

BYLAW NO. 3394/2007

A Bylaw to License and Regulate the use of Limousines and Sedans for hire within the limits of The City of Red Deer.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

1 This Bylaw may be cited as the Limousine and Sedan Bylaw.

2 DEFINITIONS

In this Bylaw unless otherwise specified:

“Bylaw Enforcement Officer” means any person authorized to enforce City bylaws and includes the License Inspector;

“Chauffeur” means any person who is in possession of a current and valid City of Red Deer Chauffeur License;

“Chauffeur License” means a license issued to a person for the purpose of driving a limousine or sedan;

“License Inspector” means the Inspections and Licensing Manager for The City or any designated member of the Inspections and Licensing Department for The City;

“Limousine” means a motor vehicle for hire, not equipped with a meter, to transport persons, which has a minimum seating capacity of five (5) passengers in the rear compartment which shall include, but is not limited to, formal limousine, stretched limousine, super, mega and ultra stretched limousines;

“Limousine Service” means the business of providing limousines for transporting persons;

“Limousine Vehicle Identification License” means The City of Red Deer identification issued under this bylaw for attachment to a limousine vehicle;

“Mechanical Fitness Report” means a form approved by the License Inspector and signed by a licensed mechanic which shall contain such information as the License Inspector may require but in any event shall certify that the vehicle is safe, fit and include information as to the safety and condition of the steering mechanism, brake system, bodywork, including conditions of doors and locks,

windows, electrical light and signal systems, exhaust system, tire wear and condition and that the vehicle is suitable to convey passengers;

“Motor Vehicle for hire” means a vehicle propelled by any power other than muscular power;

“Non-resident” means a person, business or corporation that is not a resident as defined in this bylaw;

“Peace Officer”, “Special Constable”, and “Bylaw Enforcement Officer” means any employee of The City appointed as a Special Constable or Bylaw Enforcement Officer and any member of the Canadian Corps of Commissionaires or the City Detachment of the R.C.M.P. appointed or assigned to enforce the provisions of this bylaw;

“Person” means a natural person or body corporate and includes a partnership, a group of persons acting in concert, or an association;

“Pre-scheduled” means a minimum of one (1) hour before a trip begins;

“Resident” means a person, business or corporation that has a business location in the city of Red Deer with a valid Occupancy Permit or resides in the city of Red Deer, and has a valid Home Occupation License for a Limousine or Sedan Service;

“Sedan” means a full sized, four door, motor vehicle for hire, not equipped with a meter, to transport persons. which has a maximum seating capacity of not more than four (4) passengers in the rear compartment;

“Sedan Service” means the business of providing sedans for transporting persons;

“Sedan Vehicle Identification License” means The City of Red Deer identification issued under this bylaw for attachment to a sedan vehicle;

“Single Event” means the use of a Limousine or Sedan in a twenty four (24) hour period once in a calendar year”.

3 LICENSES – BUSINESS AND VEHICLES

ALL APPLICANTS

- (1) No person shall operate a Limousine Service or Sedan Service or Limousine or Sedan without the following:

- (a) a valid Occupancy Permit, Home Occupation License or Non Resident Business License obtained pursuant to The City of Red Deer bylaws,
 - (b) a City of Red Deer Chauffeur License,
 - (c) a Limousine Vehicle or Sedan Vehicle License Identification tag attached to each Limousine or Sedan as issued hereunder.
- (2) Any person who wishes to operate a Limousine Service or Sedan Service or Limousine Vehicle or Sedan Vehicle shall obtain the applicable licenses by making application to the License Inspector and paying the applicable fee as set out in Schedule "A".
- (3) All applications shall be in writing and shall include identification of the registered owner, mechanical inspection, and proof of valid insurance with respect to all limousines and sedans to be used and the following information:

NON-CORPORATION

- (i) full name, address and telephone number of the business and the individual completing the application;
- (ii) list of all convictions, both criminal and traffic, in any jurisdiction;
- (iii) such other information as the License Inspector may reasonably require.

CORPORATION

- (iv) corporate name, business address and telephone number of the corporation and the individual completing the application;
- (v) copy of minutes and articles of incorporation, Certificate of Incorporation and Certificate of Good Standing with respect to the corporation;
- (vi) full name, address and telephone number of all shareholders, directors and office holders of the corporation;
- (vii) list of all convictions of the corporation, its shareholders and directors both criminal and traffic in any jurisdiction;
- (viii) such other information that the License Inspector may reasonably require.

4 CHAUFFEUR LICENSES

- (1) No person shall drive a Limousine or Sedan or act as a Limousine or Sedan Chauffeur without being in possession of a valid City of Red Deer Chauffeur License obtained pursuant to this bylaw. A licensed automotive mechanic may perform a test drive and not be in breach of this section.
- (2) Any person who wishes to drive a Limousine or Sedan or act as a Limousine or Sedan Chauffeur shall obtain the applicable license by making application to the License Inspector and paying the applicable fee set out in Schedule "A".
- (3) The application shall be in writing and shall contain the following information:
 - (a) full and correct name, address and telephone number of the applicant as well as the name and current address of the licensed business employing the applicant;
 - (b) evidence that the applicant is properly licensed under the laws of the Province of Alberta for the class of vehicle that will be operated;
 - (c) current abstract of driving record from the Province of Alberta and from any territory or Province where the applicant has previously had a drivers license, dated within 30 days of application date;
 - (d) a list of all convictions, criminal, traffic and otherwise in any jurisdiction;
 - (e) such other information that the License Inspector may reasonably require;
 - (f) on initial application, evidence the applicant has completed a driver improvement course recognized by the City, taken within 6 months of application OR proof the applicant is registered to take a driver improvement course within 30 days of application date.

5 ¹TERM AND RENEWAL OF LICENSES

- (1) A Chauffeur License is valid for a calendar year, or portion thereof remaining, and shall expire on December 31 of the year in which it was issued.

¹ 3394/A-2015

- (2) A Limousine Business License or Sedan Business License is valid for a calendar year, or portion thereof remaining, and shall expire on December 31 of the year in which it was issued.
- (3) A Limousine Vehicle Identification License or Sedan Vehicle Identification License is valid for a calendar year, or portion thereof remaining, and shall expire on December 31 of the year in which it was issued.
- (4) A renewal application for any license issued under this bylaw shall be made no later than December 31. If a renewal application is not received by December 31, the license will be deemed expired and a new application will be required.

6 DUTY TO ADVISE OF CHANGE IN INFORMATION

A licensee must advise The City of any changes in the information required under Sections 3 and 4;

- (a) on an application to renew its license; and
- (b) during the currency of any license, within 30 days of any changes to such information.

7 TRANSFER OF VEHICLE IDENTIFICATION LICENSE TO ANOTHER VEHICLE

- (1) Should a vehicle licensee desire to substitute another limousine or sedan motor vehicle for any limousine or sedan motor vehicle for which an identification tag has been issued, such licensee shall deliver to the License Inspector the identification tag issued and the information concerning the limousine or sedan motor vehicle to be substituted as the License Inspector may require, including;
 - a) a Mechanical Fitness Report;
 - b) evidence of registration;
 - c) evidence of insurance;
 - d) such other information as the License Inspector may reasonably require to ensure conformity with this bylaw.
- (2) When the License Inspector is satisfied that the motor vehicle proposed to be substituted complies with this bylaw and is safe, fit and suitable for use and that the above conditions have been met, he shall, upon payment by the licensee of the fee required in Schedule "A", reissue to the licensee the vehicle identification tag for the motor vehicle so substituted.

8 OPERATING REQUIREMENTS

- (1) A person operating a Limousine or Sedan or Limousine service or Sedan service;
 - (a) shall not operate on a fixed or scheduled route;
 - (b) shall not cruise city streets or highways for the purpose of soliciting work;
 - (c) shall not occupy a marked taxi stand;
 - (d) shall not pick up passengers in a marked taxi zone or taxicab stand;
 - (e) Shall not accept passengers unless the service was previously scheduled a minimum of one (1) hour in advance;
 - (f) shall ensure all trips are pre-scheduled, contracts are signed and log books are kept in the vehicle, as to the date and time the trip is booked, the date and time of the trip, number of passengers, place of pick up and destination for each trip;
 - (g) shall ensure all signed contracts and log books are kept safe and secure for a minimum of one year from the time of the trip;
 - (h) shall ensure that when on duty will present a clean, neat and well groomed appearance and
 - (i) shall wear clothing that is neat, clean and appropriate for transporting persons;
 - (j) shall ensure the minimum rates are charged in accordance with Schedule B.

9 POWERS OF LICENSE INSPECTOR

- (1) The License Inspector is hereby authorized to:
 - (a) inspect or cause to be inspected any vehicle which is used to provide services under this bylaw;

- (b) refuse to issue or renew any license where, in the reasonable opinion of the License Inspector, the applicant does not comply with the requirements of this bylaw;
- (c) revoke or suspend any license if, in the reasonable opinion of the License Inspector, the licensee has not complied with or is breaching any provision of this bylaw;
- (d) revoke or refuse to issue a Chauffeur License under this bylaw where, in the reasonable opinion of the License Inspector, the person applying for a license or to whom a license has been issued:
 - (i) has a driving record which makes the driver unfit to drive a public conveyance;
 - (ii) the character, conduct or state of health makes the driver unfit to drive a public conveyance;
 - (iii) the driver does not comply with the requirements or is in breach of any of the provisions of this bylaw;
- (e) require a driver to undergo additional driver improvement or driver training courses;
- (f) prescribe and authorize the forms, licenses and certificates to be used or issued under this bylaw.

10 INSPECTION OF DOCUMENTS

Every licensee under this bylaw shall upon the demand of the License Inspector, Bylaw Enforcement Officer or Peace Officer produce any license or document, which the licensee may be required to have under this bylaw.

11 MECHANICAL FITNESS OF VEHICLES

- (1) The License Inspector may require any vehicle used to provide services under this bylaw to undergo such inspections for safety and mechanical fitness and to undergo such repairs as in the reasonable discretion of the License Inspector is deemed necessary for the safety of the public; such inspections are not limited to but may include as follows:
 - (a) the yearly provision of a Mechanical Fitness Report prepared by a licensed mechanic;

- (b) the repair and correction of any deficiencies and the provision of a further Mechanical Fitness Report confirming same.
- (2) All costs of inspections and repairs shall be paid for by the licensee.
- (3) No person shall obstruct or interfere with any inspection required under this bylaw.

12² APPEAL

A decision of the License Inspector made pursuant to Sec. 9 (1), (b), (c), and (d) of this bylaw may be appealed to the Red Deer Appeal & Review Board, in accordance with the procedures as outlined in The City of Red Deer Committees Bylaw.

13³ ANNUAL LICENSE FEES

- (1) The License Fees under this bylaw are set out in Schedule "A" annexed hereto and made part of this bylaw.
- (2) The fees listed in Schedule "A" may be reduced pro-rata on a monthly basis for each month or partial month from the date the License is first issued until December 31 of that year for any Licensee who has not obtained a License in the past.

14 RATES TO BE CHARGED FOR LIMOUSINE OR SEDAN SERVICES

The minimum rate to be charged for the hire of a Limousine or Sedan is set out in Schedule "B" annexed hereto and made part of this bylaw. There shall be no charges for portions of an hour for the first hour. After the first hour, portions of no less than half hour increments may be charged.

15 OFFENCES AND PENALTIES

- (1) Any person who contravenes the provisions of this bylaw shown in Schedule "C" is guilty of an offence and liable to pay a fine as specified in Schedule "C" which is annexed hereto and made part of this bylaw.
- (2) Any person who contravenes a provision of this bylaw not listed in Schedule "C" is guilty of an offence and liable upon summary conviction to

² 3394/A-2009

³ 3394/A-2015

pay a fine of not less than \$250.00 and not more than \$2500.00 and in default of payment to imprisonment for a period not exceeding 6 months.

- (3) Any person who contravenes any provision of this bylaw and is found guilty of a second or subsequent offence is liable upon summary conviction to pay a fine of not less than \$5000.00 and not more than \$10,000.00 and in default of payment to imprisonment for a period not exceeding six months.
- (4) A Peace Officer, License Inspector, or Bylaw Enforcement Officer who has reasonable grounds to believe that any person has contravened any provision of this bylaw shall:
 - (a) in the case of a contravention set out in Schedule "C" serve upon such person an offence ticket allowing for payment of the specified penalty to The City in lieu of prosecution of the offence;
 - (b) in all other instances serve upon such person a summons requiring the person to appear in court;
 - (c) authorize the removal, or cause to be removed, any vehicle found operating in contravention of this bylaw.
 - (i) No impounded vehicle shall be released to its owner or his agent until the impounding charge and removal charge on the vehicle have been paid, such charges shall be in addition to any fine or penalty imposed in respect of any such violation, or to any payment made in lieu of prosecution herein provided. The City is not responsible for impounding, towing, or removal charges.
- (5) In addition to any penalty(s) the person must pay the applicable license fee(s).

16 EXEMPTIONS

Notwithstanding any other provision in this bylaw the License Inspector may grant an exemption for the following;

- (1) Taxi's licensed under the Taxi Business Bylaw;
- (2) City of Red Deer Transit Services;
- (3) private courtesy transportation such as provided by a car dealership or garage for its customers, and

- (4) transporting operations connected with adult or senior living residences for which no fee is charged;
- (5) busing operations connected with Public or Separate School Boards;
- (6) motor vehicles used in the course of providing care to clients who require personal assistance with activities of daily living;
- (7) Funeral vehicles operating within the scope of a funeral service.

17 GENERAL

- (1) All Limousine Business, Sedan Business and Chauffeur licenses issued pursuant to this bylaw are the property of the City and may not be transferred.
- (2) No license may be issued or renewed if the applicant, or any individual or corporation named in the application, has an unpaid fine owing to the City for an offence under this bylaw.
- (3) A copy of a record of the City, certified by the Inspections and Licensing Manager as a true copy of the original, shall be admitted as evidence as prima facia proof of the facts stated in the record without proof of the appointment or signature of the person signing it.
- (4) In any prosecution for an offence, where a question arises as to whether a person had a valid and subsisting License, the burden is on that person to establish that the License was valid and subsisting.

18 SEVERABILITY

The invalidity of any provision of this Bylaw shall not affect the validity of the remainder.

19⁴ TRANSITIONAL

- (1) Notwithstanding anything in this bylaw, a Limousine Service, Limousine vehicle, Sedan Service, Sedan vehicle or chauffeur in existence as at the date of this bylaw shall not be guilty of the offence of not having a license, provided that they are in possession of a valid license(s) by noon of October 1, 2007.

⁴ 3394/A-2015

- (2) The following provisions apply to any license issued under this bylaw in 2015:
 - (a) For licenses issued after May 1, 2015, the license fees set out in Schedule "A" shall be reduced pro-rata on a monthly basis for each month or partial month from the date the license is first issued until December 31;
 - (b) For licenses issued before May 1, 2015, provided the licensee has paid the fee for a license which was to be valid for 12 months, the license will expire on December 31, 2015 and the licensee shall receive a pro-rated credit for all remaining months or partial months which, at the licensee's discretion may be applied to the licensee's 2016 license fees or refunded to the licensee.

READ A FIRST TIME IN OPEN COUNCIL this 30th day of July 2007.
 READ A SECOND TIME IN OPEN COUNCIL this 30th day of July 2007.
 READ A THIRD TIME IN OPEN COUNCIL this 30th day of July 2007.
 AND SIGNED BY THE MAYOR AND CITY CLERK this 30th day of July 2007.

"Morris Flewwelling"

"Kelly Kloss"

MAYOR

CITY CLERK

Schedule A - FEES⁵DELETED

YEAR	2007	2008
Resident Limousine Service License	\$ 65.00	\$ 200.00
Resident Single Event Limousine License - one per calendar year	35.00	100.00
Non-Resident Limousine Service License	135.00	400.00
Non-Resident Single Event Limousine License - one per calendar year	65.00	200.00
Limousine Vehicle Identification License	15.00	40.00
Chauffeur License	10.00	35.00
Resident Sedan Service License	65.00	200.00
Resident Single Event Sedan License - one per calendar year	35.00	100.00
Non-Resident Sedan Service License	135.00	400.00
Non-Resident Single Event Sedan License - one per calendar year	65.00	200.00
Sedan Vehicle Identification License	15.00	40.00
Limousine or Sedan Vehicle Identification License - Replacement or Transfer	35.00	35.00
Re-instatement Fee – Any License	100.00	100.00

⁵ 3394/A-2015

Schedule B - RATES**SEDAN**

A minimum rate of \$60.00 shall be charged for the first hour. After the first hour, portions of no less than half hour increments may be charged.

LIMOUSINE

A minimum rate of \$100.00 shall be charged for the first hour. After the first hour, portions of no less than half hour increments may be charged.

There will be an annual rate increase applied to each rate. It will be calculated by using the amount of the Alberta average Consumer Price Index (CPI) rounded to the nearest dollar and will be effective October 1 of each year, starting October 2008.

Schedule C - FINES

		<u>1st Offence</u>	<u>2nd & subsequent Offence</u>
3 (1)(a)	Operating without a Limousine Business or Sedan Business License	\$1500.00	Mandatory Court Appearance
3 (1)(c)	Operating without a Limousine Vehicle or Sedan Vehicle Identification License	\$1500.00	Mandatory Court Appearance
4 (1)	driving without a Chauffeur License	\$1500.00	Mandatory Court Appearance
8 (1)(a)	Operate on fixed route	\$1000.00	Mandatory Court Appearance
8 (1)(b)	Cruising city street or highway	\$1000.00	Mandatory Court Appearance
8 (1)(c)	Occupy a marked taxi stand	\$1000.00	Mandatory Court Appearance
8 (1)(d)	Picking up passengers in marked taxi zone/stand	\$1000.00	Mandatory Court Appearance
8 (1)(e)	Picking up non-pre-scheduled passengers	\$1000.00	Mandatory Court Appearance
8 (1)(f) 8 (1)(g)	Failing to have the proper documents	\$1000.00	Suspension
8 (1)(j)	Not ensuring minimum rate charged	\$1000.00	Suspension