



**THE MUNICIPAL CORPORATION OF THE TOWN OF FORT SMITH
BYLAW #1040**

A BYLAW OF THE MUNICIPAL CORPORATION OF THE
TOWN OF FORT SMITH, IN THE NORTHWEST TERRITORIES,
FOR THE PURPOSE OF SUPERVISING, LICENSING AND
REGULATIONS FOR TAXI SERVICES WITHIN THE
MUNICIPAL BOUNDARIES, PURSUANT TO SECTIONS 68 AND
70 OF THE CITIES, TOWNS AND VILLAGE ACT S.N.W.T, 2003,
c.22.

WHEREAS, the Council of the Municipal Corporation of the Town of Fort Smith, in the Northwest Territories, determines it to be in the public interest to establish regulations to supervise, license, and regulate the operation of Taxis within the municipal boundaries of the Town of Fort Smith;

NOW THEREFORE, the Council of the Municipal Corporation of the Town of Fort Smith, at a duly assembled meeting, enacts as follows;

1. SHORT TITLE

THAT the short title of the Bylaw may is the "Taxi Bylaw."

2. INTERPRETATION

Definitions

- a. "Applicant" means a company or representative of a company or an individual applying for a license under this bylaw;
- 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 Vehicle Act, R.S.N.W.T., 1998, sec. 66, Ch M-16;
- d. "Council" means the Council of the Municipal Corporation of the Town of Fort Smith in the Northwest Territories;
- e. "Driver" means a person who drives a motor vehicle on any highway, including a road, place, bridge, or structure, whether publicly or privately owned, that the public is ordinarily entitled or permitted to use for the passage of vehicles as defined in the Motor Vehicle Act, R.S.N.W.T., 1998, Ch M-16;
- 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. "G.S.T." means the Goods and Services Tax as levied by the Government of Canada;
- h. "License" means a license issued according to this bylaw by the Town;
- i. "License Year" means that period falling within January 01 and December 31 of each calendar year;



**THE MUNICIPAL CORPORATION OF THE TOWN OF FORT SMITH
BYLAW #1040**

- j. "Livery or Taxi-Cab" means a public service vehicle used by its owner, chauffeur, or driver for the business of transporting passengers at their request to a stated destination, but is not operated at a regularly established schedule or rate;
- k. "Limousine" means a large automobile or small bus which can accommodate more than five (5) passengers and transports passengers to and from any destination within the Town;
- l. "Motor Vehicle" for the purpose of this bylaw includes, but not limited to an automobile, bus, motorcycle, truck, taxi, tractor, tracked vehicle, bicycle with motor attachment or any other vehicle propelled or driven other than with muscular power;
- m. "Officer" means a person appointed by Council, according to the Cities, Towns and Villages Act, as a Bylaw Officer to enforce the bylaws of the Town and any Peace Officer who is authorized to enforce the bylaws of the Town;
- n. "Owner" means the person a motor vehicle is registered to, under the Motor Vehicle Act, R.S.N.W.T., 1998, Ch M-16;
- o. "Peace Officer" means a member of the Royal Canadian Mounted Police;
- p. "Permit" means a permit issued pursuant to this bylaw by the Town;
- q. "Person" means an individual, sole-proprietor, partnership, or corporation;
- r. "SAO" means the Senior Administrative Officer of the Town appointed according to Section 41 of the Cities, Towns and Villages Act, S.N.W.T. 2003, c.22, or any person delegating in their authority;
- s. "Taxes" means the Goods and Services Tax (GST) as levied by the Government of Canada;
- t. "Taxi" means a vehicle used to carry for hire or profit, not more than twelve passengers excluding the Driver, but does not include a bus, truck, shuttle van, or an ambulance;
- u. "Taxi Meter" means a device installed in a taxi, which computes and shows the fare payable for each taxi trip, calculated on the distance travelled, or on waiting time elapsed, or both;
- v. "Taxi Operator" means a person, sole-proprietor, partnership, or corporation which holds a valid and subsisting Taxi License issued pursuant to this bylaw;
- w. "Taxi Stand" means an area used by a single car and designated by the Senior Administrative Officer used for the pickup or drop-off of passengers and defined with a Taxi Stand sign.
- x. "Town" means the Municipal Corporation of the Town of Fort Smith.



**THE MUNICIPAL CORPORATION OF THE TOWN OF FORT SMITH
BYLAW #1040**

3. APPLICATION FOR TAXI OPERATOR LICENSE

- a. No person is authorized to be a Taxi Operator or operate a motor vehicle for the purpose of transporting passengers for hire or profit within the Town unless there is a valid and existing Taxi Operator Licence issued according to this bylaw and a valid business licence as per the Business License Bylaw.
- b. For all the conditions of subsection (a), a taxi licensed in another Municipality may enter the Town to drop-off passengers or to take passengers through the Town on a round trip basis.
- c. Application to obtain a Taxi Operator licence must be submitted to the SAO in the form set out in Schedule "1" Form "B".
- d. Application for a license as a Taxi Operator must include: :
 - i. The fee defined in Schedule "2";
 - ii. Details of vehicle(s) to be operated as a taxi .
 - iii. A valid Fort Smith business license.
 - iv. A home occupation permit for any business being operated out of a residential building, in a residential zone.
 - v. An insurance policy certificate from an insurer acceptable to the Town, stating that the insurer has issued to or for the benefit of the owner in respect of any vehicle to be used in association with the Taxi Operator Licence, and covers bodily injury and property damage as required under the requirements of the Motor Vehicle Act.
 - vi. A certificate/insurance policy from the insurer, confirming that any policy of insurance covering such vehicle is in full force and will not expire or be cancelled for no less than thirty (30) days after the notice is received by the Council.
- e. A Taxi Operator who fails to continue with insurance coverage, will have their Taxi Operator license cancelled.
- f. All Taxi Operator licenses will expire on the last day of December following the day the licence was issued.
- g. The SAO, upon receipt of an application may at their discretion;
 - i. Summon the applicant to appear before the Town Council in support of the application;
 - ii. Hear other persons either in support or in opposition to the application; and
 - iii. Defer the application or adjourn a hearing from time to time provided that such deferment or adjournment will not exceed thirty (30) days.



**THE MUNICIPAL CORPORATION OF THE TOWN OF FORT SMITH
BYLAW #1040**

- h. The SAO, following a hearing, may at the discretion of the Town Council;
 - i. Approve the application; or
 - ii. Refuse an application that does not meet the provisions of the current bylaw;

4. VEHICLE REQUIREMENTS

No license to operate a vehicle as a taxi will be issued on any vehicle over five (5) years old without written permission from the SAO.

A Taxi Operator license will not be re-issued unless the following documents are provided to the SAO annually:

- a. A description of the vehicle(s) and insurance coverage details,
- b. an inspection report from an independently licensed mechanic is provided, the cost of which is the responsibility of the licensed Taxi Operator. Inspection requirements are as follows:
 - i. An annual inspection is required if the vehicle is five (5) years old or less; and
 - ii. A semi-annual inspection is required for vehicles older than five (5) years; and
 - iii. Despite subsections (a) and (b), the SAO may request an inspection at any time.
- c. No Taxi Operator will operate, or permit to be operated, a taxi unless that taxi;
 - i. Is clean, in good repair, and in safe mechanical condition,
 - ii. Is inspected by an independently licensed mechanic.
 - iii. Has its unit number (number assigned to each taxi for identification purposes) displayed on the exterior of the taxi. The unit number must be always clean from debris and visible. It must be no less than three (3) inches in height and on each side of the taxi or each side of the taxi roof light,
 - iv. Has a properly operating taxi meter on the interior of the taxi, which must be easily viewable to the passengers,
 - v. Has a safety light system to ensure the safety of the driver.



**THE MUNICIPAL CORPORATION OF THE TOWN OF FORT SMITH
BYLAW #1040**

5. DRIVERS

No Taxi Operator shall allow a driver to operate a taxi unless the person has:

- a. attained the full age of eighteen (18) years;
- b. has a valid NWT Driver's Licence, or has an equivalent valid driver's licence from another Canadian province or territory; in which case the person must provide satisfactory proof to the SAO within ninety (90) days of the date of the becoming a driver of having a valid Class 1, 2, 3, or 4 NWT driver's licence;
- c. is aware of the streets and layout of Fort Smith and the local points of interest;
- d. has provided a current, certified true copy of their Driver's Licence Abstract no older than 30 days from the date of becoming a driver;
- e. has provided a Criminal Record Check, including Vulnerable Sector Screening no older than 30 days from the date of becoming a driver, and that they meet the requirements set out below.

No driver shall be permitted to operate a taxi if:

- a. They have been convicted under the Criminal Code of Canada of:
 - i. a sexual offence or offence related to corrupt public morals;
 - ii. who is prohibited from possessing firearms or any explosive substance;
 - iii. an offence relating to criminal negligence causing death, homicide, assault causing bodily harm, aggravated assault, assault with a weapon, assault, kidnapping, abduction, extortion, any offence where a weapon was used;
 - iv. three (3) total offences of blood alcohol content over .08, or impaired driving, or any offence involving marijuana or a controlled substance in a motor vehicle;
 - v. any offence while on duty as a taxi driver
- b. They have been convicted under the Criminal Code of Canada within a five (5) year period immediately preceding becoming a driver of:
 - i. an offence relating to criminal negligence, assault;
 - ii. an offence relating to robbery or break and enter into a dwelling;
 - iii. dangerous driving;
 - iv. blood alcohol content over .08 or impaired driving.
- c. They have been convicted under the Controlled Drugs and Substances Act within the five (5) year period immediately preceding becoming a driver of any offence not described in the sections above.
- d. They have been convicted under the Liquor Act for the unlawful sale and supply of liquor within a period of three (3) years of becoming a driver
- e. Has been convicted of a total of five offences under the Motor Vehicles Act or any By-Law of the Town regulating taxis or traffic of a combination thereof within a period of two (2) years immediately preceding becoming a driver.



THE MUNICIPAL CORPORATION OF THE TOWN OF FORT SMITH BYLAW #1040

A Taxi Operator must provide the SAO with the required driver documents on an annual basis, at the time of renewing their operating licence, for all currently employed drivers.

A Taxi Operator must provide the SAO with the required driver documents for any new employee prior to them being allowed to operate a taxi. The Owner must receive written approval from the SAO prior to the new employee being allowed to operate a taxi.

6. OPERATIONS OF A TAXI

a. Drivers will:

- i. Unless otherwise directed by a passenger, drive the most direct or practicable route to the destination.
- ii. Upon request of the passenger, issue a receipt for the fare paid.

b. Drivers will not:

- i. Smoke in any vehicle used as a taxi at any time;
- ii. Use abusive or insulting language; Abusive language means the use of remarks intended to be demeaning, humiliating, mocking, insulting, or belittling that may or may not be based on the actual or perceived race, color, religion, sex, national origin, sexual orientation, or gender identity of any person(s);
- iii. Transport a greater number of passengers carried in the taxi than the number of seats with functioning seatbelts;
- iv. Set the taxi in motion while a passenger is entering or leaving the taxi;
- v. Collect fees or give change, while the taxi is in motion;
- vi. Take on additional passengers after the taxi has departed the initial pickup location;
- vii. Refuse to transport within the Town an orderly person(s) request, unless the taxi is engaged, or the driver is prohibited by law from, or incapable of, transporting a person, or unless the person is an unaccompanied child under the age of twelve (12) years old.

Taxi Operators and drivers will display in a location that is easily viewable by passengers the Taxi Operator licence and driver's certificate.

7. ENFORCEMENT

a. Every taxi operator and every driver must, upon demand by an Officer:

- i. Permit an Officer to inspect any taxi and the contents of that taxi; and
- ii. Submit and deliver each taxi, under the control of the Taxi Operator, to an independently licensed mechanic for inspection, the full cost of which is the responsibility of the Taxi Operator, to be pay at the time of inspection.



**THE MUNICIPAL CORPORATION OF THE TOWN OF FORT SMITH
BYLAW #1040**

- iii. All required repairs must be completed within two (2) weeks, following the inspection date.
- iv. Failure to comply will result in the suspension of the use of that vehicle as a taxi.
- b. Every taxi meter installed in a taxi must be:
 - i. Located and illuminated as to permit the fare to be always read by a passenger in the front or in the rear seat(s) of the taxi;
 - ii. Programmed or set to the fares authorized pursuant to Schedule “3” of this bylaw;
 - iii. Failure to comply will result in the suspension of the use of that vehicle as a taxi until the Taxi Operator has demonstrated compliance to an Officer.
- c. No person will operate a motor vehicle, or permit a motor vehicle to be operated, for a taxi service, within the Town that does not have a valid business licence, a Taxi Operator license, a taxi meter installed, taxi sign, or any other type of taxi markings, as per this bylaw.
- d. No driver or taxi operator will charge fares to passengers in a taxi more than the fares prescribed pursuant to Schedule “3” of this bylaw.
- e. An Officer may seize a taxi(s) and move them to a place of storage, if the Officer has reasonable and probable grounds to believe that the taxi(s) are operating in contravention of any provision of this bylaw.
- f. Any taxi seized and impounded, as described in section (a), will be re-located, and held at the risk of the owner.
- g. Any taxi seized and impounded, as described in section (a), will not be released to the owner of the taxi until:
 - i. All storage and towing fees are paid in full;
 - ii. All applicable charges or fines are paid in full; and
 - iii. The owner has showed full compliance of the bylaw.
- h. Any person(s) violating any provision of this bylaw is guilty of an offence, and is liable, upon Summary Conviction, to a fine not exceeding:
 - i. Two thousand dollars (\$2,000.00) for an individual;
 - ii. Ten thousand dollars (\$10,000.00) for a corporation; and
 - iii. Imprisonment for a period not exceeding six (6) months, in default of payment of a fine.



**THE MUNICIPAL CORPORATION OF THE TOWN OF FORT SMITH
BYLAW #1040**

- i. Pursuant to section (d) of this bylaw, 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 bylaw where this 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 dollars (\$100) for an individual; and
 - b. Two hundred dollars (\$200.00) for a corporation.

8. SUSPENSION AND CANCELLATION OF LICENSE

- a. The SAO may:
 - i. suspend a driver of a taxi or Taxi Operator who has been charged with an offence outlined in Section 5 of this bylaw; or
 - ii. The cancellation of a taxi driver's certificate or a Taxi Operator's license, who has been charged with an offence outlined in Section 5 of this bylaw.
- b. The Taxi Operator or the driver may appeal the suspension or cancellation within fourteen calendar (14) days to the SAO. The appeal must be in writing and addressed to the SAO and must set forth the grounds upon which the appeal is made.
- c. A Taxi Operator who employs as a driver of a taxi, a person who is not certified pursuant to this bylaw or certificate or driver's license has been cancelled or suspended, is guilty of an offence under this bylaw.

9. DISPATCH OFFICE

- a. The holder of a Taxi Operator's license may apply, via development permit, pursuant to the Zoning Bylaw, to Council to operate their business from a home or within a residential zone, however:
 - i. The premise(s) are to be used as a dispatch office only, and may not be used as a taxi stand.
 - ii. Accumulation of livery vehicles is not allowed on the premises at any time;
- b. If a Taxi Operator fails to comply with the provisions of this section, the license will be suspended or cancelled without re-issuance at any time, unless the Taxi Operator remedies the situation to the satisfaction of the SAO.



**THE MUNICIPAL CORPORATION OF THE TOWN OF FORT SMITH
BYLAW #1040**

10. TAXI STAND

- a. A Taxi Operator may provide a taxi stand, depot, and/or waiting room at any time, as approved by the SAO, and so long as it is located within a Commercially Zoned area.

11. TARIFFS

- a. The rates charged by taxi operators, drivers, or chauffeurs, will be set out in Schedule 3 of this bylaw;
- b. A Taxi Operator may, by a written application to the SAO, apply to Council for revision of tariffs or fares;
- c. Council may fix rates based on meter readings. In such event, no taxi may operate without a meter, of a type approved by Council, and always in proper working order;
- d. The SAO may take measures necessary to ensure that taxi meters are properly installed, functioning accurately and that fare schedules are strictly adhered to.



THE MUNICIPAL CORPORATION OF THE TOWN OF FORT SMITH
BYLAW #1040

12. FORMS AND SCHEDULES

All forms and schedules contained within this bylaw form part of this bylaw.

13. REPEAL

Bylaw #603 and Bylaw Amendments #658, #837, and #887 are repealed.

14. EFFECT

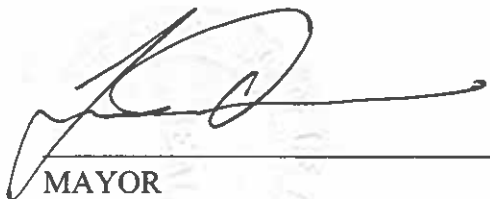
This bylaw will come into effect upon receiving third (3rd) reading.

This bylaw will be reviewed every five (5) years.

READ A FIRST TIME THIS 20th DAY OF December, 2022 A.D.

READ A SECOND TIME THIS 20th DAY OF December, 2022 A.D.

READ A THIRD TIME THIS 17th DAY OF January, 2023 A.D.



MAYOR



SENIOR ADMINISTRATIVE OFFICER

I hereby certify that this bylaw has formed in accordance with the requirements of the *Cities, Towns and Villages Act* and the bylaws of the Municipal Corporation of the Town of Fort Smith.



SENIOR ADMINISTRATIVE OFFICER



**THE MUNICIPAL CORPORATION OF THE TOWN OF FORT SMITH
BYLAW #1040**

**TOWN OF FORT SMITH
BYLAW #1040
SCHEDULE 1, FORM "A"
TAX 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 owner/operator on the _____ day of _____,
20____, being fifteen (15) days following the date of posting of this Notice of Intention, or
within fifteen (15) days will apply to the Town of Fort Smith for a license to operate a livery
service within the Town of Fort Smith.

Date Notice Posted

Signature of Applicant

Business Name



THE MUNICIPAL CORPORATION OF THE TOWN OF FORT SMITH
BYLAW #1040

TOWN OF FORT SMITH

BYLAW #1040

SCHEDULE 1, FORM "B"

APPLICATION TO LICENSE VEHICLES

COMPANY NAME: _____

APPLICANT NAME: _____

BUSINESS ADDRESS: _____

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

1. _____

2. _____

3. _____

INSURANCE COVERAGE (Public Liability/Property Damage)

NOTE: The completed Bill of Sale must accompany the completed application.
This provides proof of ownership of vehicles requesting a livery license. A
description of vehicles and insurance coverage must be submitted annually.

Dated this _____ day of _____, 20____, in Fort Smith, N.W.T.

Signature of Applicant



THE MUNICIPAL CORPORATION OF THE TOWN OF FORT SMITH
BYLAW #1040

TOWN OF FORT SMITH

BYLAW #1040

SCHEDULE 1, FORM "C"

TRANSFER OF LIVERY LICENSE

This is to transfer a Livery License from the vehicle(s) described below:

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

To the following vehicle(s):

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

FEE PAID: \$ _____

LICENSEE: _____

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



THE MUNICIPAL CORPORATION OF THE TOWN OF FORT SMITH
BYLAW #1040

TOWN OF FORT SMITH

BYLAW #1040

SCHEDULE 1, FORM “D”

DETAILS OF DRIVERS & OPERATORS OF LICENSED LIVERY SERVICE

<u>NAME</u>	<u>DRIVERS LICENSE</u> <u>NUMBER</u>	<u>MEDICAL</u> <u>CERTIFICATE</u>
1.		
2.		
3.		
4.		
5.		

NOTE: This certification shall be renewed annually.

Dated this _____ day of _____, 20_____, in Fort Smith, N.W.T.

Signature of Applicant



**THE MUNICIPAL CORPORATION OF THE TOWN OF FORT SMITH
BYLAW #1040**

TOWN OF FORT SMITH

BYLAW #1040

SCHEDULE 3

TARIFF OF FARES

1. Flag Rate (Includes 150 meters of travel)..... \$4.00
2. Additional one tenth (1/10) of a kilometer (including G.S.T.)..... \$0.20
3. Charter within the Municipal Boundary (Flat Rate per trip)..... \$25.00
4. Bags or luggage from stores or to/from the Airport..... \$0.00 (N/C)