

## **BYLAW NO. 2084**

### **A BYLAW OF THE CITY OF NORTH BATTLEFORD IN THE PROVINCE OF SASKATCHEWAN TO PROVIDE FOR THE ESTABLISHMENT OF A VEHICLES FOR HIRE BYLAW.**

WHEREAS, Subsection 4(1) of *The Vehicles for Hire Act* permits a City to make bylaws respecting the regulation and licensing of transportation networks and transportation network companies; and

WHEREAS, Section 10 of *The Vehicles for Hire Regulations* permits a City to make bylaws requiring transportation network companies to establish a complaints process for accepting, recording, reviewing and responding to complaints from the public; and

WHEREAS, Clause 8(1)(b) of *The Cities Act* permits a City to make bylaws in relation to safety, health, and welfare of people and the protection of people and property; and

WHEREAS, Clause 8(1)(h) of *The Cities Act* permits a City to make bylaws in relation to businesses, business activities and persons engaged in business; and

WHEREAS, pursuant to Subsection 8(3) of *The Cities Act* the power to pass bylaws includes the power to:

- regulate or prohibit;
- provide for a system of licenses, inspections, permits or approvals;
- establish fees for the license;
- prohibit any business until a license has been granted or an inspection performed;
- impose terms and conditions on any license;
- impose conditions that must be met before a license is granted or renewed;
- provide for the duration of licenses and their suspension or cancellation for failure to comply with a term or condition of a bylaw or for any other reason specified in the bylaw;
- provide for an appeal, the body that is to decide the appeal and related matters; and

WHEREAS the City of North Battleford desires to enact a bylaw to regulate and license vehicles for hire, including taxi services and other transportation network companies, in the City of North Battleford;

NOW THEREFORE THE COUNCIL OF THE CITY OF NORTH BATTLEFORD IN OPEN MEETING ASSEMBLED ENACTS AS FOLLOWS:

This bylaw may be cited as the Vehicles For Hire Bylaw.

## PART I ADMINISTRATION

### 1. DEFINITIONS

**“chauffeur”** means a person who drives a taxi or limousine;

**“dispatch”** means the sending of a vehicle for hire to a location for the purpose of offering or providing transportation to a passenger, and includes but is not limited to:

- (i) receiving telephone or radio calls from prospective passengers and directing a person operating a vehicle for hire to attend at the passenger's requested location;
- (ii) offering or operating any part of a mobile application, transportation network, or other electronic service that receives requests for transportation services from prospective passengers and connects such requests to a person operating a vehicle for hire; or
- (iii) any other action that results in a passenger and vehicle for hire being in the same place at the same time for the purpose of providing the passenger with vehicle for hire services, regardless of whether the vehicle for hire services are actually provided to the passenger;

**“license”** means a license issued by a municipality to operate a vehicle-for-hire service;

**“limousine”** means, subject to the regulations, a luxury class vehicle with at least four doors, intended for hire that:

- (a) has seating capacity for 6 or more passengers including the chauffeur;
- (b) is operated by a chauffeur;
- (c) is the object of a valid prescribed inspection certificate;
- (d) is not equipped with a taxi meter or any equipment designed to calculate a passenger fare based on distance traveled;
- (e) 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
- (f) is used exclusively for the transportation of passengers

**"street hailing"** means offering, soliciting, or accepting offers to provide transportation service, or providing transportation service, to passengers that is not prearranged service

**"taxicab"** means, subject to the regulations, a vehicle for hire that:

- (a) is registered in a prescribed class; and
- (b) is equipped with a taxi meter or any equipment designed to calculate a passenger fare based on distance traveled;

**"transportation network"** means, subject to the regulations, an online-enabled application, a digital platform, a software program, a website or other system or technology platform offered, used or operated by a transportation network company to enable a person to obtain a vehicle using its vehicle-for-hire service;

**"transportation network automobile"** 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 but does not include a taxi;

**"transportation network company"** means a person or other prescribed entity that operates a transportation network;

**"transportation network driver"** means a person authorized by a transportation network company to operate a transportation network automobile to provide pre-arranged transportation of passengers for compensation through the use of a transportation network.

**"vehicle for hire"** means any vehicle licensed under this bylaw and may include a taxi, transportation network automobile, or limousine.

## 2. LICENCE REQUIRED

(1) There shall be a business license taken out by every vehicle for hire:

- (a) Taxicab company, standard or accessible
- (b) Limousine company
- (c) Transportation network company

(2) No person shall carry on or engage in a business using a vehicle for hire without having first procured a license to do so under this bylaw.

### 3. GENERAL REGULATIONS

(1) A person driving a vehicle for hire such as taxicab, limousine, transportation network vehicle must:

- (a) take the most economical route to the passenger's designate unless otherwise directed by the passenger;
- (b) be courteous at all times and provide reasonable assistance to any passenger as requested or required in the circumstances.

(2) All vehicle for hires shall not permit any person to smoke in the vehicle while it is providing transportation services.

(3) No person may engage in street hailing while driving a limousine or transportation network vehicle in the City of North Battleford unless the person is driving a vehicle for which a valid taxi license or accessible taxi license has been issued.

(4) Any applicant for a vehicle for hire shall provide the City with the make, model, serial number and year of the vehicle or vehicles for which the license is obtained, as well as the name of the registered owner of the vehicle or vehicles.

(5) All vehicle for hires shall maintain accurate records of the operations of each vehicle and make the same available to the City upon request.

(6) A person driving a vehicle for hire such as a taxicab, limousine, transportation network vehicle must not refuse a request for service from any potential passenger.

(7) Notwithstanding subsection (6), 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 serious damage to property or the service or is without means to pay the fare or would contravene this bylaw.

(8) The fact that a potential passenger is accompanied by an assistance animal cannot be used to support a reasonable belief as referred to in subsection (7).

(9) If a request for service is refused pursuant to subsection (7), the person driving the vehicle must:

- (a) immediately provide verbal notice of the refusal to the dispatcher that either arranged the refused request or is otherwise providing dispatch services to the vehicle for hire at the time of refusal; and
- (b) within 24 hours of the refusal, provide a signed written report of the circumstances of the refusal to the City Manager.

(10) A notice of refusal required by subsection (9) must include:

- (a) date of the refusal;
- (b) time of the refusal;
- (c) location of the refusal;

- (d) the driver's license number, or full name and provincial operator's license number, of the person driving the vehicle at the time of the refusal;
  - (e) the vehicle license number, or provincial license plate and vehicle identification number;
  - (f) a complete description of the circumstances and the reasons for refusing the request for service; and
  - (g) any other information requested by the City Manager.
- (11) Upon the direction of a bylaw enforcement officer or the City Manager, a vehicle licensee or person driving a vehicle for hire must:
- (a) provide the vehicle for inspection at a time and location specified by the bylaw enforcement officer or City Manager; or
  - (b) provide the bylaw enforcement officer or City Manager with proof of a satisfactory mechanical inspection completed within five days of the date of the direction.
  - (c) undertake any repairs or maintenance directed by the bylaw enforcement officer or City Manager.
- (12) Taxicabs and transportation network company offices cannot be home based businesses.
- (13) Limousine companies with two or more vehicles cannot be home based businesses and must have a commercial location for the storage of vehicles in accordance with the City of North Battleford Zoning Bylaw.
- (14) All licensed operators and drivers shall be familiar with the City of North Battleford and the Town of Battleford.

## **PART II**

### **TAXICAB COMPANIES AND DRIVERS**

#### **1. APPLICATION**

- (1) Before operating in the City of North Battleford, a Taxicab Company must:
- (a) Obtain a City of North Battleford Business License.
  - (b) Submit an Application to Operate a Taxicab in the City of North Battleford.
  - (c) An application to operate a taxicab must be renewed annually by the taxicab company, in January of each year.
  - (d) Pay the annual City of North Battleford license fee of \$130.00 per car and \$205.00 per van.
- (2) The application to operate a Taxi (Taxicab drivers) must be renewed annually, on the anniversary of the initial application.

## **2. NUMBER OF TAXICABS**

(1) The number of taxicabs to be licensed within the City of North Battleford will be determined through the discretion of the City Council, in accordance with the Vehicles for Hire Policy. Level and quality of service will be considered in determining the issuance of additional taxi licenses in the City of North Battleford.

(2) Nothing in subsection (1) precludes the issuing of temporary taxicab licenses by the City, as may be required, in excess of the limit set in subsection (1). Instances where temporary licenses may be granted include but are not limited to seasonal licenses or for special events in the community or area.

## **3. TAXICAB BUSINESS**

(1) The Taxicab business shall be an independently incorporated entity within the Province of Saskatchewan.

(2) Taxicab businesses must maintain a valid City of North Battleford Business License.

(3) Vehicles that are part of a Taxicab business' fleet must have the proper Saskatchewan vehicle registration and insurance and be duly licensed under *The Traffic Safety Act* for the Province of Saskatchewan and the regulations thereunder.

(4) Taxicab vehicles are required to be identified as 'taxis'. This may be done through decals or appropriate advertising on the vehicle, displays or toppers.

(5) Every taxicab operated within the City shall cause the same to be equipped at all times with a taxi-meter or equipment designed to calculate a passenger fare based on distance traveled.

(6) 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 taxicab is under hire.

(7) Taxicab companies must provide full service to the City of North Battleford by operating 24 hours a day and 7 days a week.

## **4. TAXICAB LICENSES**

(1) A business license is required by the taxicab operator.

(2) Taxi cab companies wishing to cancel a license must contact the City of North Battleford to cancel the license. The cancelled license may then be issued out, per the application protocol to another company.

## **5. TAXICABS INSPECTION CERTIFICATE**

(1) The owner of a taxicab shall not operate or allow a taxicab to be operated unless the operator has obtained a valid vehicle inspection certificate from Saskatchewan Government Insurance.

(2) A person operating a taxicab shall carry a valid inspection certificate within the taxicab at all times and display an inspection decal on the right-side rear window of the taxi.

## **6. TAXICAB DRIVERS**

(1) Taxicab drivers are required to carry a valid Saskatchewan Driver's license with the proper class designation. In Saskatchewan, this is a Class 1-4 designation. If a driver chooses to use their Class 5, they have to meet additional requirements:

- (a) be an experienced, driver, not in the Graduated Driver Licensing (GDL) program
- (b) have at least 2 years post-GDL driving experience in Canada or a reciprocal jurisdiction
- (c) have a satisfactory driver history (meaning less than 12 points under the Driver Improvement Program in the last 2 years, and no impaired driving-related suspensions in the last 10 years)

(2) Drivers shall have identification present and visible for passengers at all times.

(3) Driver's shall have a completed and valid Criminal Reference Check with a vulnerable sector check prior to operating a Taxicab and be renewed annually.

- (a) Failure to provide a satisfactory Criminal Record Check with a vulnerable sector check will result in the driver license being suspended immediately.

## **7. FEES TO BE CHARGED**

(1) Taxicabs licensed by the City of North Battleford are permitted to set their own fees for service; these fees must be as flat rate charges and/or per kilometer rates for service inside of North Battleford and/or within the immediate trading area.

(2) Non-Resident Taxicabs may only deliver within the City of North Battleford when the trip starts in a different jurisdiction, they are not to pick up within City limits.

## **8. FEES TO BE DISPLAYED IN TAXICAB**

(1) The owner or operator of every taxicab operated within the City shall display a schedule of fees within the taxicab that is visible to passengers.

### **PART III**

#### **LIMOUSINES**

##### **1. APPLICATION**

(1) Before operating in the City of North Battleford, a Limousine Company must:

- (a) Obtain a City of North Battleford Business License.
- (b) Submit an Application to Operate a Limousine in the City of North Battleford.
- (c) An application to operate a limousine must be renewed annually by the limousine company, in January of each year.
- (d) Pay the annual City of North Battleford license fee of \$265.00 per vehicle.

(2) Limousine drivers are required to carry a valid Saskatchewan Driver's license with the proper class designation. In Saskatchewan, this is a Class 1-4 designation. If a driver chooses to use their Class 5, they have to meet additional requirements:

- (a) be an experienced, driver, not in the Graduated Driver Licensing (GDL) program;
- (b) have at least 2 years post-GDL driving experience in Canada or a reciprocal jurisdiction;
- (c) have a satisfactory driver history (meaning less than 12 points under the Driver Improvement Program in the last 2 years, and no impaired driving-related suspensions in the last 10 years).

(2) Drivers shall have identification present and visible for passengers at all times.

(3) Driver's shall have a completed and valid Criminal Reference Check with a vulnerable sector check prior to operating a Limousine and be renewed annually.

- (a) Failure to provide a satisfactory Criminal Record Check with a vulnerable sector check will result in the driver license being suspended immediately.

### **PART IV**

#### **TRANSPORTATION NETWORK COMPANIES AND DRIVERS**

##### **1. APPLICATION**

Before operating in the City of North Battleford, a **Transportation Network Company** must:

- (a) Submit an Application to Council to Operate a Transportation Network Company in the City of North Battleford.
- (b) Obtain a City of North Battleford TNC Business License.
- (c) An application to operate TNC must be renewed annually by the TNC company, in January of each year.
- (d) Pay the annual City of North Battleford license fee of \$130.00 per vehicle.



## **2. TNC DRIVERS AND LICENSES**

(1) The City of North Battleford does not limit the number of Transportation Network Companies (TNC) or TNC drivers allowed to operate within City limits.

(2) TNC drivers are required to carry a valid Saskatchewan Driver's license with the proper class designation. In Saskatchewan, this is a Class 1-4 designation. If a driver chooses to use their Class 5, they have to meet additional requirements:

- (a) be an experienced, driver, not in the Graduated Driver Licensing (GDL) program;
- (b) have at least 2 years post-GDL driving experience in Canada or a reciprocal jurisdiction;
- (c) have a satisfactory driver history (meaning less than 12 points under the Driver Improvement Program in the last 2 years, and no impaired driving-related suspensions in the last 10 years).

(3) Driver's shall have a completed and valid Criminal Reference Check with a vulnerable sector check prior to operating a Transportation Network Vehicle and be renewed annually.

- (a) Failure to provide a satisfactory Criminal Record Check with a vulnerable sector check will result in the driver license being suspended immediately.

(4) TNC drivers shall complete a driver application form with the municipality.

(5) Provide proof of the minimum liability insurance to operate as a TNC driver as specified by Saskatchewan Government Insurance and *The Vehicles for Hire Act*.

## **3. TNC VEHICLES**

(1) The operator of a TNC vehicle shall not operate without a valid vehicle inspection certificate from Saskatchewan Government Insurance.

(2) All vehicles operating under a TNC must be identifiable by the appropriate vehicle markings and shall not utilize markings that would be consistent with those of a taxicab or commercial branding.

## **4. TNC BUSINESS**

(1) A TNC shall not permit or condone the acceptance of street hails or the solicitation of passengers by TNC drivers. Transportation services must be prearranged using the TNC software or 'APP' with which the TNC driver is affiliated.

(2) A TNC shall not permit and TNC drivers shall not accept payment by cash for a transportation service facilitated by the TNC.

(3) All TNC Companies must provide full service to the City of North Battleford by operating 24 hours a day and 7 days a week.

**PART V****OTHER****1. BREACH OF BYLAW**

(1) 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 than Five Hundred Dollars (\$500.00) and costs and may be subject to additional penalties as outlined in the City of North Battleford Business Licensing Bylaw and those under statute of the Province of Saskatchewan.

(2) Any person who violates any of the provisions of this Bylaw, in addition to the penalties provided for in Part V, Section 1(1), shall be liable to the suspension or revocation of the City license until such time as the alleged violation is discontinued or rectified.

**2. REPEALED**

Bylaw No. 1762 and any amendments thereto are hereby repealed.

**3. PASSAGE**

(1) This bylaw shall come into force and take effect on the day of the final passage thereof.

INTRODUCED AND READ A FIRST TIME THIS 25th DAY OF NOVEMBER, A.D. 2019.

READ A SECOND TIME THIS 9th DAY OF DECEMBER, A.D. 2019.

READ A THIRD TIME AND PASSED THIS 9th DAY OF DECEMBER, A.D. 2019.

"Ryan Bater"  
MAYOR

"Debbie Wohlberg"  
CITY CLERK