**CITY OF MELVILLE**
**BYLAW NO. 11/2009**

**A BYLAW TO PROVIDE FOR THE LICENSING, CONTROLLING AND REGULATING OF TAXIS AND TAXI DRIVERS, OWNERS, AND BROKERS IN THE CITY OF MELVILLE**

**WHEREAS** the Council of the City of Melville is empowered by **The Cities Act** to control, regulate and license owners and operators of taxis in the City of Melville:

**AND WHEREAS** the Council of the City of Melville considers a clean, efficient and dependable taxi industry to be of great importance to the City of Melville;

1. This bylaw shall be referred to as **"The Taxi Bylaw"**.

2. In this Bylaw, unless the context otherwise requires, the expression:

   (1) **City** shall mean the City of Melville;

   (2) **Chief of Police** shall mean the Commanding Officer for the Melville Royal Canadian Mounted Police and any police officer authorized to act on his behalf;

   (3) **Council** shall mean the Council of the City of Melville;

   (4) **Licence Inspector** shall mean the License Inspector for the City of Melville as appointed from time to time by resolution of Council, anyone authorized to act on his behalf.

   (5) **Operator** shall mean any person in de facto charge of the operation of a taxi, whether he is the owner of the taxi or is an agent, licensee or employee of the owner;

   (6) **Owner** shall mean any person, firm or corporation that has the control, direction and maintenance of a taxi, 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;

   (7) **Taxi Broker** shall mean an individual, firm or corporation receiving calls for taxi service and dispatching taxis by radio.

## APPLICATIONS FOR THE ISSUANCE OF LICENSES

3. Every applicant for a City of Melville Taxi Operator's License (Chauffeur's License) shall:

   (1) Submit his application on a form prescribed by the License Inspector;

   (2) In the event of a first-time application, provide a copy of the certificate of approval to be submitted to the administrator pursuant to Section 64 of **The Traffic Safety Act**

4. If the License Inspector is of the opinion that the applicant is not a suitable candidate to operate a taxi in the City, he shall refer the application to the City Council, with his reasons, for a determination.

5. If the application under Section 3. is approved, the License Inspector shall issue to the applicant, upon payment of the appropriate fee:

   (1) A City Chauffeur's License;

   (2) An identification card which clearly displays:

      (a) His full name and date of birth; and
      (b) The expiry date of the applicant's Chauffeur's license;

   (3) A card which clearly displays the applicable fees which may be charged for taxi services in the City of Melville.

6. Every applicant for a taxi vehicle license shall:

   (1) Submit an application in the form prescribed by the License Inspector;

   (2) Submit with his application, a copy of a current criminal record check; and

   (3) Produce a valid taxi inspection certificate and window tag from a qualified mechanic appointed by the Commanding Officer of the local Royal Canadian Mounted Police for the vehicle to be licensed.

7. If the License Inspector is of the opinion that the applicant should not be granted a taxi vehicle license, he shall refer the application to City Council, with his reasons, for a determination.

8. Upon approval of an application under Section 6. and payment by the applicant of the appropriate fee, the License Inspector shall issue to the applicant:

(1) a City of Melville taxi vehicle license; and

(2) a window tag which bears the period during which the license is valid and the City license number; and

(3) a vehicle identification number specific to that vehicle, which shall be affixed to the vehicle in a place designated by the License Inspector.

9. Every applicant for a taxi broker's license shall:

(1) Submit an application in the form prescribed by the License Inspector;

(2) Submit with the application, in the case of an individual a current criminal record check; and

(3) Submit with the application, in the case of a corporation, a certificate from the Corporations Branch of The Consumer and Corporate Affairs Department of the Province of Saskatchewan that the corporation is in good standing.

10. If the License Inspector is of the opinion that the applicant should not be issued a taxi broker's license, he shall refer the application to the City Council, with his reasons, for a determination.

11. Upon approval of an application under Section 9. and payment by the applicant of the appropriate fee, the License Inspector shall issue to the applicant a License in a form prescribed by the Inspector, which the applicant shall keep prominently displayed upon his business premises.

## DUTIES OF THE LICENSEES

12. Every operator of a taxi in the City of Melville shall:

(1) carry a valid City Chauffeur's License at all times while operating a taxi, and shall produce the same for inspection when requested to do so by the License Inspector;

(2) post and keep posted in any taxi he operates the tariff of fees card provided by License Inspector in such a manner that it is clearly visible and legible to any passengers who ride in the taxi;

(3) post and keep posted in any taxi he operates his identification card issued pursuant to Section 5.(2) of this Bylaw in such a manner that it is clearly visible and legible to any passengers who ride in the taxi;

(4) keep with him at all times while operating a taxi a daily "Trip Record" of all trips he has made during that working period, which shall contain:

(a) the Provincial motor vehicle license number of the taxi;

(b) the name and identification number of the operator;

(c) the date and location of both the beginning and the termination of each trip; and

(d) the odometer reading for the taxi at the beginning and at the end of each working period.

(5) carry in a taxi no more than the number of persons for which the taxi capacity has been rated by Provincial law; and

(6) keep no other passenger(s) in the taxi, except for the person or persons who have hired the taxi;

(7) not accept other riders to enter the taxi without the consent of the person or persons who originally hired the taxi;

(8) that the taxi operator shall ensure that a minimum of 1 taxi will be available during the hours of 8:00 a.m. to 12:00 a.m. on weekdays and 8:00 a.m. to 4:00 a.m. on weekends;

(9) in addition to the above duties, adhere to and abide by the duties as set out in Schedule "B", attached hereto and forming part of this Bylaw.

13. Every owner of a taxi in the City of Melville shall:

(1) affix and display at all times in the passenger side back seat window of the taxi a valid taxi inspection window tag issued by a qualified mechanic appointed by the Commanding Officer of the local Royal Canadian Mounted Police;

(2) affix and display in the bottom left corner of the rear window of the taxi a valid license window tag issued pursuant to section 8.(2);

(3) ensure that the taxi is kept in a neat, clean and tidy condition both as to its interior and exterior while it is in use as a taxi;

(4) ensure that the taxi is equipped with a spare tire and wheel that is ready for use;

(5) submit the taxi for inspection by the License Inspector upon request, and notwithstanding the generality of the foregoing shall submit the taxi upon request of the inspector for the purpose of running taxi over a measured course to test the accuracy of the meter;

(6) provide a holder for the tariff card and identification card of the operator in a place in the taxi approved by the License Inspector;

(7) attend a Council meeting upon written request of the License Inspector.

14. (1) Every taxi broker in the City of Melville shall keep a record for each affiliated taxi in writing at the office of the broker, in which is to be entered a statement showing the current Provincial motor license number of each taxi, the date and time dispatching, the name and identification number of the driver, the address to which the cab is dispatched and whether the taxi is hired on an hourly or daily basis.

(2) Such records shall be retained by each broker for a period of six (6) months from the date which the record was made.

**GENERAL PROVISIONS**

15. The fee payable in respect of any license required under the provisions of this Bylaw shall be as set in Schedule "A" to this Bylaw and shall be paid to the License Inspector at his office.

16. Each taxi broker shall be allowed temporary permits for taxi vehicles for the Period November 1 to April 30, but shall be limited up to thirty percent (30%) of the total number allowed under Section 6. at the discretion of the License Inspector.

17. All independent owners must be affiliated with a licensed taxi broker at all times for their vehicle to be operated as a taxi.

18. If any matter comes to the attention of the License Inspector of which he is of the opinion that it may form grounds for revocation of any license issued pursuant to this Bylaw, he shall refer the matter to the City Council for a determination.

19. A taxi vehicle license or a taxi broker's license may be transferred upon both payment of the applicable transfer fee as set out in Schedule "A" and compliance with the requirements of Section 7. or Section 10., as applicable.

20. (1) No owner or operator shall charge or demand a fee any more than or any less than the amount calculated in accordance with the Tariff of Fees as set in Schedule "A" attached thereto;

20. (2) The most direct route will be taken in all trips to which the fees apply;

21. The taxi inspection certificate and window tag referred to in Section 14.(1) must be renewed yearly by January 1st. of each year, and the inspection certificate cannot be dated earlier than February 1st. of that same year.

22. Every license issued pursuant to this Bylaw shall expire on the 31st day of December the year of issue of the said License.

**OFFENCES AND PENALTIES**

23. (1) A person who contravenes any of the provisions of this Bylaw or fails to comply therewith shall commit an offence and be liable to the penalties as herein provided.

23. (2) Notwithstanding the generality of Subsection (1), it shall be an offence:

(a) for a taxi broker to knowingly have in his employ or dispatch for calls:

(i) an operator who does not hold a valid Chauffeur's License; or

(ii) an operator driving a vehicle not bearing a valid taxi vehicle license;

(b) for an owner to permit or allow an unlicensed operator to use his taxi for hire;

(c) for an operator to use for hire a vehicle not licensed pursuant to this Bylaw;

(d) for a person to carry on or be engaged in the business of a taxi broker, taxi owner or operator unless and until that person has first obtained a license to do so and paid the license fee as set out in Schedule "A".

(3) Any person who contravenes any provision of this Bylaw is guilty of an offence punishable on summary conviction punishable by a fine in an amount not exceeding:

(a) Two Thousand Dollars ($2,000.00), in the case of an individual; and

(b) Five Thousand Dollars ($5,000.00), in the case of a corporation; or in default of payment by an individual, by imprisonment for a term of not more than thirty (30) days.

24. Bylaw 14/2007 is hereby repealed.

25. This Bylaw shall come into force and effect on July 1, 2009.

READ a First time this 15th Day of June, 2009 A.D.

READ a Second time this 15th Day of June, 2009 A.D.

READ a Third time by unanimous consent of all Council members present this 15th Day of June, 2009 A.D.

Mayor

City Clerk

## SCHEDULE 'A'

| | | |
|---|---|---|
| 1. | Taxi Broker's License<br>Transfer Fee 2.00 | 60.00 |
| 2. | Tax Cabs License | |
| | For each taxi cab | 60.00 |
| | Transfer Fee | 2.00 |
| | Duplicate License | 1.00 |
| | Chauffeur (Motor Livery) | 5.00 |
| | Duplicate Chauffeur | 1.00 |

TARIFF OF FEES

3. Every person operating a taxi cab shall charge or collect only the following:

(a) For the hire of the cab (flag rate) within the limits of the City of Melville: $10.00 G.S.T. Included

For each additional stop while under engagement and shall include: $4.00 G.S.T. Included

(i) the time during which the taxi cab is not in motion, beginning five minutes after its reported arrival at the place at which the trip is to commence.

(ii) the time consumed while standing at the direction of the passenger.

(iii) Provided, however, that senior citizens presenting a valid taxi voucher issued to such persons, shall be entitled to a trip to any point within the limits of the City of Melville for the value of the said voucher. shall be: $8.00 G.S.T. Included

3. (iv) The minimum charge for any trip, excluding those paid by valid taxi voucher shall be: $10.00 G.S.T. Included

4. No charge shall be made for the time lost through defects or inefficiency of the taxi cab or incompetency of its driver's premature arrival of the taxi cab in answer to a call.

## SCHEDULE 'B'

## DUTIES OF A DRIVER

Every driver shall, while in charge of any vehicle licensed under this bylaw, be neat, clean and tidy in his person and dress and shall be civil and courteous toward all passengers and prospective passengers.

Every driver shall while waiting for hire or while on any public cab stand, sit or stand sufficiently close to his taxi cab so as to have it under constant and close observation and, while waiting for hire shall not obstruct sidewalks nor importune prospective passengers, nor cause any nuisance or annoyance in the solicitation of any passengers.

Except where a taxi cab is previously engaged, the passenger is indebted to the broker, on or for other good and sufficient cause, the driver shall accept as a passenger any person requiring the services of such cab within the limits of the City of Melville where such passenger can demonstrate an ability to pay the appropriate fare according to the tariff of fares. Notwithstanding the generality of the foregoing, passage may be refused to anyone who is intoxicated, disorderly, or using profane language.

Every driver shall punctually keep all his appointments and engagements and he shall not neglect to fulfil such appointments or engagements except for reasons beyond his control.

Every driver shall, upon request of any passenger, provide in writing to such passenger his provincial and municipal license number, the public service vehicle registration number of the taxi cab operated, and the name and address of the taxi cab broker for which the driver is driving.

Every driver shall issue receipts to passengers upon request.

Every driver shall take due care of all property delivered or entrusted to and accepted by him for conveyance or safekeeping, and every driver shall immediately upon termination of any hiring or engagement take reasonable care to ensure that all property left in his taxi cab shall be forthwith delivered to the person owning the same, or if the owner whereof cannot at once be found, the driver shall deliver the goods to the Royal Canadian Mounted Police Detachment for safekeeping together with such particulars as may be required by the officer in charge.

Every driver shall turn off any radio (except for the taxi cab's two-way radio), tape player or any other sound producing mechanical or electronic device in the taxi cab upon being requested to do so by any passenger, and having done so pursuant to such a request shall leave such device in the "off" position until the passenger's trip has been completed.

No driver shall solicit any person to take or use any vehicle licensed under this Bylaw, and, for this purpose, no driver shall employ or allow any runner or any other person to assist or act in concert with such driver on any street in soliciting a person.

No driver shall drink, consume or have in possession any alcoholic beverage or other drug capable of impairing him while he is in charge of any taxi licensed under this Bylaw, nor shall the use of any such liquor or drug be apparent while he is in charge of any vehicle so licensed.

No driver shall smoke tobacco in any form or manner while driving a taxi in which passengers are being carried, except with the consent of all of such passengers.

No driver shall knowingly or negligently misinform or deceive any person as to the time, place, arrival or departure or any public conveyance, or the location of any place, structure or building.

No driver shall induce any person to hire his taxi or any other taxi by false representation.

No driver shall knowingly or deliberately deceive or insult any passenger.

No driver shall operate or be in charge of a taxi while he has knowingly caused to be carried therein and illegal drugs or narcotics.

Taxi service shall be extended by all drivers to all physically handicapped persons provided that such persons are able to reach the curb side and are able to enter and leave the cab with a minimum assistance from the driver in all circumstances, subject to prior special arrangements or agreements made between a taxi broker or owner and such handicapped passengers. Without limiting the duties prescribed herein, drivers shall be required to fold and store wheelchairs belonging to physically handicapped passengers.

No driver shall operate a cab which is not clean as to its interior or exterior or otherwise free of damage or defects which may be unsightly or cause injury or damage to the persons and property of passengers.

Every driver shall ensure that his taxi cab is equipped with seatbelts which are functional, visible and accessible for the convenient use of all passengers.

Every driver shall, upon changing his address, notify the City Inspector accordingly within 7 days of the date of such change.