City.
- (g) Any person who violates any of the provisions of this bylaw, in addition to the penalties provided for in the penalties section shall have their Taxi-Cab License and/or Taxi-Cab Operators License suspended such time as the alleged violation is discontinued or rectified.

6. PENALTIES

- (a) Where the Estevan Police Service believes that a person has contravened the provisions of this bylaw, they may by personal service, serve or cause to be served upon such person a Notice of Violation indicating the section of the bylaw that was contravened and the amount of penalty to be paid as provided in Schedule “A” of this bylaw.

- (b) Upon production of the notice of violation issued pursuant to subsection a) within ten (10) days from the date of service together with payment as indicated on the Notice of Violation to the person to whom the notice of violation was issued shall not be liable for prosecution for the contravention in respect of which the Notice of Violation was given.
- (c) If payment is not received as provided in subsection (b) hereof within the time prescribed, a summons shall be issued to the person alleged to have committed the offence and thereafter the provisions of this section shall not apply with respect to that offence. A person to whom a Notice of Violation is being issued pursuant to this section shall furnish the Estevan Police Service, upon request, with his name and address.
- (d) Any person found guilty of a breach of any of the provisions of this Bylaw shall, on summary conviction, be liable to a penalty of not less that
 - (i) In the case of an individual, a fine of not more than \$ 10,000. to imprisonment for not more than one year or to both;
 - (ii) in the case of a corporation, a fine of not more than \$ 25,000, to imprisonment of the directors of the corporation for not more than one year or to both;
 - (iii) in the case of a continuing offense, to a maximum daily fine of nor more than \$ 2,500 per day.

7. Bylaw 95-1465 and 2005-1706 are hereby repealed.

8. This Bylaw shall come into force and take effect on the day of the final passing thereof.

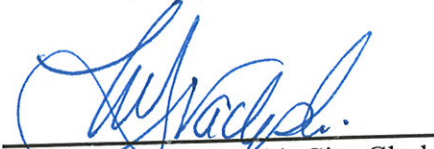
Introduced and read a first time this 12th day of December, 2005.

Read a second time this 12th day of December, 2005.

Read a third time and passed this 12th day of December, 2005.

CITY OF ESTEVAN


Gary St. Onge, Mayor


Lyndon Stachoski, City Clerk

This is the original document known as Bylaw 2005-1714 that was given three readings as shown in the Motions 2005-664, 2005-665 and 2005-668 and hereby annexed to the Council Meeting Minutes.



**Lyndon Stachoski
City Clerk**



**Gary St. Onge
Mayor**

SCHEDULE "A"

LICENSE FEES	AMOUNT
Taxi-Cab Operator's License & Picture Identification	\$ 20.00
Duplicate Picture Identification	\$ 20.00
Taxi-Cab License	\$ 125.00
Transfer Fee	\$ 10.00
Duplicate License	\$ 20.00

VOLUNTARY PENALTIES UNDER SECTION 6	AMOUNT
1 st Offense under any section of the Bylaw	\$ 150.00
2 nd subsequent Offense under the same section of the Bylaw	\$ 300.00
3 rd Subsequent Offense under the same section of the Bylaw	\$ 1,000 plus loss of Taxi-cab operators license or taxi-cab license