



**TOWN OF HIGH LEVEL
TO AMEND THE TOWN OF HIGH LEVEL BUSINESS LICENSE BYLAW
BYLAW NO. 873-08**

WHEREAS:

On February 23, 2009 the Council of the Town of High Level passed Bylaw No. 873-08, the purpose of which is to provide for licensing, control and regulation of all businesses within the Town of High Level.

Bylaw No. 873-08 imposes particular regulatory provisions on certain types of businesses.

Pursuant to section 3 of the *Municipal Government Act*, R.S.A. 2000, c. M-26, the purposes of a municipality include the obligation to develop and maintain safe and viable communities.

Council recognizes that those who rely upon a taxi, limousine or airport shuttle for transportation are vulnerable when travelling in the taxi, limousine or airport shuttle.

Council wants to increase the safety of passengers travelling in a taxi, limousine or airport shuttle by imposing on those individuals and companies that seek a taxi broker license, a limousine service license or airport shuttle license the same restrictions that are already imposed on those that seek a Chauffeur License.

**NOW THEREFORE, Council of the Town of High Level, in the Province of Alberta,
DULY ASSEMBLED, HEREBY ENACTS AS FOLLOWS:**

1. Bylaw 873-08, the Town of High Level Business License Bylaw, is amended by:
 - (a) amending subsection 5.1(f) deleting the period and substituting in its place “; and”
 - (b) adding as a new subsection 5.1(g) the following:

5.1(g) where the applicant is a corporation, a list of the current shareholders and directors of the corporation.;
 - (c) deleting Section 7.2 and 7.3;

- (d) renumbering Section 7.4 as Section 7.2 and Section 7.5 as Section 7.3;
- (e) adding as a new section 7A the following:

7A NOTICES**7A.1 If the Business License Officer**

- a) revokes or suspends a Business License pursuant to Section 7.1 of this Bylaw, or
- b) refuses to issue or to renew a Business License pursuant to Sections 13.17, 13.18, 14.5, 14.6 or 14.7 of this Bylaw

he shall serve notice of the decision on the applicant or Licensee. The Business License Officer must provide reasons for the decision in the notice.

7.A.2 Notice to an applicant or Licensee may be given

- a) in person to the applicant or Licensee or any of its officers or employees; or
- b) by ordinary mail to the address in the application or in the records of the Town for the Licence.

7.A.3 Any notice sent pursuant to Section 7.A.2 shall be deemed to be received on the date of service or five (5) working days after the date it is mailed.;

- (f) Adding as a new section 7B the following:

7B APPEALS

7B.1 A person who has been refused the issuance or renewal of a Licence or whose Licence has been revoked or suspended may appeal the decision to the License and Enforcement Appeal Committee within fourteen days of the date on which the decision is received.

7B.2 A person may not appeal a refusal to issue or renew a Licence if the reason for the refusal to renew or issue the Licence is the failure of the person to

- a) pay the license fee; or
- b) provide information that is required to be provided to the Town as part of the application for the license; or
- c) provide any approval or certificate required by this Bylaw including any Federal or Provincial Certificate.;

(g) adding as new sections 13.16 thru 13.21 the following:

13.16 Prior to issuing or renewing a taxi broker license, a limousine service license or an airport shuttle license, the Business License Officer shall consider:

- a) the driving record and criminal record of any applicant for a taxi broker license, a limousine service license or an airport shuttle license;
- b) if the applicant is a corporation, the driving record and criminal record of the shareholders and directors of the corporation.

13.17 The Business License Officer may refuse to issue or to renew a taxi broker license, a limousine service license or an airport shuttle license if in the License Officer's opinion the applicant, or the shareholders or directors of the applicant where the applicant is a corporation, are unsuitable to operate a public conveyance for any reason.

13.18 The Business License Officer shall not issue or renew a taxi broker license, a limousine service license or an airport shuttle license if the applicant, Licensee or shareholder or director of the applicant or Licensee:

- a) has been convicted under the Criminal Code of Canada within the five (5) year period immediately preceding the date of application of:
 - i) a sexual offence or offence relating to the corruption of public morals; or
 - ii) an offence relating to homicide, assault, kidnapping, arson or abduction; or
 - iii) an offence relating to robbery or extortion; or
 - iv) an offence of criminal negligence, dangerous driving, impaired driving, operating a motor vehicle with a blood alcohol content over eighty (80) mg per one hundred (100) ml of blood, refusing to provide samples of breath or driving whilst his or her driver's license is suspended;
- b) has been convicted under the Criminal Code of Canada, or the Controlled Drugs and Substances Act or any successor legislation within the five (5) year period immediately preceding the date of application, of any offence not described in subsection 13.18(a);
- c) has been charged with any offence under the Criminal Code of Canada or the Controlled Substances Act until the charge has been withdrawn or the matter is otherwise dealt with in a manner which does not result in a conviction; or

- d) in the opinion of the Business License Officer, has been convicted of an excessive number of offences under the Traffic Safety Act, or any successor legislation, and/or any Bylaw of the Town.

- 13.19 Notwithstanding Section 13.18, the Business License Officer may issue or renew a taxi broker license, a Limousine Service License, or an Airport Shuttle License if the applicant, licensee or shareholder or director of the applicant or licensee is prohibited under section 13.18 but submits a letter of recommendation from the RCMP supporting the issuance of a license.

- 13.20 When a person with an existing taxi broker, limousine service or airport shuttle license has been charged with an offence under the Criminal Code of Canada or the Controlled Substances Act the person shall forthwith notify a license inspector of the charges.

- 13.21 Upon receiving notification of the charges, the Business License Officer shall suspend the taxi broker license, the limousine service license or the airport shuttle license of the person until the charge has been withdrawn on the matter is otherwise dealt with in a manner which does not result in a conviction.

- (h) Deleting from section 14.6 the phrase "No chauffeur licence or renewal shall be issued to any person who" and substituting in its place the phrase "The Business License Officer shall not issue or renew a chauffeur licence if the applicant or Licensee:"
- (i) Amending section 14.6 (b) to read :
 - (b)has been convicted under the *Criminal Code of Canada*, or the *Controlled Drugs and Substances Act* or any successor legislation within the five (5) year period immediately preceding the date of application, of any offence not described in subsection 14.6 (a)


- 2. This bylaw comes into force on passing.

- 3. The Chief Administrative Officer is authorized to consolidate this bylaw.

Read a first time this 24 day of September , 2012.



Mayor



Municipal Secretary

Read a second time this 24 day of September, 2012.



Mayor



Municipal Secretary

Read a third time this 9 day of October, 2012.



Mayor



Municipal Secretary

Signed and passed this 10 day of October, 2012.



Mayor



Municipal Secretary