

THE CORPORATION OF THE TOWN OF FORT SMITH

By-Law # 603

A BY-LAW OF THE CORPORATION OF THE TOWN OF FORT SMITH IN THE NORTHWEST TERRITORIES, TO PROVIDE FOR THE REGULATING, SUPERVISION AND LICENSING OF VEHICLES CONVEYING PASSENGERS FOR HIRE OR PROFIT WITHIN THE MUNICIPAL BOUNDARIES, PASSING PURSUANT TO SECTION 113 OF THE CITIES, TOWNS AND VILLAGES ACT, BEING CHAPTER C-8, R.S.N.W.T., 1988.

WHEREAS the Council of the Corporation of the Town of Fort Smith in the Northwest Territories, deems it necessary to regulate, supervise and license vehicle conveying passengers for hire or profit with the Municipal boundaries of the Fort Smith, N.W.T.

NOW THEREFORE, the Council of the Corporation of the Town of Fort Smith in the Northwest Territories, at a duly assembled meeting enacts as follows:

SHORT TITLE

1. This By-law shall be cited as the "Livery License By-law".

INTERPRETATION

2. In this bylaw:

- (a) "APPLICANT" means a company or representative of a company or an individual applying for a license under this by-law;
- (b) "CHAUFFEUR" means a person, who, for gain or reward, drives or operates a motor vehicle;
- (c) "CLASS OF LICENSE" means a license numbered 1,2,3, or 4, as defined in the Motor Vehicles Act, R.S.N.W.T., 1988, sec.66, Ch.M-16.;
- (d) "COUNCIL" means the Council of the Corporation of the Town of Fort Smith in

the Northwest Territories;

- (e) "DRIVER" means a person who drives or permits a motor vehicle to be driven on a highway;
- (f) "GAIN OR REWARD" means any payment, consideration, compensation or gratuity directly or indirectly charged, demanded, received or collected for the use of a vehicle by a person who, as an owner, lessee, hirer, chauffeur or driver, has possession of, or control over the motor vehicle or has directed movement of the vehicle.
- (g) "LICENSE" means a license issued pursuant to this by-law by the Town of Fort Smith;
- (h) "LICENSE YEAR" means that period falling within January 01 and December 31 of each year.
- (i) "LIVERY OR TAXI CAB" means a public service vehicle that is used by its owner, chauffeur or driver for the business of transporting passengers at their request to a stated destination but that is not operated at a regularly established schedule;
- (j) "LIMOUSINE" means a large automobile or small bus which can accommodate more than five passengers and conveys passengers to and from the airport;
- (k) "MOTOR VEHICLE" for the purpose of this by-law shall include, but not limit, an automobile, bus, livery, motorcycle, bicycle with motor attachment, truck, taxi-cab, tractor, tracked vehicle or any other vehicle propelled or driven other than muscular power.
- (l) "OFFICER" means a By-law Officer appointed by Council;
- (m) "OWNER" means the person in whose name a motor vehicle or is required to be registered under the Motor Vehicles Act;
- (n) "PEACE OFFICER" means a member of the R.C.M.P.;
- (o) "PERMIT" means a permit issued pursuant to this by-law by the Town of Fort Smith;

- (p) "PERSON" means an individual, partnership or corporation;
- (q) "POLICE CHIEF OR CHIEF OF POLICE" shall mean the Officer in charge of the Royal Canadian Mounted Police detachment at Fort Smith in the Northwest Territories;
- (r) "SENIOR ADMINISTRATIVE OFFICER" means the Senior Administrative Officer of the Town of Fort Smith and includes any person delegating in his/her authority;
- (s) "TAXES" means the Goods and Service Tax (GST) as levied by the Government of Canada;
- (t) "TAXI METER" means a device that is installed in a taxi, which computes and shows the fare payable for each taxi trip, calculated on the distance traveled, or on waiting time elapsed, or both;
- (u) "TAXI OPERATOR" means a person, partnership or Corporation which holds a valid and subsisting Taxi License issued pursuant to this By-law;;
- (v) "TAXI STAND" means an area used by a single car and designated by the Senior Administrative Officer to be used for the pick-up or drop-off of passengers and which is defined with a Taxi Stand sign.

LICENSING

- 3. (a) No person shall operate a motor vehicle for the purpose of conveying passengers for hire or profit within the Town of Fort Smith unless there is a valid and subsisting taxi license for such automobile issued pursuant to this by-law.
- (b) Notwithstanding the provisions and generality of sub-section (a), a livery which is licensed in another Municipality may enter into the Town of Fort Smith to discharge passengers or to take passengers through the Town of Fort Smith on a round trip basis.
- (c) A person may not apply to Council for a livery license until he/she has posted a Notice of Intention to apply for a license in the form set out in Schedule , Fort "A", for a period of fifteen (15) days in the Town Office and at least two

(2) other public places. Such an application does not apply to owners who hold a License to operate a motor vehicle as a livery and whose application is form the purpose of securing a license to operate any additional vehicle(s) as a livery, or who holds a valid license on the last day of any license year for re-licensing in the succeeding year.

4. Application for licensing a motor vehicle as a livery shall be made to the Senior Administrative Officer in the form set out in Schedule 1, Fort "B".
5. Application for a license to operate a motor vehicle as a livery shall be accompanied by:
 - (a) the fee prescribed in Schedule 2;
 - (b) an affidavit by a person with knowledge of the facts to the effect that a Notice of Intention to apply for a license was posted as required under Section 3 of this By-Law;
 - (c) details of the proposed service to be provided for passengers and patrons; and
 - (d) details of vehicles to be licensed
6. No license to operate a vehicle as a livery shall be issued until there is produced to the Senior Administrative Officer;
 - (a) a certificate from an insurer acceptable to the Town of Fort Smith stating that the insurer has issued to or for the benefit of the owner in respect of any such vehicle a policy of insurance covering bodily injury and property damage as required under the provisions of the Motor Vehicle Act.
 - (b) a certificate of insurance confirming that any policy of insurance covering such vehicle is in full force and will not expire or be cancelled until ten (10) days after notice is received by the Council from the insurer that the policy is to expire or be cancelled.
7. A holder of a license to operate a livery who fails to continue in force insurance coverage shall have his/her livery license cancelled.
8. No license to operate a vehicle as a livery shall be issued as on any vehicle over five

(5) years old without written permission from the Senior Administrative Officer.

9. (a) All livery license, unless sooner stated therein, expire on the 31st day of December next following the day upon which they were issued;

(b) No livery license shall be re-issued unless a description of the vehicles and insurance coverage details are provided to the senior Administrative Officer by the owner.

10. All vehicles shall be subject to inspection by an independently licensed mechanic, the cost of which shall be borne by the owner of the livery service, copy of which is to be forwarded to the Senior Administrative Officer on the following basis;

(a) if the vehicle is two (2) years old or less, an inspection shall be required annually; and

(b) for vehicles older than two (2) years, an inspection required semi-annually; and

(c) notwithstanding subsections (a) and (b), the Senior Administrative Officer may request an inspection at any time.

11. The Senior Administration Officer, upon receipt of an application may at his/her discretion;

(a) summon the applicant to appear before him/her in support of the application;

(b) hear other persons either in support or in opposition to the application; and

(c) defer the application or adjourn a hearing from time to time provided that such deferment or adjournment shall not exceed thirty (30) days.

12. The Senior Administrative Officer, following a hearing, may:

(a) approve the application;

(b) refuse an application that does not meet the provisions of the current By-Law.

13. Application for licensing a motor vehicle as a livery shall be made to the Senior Administrative Officer in the form as set out in Schedule 1, Form "B"
14. The owner of a livery service shall satisfy the Senior Administrative Officer as set out in Schedule 1, Form "D" that all drivers employed by him/her on the operation of a livery service are:
 - (a) the holder of a current class 4 or equivalent license issued pursuant to the Motor Vehicle Act;
 - (b) certified by a qualified medical practitioner as being physically fit to drive a vehicle licensed as a livery; and
 - (c) certified as have no criminal record, narcotics, liquor or driving convictions which, in the opinion of the Police Chief, might adversely affect his/her performance as the driver of a vehicle licensed as a livery; and
 - (d) pay to the Senior Administrative Officer the livery drivers operator's license fee as set out in Schedule 2;
 - (e) at all times, while driving a taxi cab, have, on their possession, the drivers operator's license issued by the Senior Administrative Officer.
15. A driver SHALL NOT:
 - (a) smoke when passengers are in the taxi unless the passenger(s) consent thereto;
 - (b) use abusive or insulting language;
 - (c) permit a greater number of passengers to be carried in the taxi than the number of seats and the number of seatbelts provide;
 - (d) set the taxi in motion while a passenger is entering, or leaving the taxi;
 - (e) collect fees, or give change, while the taxi is in motion;
 - (f) take on additional passengers after the taxi had departed, unless with the

consent of the passengers already in the taxi;

- (g) discriminate in any way against any person(s) while on duty because of sex, race religion, colour or creed; or
 - (h) refuse to convey within the Town any orderly person(s) upon request, unless the taxi is engaged, or the driver is prohibited by law from, or incapable of, conveying such person, or unless the person is an unaccompanied child under the age of five (5) years.
16. A driver SHALL;
- (a) unless otherwise directed by a passenger, drive the most direct, practicable route to the destination;
 - (b) upon request by a passenger, issue a receipt of the fare paid;
 - (c) be neat and clean in his/her person and dress, subject to the approval of the Senior Administrative Officer.
17. A driver shall, when so requested, assist any Officer, Peace Officer, R.C.M.P., member of the Fort Smith Fire Department, or a member of the Fort Smith Ambulance, by conveying any such person to any place within the Town, and the driver shall be entitled, after the performance of such service, to receive the prescribed fare which shall be paid by the responsible party.
18. No taxi operator shall operate, or permit to be operated, any taxi unless such taxi:
- (a) is clean, in good repair, and in safe mechanical condition;
 - (b) is inspected by an independent licensed mechanic yearly;
 - (c) has its unit number (number assigned to each taxi for identification purposes) conspicuously displayed on the exterior of the taxi in numerical letters of a minimum of three (3) inches in height, on each side of the taxi, or each side of the taxi roof light;
 - (d) has a properly operating taxi meter.

19. Every taxi operator and every driver shall, upon demand, by an Officer:
 - (a) permit an Officer to inspect any taxi and the contents thereof; and
 - (b) submit and deliver each taxi, under the control of such taxi operator and such driver, to an Officer for test and inspection, the full cost of which shall be borne by the taxi operator.
 - (c) all required repairs shall be completed within two (2) weeks, commencing inspection date.

20. Every taxi operator and every driver shall, not less than once a year, submit and deliver each taxi under the control of such taxi operator and such driver, to an Officer for the testing and inspection of the taxi meter installed. If the testing and inspection of the meter indicated that the rates are other than those approved by the by-law, the meter shall be repaired. Any taxi in which the meter has previously indicated rates other than those approved by this by-law, shall be subject to further inspection, upon demand.

21. Every taxi meter installed in a taxi shall:
 - (a) be so located and so illuminated as to permit the fare to be read at all times by a passenger in the front or in the rear seat of the taxi;
 - (b) be programmed or set to the fares authorized pursuant to Schedule 3 of this by-law.
 - (c) shall be sealed by the Town of Fort Smith.

22. No person shall operate a motor vehicle within the Town of Fort Smith that is equipped with a taxi meter, taxi sign, or any other type of taxi markings, unless a valid taxi license has been issued for such vehicle, as per this by-law.

23. No driver or taxi operator shall charge, or permit to be charged, fares to passengers in a taxi in excess of the fares prescribed pursuant to Schedule 3 of this by-law.

SUSPENSION AND CANCELLATION OF LICENSE

24. The Police Chief may, by letter, recommend to the Senior Administrative Officer:
- (a) the suspension of a driver of a livery, or a livery operator who has been charged with an offence under the Criminal, Narcotics, Liquor or Motor Vehicles Act; or
 - (b) the cancellation of a livery driver's certificate or a livery operator's license, who has been convicted of an offence under the Criminal, Narcotics, Liquor or Motor Vehicles Act.
25. The Senior Administrative Officer, upon receipt of the recommendation cited in Section 24, shall:
- (a) overrule the recommendation; or
 - (b) abide by the recommendation.
26. After a decision under Section 25, the Senior Administrative Officer shall immediately advise the Police Chief, the livery operator, and/or the driver, of its decision:
- (a) the owner of the livery service and/or driver may appeal within fourteen (14) days to the Senior Administrative Officer regarding the decision of the Senior Administrative Officer;
 - (b) the appeal shall be in writing addressed to the Senior Administrative Officer and shall set forth the grounds upon which the appeal is made;
27. The owner of a livery service who employs as a driver of a livery, a person who is not certified pursuant to this by-law or certificate or driver's license has been cancelled or suspended, is guilty of an offence under this by-law.

DISPATCH OFFICE

28. The holder of a livery operator's license may operate a livery dispatch office from a

residential area, with approval of the Senior Administrative Officer, provided that:

- (a) the premises are used as a dispatch office only, and not used as a taxi stand;
- (b) the use of the premises is not detrimental to the amenities of the neighborhood;
- (c) no accumulation of livery vehicles will occur at on the premises at any time;
- (d) no radio transmission interference will occur in the immediate vicinity.

29. Section 28 shall be reviewed yearly, by the Senior Administrative Officer, at the time the livery license holder applies for a license renewal.

30. If the holder of a license to operate a livery service fails to comply with Section 28, the license may be suspended or cancelled without portion of re-issuance at any time unless he/she can show good and sufficient evidence of good faith and that the reason for non-compliance is acceptable to the Senior Administrative Officer.

TAXI STAND

31. The older of a license to operate a motor vehicle as a livery or taxi cab may provide a taxi stand, depot, and/or waiting room at any time, provided such position is approved by the Senior Administrative Officer and is located in a Commercially Zoned area.

HOURS OF OPERATION

32. The minimum operation hours provide by a holder of a livery license shall be as follows:

- (a) Mondays to Thursdays, and Saturdays from 6:30 a.m. to 2: a.m.
- (b) Fridays from 6:30 a.m. to 3:00 a.m.
- (c) Sundays from 6:30 a.m. to 12:30 a.m.

33. If the holder of a license to operate a livery service fails to comply with Section 32, the license maybe suspended or cancelled without option of re-issuance at any time, unless he/she can show good and sufficient evidence of his/her good faith and the reason for non-compliance of this by-law is acceptable to Council.

TARIFFS

34. (a) the rates charged by livery or taxi cab operators, drivers or chauffeurs, shall be set out in Schedule 3 of this by-law;
- (b) the holder of a license to operate a livery service may, by a written application to the senior Administrative Officer, apply to Council for revision of the tariffs or fares;
- (c) Council may fix rates on the basis of meter readings. In such event, no livery or taxi cab may operate without a meter or a type approved by Council, and at all times in proper working order;
- (d) the Senior Administrative Officer may take measures necessary to ensure that taxi meters are properly installed, functioning accurately and that fare schedules are strictly adhered to.

LIMOUSINE SERVICE

35. (a) any licensed livery operator may provide a limousine service to and from the airport;
- (b) the operator of a limousine service shall ensure that the scheduling of the limousine service coincides with the arrival and departure times of the scheduled airline(s);
- (c) rates for limousine service to and from the airport shall be outlined as per Schedule 3 of this by-law.

ENFORCEMENT

36. An Officer may seize a taxi(s) and cause it to be removed from its location to a place of storage, if the Officer has reasonable and probable grounds to believe that the taxi(s) are being operated in contravention of any provision of this by-law.
37. Any taxi seized and impounded, as described in Section 36, shall be moved and held at the risk of the owner.
38. Any taxi that has been seized and impounded, as described in Section 36, shall not be released to the owner of the taxi until:
- (a) all storage and towing fees are paid in full;
 - (b) all applicable charges or fines are paid in full; and
 - (c) full compliance of the by-law has been shown by the owner.
39. Any person(s) violating any provision of this by-law is guilty of an offence, and is liable, upon Summary Conviction, to a fine not exceeding:
- (a) two thousand (\$2,000.00) dollars for an individual:
 - (b) ten thousand (\$10,000.00) dollars for a corporation: and
 - (d) imprisonment for a period not exceeding six (6) months, in default of payment of a fine.
40. Pursuant to Section 39 of this by-law, an Officer may issue a Summary Offence Ticket Information, in the form of a ticket, prescribed by the Summary Convictions Procedures Act and Regulations, to any person(s) who violates any provision of this by-law where there is no set penalty, and such person may, in lieu of prosecution, pay a voluntary penalty, prior to the Court date set out on the ticket, of:
- (a) one hundred (\$110.00) dollars for an individual; and
 - (b) two hundred (\$200.00) dollars for a corporation.
41. All forms and schedules contained within this by-law form part of this by-law.

REPEAL

42. By-law #442, and any amendments thereto, are hereby repealed.

EFFECT

43. This by-law shall come into effect upon receiving third (3rd) Reading and otherwise meets the requirements of Section 58 of the Cities, Towns and Villages Act.

READ A FIRST TIME THIS 7 DAY OF May, 1996 A.D.

READ A SECOND TIME THIS 7 DAY OF May, 1996 A.D.

READ A THIRD TIME THIS 21 DAY OF May, 1996 A.D.

Dennis Bevington

Roy Scott

MAYOR

SENIOR ADMINISTRATIVE OFFICER

TOWN OF FORT SMITH
BY-LAW #603
SCHEDULE 1, FORM "A"

TAXI LICENSE APPLICATION

NOTICE OF INTENTION TO APPLY FOR A LICENSE TO OPERATE
A LIVERY SERVICE IN THE TOWN OF FORT SMITH IN THE
NORTHWEST TERRITORIES.

This is to certify that the undersigned individual/firm on the _____ day of _____
_____, 20_____, being fifteen (15) days following the date of posting of this Notice of
Intention, or within further fifteen (15) days will apply to the Town of Fort Smith for a license to
operate a livery service within the Town.

Date Notice Posted

Signature of Applicant

TOWN OF FORT SMITH
BY-LAW #603
SCHEDULE 1, FORM "B"

APPLICATION TO LICENSE VEHICLES

COMPANY NAME: _____

APPLICANT: _____

ADDRESS: _____

DESCRIPTION OF VEHICLES (Make, Model, Year, V.I.N., Color)

1. _____

2. _____

3. _____

4. _____

5. _____

6. _____

INSURANCE COVERAGE (Public Liability/Property Damage)

NOTE: This application must be accompanied by Bills of Sale as proof of ownership of vehicles described herein or by the previous or existent registration certificates for used vehicles. Description of vehicles and insurance coverage shall be re-submitted annually.

Dated this _____ day of _____, 19___, at Fort Smith, N.W.T.

Signature of Applicant

TOWN OF FORT SMITH
BY-LAW #603
SCHEDULE 1, FORM "C"

TRANSFER OF MOTOR LIVERY LICENSE

This is to transfer Motor Livery License from the vehicle(s) described hereunder:

	<u>TYPE</u>	<u>MODEL</u>	<u>SERIAL NUMBER</u>
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____

To the following vehicle(s):

	<u>TYPE</u>	<u>MODEL</u>	<u>SERIAL NUMBER</u>
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____

FEE PAID: \$ _____

LICENSEE: _____

SENIOR ADMINISTRATIVE OFFICER
TOWN OF FORT SMITH, N.W.T.

TOWN OF FORT SMITH
BY-LAW #603
SCHEDULE 1, FORM "D"

DETAILS OF DRIVERS & OPERATORS OF LICENSED LIVERY SERVICE

	<u>NAME</u>	<u>DRIVER'S LICENSE NUMBER</u>	<u>MEDICAL CERTIFICATE</u>
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____
6.	_____	_____	_____
7.	_____	_____	_____
8.	_____	_____	_____
9.	_____	_____	_____
10.	_____	_____	_____

NOTE: This certification shall be renewed annually.

Dated this _____ day of _____, 19____, at Fort Smith, N.W.T.

Signature of Applicant

