



A G E N D A

FOR THE *REGULAR MEETING OF RED DEER CITY COUNCIL*

TO BE HELD IN

THE COUNCIL CHAMBERS, CITY HALL

MONDAY, September 22, 2008

COMMENCING AT 3:00 P.M.

-
- (1) Confirmation of the Minutes of the Regular Meeting of Monday September 8, 2008.
 - (2) **UNFINISHED BUSINESS**
 1. Engineering Services Manager – *Re: Proposed Off Site Levy Rates 3412/2008* ..1
(Consideration of 2nd & 3rd Readings of the Bylaw)
 2. Secondary Suites Steering Committee: Social Planning Manager, City Planning Manager, Land Coordinator, Development & Licensing Supervisor and Strategic Planning Supervisor *Re: Secondary Suites Recommendation* ..15

(3) PUBLIC HEARINGS

1. Parkland Community Planning Services – *Re: Land Use Bylaw Amendment 3357/Z-2008 Clearview North Neighbourhood –Phase 4 / Melcor Developments Ltd.* ..29
(Consideration of 2nd & 3rd Readings of the Bylaw)
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(Consideration of 2nd & 3rd Reading of the Bylaw)

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Unfinished Business Item No. 1



Legislative & Administrative Services

DATE: September 15, 2008

TO: City Council

FROM: Kelly Kloss, Legislative & Administrative Services Manager

SUBJECT: 2008 Off-Site Levy Rates - Proposed

History:

At the Monday August 25, 2008 Council Meeting, Council gave first reading to the 2008 Off-Site Levy Bylaw No. 3412/2008.

The City charges off-site levies on new development lands within the City to cover the cost of extending trunk water, sanitary, and storm mains, arterial roadways and associated facilities to serve the areas.

The 2008 Off-Site Levy Bylaw 3412/2008 is proposing and increase for the 2008 Water, Sanitary, Storm and Roadway off-site levy rates, to \$156,120 per hectare.

Public Consultation Process:

Although this is not a Public Hearing, submissions can be presented to Council.

The 2008 Off-Site Levy Bylaw 3412/2008 was advertised and there were no submissions received with regard to Bylaw 3412/2008.

Recommendation:

That Council consider 2nd and 3rd readings of Bylaw 3412/2008.

A handwritten signature in black ink, appearing to read 'Kelly Kloss'.

Kelly Kloss
Manager

Originally Submitted to Council
on August 25 2008



Date: August 18, 2008

To: Legislative & Administrative Services Manager

From: Engineering Services Manager

Re: **Proposed 2008 Off-Site Levy Rates**

The following report will provide you with information concerning The City's Off-site Levy Rates, including background, rate history, transportation grants, proposed adjustments to each rate (water, sanitary, storm, and roads), staging of rate increases, identification of emerging issues, and recommendations.

Background

The City charges off-site levies on new development lands within the City to cover the cost of extending trunk water, sanitary, and storm mains, arterial roadways, and associated facilities to serve these areas. The cost of expanding water and wastewater treatment facilities are funded through utility rates, and are not included in the off-site levy calculation. The off-site levy rates are reviewed on an annual basis to account for the following items:

- Reconciliation of levy rate spreadsheets with accounting's general ledger.
- Revenues received from new developments during the previous year.
- Expenditures made to construct new facilities during the previous year.
- The effect of inflation on the current Off-site Levy Fund debt or surplus.
- Re-estimation of construction costs for future off-site facilities, and changes in future infrastructure plans, levy basin areas, and funding sources.

2007 Rate Changes

In January 2007, Council approved the 2007 levy rate of \$123,070 per hectare. This rate was based on tendered 2006 unit prices and an estimated combined 20% project scope and cost increase for 2007.

In September 2007, Council approved the addition of the Queens Business Park industrial lands and the extraction of a few tree preservation sites to the levy basins. In addition, CPI carrying cost adjustments were eliminated in favor of including the true cost of borrowing within the levy calculation. No rate adjustments were proposed at this time. Based on initial estimates, the inclusion of the industrial lands was not expected to significantly impact the net levy rate.

Service Basin Changes

There are no changes proposed to the levy service basins for 2008. The inclusion of the proposed annexation lands north and east of Red Deer will be addressed in the 2009 levy rate calculations and report.

For your reference, attached are Schedules A, B, C, and D, which illustrate service basin boundaries and infrastructure for the water, sanitary, storm, and road basins respectively.

2008 Rate Calculation

Future construction costs are estimated based on available 2007 tendered unit prices (i.e. the most current data available) and a 19% inflation factor as recommended by Financial Services.

Driven by the need to borrow funds to construct infrastructure prior to cost recovery from development levies, debt repayment line items are new to this year's calculation. Debt financing expenses are based on an estimated 4.7% carrying cost over a 10 year term. Notably, the sanitary levy will borrow approximately \$4.7 million dollars in 2008, based on projected expenditures and revenues. The cost to borrow this sum will result in semiannual repayments of approximately \$295,000 over the next 10 years.

Table 1 outlines the calculated 2008 Water, Sanitary, Storm and Roadway off-site levy rates. As noted within this table, the calculated 2008 rate, valued at \$156,120 per hectare is \$33,050 (27%) greater than the approved 2007 rate of \$123,070 per hectare.

There are a number of factors that account for this significant rate increase, including those outlined below:

- a. The major reason that is common to the Water, Sanitary, Storm and Road levies is that construction and land costs have continued to increase significantly over the last year. Notably, fuel and materials costs and labor shortages have had significant cost impacts. On average, construction costs have increased by approximately 30% over the last 2 years. Financial Services believes that this trend will continue, recommending a 19% increase in future construction cost estimates.

- b. The above reason is very apparent with the respect to the roads levy. For example, the revised \$88 million Northland Drive project introduces a \$13,300 per hectare levy rate increase from the \$49.5 million estimate in 2007.
- c. In general, estimated material costs in the 2007 rate calculation are in line with 2007 tenders; however, trenching cost estimates were approximately 15 % to 40% low, Revised trenching cost estimates have caused an upward effect on the sanitary and storm levy rates.
- d. The inclusion of the \$8.9 million Queens Business Park water reservoir and booster station has a significant impact on the water levy, resulting in the majority of the 66% increase in the water levy rate.
- e. Debt financing has introduced interest costs to both the Sanitary and Strom levies.

UDI Response to 2008 Calculated Rate

As indicated in the attached letter from the Urban Development Institute (UDI), the development industry is concerned primarily about:

Rate of Inflation

The 2008 off-site levy rates were calculated based on a projected 19% unit price increase. Based on early year private contracts, UDI noted and requested that a 10% increase is likely more representative. Further to this request, Engineering Services reviewed unit prices from seven early and mid season tenders with the 2008 levy unit rates. This comparison revealed that although a few of the estimating guide unit prices were higher, the overall unit rates were in line with actual tendered unit prices. In fact, the most recent tenders revealed unit prices for roadwork (granular base course, concrete sidewalks, curb and gutter, and asphalt are roughly 30% higher than 2007.

Additional Basins

UDI suggested that a separate basin be created for the Queen's Business Park. Engineering Services will evaluate the advantages and disadvantages of creating separate service basins for the 2009 off-site levy rates.

Projects to be included

Ideally, all projects would be known when the service basin is established. Realistically, basin requirements change over time due to changes in regulations, development patterns, land use, service standards, and needs. To buffer the affect of these changes it is desirable to expand the basin incrementally to keep its size in excess of about 1,000 hectares. It is also desirable to maintain balanced cash flow. This indicates that development to date has paid for infrastructure built to date. The fund is currently in a slight surplus; which is important considering some of the large infrastructure projects on the horizon (eg. Northland Drive).

Funding

UDI has requesting that if special funding from the Provincial Government was secured for the Northland Drive project, the remaining costs to construct would be shared equally. Engineering Services has not made this commitment to UDI in the past, nor would we recommend it. However, this matter can be addressed when and if special funding is committed for Northland Drive.

Impact to the New Home Owner

As a gauge to measure the impact of new levy rates, these rates are often compared to the overall capital cost to construct a new residential home. On average, new single family homes, including the lot cost in the order of \$395,000.

Based on 14 residential lots per hectare, the 2007 levy rate of \$123,070/ha equates to \$8,800 per unit, while the proposed rate of \$156,120/ha equates to \$11,150 per unit. Although the proposed increase of \$2,350 per unit is very significant, it is still relatively small (2.8%) in comparison to the average cost of a home.

Recommendations

Based on the information provided above, we recommend implementing the 2008 Off-site Levy Rates as outlined below:

Proposed 2008 Off-site Levy Rates (retroactive to January 1, 2008)

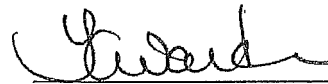
• Water	\$ 15,660	(66% increase)
• Sanitary	\$ 19,185	(46% increase)
• Storm	\$ 43,935	(3% increase)
• Roads	\$ 77,340	(34% increase)
Total:	\$ 156,120 / ha	(27% increase)

ices

It should be noted that all 2008 developments to date have been assessed this rate on a tentative basis, subject to Council approval. If Council adopts a different rate, the development agreements allow for a payment increase or reduction.



Gregory J. Sikora M.Sc., P.Eng.
Development Engineer



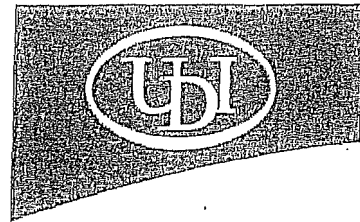
Tom C. Warder, P. Eng.
Engineering Services Manager

Att.

- c. City Manager
- Director of Development Services
- Director of Corporate Services
- Streets Engineer
- Development Coordinators
- Engineering Administrative Supervisor

TABLE 1
2008 OFF-SITE LEVY RATE SUMMARY

	Water	Sanitary	Storm	Roads	Totals
ESTIMATED EXPENDITURES AND REVENUES TO DATE					
Net Balance at Beginning of Year January 01, 2007	(\$1,406,471)	(\$422,104)	(\$11,621)	\$235,696	(\$1,604,500)
Estimated 2007 Expenditures	\$2,502,685	\$6,408,918	\$2,071,578	\$1,797,280	\$12,780,461
Estimated 2007 Revenues	(\$921,202)	(\$5,987,146)	(\$3,950,889)	(\$6,095,847)	(\$16,955,084)
Net Balance at October 16, 2007	\$175,012	(\$332)	(\$1,890,931)	(\$4,062,871)	(\$5,779,123)
FUTURE EXPENDITURE ESTIMATES					
Projected Future Construction Costs	\$22,049,752	\$27,203,939	\$55,224,408	\$168,125,940	\$272,604,039
City and Provincial Funding				(\$52,165,235)	(\$52,165,235)
Net Future Expenditures:	\$22,049,752	\$27,203,939	\$55,224,408	\$115,960,705	\$220,438,804
TOTAL NET COSTS AND RATE CALCULATION					
Total Costs	\$22,224,764	\$27,203,607	\$53,333,477	\$111,897,834	\$214,659,681
Remaining Development Area (2006)	1,419	1,418	1,214	1,447	
Proposed 2008 Rates (\$/ha)	\$15,660	\$19,185	\$43,935	\$77,340	\$156,120
COMPARISON TO 2007 RATES					
2007 Rates	\$9,440	\$13,190	\$42,710	\$57,730	\$123,070
Rate Change	\$6,220	\$5,995	\$1,225	\$19,610	\$33,050
Percent Change	65.9%	45.5%	2.9%	34.0%	26.9%



May 14, 2008

The City of Red Deer
Engineering Services
4914-48th Avenue
Red Deer, Alberta
T4N 3T3

Attention: Mr. Greg Sikora, M. Sc., P. Eng., Utilities Engineer

Dear Sir,

Re: Proposed 2008 Offsite Levy Rates

MAY 15 2008

UDI would like to thank the City of Red Deer for the opportunity to provide comments on the proposed offsite levy rates for 2008.

Until 2002 the offsite levy increased at a rate approximately equal to the consumer price index. In 2002 the rate was \$38,155. Since that time we have seen dramatic increases with the proposed offsite levy rate reaching \$156,120 in 2008 (a 309% increase over 6 years). Although UDI is concerned about the proposed 27% increase in 2008, the general trend causes a great deal of concern. The single fastest growing cost component of a new home in Red Deer is the development cost charges imposed by the City of Red Deer.

Based on the information provided by the City of Red Deer there are several areas of concern with regard to the continuation of the significant increases:

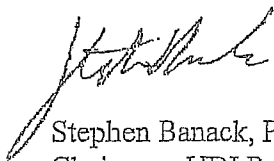
1. Rate of Inflation – The City of Red Deer has developed an inflation rate schedule that suggests inflation of 19% for 2008, 15% for 2009 and 10% for 2010. Over the last three years we have seen significant increases in construction costs. However, we have noticed that the increase in construction costs for 2008 is less than 10%. This increase is mainly caused by high prices for fuel and asphalt cement. It is quite possible that the industry has started to adjust and pricing is becoming more stable. The over-estimation of inflation has a significant impact on levy rates. We request that the City limit the inflationary increase for 2008 to 10%.
2. Additional Basins – Based on the Municipal Government Act and the “Principles and Criteria for Off-Site Levies Regulation”, a Municipality is required to provide a substantial degree of accountability to costs and contributing areas when setting various offsite levies. Most municipalities have separate levies for developments in different geographic areas and for different land uses. Upon build out, Queens Business Park will have an independent storm system and independent sanitary system. A water reservoir and booster station has been constructed to service the new basin. Based on the independent servicing and isolated location, it is appropriate that a separate offsite levy basin be created for water, storm, sanitary and arterial roads for the Queens Business Park.

3. Projects To Be Included – The sanitary, storm and water levies have increased, but not at the same rate as the arterial roads levy. The number and size of projects included in the sanitary, storm and water levies has not changed significantly. This is not the case for the arterial roads levy. Projects have been recently added and based on the letter provided by the City of Red Deer, the potential exists that even more projects could be added. The size of the basin is reduced in size each year as lands are developed. When new projects are added they are applied to a reduced area. In order to fairly apply the offsite levies to all lands being developed, the projects to be included in the offsite levy need to be identified when the basin is created. There is no process in place that determines the eligibility of a project to be levy funded. We request that some framework be created to outline the criteria for projects to be eligible for levy funding. We would also request that any projects that need to be added be done when the basin is as large as possible to be fair to all developments.
4. Funding – The current offsite levy calculations are based on no direct funding being provided for specific projects. The project that is most applicable to this topic is Northlands Drive. It is proposed to be funded 50% by the City of Red Deer and 50% by offsite levies. Currently Northlands Drive does not have any specific funding from the Provincial Government. We request that, in the event that any additional funding is obtained, the remaining costs continue to be split on a 50/50 ratio between the City and the offsite levy fund.

Once again, we thank you for the opportunity to provide input into the offsite levy calculations. UDI is requesting permission to make a presentation to Council and Administration with regards to the impact of the escalating offsite levy costs as well as the benefits being provided by further development.

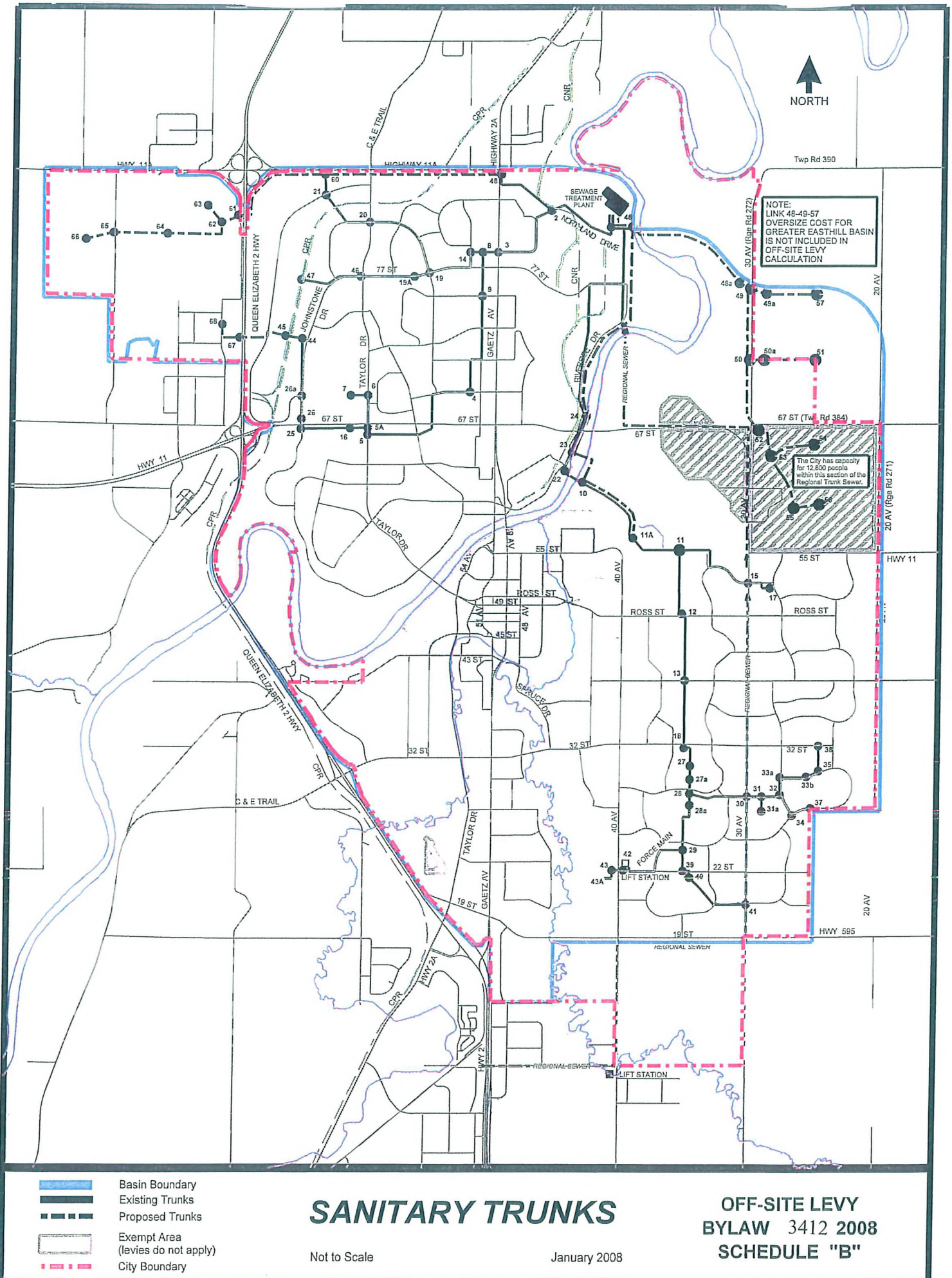
If you have any questions or require clarification, do not hesitate to contact me.

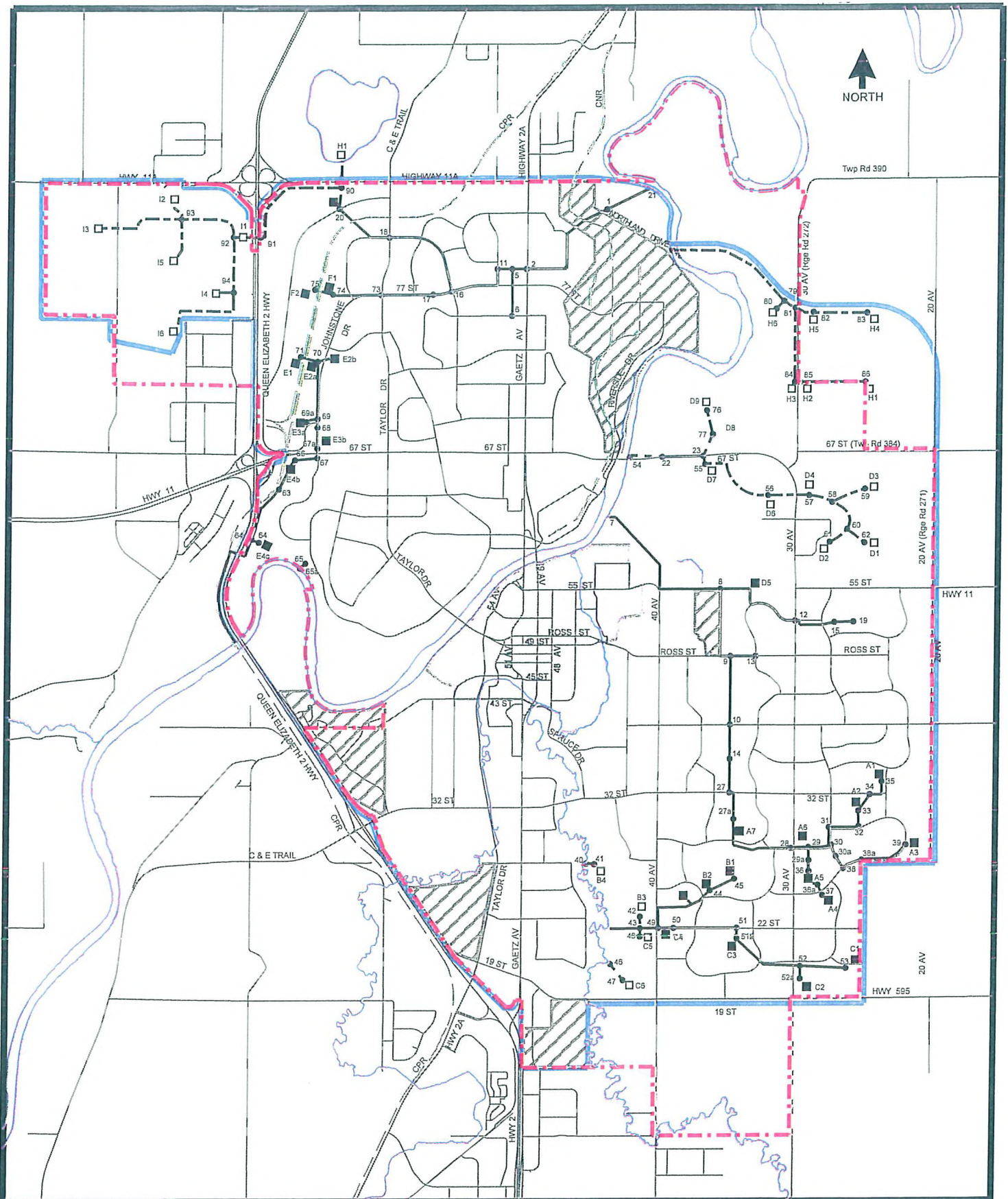
Yours truly,



Stephen Banack, P. Eng.
Chairman, UDI Red Deer





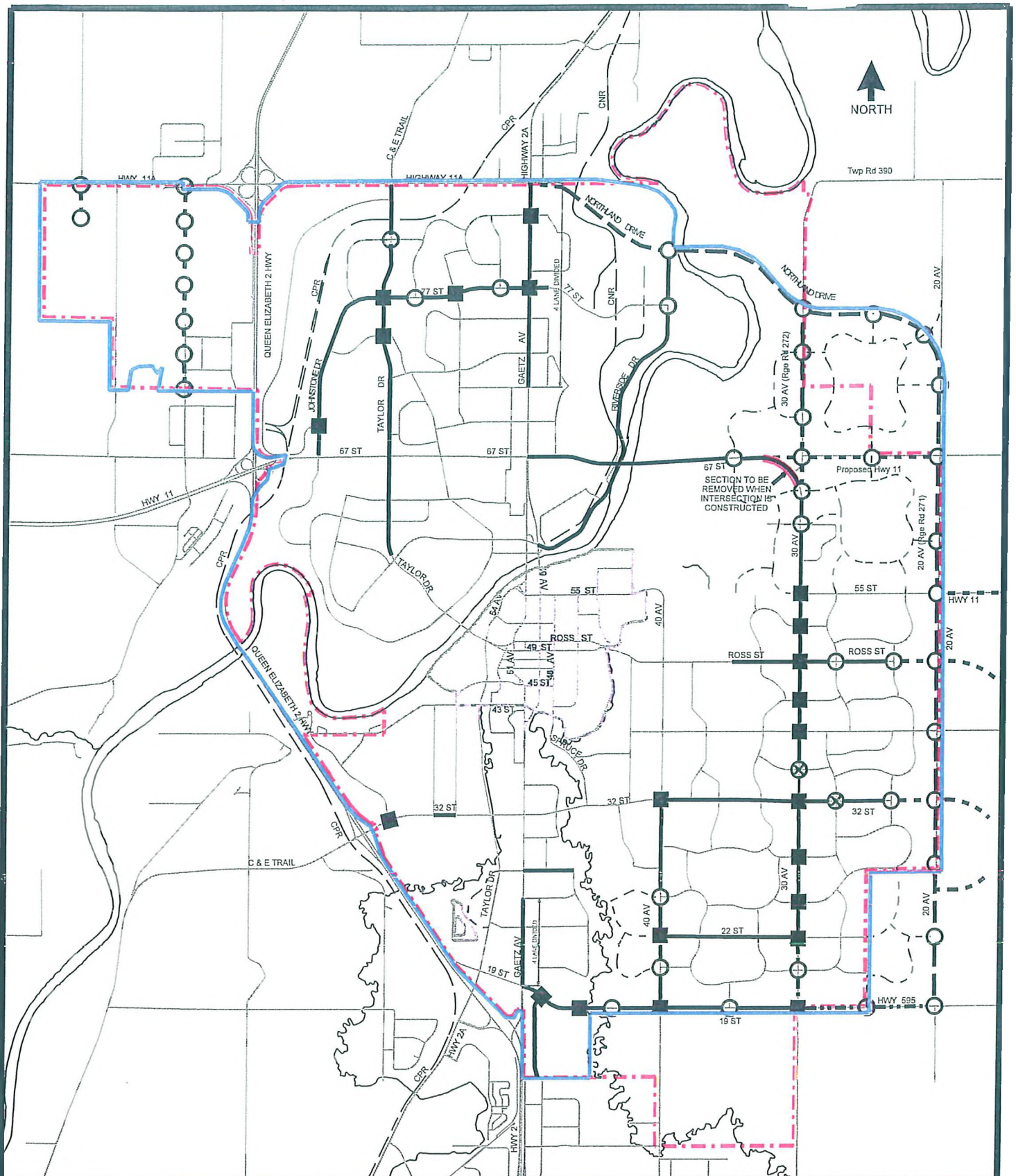


STORM TRUNKS

Not to Scale

January 2008

**OFF-SITE LEVY
BYLAW 3412/2008
SCHEDULE "C"**



- Basin Boundary
- - - - Existing 4 lane road (included in levy rate)
- ■ ■ ■ Proposed 4 lane road
- - - - Proposed 4 lane with 2 existing lanes
- - - - Initial 2 lanes of 4 lane divided roadway
- - - - Proposed Collector Roadway
- - - - City Boundary

MAJOR THOROUGHFARE LEVY

- Exempt Area (levies do not apply)
- Existing traffic lights included in offsite levy rate
- Proposed traffic lights included in offsite levy rate
- ⊗ Not funded by Levy

**OFF-SITE LEVY
BYLAW 3412 2008
SCHEDULE "D"**

Not to Scale

January 2008

Comments:

We support the recommendation of Administration.

“Morris Flewwelling”
Mayor

“Craig Curtis”
City Manager

Council Decision – September 22, 2008

FILE

DATE: September 23, 2008
TO: Greg Sikora, Acting Engineering Services Manager
FROM: Kelly Kloss, Legislative & Administrative Services Manager
SUBJECT: Off Site Levy Rates Bylaw 3412/2008

Reference Report:

Engineering Services Manager, August 18, 2008.

Bylaw Readings:

The 2008 Off Site Levy Bylaw 3412/2008 received first reading at the Monday August 25, 2008 Council Meeting. Bylaw 3412/2008 was advertised. At the Monday September 22, 2008 Council Meeting the 2008 Off Site Levy Bylaw 3412/2008 received second and third reading, a copy of which is attached.

Report Back to Council: No.

Comments/Further Action:

Please notify Mr. Stephen Banack, Chairman of UDI Red Deer, and provide a copy to this office. Off Site Levy Bylaw 3412/2008 provides for a uniform levy of off-site costs in respect of previously undeveloped land. The off-site levy rates for 2008 are as follows:

Water	\$ 15,660
Sanitary	\$ 19,185
Storm	\$ 43,935
Roads	\$ 77,340
TOTAL:	\$156,120/ha


Kelly Kloss
Manager

/attach

Cc: Director of Development Services
Assessment and Taxation Manager
City Assessor
Inspections & Licensing Manager
Inspections & Licensing Supervisor
Land & Economic Development Manager
Graphics Designer
LAS FILE

BYLAW NO. 3412/2008

Being a Bylaw of The City of Red Deer to provide a uniform levy of off-site costs in respect of previously undeveloped land.

1. WHEREAS pursuant to provisions of Section 648 of the Municipal Government Act, The City may by bylaw:
 - (a) Provide for the imposition and payment of a levy to be known as an "off-site levy" in respect of land that is to be developed or subdivided, and
 - (b) Authorize an agreement to be entered into in respect of the payment of the levy.
2. An off-site levy may be used only to pay for all or part of the capital cost of any or all of the following:
 - (a) New or expanded facilities for the storage, transmission, treatment, or supplying of water;
 - (b) New or expanded facilities for the treatment, movement, or disposal of sanitary sewage;
 - (c) New or expanded storm sewer drainage facilities;
 - (d) New or expanded roads required for or impacted by a subdivision or development;
 - (e) Land required for or in connection with any facilities described in clauses (a) to (d);

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

1 This bylaw may be cited as "The Off-Site Levy Bylaw".

2 Definitions:

For the purpose of this bylaw:

(1) "Development" shall mean:

(a) a change of use of land, or an act done in relation to land that results in or is likely to result in a change in the use of the land, or

(b) a change in the intensity of the use of land or an act done in relation to land that results in, or is likely to result in, a change of the intensity of the use of the said land.

(2) "Gross Development Area" means each and every hectare or part thereof as shown on the Plan of Subdivision for a development which has been approved by the Municipal Planning Commission, including any area which may be dedicated for roads, lanes, walkways, parks, reserve parcels, schools, or any other public use.

- (3) "Net Development Area" means the area remaining after the deletion of the following lands (deemed undevelopable) from the Gross Development Area:
- (a) previously developed lands for which off-site levies have already been paid,
 - (b) expressway and arterial road right of ways as defined by The City,
 - (c) Environmental Reserves as defined in the Municipal Government Act (e.g. native wetlands, rivers, creeks, lakes, ravines, steeply sloped areas),
 - (d) major tree stands that are identified by the City for preservation and are in excess of the 10% municipal reserve dedication required by the MGA,
 - (e) The power transmission right of way extending across the south end of city. Parts of this land that are subdivided from the right of way for development purposes would not be excluded from the Gross Development Area.
- (4) "Trunk Water" means an existing or proposed water main; generally having an internal diameter of 350 mm or greater, complete with related pumping and storage facilities; that has been designated by The City as a trunk facility, the cost of same having been included in the calculation of the Water Off-site Levy rate.

- (5) "Trunk Water Off-site Levy Rate" means the amount to be assessed per hectare of developable land; the calculation of which is based on the actual or estimated cost of the Trunk Water facilities identified on Schedule "A" less the Water Off-site Levy revenues collected to date, plus interest on borrows funds, divided by the Net Development Area within the Basin Boundary identified on Schedule "A".
- (6) "Trunk Sanitary" means an existing or proposed sanitary sewer; generally having an internal diameter of 375 mm or greater, or having a depth of cover greater than 6.0 m, complete with related pumping facilities; that has been designated by The City as a trunk facility, the cost of same having been included in the calculation of the Sanitary Off-site Levy rate.
- (7) "Trunk Sanitary Off-site Levy Rate" means the amount to be assessed per hectare of developable land; the calculation of which is based on the actual or estimated cost of the Trunk Sanitary facilities identified on Schedule "B" less the Sanitary Off-site Levy revenues collected to date, plus interest on borrows funds, divided by the Net Development Area within the Basin Boundary identified on Schedule "B".
- (8) "Trunk Storm" means an existing or proposed storm sewer; generally defined as having an internal diameter of 1,200 mm or greater, as well as storm water storage facilities and associated outlet piping; that has been designated by The City as a trunk facility, the cost of same having been included in the calculation of the Storm Off-site Levy rate.

- (9) "Trunk Storm Off-site Levy Rate" means the amount to be assessed per hectare of developable land; the calculation of which is based on the actual or estimated cost of the Trunk Storm facilities identified on Schedule "C" less the Storm Off-site Levy revenues collected to date, plus interest on borrows funds, divided by the Net Development Area within the Basin Boundary identified on Schedule "C".
- (10) "Major Thoroughfare" means an existing or proposed expressway, divided arterial roadway, or undivided arterial roadway, including the land for right of way, storm drainage, traffic signals, and street lighting, that has been designated as a major thoroughfare by The City; the cost of same having been included in the calculation of the Major Thoroughfare off-site levy rate.
- (11) "Major Thoroughfare Off-site Levy Rate" means the amount to be assessed per hectare of developable land; the calculation of which is based on the actual or estimated cost of the Major Thoroughfare facilities identified on Schedule "D" less the Major Thoroughfare Off-site Levy revenues collected to date, plus interest on borrows funds, divided by the Net Development Area within the Basin Boundary identified on Schedule "D".

3

That effective January 1, 2008, The City of Red Deer hereby levies an off-site levy upon all land within The City boundaries to be subdivided or developed within the areas described below and calculated as follows:

- (1) In all the area outlined in the attached Schedule "A", the sum of \$15,660 per hectare for each hectare or part thereof within the Net Development Area for Trunk Water Infrastructure (the "Trunk Water Off-site Levy Rate").
- (2) In all the area outlined in the attached Schedule "B", the sum of \$19,185 for each hectare or part thereof within the Net Development Area for Trunk Sanitary Sewer Infrastructure (the "Trunk Sanitary Off-site Levy Rate").
- (3) In all the area outlined in the attached Schedule "C", the sum of \$43,935 for each hectare or part thereof within the Net Development Area for Trunk Storm Sewer Infrastructure (the "Trunk Storm Off-site Levy Rate").
- (4) In all the area outlined in the attached Schedule "D", the sum of \$77,340 for each hectare or part thereof within the Net Development Area for Major Thoroughfares (the "Major Thoroughfare Off-site Levy Rate").

5 Service Basin areas lying beyond City limits are used for purposes related to calculation of Off Site Levy rates only. Off-site Levies shall not apply to areas beyond The City's jurisdiction.

6 All levies imposed under this bylaw shall be in addition to the fee payable for development permits or building permits, and shall be paid to The City following approval of a subdivision plan and prior to the issuance of a development permit or a building permit, as the case may be.

7 Off-site levies imposed and collected under Bylaw 3397/2007 shall be deemed to have been imposed and collected under this Bylaw.

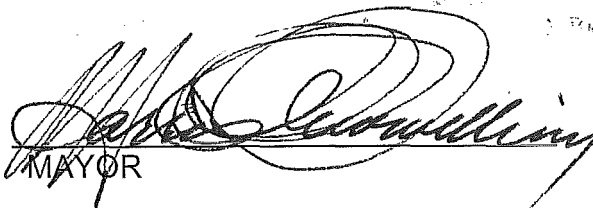
8 Bylaw 3397/2007 is hereby repealed.

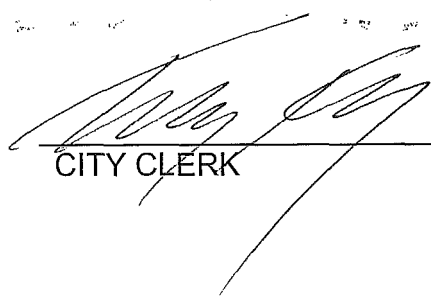
READ A FIRST TIME IN OPEN COUNCIL this 25th day of August 2008.

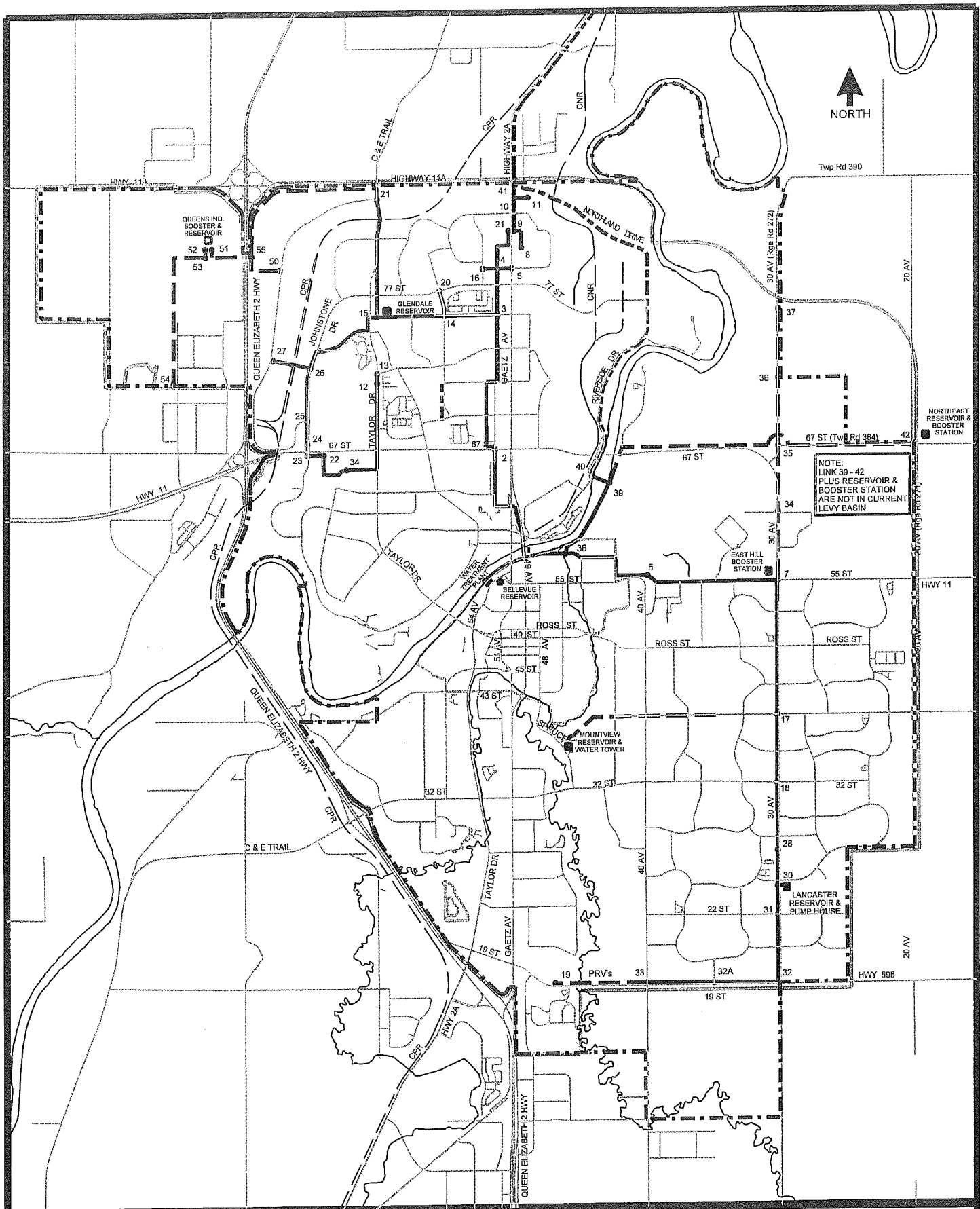
READ A SECOND TIME IN OPEN COUNCIL this 22nd day of September 2008.

READ A THIRD TIME IN OPEN COUNCIL this 22nd day of September 2008.

AND SIGNED BY THE MAYOR AND CITY CLERK this 22nd day of September 2008.


MAYOR


CITY CLERK



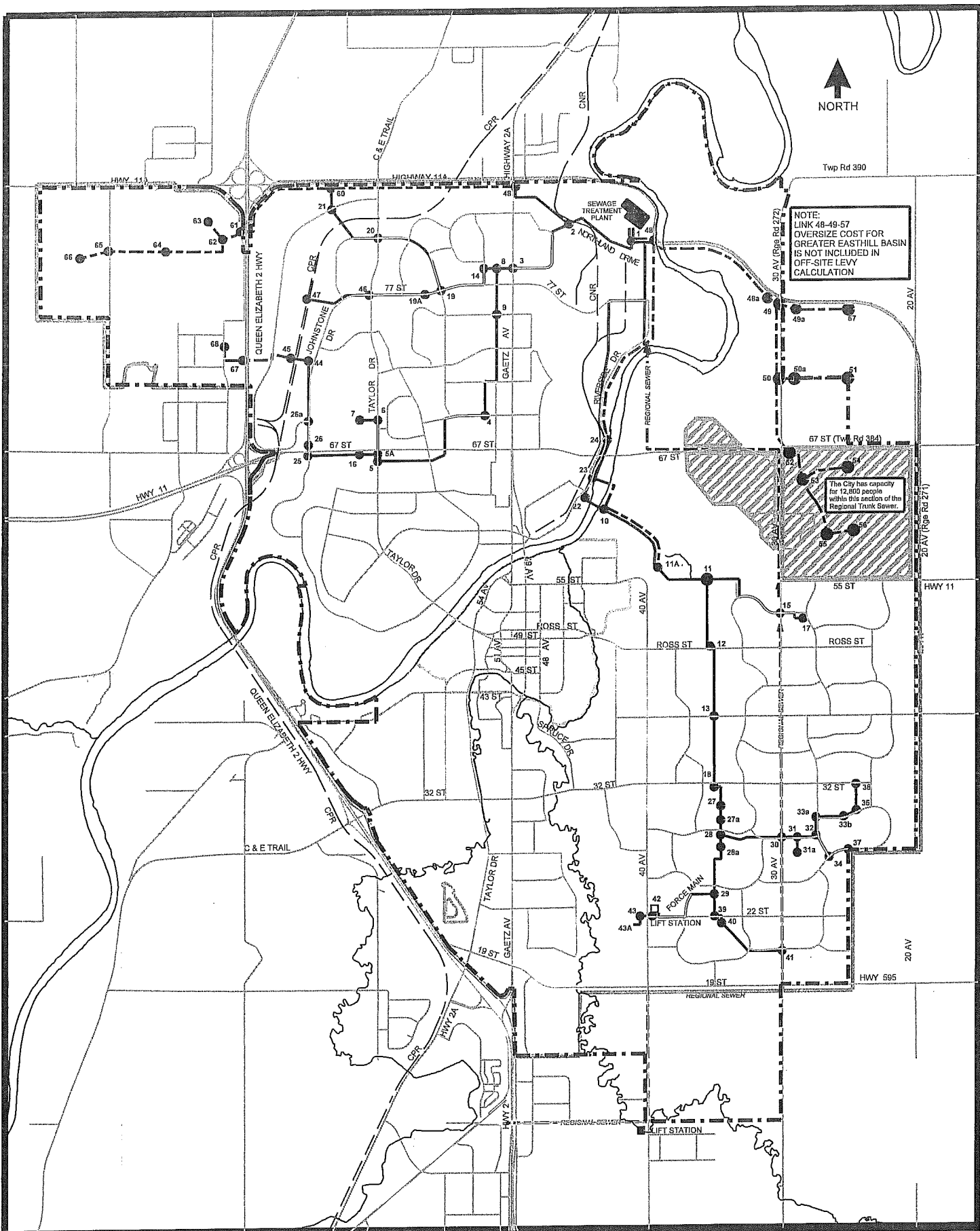
- Basin Boundary
- Existing Trunks
- Proposed Trunks
- Proposed Red Deer North Regional Water Main
- Exempt Area (levies do not apply)
- City Boundary

WATER TRUNKS

Not to Scale

January 2008

**OFF-SITE LEVY
BYLAW 3412 / 2008
SCHEDULE "A"**



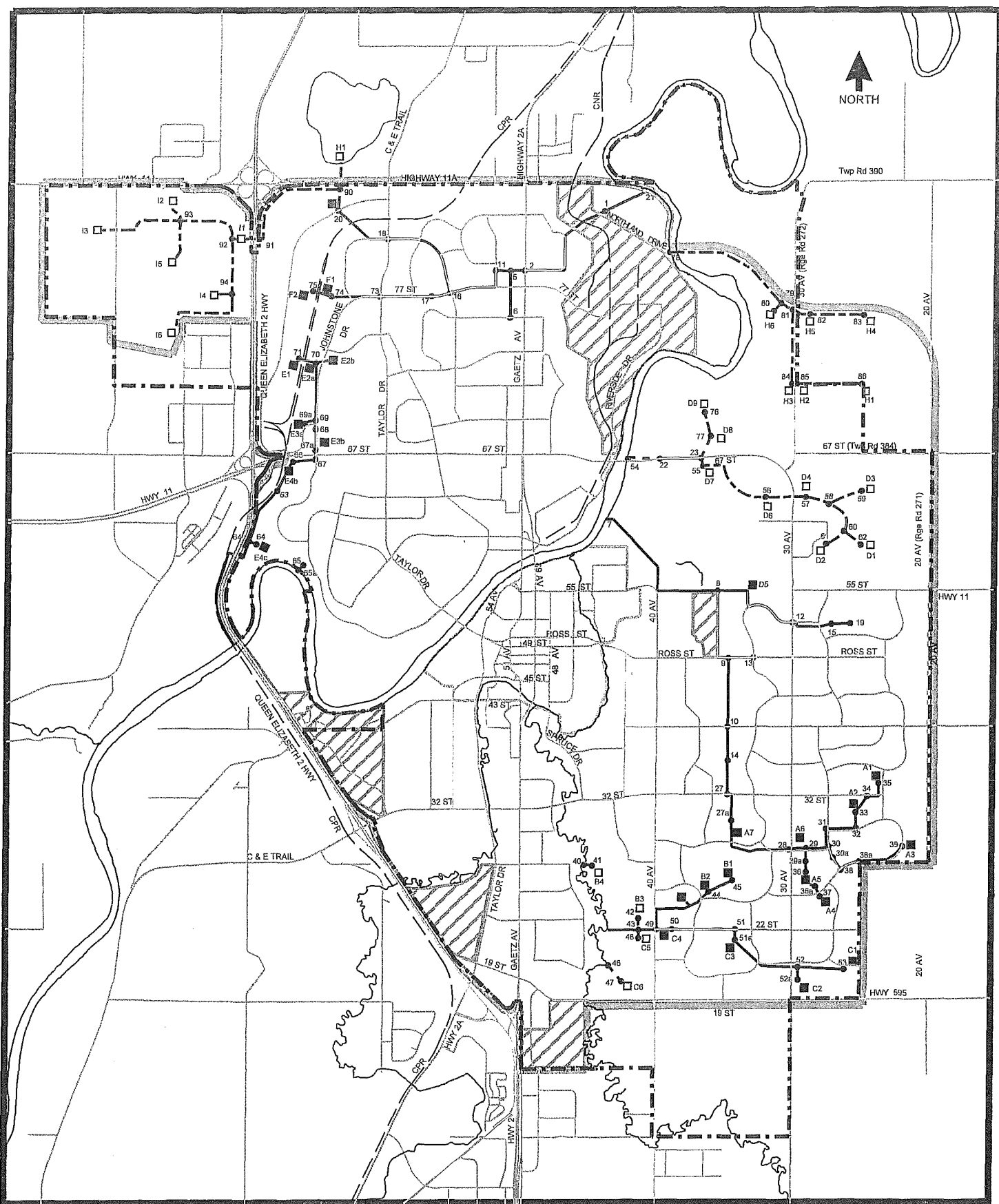
- Basin Boundary
- Existing Trunks
- Proposed Trunks
- Exempt Area
(levies do not apply)
- City Boundary

SANITARY TRUNKS

Not to Scale

January 2008

OFF-SITE LEVY
BYLAW 3412 / 2008
SCHEDULE "B"



- Basin Boundary
- Exempt Area (levies do not apply)
- Developer to construct and pay for own outfall main; basin levy charge not applicable
- Existing Detention Pond
- Proposed Detention Pond
- City Boundary

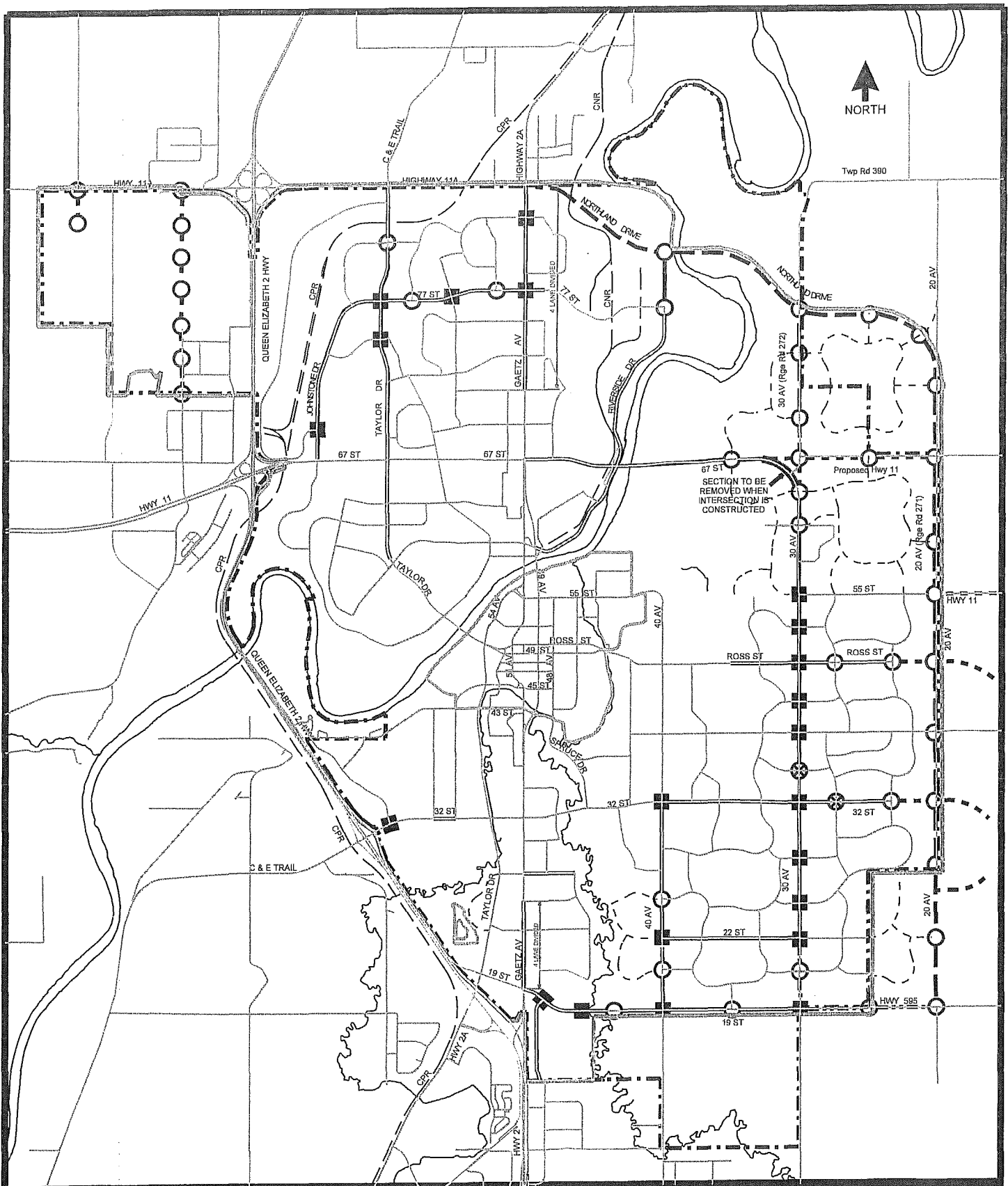
STORM TRUNKS

Not to Scale

January 2008

- Existing Trunks
- Proposed Trunks

OFF-SITE LEVY
BYLAW 3412 / 2008
SCHEDULE "C"



- Basin Boundary
- Existing 4 lane road (Included in levy rate)
- Proposed 4 lane road
- Proposed 4 lane with 2 existing lanes
- Initial 2 lanes of 4 lane divided roadway
- Proposed Collector Roadway

- Exempt Area (levies do not apply)
- Existing traffic lights included in offsite levy rate
- Proposed traffic lights included in offsite levy rate
- Not funded by Levy

MAJOR THOROUGHFARE LEVY

**OFF-SITE LEVY
BYLAW 3412 / 2008
SCHEDULE "D"**

Not to Scale

January 2008

The City of Red Deer
Bylaw Readings

Moved by Councillor: Jeffries Seconded by Councillor: Pimm

That the 2008 Off Site Levy Bylaw No. 3412/2008,

BE READ A FIRST TIME THIS 25 DAY OF AUGUST, 2008.

BE READ A SECOND TIME THIS 22 DAY OF SEPTEMBER, 2008.

BE READ A THIRD TIME THIS 22 DAY OF SEPTEMBER, 2008.

REMINDER FOR COUNCIL MEMBERS: YOU MUST BE IN ATTENDANCE AT ALL OR A PORTION OF THE PUBLIC HEARING IN ORDER TO PARTICIPATE IN DEBATE AND VOTE ON 2ND AND 3RD READINGS OF THIS BYLAW.

Unfinished Business Item No. 2

Date: September 15, 2008

To: Kelly Kloss, Legislative and Administrative Services Manager

From: Secondary Suites Steering Committee
Scott Cameron, Social Planning Manager
Tony Lindhout, City Planning Manager, PCPS
Rick Elm, Land Coordinator
Joyce Boon, Development and Licensing Supervisor
Sara Alaric, Strategic Planning Advisor

Subject: SECONDARY SUITES RECOMMENDATIONS

Background

The Secondary Suites Steering Committee, with Western Management Consultants, presented the Secondary Suites Project Report to City Council on August 25, 2008. City Council agreed to table the report until September 22, 2008 to provide members of City Council and the public another opportunity to comment on the report contents. Further recommendations from the Municipal Planning Commission are contained in the table attached to this report.

Administration has further reviewed the report contents in light of concerns and questions raised since the August 25, 2008 Council meeting. Generally speaking, few comments were received from the public despite media coverage of this report (media clippings attached). There remain, however, some consistent themes among people expressing concerns over secondary suites.

- Secondary suites contained within owner occupied residences tend to be preferred by the community. There are concerns that tenancy issues related to secondary suites are more common within units owned by absentee landlords than owner occupied homes.
- Clarity is required in defining secondary suites within the context of “room and board”, and “up/down” duplexes.
- There are a number of existing secondary suites that may or may not meet the recommended regulations. Concerns exist with implementation of the report recommendations in a manner that will not exacerbate the current housing crisis in the community yet provide the community with confidence that outstanding issues are being addressed.
- The report recommends that secondary suites not be permitted where home occupations exist, however, there are some home occupations deemed to be “low impact” on the community where secondary suites may be appropriate.

The Secondary Suites Steering Committee has further reviewed the recommendations contained within the report in light of the public comments received above.

Strategies to address community concerns

The Secondary Suites Steering Committee believes that The City has four key areas of responsibility in delivering the recommendations relative to Secondary Suites; land-use regulations, inspections and licensing processes, incentives, and communications.

Land-use

The Secondary Suites project report identifies three significant recommendations to be addressed through changes to the Land Use Bylaw. Simply stated, these are:

1. That secondary suites, within single family detached units, be *discretionary* within R1, R1A and R2 zones in existing neighbourhoods.
2. That secondary suites, within single family detached units, be deemed *permitted* within R1, R1A and R2 zones in neighbourhoods that have yet to be planned.
3. That a series of regulations be embedded into the Land Use Bylaw to determine such criteria as housing forms, lot sizes, suite sizes and parking.

Parkland Community Planning Services (PCPS) would take a leadership role in preparing amendments to the Land Use Bylaw for future consideration by City Council. The public would have an opportunity to further comment on this issue through the regular public hearing process.

At present, the regulations contained within the Secondary Suites project report indicate secondary suites would not be permitted in properties that contain a home occupation. Based on comments from the community, this recommendation may be amended to allow suites where “low impact” home occupations exist (such as home offices, accounting, book keeping, etc.)

A glossary of terms has been prepared and provided as an attachment to this memo. This glossary helps to clarify secondary suites within the context of other housing forms available within residential districts.

The amendments to the land-use bylaw and other related bylaws will provide clarity relative to addressing for secondary suites, notification distances for property owners within the vicinity of a proposed suite, and clarification relative to relaxations available within the bylaw.

The process of administering the land-use bylaw and the Safety Codes Act falls into three main categories. Simply stated, these include:

1. To ensure through the Municipal Planning Commission that secondary suites comply with regulations contained within the Land Use Bylaw.
2. To perform inspections on secondary suite applications to ensure suites meet all applicable codes under the Safety Codes Act.
3. To license secondary suites in a manner similar to home occupations.

To address concerns from the community related to tenancy issues, the Secondary Suites Steering Committee revisited a concept considered early in the review process to “license” secondary suites. Not unlike a home occupation, secondary suites provide a revenue source to the property owner. While licensing criteria still needs to be developed, the “license” itself would help to ensure compliance within the standards and regulations, and provide The City with a record, or registry, of secondary suites within the community. Penalties for operating an “unlicensed” suite could be considered to ensure that all suites are operated in a safe and appropriate manner.

In determining the licensing requirements, consideration will be given to the process of phased implementation and “grandfathering” of existing suites that, at minimum, can meet the Safety Codes Act. Where compliance is feasible, clear timelines will be established to provide property owners adequate time to make improvements to meet all standards. The Steering Committee believes that, to the best of The City’s ability, the implementation process needs to encourage compliance to limit tenant evictions and further pressures on our already tight housing market.

Incentives

To encourage owner-occupied secondary suites and the provision of affordable housing, the Social Planning Department is prepared to develop a program for renovation grants utilizing appropriate federal and provincial affordable housing funds. The basic premise of an incentive program would see renovation grants provided to home-owners in exchange for affordable rental rate guarantees over an extended agreement period.

The home-owners would be required to operate a licensed secondary suite and rents would be monitored through the annual renewal process. Targeting the incentive program to owner-occupied secondary suites helps to address housing affordability for both the owners and tenants. Home ownership is a significant mechanism to build equity and financial stability, thereby addressing the health and social determinant of income and social status.

Communications

The promotion of secondary suites as a legitimate housing form needs to begin with clear and concise communication. As the changes in regulations and land-use are complex, a communications strategy will be developed to assist property owners in determining whether a secondary suite is appropriate and/or feasible in their location.

Depending on the tools used by Communications and Strategic Planning to facilitate the initial and ongoing communications required, resources will need to be identified to support the robust information campaign.

Moving Forward

The Secondary Suites Steering Committee will begin implementation planning based on recommendations contained within the original report and supplementary recommendations articulated above. To ensure that the issues associated with secondary suites are dealt with in a timely manner, the Steering Committee is recommending the following implementation strategy and timelines:

Recommendation

That City Council direct administration to proceed with:

1. Amendments to the land-use and other applicable bylaws. Target for first reading: December 1, 2008.
2. Implementation plan and resource identification. Target for completion: December 1, 2008. The implementation plan will address scope, timelines and resources necessary for a secondary suites licensing/registry program, enforcement strategy, communications strategy, incentives strategy and two-year review process.

/Attachments:

- MPC Resolutions Table
- Glossary of Terms

MPC Recommendations	Steering Committee Response
A Business License registry and assessment policy be implemented by the Inspections & Licensing Department and Taxation Department.	The steering committee agrees with this recommendation and is reviewing the process of issuing an annual license that would be renewed each year. This would allow Inspections & Licensing to review each application if needed. Details will be included in the implementation plan.
That secondary suites be permitted for discretionary use in a single detached house which contains a Home Occupation permitted use.	The steering committee agrees with this recommendation and the implementation plan will include this change to allow low impact home occupations, which are now permitted within the Land Use Bylaw, to apply to MPC for consideration of discretionary use of a secondary suite.
A strategy be provided for dealing with existing secondary suites in duplexes as well as alternate zoning.	The steering committee will consider a variety of strategies within the implementation plan to find a balance between tenant safety, opportunities to achieve compliance, and any potential evictions from illegal suites. We may need to look at the viability of allowing the existing suites in duplexes and alternate zoning sites to be deemed legal non conforming uses if they meet all the criteria.
Administration review garage rentals in relation to parking requirements for secondary suites.	Garages will form part of the parking requirement within the licensing of secondary suites. Parking would be enforced and any suites without adequate parking (up to three spaces) available for the use of the tenants will be reviewed on a complaint basis. Penalties for these types of infractions could also be looked at during the implementation plan phase of this project.
A review of current neighborhood notification procedures in relation to secondary suite applications.	Inspections and Licensing would determine the appropriate neighbourhood notification procedure for the permitting process of this project. The department currently has a mail out procedure or the posting of a sign on the site. A further review of the current notification procedures will be needed.

MPC Notes to Consider	Planned Action
Lot width and square footage be removed from the Secondary Suites recommendations.	Steering committee will review this recommendation for the implementation plan. There could be the option to have the application apply for relaxation to the Land Use Bylaw when application for discretionary use is made to Inspections & Licensing Department.
Consideration is given to the Area Redevelopment Plan (ARP) for West Park.	PCPS will be reviewing all older city neighbourhoods in 2009 to determine which would benefit from an ARP.
The potential for flood areas be considered, before approval is provided	Steering committee will review this recommendation for the implementation plan.
Strategy for complaints and enforcement to be provided.	The implementation plan will address how complaints and enforcement is dealt with.
Civic addressing of suites to ensure they have their own individual address, (example "A" or "B").	Steering committee agrees with this recommendation and will look into the details further for the implementation plan.
Education on secondary suites project to commence with public information campaign.	The public information campaign will include public education on what secondary suites are, the process required to develop them safely and how to make an existing suite safe.

Bed & Breakfast: A detached or semi-detached dwelling occupied by the property owner or the Bed & Breakfast host as a primary residence, in which overnight accommodation and a breakfast meal are offered for sale to guests.

Garage: A building or portion thereof which is designed and used for the storage, parking or the maintenance of personal vehicles.

Secondary Suite: A second self-contained dwelling unit in a detached dwelling, which meets the requirements of section 4.7 (9) and any other applicable requirements or regulations of this Bylaw.

Semi-detached Dwelling Unit (Duplex): A dwelling unit joined side by side to one other dwelling unit with a common wall and each dwelling unit having at least one separate entrance.

Residential Building: A building which is designed or used exclusively for one or more dwelling units.

Dwelling Unit: A self contained building or a portion thereof used by a household, containing sleeping, cooking and sanitary facilities and intended as a permanent residence but does not include a retirement home or a social care residence.

Household: An individual, or two or more persons related by blood, marriage or adoption, or a group of up to five unrelated persons, all living together as a single housekeeping unit and using common cooking facilities.

Multi-attached Building: A residential building containing three or more dwelling units which share common walls and each of which has a separate entrance, whether located on a single site or adjoining individual lots.

**OFFICE OF THE MAYOR**

DATE: September 15, 2008

TO: Legislative & Administrative Services Manager

FROM: City of Red Deer Municipal Planning Commission

RE: Secondary Suites Report Re: MPC Recommendations/Comments

At the September 15, 2008 Red Deer Municipal Planning Commission meeting, the Commission considered the Secondary Suites Report, dated July 2008 submitted and presented by Scott Cameron, Social Planning Manager.

Following discussion the resolution as set out below was introduced and passed.

"Resolved that the Municipal Planning Commission endorse the proposed Secondary Suites Study and recommend this report be forwarded for the consideration of City Council with the following recommendations:

1. A Business Licensing registry and assessment policy be implemented by the Inspections & Licensing Department, and Taxation Department.
2. That secondary suites be permitted for discretionary use in a single detached house which contains a Home Occupation, permitted use.
3. A strategy be provided for dealing with existing secondary suites in Duplexes as well as alternate zoning.
4. Administration to report on garage rentals in relation to parking requirements for secondary suites.
5. A review of current neighbourhood notification procedures in relation to secondary suites applications.

With special consideration given to the following:

1. Lot width & square footage be removed from the Secondary Suites recommendations.
2. Consideration to be given to the Area Redevelopment Plan for West Park.
3. The potential for flood areas be considered, before approval is provided.
4. Strategy for enforcement to be provided.
5. Civic addressing of suites to ensure they have their own individual address, (example "A" or "B")
6. Education on secondary suites project to commence with public information campaign."

The above is submitted for Council's consideration.

A handwritten signature in dark ink, reading "Morris Flewwelling". The signature is written in a cursive style with a large, stylized 'M' and a long, sweeping tail on the 'g'.

Mayor Morris Flewwelling
Chairperson
City of Red Deer Municipal Planning Commission

c: Major Projects Planner, Community Services

OFFICE OF THE MAYOR

DATE: September 15, 2008

TO: Legislative & Administrative Services Manager

FROM: City of Red Deer Municipal Planning Commission

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3. The potential for flood areas be considered, before approval is provided.
4. Strategy for enforcement to be provided.
5. Civic addressing of suites to ensure they have their own individual address, (example "A" or "B")
6. Education on secondary suites project to commence with public information campaign."

The above is submitted for Council's consideration.

A handwritten signature in cursive script that reads "Morris Flewwelling". The signature is written in dark ink and is positioned above the printed name and title.

Mayor Morris Flewwelling
Chairperson
City of Red Deer Municipal Planning Commission

c: Major Projects Planner, Community Services

Kim Woods

From: Kim Woods
Sent: September 02, 2008 1:50 PM
To: Nancy Hackett; Emily Damberger; Tony Lindhout
Subject: FW: August 26 2008 Request for Feedback to the Secondary Suites Report

Tracking:

Recipient	Read
Nancy Hackett	Read: 2008/09/02 2:49 PM
Emily Damberger	Read: 2008/09/03 8:18 AM
Tony Lindhout	Read: 2008/09/02 1:51 PM

BACKUP INFORMATION
NOT SUBMITTED TO COUNCIL

Please provide Frank with a response. Thank you.

Kim

Kim Woods

Council Services Coordinator
The City of Red Deer
Legislative & Administrative Services
Phone: 403.342.8201
Email: kim.woods@reddeer.ca
Website: www.reddeer.ca

From: Frank Wong [mailto:Frank.Wong@reddeer.ca]
Sent: August 28, 2008 5:00 PM
To: Kim Woods
Subject: RE: August 26 2008 Request for Feedback to the Secondary Suites Report

Hi,
One question that I have is does Calgary and Edmonton have any single family zoned areas that restrict secondary suites, such as estate areas Mount Royal, Coach Hill or Signal Hill. Another question is how many of the respondents of the survey were landlords or investors.

Thanks,
Frank

From: Kim Woods [mailto:Kim.Woods@reddeer.ca]
Sent: Tuesday, August 26, 2008 5:08 PM
To: Mayor and Councillors
Cc: Craig Curtis; Colleen Jensen; Paul Goranson; Lorraine Poth; Scott Cameron; Tony Lindhout; Nancy Hackett
Subject: August 26 2008 Request for Feedback to the Secondary Suites Report

Good Afternoon:

At the council meeting last night, consideration of the Secondary Suites Report and the Western Management Consultants Project Report was tabled to the September 22, 2008 Council Meeting.

Please provide any questions, and/or suggestions that are related to this issue, to myself and I will compile for the Council meeting in four weeks time.

2008/09/15

Thank you, and if you have any questions please email or call.

Kim

Kim Woods

Council Services Coordinator

The City of Red Deer

Legislative & Administrative Services

Phone: 403.342.8201

Email: kim.woods@reddeer.ca

Website: www.reddeer.ca

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[Please consider the environment before printing this e-mail.]

Kim Woods

From: Kim Woods
Sent: September 02, 2008 2:06 PM
To: Scott Cameron
Subject: FW: August 26 2008 Request for Feedback to the Secondary Suites Report

I received this request from Councillor Wong and I have forwarded to PCPS so they may respond.

Kim Woods

Council Services Coordinator
The City of Red Deer
Legislative & Administrative Services
Phone: 403.342.8201
Email: kim.woods@reddeer.ca
Website: www.reddeer.ca

From: Frank Wong [mailto:Frank.Wong@reddeer.ca]
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Subject: RE: August 26 2008 Request for Feedback to the Secondary Suites Report

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Thank you, and if you have any questions please email or call.

Kim

Kim Woods

Council Services Coordinator

2008/09/15

The City of Red Deer
Legislative & Administrative Services
Phone: 403.342.8201
Email: kim.woods@reddeer.ca
Website: www.reddeer.ca

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[Please consider the environment before printing this e-mail.]

Kim Woods

From: Morris Flewwelling
Sent: August 27, 2008 11:54 AM
To: Kim Woods
Subject: RE: August 26 2008 Request for Feedback to the Secondary Suites Report

Thanks, Kim. Morris

From: Kim Woods
Sent: August 26, 2008 5:08 PM
To: Mayor and Councillors
Cc: Craig Curtis; Colleen Jensen; Paul Goranson; Lorraine Poth; Scott Cameron; Tony Lindhout; Nancy Hackett
Subject: August 26 2008 Request for Feedback to the Secondary Suites Report

Good Afternoon:

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Thank you, and if you have any questions please email or call.

Kim

Kim Woods

Council Services Coordinator
The City of Red Deer
Legislative & Administrative Services
Phone: 403.342.8201
Email: kim.woods@reddeer.ca
Website: www.reddeer.ca

Kim Woods

From: Kim Woods
Sent: August 27, 2008 8:31 AM
To: Scott Cameron
Cc: Vanessa Connors
Subject: RE: August 26 2008 Request for Feedback to the Secondary Suites Report

Yes - I will certainly do that.

Vanessa - if you receive anything please forward a copy to Scott Cameron, Social Planning Manager.

Kim Woods

Council Services Coordinator
The City of Red Deer
Legislative & Administrative Services
Phone: 403.342.8201
Email: kim.woods@reddeer.ca
Website: www.reddeer.ca

From: Scott Cameron
Sent: August 27, 2008 8:22 AM
To: Kim Woods
Cc: Tony Lindhout
Subject: RE: August 26 2008 Request for Feedback to the Secondary Suites Report

Hi Kim -

Could you feed this information to me as you receive it? Between Tony and I, we will coordinate the responses to the particular concerns and then discuss with the full Committee at our meeting on September 15. Thanks.

Scott Cameron, Manager
Social Planning Department
The City of Red Deer

Phone: (403) 342-8101
E-mail: scott.cameron@reddeer.ca

 Please consider the environment before printing this e-mail and/or attachments.

From: Kim Woods
Sent: August 26, 2008 5:08 PM
To: Mayor and Councillors
Cc: Craig Curtis; Colleen Jensen; Paul Goranson; Lorraine Poth; Scott Cameron; Tony Lindhout; Nancy Hackett
Subject: August 26 2008 Request for Feedback to the Secondary Suites Report

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Thank you, and if you have any questions please email or call.

Kim

Kim Woods

Council Services Coordinator

The City of Red Deer

Legislative & Administrative Services

Phone: 403.342.8201

Email: kim.woods@reddeer.ca

Website: www.reddeer.ca

Tracking:

Recipient

Scott Cameron

Vanessa Connors

Read

Read: 2008/08/27 8:34 AM

Kim Woods

From: Buck Buchanan
Sent: August 26, 2008 6:22 PM
To: Kim Woods
Subject: RE: August 26 2008 Request for Feedback to the Secondary Suites Report

Kim

I have had a couple of calls and am supposed to go for a ride-along tomorrow in WestPark and another person wants to meet regarding Parkvale so I am not sure what info I need from you yet.

Buck

From: Kim Woods
Sent: Tue 2008/08/26 5:08 PM
To: Mayor and Councillors
Cc: Craig Curtis; Colleen Jensen; Paul Goranson; Lorraine Poth; Scott Cameron; Tony Lindhout; Nancy Hackett
Subject: August 26 2008 Request for Feedback to the Secondary Suites Report

Good Afternoon:

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Thank you, and if you have any questions please email or call.

Kim

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The City of Red Deer
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Email: kim.woods@reddeer.ca
Website: www.reddeer.ca

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Thank you, and if you have any questions please email or call.

Kim

Kim Woods

Council Services Coordinator
The City of Red Deer
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Phone: 403.342.8201
Email: kim.woods@reddeer.ca
Website: www.reddeer.ca

Tracking:

Recipient

Mayor and Councillors
Craig Curtis
Colleen Jensen
Paul Goranson
Lorraine Poth
Scott Cameron
Tony Lindhout
Nancy Hackett
Lorna Watkinson-Zimmer

Read

Deleted: 2008/09/09 6:46 AM

Read: 2008/08/27 6:27 PM

Albertalocalnews.com

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Red Deer Advocate

More suites possible

By Lana Michelin - Red Deer Advocate

Published: August 25, 2008 12:35 PM

Red Deer city council will consider allowing more secondary suites in city neighbourhoods.

A consulting company that researched whether more secondary suites are desirable to boost affordable housing options and density in residential parts of the city, submitted seven favourable recommendations.

According to the report by Western Management Consultants, “a high degree of support” was expressed by city residents for more secondary suites in homes — particularly basements.

Not only would they provide a stable form of affordable housing for lower income people, but more new homebuyers might be able to qualify for mortgages with the extra income.

But parking was identified as a major public concern. And residents want the city to ensure fire codes are met, and to regulate the size and location of the secondary suites.

The report recommends that the city set parameters surrounding secondary suites. This includes defining their permitted size, allowing only one suite in a single-detached dwelling, and requiring that one off-street parking stall be provided — in addition to the two off-street stalls that are required for the primary dwelling. (Driveway parking only counts as off-street if it does not restrict the movement of vehicles in the garage.)

The report also recommends the city make conforming secondary suites a discretionary use in all R1, R1A and R2 districts for a two-year trial, starting on Oct. 1. The city could change this to a permitted use if no significant problems arise.

The consultants want the city to include secondary suites in all new area structure plans from Jan. 1, 2009.

The consultants believe the city should launch a public information campaign encouraging owners of illegal secondary suites to obtain city permits to make them legitimate.

The owners would first have to ensure the suites meet building and fire codes.

The report also urges the city to find solutions to the problems and frustrations expressed by several

West Park residents who blamed illegal secondary suites in houses owned by absentee owners for a rise in crime, drugs, and socially aberrant behaviour in their neighbourhood.

The consultants say these concerns could be linked to other factors, but they still advised the city to “actively engage” these residents to jointly seek a solution.

While many city residents only favoured allowing secondary suites if the home’s owners were required to live on the same property, the consultants found this regulation could not be legally upheld.

City council will consider these recommendations on Monday.

Contact Lana Michelin at lmichelin@reddeeradvocate.com

Find this article at:

http://www.albertalocalnews.com/reddeeradvocate/news/More_suites_possible.html

☐ Check the box to include the list of links referenced in the article.

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 **PRINT THIS**

Red Deer Advocate

Council tables consultant's report

By Laura Tester - Red Deer Advocate

Published: August 26, 2008 6:54 AM

Red Deer residents will have more say on whether more basement suites should be allowed under stricter guidelines.

To allow more public debate, city council decided on Monday to table a consultants' report on secondary suites until Sept. 22.

Council could receive the report for information at that time. Members of the public can contact the Legislative and Administrative Services Department beforehand about any comments they may have.

"We can use the report as a guide for future planning," said Mayor Morris Flewwelling. "The whole purpose of having the study done is to anticipate good development of secondary suites. It's providing the way towards more affordable housing."

Edmonton's Western Management Consultants was asked to do a report on how the city could better manage the hundreds of existing suites and any new ones that come on board.

Flewwelling said no permit process exists right now for secondary suites.

"We currently have 800 suites in the city that we know of — and they're illegal," he said. "There's no development permit on them."

The report makes seven recommendations, including creating an incentive strategy to legalize existing secondary suites.

It also recommends that secondary suites under construction must meet all applicable safety codes. The report also recommends informing existing secondary suite owners of their responsibility towards meeting building and fire codes.

Flewwelling said he knows of one suite that has a dirt floor and is being rented out for \$800 a month.

"The city has a responsibility of having a safe-built environment," he said.

Gordon Harris, a director with Western Management Consultants, said safety and fire code inspections would be a part of the permit process.

The consultants found a high amount of support for secondary suites after conducting stakeholder meetings, public open houses and an online survey.

Harris said similar results have been found in other Alberta communities as they strive to acquire more affordable housing.

Contact Laura Tester at ltester@reddeeradvocate.com

Find this article at:

http://www.albertalocalnews.com/reddeeradvocate/news/Council_tables_consultants_report.html

☐ Check the box to include the list of links referenced in the article.

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 **PRINT THIS**

Planners not enthusiastic about secondary suites

By Paige Aahrus Advocate staff

Published: September 16, 2008 9:09 AM

The city's Municipal Planning Commission debated secondary suites in Red Deer at Monday's meeting, with several members arguing the city shouldn't be so quick to embrace high-density neighbourhood homes.

It was the group's first meeting following the release of a report by Edmonton's Western Management Consultants that recommended secondary suites be allowed in single detached homes.

The report also recommended that an off-street parking spot be made available for any new suite, and mentioned West Park as a neighbourhood deserving "special consideration" when it comes to secondary suite development.

Commission member Doug Janssen said the report might not have found widespread resident support for secondary units if residents had been told that the homeowner doesn't have to live in the same house as the secondary-suite tenant.

"The implication was that the existing suite would be owner-occupied. ... There is a lot of support for owner-occupied houses with secondary suites," he said, adding that the meaning of "special consideration" is unclear.

As an older neighbourhood in close proximity to Red Deer College, West Park is a prime location for houses with secondary suites.

But some commission members said absent landlords and a variety of tenants often lead to parking problems, excess garbage and a lack of repairs and maintenance at the house.

West Park resident Dale Reid, who recently lobbied the city to halt duplex developments in the neighbourhood, said secondary suites cause problems in his neighbourhood.

"This is not a perceived problem. I don't see it as perceived, I've lived it," he said.

He argued that many landlords renting houses in West Park have also rented their garages, creating a widespread parking shortage in the area.

City Councillor Gail Parks said secondary suites should not be permitted in flood-prone areas such as Rosedale because of the risk that tenants could lose everything during a bout of wet weather.

The commission eventually decided to carry the report's recommendations forward to the next meeting, along with an additional list of issues to address. The list includes:

- The possibility of requiring landlords to register their secondary suites and acquire a permit for them.
- What to do with existing secondary suites in duplexes or townhouses.
- The issue of garage rentals and parking shortages.
- Whether minimum lot widths accurately determine which homes are suitable for a secondary suite.

Contact Paige Aarhus at

paarhus@reddeeradvocate.com

Find this article at:

http://www.albertalocalnews.com/reddeeradvocate/business/local_biz/Planners_not_enthusiastic_about_secondary_suites.html

☐ Check the box to include the list of links referenced in the article.

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Comments:

We support the recommendation of Administration.

“Morris Flewwelling”
Mayor

“Craig Curtis”
City Manager

DATE: September 23, 2008

TO: Secondary Suites Administration Committee
Scott Cameron, Social Planning Manager
Tony Lindhout, City Planning Manager
Rick Elm, Land Coordinator
Joyce Boon, Development & Licensing Supervisor
Sara Waldo, Strategic Planning Advisor

FILE

FROM: Kelly Kloss, Legislative & Administrative Services Manager

SUBJECT: Secondary Suites – Administration Recommendation

Reference Report:

Secondary Suites Administration Committee, dated August 18, 2008.
Western Management Consultant Secondary Suites Project Report, July 2008.
Secondary Suites Administration Committee, dated September 15, 2008.

Resolution:

"Resolved that Council of the City of Red Deer having considered the report dated September 15, 2008 from the Secondary Suites Steering Committee re: Secondary Suites Recommendations hereby:

- 1) Receives the Secondary Suites Project Report by Western Management Consultants dated July 15, 2008, as a basis for planning subject to a further detailed study of the pros and cons of permitted versus discretionary in new areas.
- 2) Directs Administration to proceed with a Council Workshop to provide direction on the Implementation Plan, addressing the issues raised by MPC and further issues identified by council related to design and density.:

Report Back to Council: Yes.

Comments/Further Action:

Please proceed with the direction as outlined in the above resolution.



Kelly Kloss
Manager

Cc: Tony Lindhout, Parkland Community Planning Services
Nancy Hackett, Parkland Community Planning Services
Director of Development Services
Assessment and Taxation Manager
City Assessor
Inspections & Licensing Manager
Inspections & Licensing Supervisor
Land & Economic Development Manager
Graphics Designer
Communications & Strategic Planning Manager

DATE: September 23, 2008

TO: Secondary Suites Administration Committee
Scott Cameron, Social Planning Manager
Tony Lindhout, City Planning Manager
Rick Elm, Land Coordinator
Joyce Boon, Development & Licensing Supervisor
Sara Waldo, Strategic Planning Advisor

FROM: Kelly Kloss, Legislative & Administrative Services Manager

SUBJECT: Secondary Suites – Administration Recommendation

FILE

Reference Report:

Secondary Suites Administration Committee, dated August 18, 2008.
Western Management Consultant Secondary Suites Project Report, July 2008.
Secondary Suites Administration Committee, dated September 15, 2008.

Please note that when Council was confirming the minutes of the September 22, 2008 they modified the resolution on Secondary Suites as follows:

Resolution: Original

"Resolved that Council of the City of Red Deer having considered the report dated September 15, 2008 from the Secondary Suites Steering Committee re: Secondary Suites Recommendations hereby:

- 1) Receives the Secondary Suites Project Report by Western Management Consultants dated July 15, 2008, as a basis for planning subject to a further detailed study of the pros and cons of permitted versus discretionary in new areas
- 2) Directs Administration to proceed with a Council Workshop to provide direction on the Implementation Plan, addressing the issues raised by MPC and further issues identified by council related to design and density.:

Updated


"Resolved that Council of the City of Red Deer having considered the report dated September 15, 2008 from the Secondary Suites Steering Committee re: Secondary Suites Recommendations hereby:

- 1) Receives for information the Secondary Suites Project Report by Western Management Consultants dated July 15, 2008.
- 2) Directs Administration to proceed with a Council Workshop to provide direction on the Implementation Plan, addressing the issues raised by MPC and further issues identified by council related to design and density."

Report Back to Council: Yes.

Comments/Further Action:

Please proceed with the direction as outlined in the above resolution.



Kelly Kloss
Manager

Cc: Tony Lindhout, Parkland Community Planning Services
Nancy Hackett, Parkland Community Planning Services
Director of Development Services
Assessment and Taxation Manager
City Assessor
Inspections & Licensing Manager
Inspections & Licensing Supervisor
Land & Economic Development Manager
Graphics Designer
Communications & Strategic Planning Manager

Public Hearings Item No. 1

Legislative & Administrative Services

DATE: September 15, 2008

TO: City Council

FROM: Kelly Kloss, Legislative & Administrative Services Manager

SUBJECT: Parkland Community Planning Services
Proposed Land Use Bylaw Amendment 3357/ Z-2008
Clearview North Neighbourhood – Phase 4
Melcor Developments Ltd.

History:

At the Monday, August 25, 2008 meeting of Council, Land Use Bylaw Amendment 3357/Z-2008 received first reading.

Land Use Bylaw Amendment 3357/Z-2008 proposes to develop Phase 4 of the Clearview North Neighbourhood, rezoning is being sought for approximately 3.07 ha of land from A1 Future Urban Development District to R2 Residential (Medium Density) District and R3 Residential (Multiple Family) District in order to create 2 multi-unit residential lots. The proposed land use districts of Bylaw 3357/Z-2008 conform with the Clearview North Neighbourhood Area Structure Plan.

Public Consultation Process:

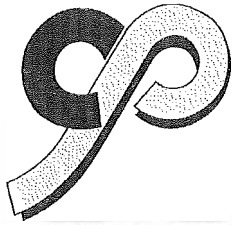
A Public Hearing has been advertised for the above noted bylaw to be held on Monday September 22, 2008 at 6:00 p.m. in Council Chambers, during Council's regular meeting.

Recommendation:

That following the Public Hearing, Council consider 2nd and 3rd readings of Bylaw 3357/Z-2008.



Kelly Kloss
Manager



**PARKLAND
COMMUNITY
PLANNING
SERVICES**

Originally Submitted to Council
on Monday August 25 2008

Suite 404, 4808 Ross Street
Red Deer, Alberta T4N 1X5
Phone: (403) 343-3394
FAX: (403) 346-1570
e-mail: pcps@pcps.ab.ca
www.pcps.ca

DATE: August 14, 2008
TO: Kelly Kloss, Legislative and Administrative Services Manager
FROM: Martin Kvapil, Planning Assistant
RE: Land Use Bylaw Amendment No. 3357/Z-2008
Clearview North Neighbourhood – Phase 4
Melcor Developments Ltd.

Proposal

Melcor Developments Ltd. is proposing to develop Phase 4 of the Clearview North neighbourhood. Rezoning is being sought for approximately 3.07 ha (7.59 ac.) of land from A1 Future Urban Development District to R2 Residential (Medium Density) District and R3 Residential (Multiple Family) District in order to create 2 multi-unit residential lots. The proposed land use districts of Bylaw 3357/Z-2008 conform with the Clearview North Neighbourhood Area Structure Plan.

Staff Recommendation

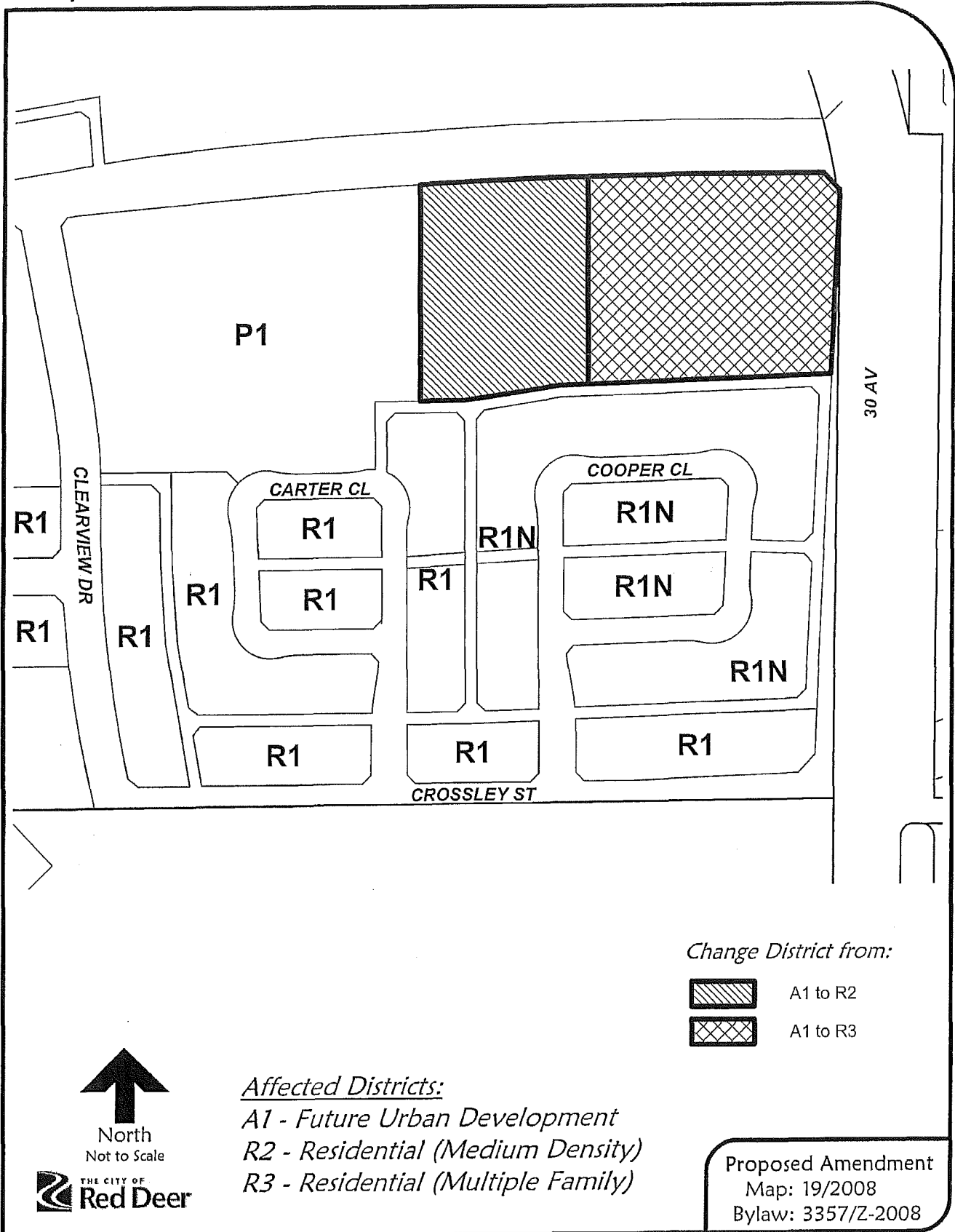
That City Council proceed with first reading of Land Use Bylaw Amendment No. 3357/Z -2008.

Martin Kvapil
PLANNING ASSISTANT

Tony Lindhout, ACP, MCIP
CITY PLANNING MANAGER

Attachments

Proposed Amendment to Land Use Bylaw 3357/2006





Legislative & Administrative Services

Council Decision – September 22, 2008

DATE: September 23, 2008

TO: Martin Kvapil, Parkland Community Planning Services
Tony Lindhout, City Planning Manager

FROM: Kelly Kloss, Legislative & Administrative Services Manager

SUBJECT: Land Use Bylaw Amendment 3357/Z-2008
Clearview North Neighbourhood – Phase 4
Melcor Developments Ltd.

FILE

Reference Report:

Parkland Community Planning Services, dated August 14, 2008.

Bylaw Readings:

Land Use Bylaw Amendment 3357/Z-2008 received first reading at the Monday August 25, 2008 Council Meeting. Land Use Bylaw Amendment 3357/Z-2008 was advertised. The Public Hearing was held on Monday September 22, 2008. Land Use Bylaw Amendment 3357/Z-2008 received second and third readings, a copy of which is attached.

Report Back to Council: No.

Comments/Further Action:

Land Use Bylaw Amendment 3357/Z-2008 provides for the development of Phase 4 of the Clearview North neighbourhood, rezoning approximately 3.07 ha of land from A1 Future Urban Development District to R2 Residential (Medium Density) District and R3 Residential (Multiple Family) District in order to create 2 multi-unit residential lots.


Kelly Kloss
Manager

/attach

Cc: Development Services Director
Assessment & Tax Manager
City Assessor
Inspections & Licensing Manager
Inspections & Licensing Supervisor
Land & Economic Development Manager
Graphics Designer
LAS File



FILE

LEGISLATIVE & ADMINISTRATIVE SERVICES

September 23, 2008

Mr. G. Pelletier
Melcor Developments
502, 4901-48 Street
Red Deer, AB T4N 6M4

Dear Sir,

**Re: Land Use Bylaw Amendment No. 3357/Z-2008
Clearview North Neighbourhood – Phase 4
Melcor Developments Ltd.**

At the City of Red Deer Council meeting on Monday September 22, 2008 a Public Hearing was held with respect to Land Use Bylaw Amendment 3357/Z-2008. Following the Public Hearing, Land Use Bylaw amendment 3357/Z-2008 was given second and third readings. For your information a copy of the bylaw is attached.

Land Use Bylaw Amendment 3357/Z-2008 provides for rezoning of approximately 3.07 ha of land from A1 Future Urban Development District to R2 Residential (Medium Density) District and R3 Residential (Multiple Family) District in order to create 2 multi-unit residential lots.

Please call me if you have any questions or require additional information.

Sincerely,

Kelly Kloss
Manager

Cc: Parkland Community Planning Services

BYLAW NO. 3357/Z -2008

Being a bylaw to amend Bylaw No. 3357/2006, the Land Use Bylaw of the City of Red Deer.

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

1. That "Use District Map P17" contained within "Schedule A" of the Land Use Bylaw is hereby amended in accordance with Land Use District Map No. 19 attached hereto and forming part of the bylaw.

READ A FIRST TIME IN OPEN COUNCIL this 25th day of August 2008.

READ A SECOND TIME IN OPEN COUNCIL this 22nd day of September 2008.

READ A THIRD TIME IN OPEN COUNCIL this 22nd day of September 2008.

AND SIGNED BY THE MAYOR AND CITY CLERK this 22nd day of September 2008.

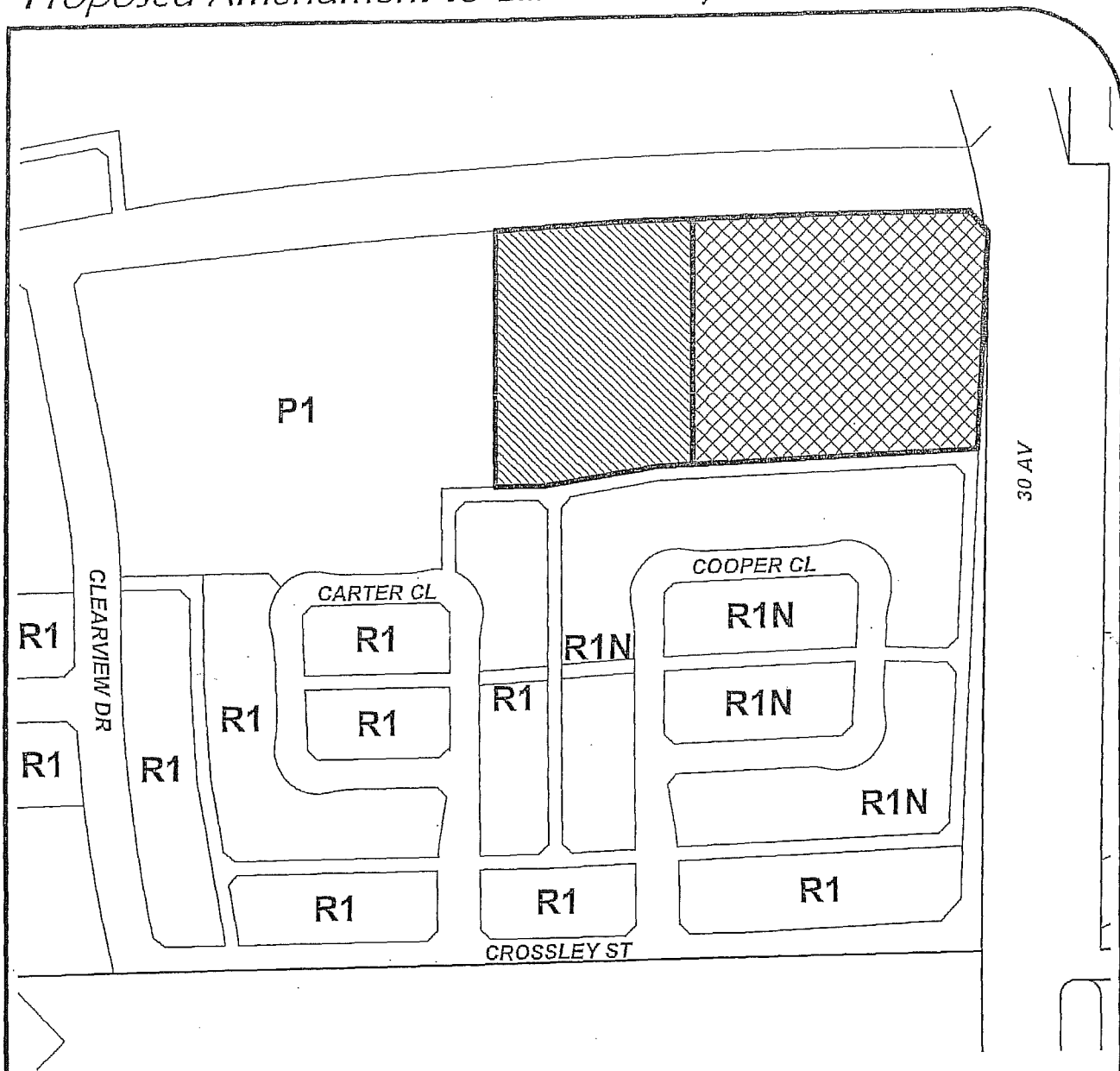
"Morris Flewwelling"

MAYOR

"Kelly Kloss"

CITY CLERK

Proposed Amendment to Land Use Bylaw 3357/2006



Change District from:



A1 to R2

A1 to R3



North
Not to Scale



Affected Districts:

A1 - Future Urban Development

R2 - Residential (Medium Density)

R3 - Residential (Multiple Family)

Proposed Amendment

Map: 19/2008

Bylaw: 3357/2-2008

3357/Z-2008 LUB Clearview North Neighbourhood Phase 4

DESCRIPTION: LUB proposed rezoning for approximately 3.07 ha of land from A1 Future Urban Development District to R2 Residential (Medium Density) District and R3 Residential (Multiple Family) District in order to create 2 multi-unit residential lots.

FIRST READING:

August 25, 2008

FIRST PUBLICATION:

September 5, 2008

SECOND PUBLICATION:

September 12, 2008

PUBLIC HEARING & SECOND READING:

September 22, 2008

THIRD READING:

September 22, 2008

LETTERS REQUIRED TO PROPERTY OWNERS:

YES ☒ NO ☐

DEPOSIT: YES ☐ \$ _____ NO ☒

COST OF ADVERTISING RESPONSIBILITY OF:

Melcor Developments Ltd.

ACTUAL COST OF ADVERTISING:

\$ 372.96 x 2

TOTAL: \$ 745.92

MAP PREPARATION:

\$ _____

TOTAL COST:

\$ _____

LESS DEPOSIT RECEIVED:

\$ _____

AMOUNT OWING/ (REFUND):

\$ _____

INVOICE NO.:

BATCH NO.:

226483
949827

(Advertising Revenue to 180.5901)

LAND USE BYLAW AMENDMENT 3357/Z-2008
Clearview North Neighbourhood – Phase 4

City Council proposes to pass **Land Use Bylaw Amendment 3357/Z -2008**, which provides for a proposed rezoning for approximately 3.07 ha of land from A1 Future Urban Development District to R2 Residential (Medium Density) District and R3 Residential (Multiple Family) District in order to create 2 multi-unit residential lots.

The proposed bylaw may be inspected at Legislative & Administrative Services, 2nd Floor City Hall during regular office hours or for more details, contact Parkland Community Planning Services at 343-3394.

Map 19/2008

City Council will hear from any person claiming to be affected by the proposed bylaw at a Public Hearing on Monday **September 22, 2008** at 6:00p.m. in Council Chambers, 2nd Floor at City Hall. If you want your letter or petition included on the Council agenda you must submit it to the Manager, Legislative & Administrative Services by **Tuesday September 16, 2008**. Otherwise, you may submit your letter or petition at the Council meeting or you can simply tell Council your views at the Public Hearing. Council's Procedure Bylaw indicates that each presentation is limited to 10 minutes. Any submission will be public information. If you have any questions regarding the use of this information please contact the Manager, Legislative & Administrative Services at 342-8132.

(Publication Dates: September 5, 2008 and September 12, 2008)

.....Document.....									Amounts.....					
Ty	Number	Co	Item	G/L Date	Due Date	Co	Address #	Customer Name	PS	Gross	Tax	Ty			
				Inv Date		G/L Class		Remark		Discount Available					
				Account Number		Account Description		JE - Remark			G/L Distribution	LT	PC	Subledger	Ty
Batch Number				949827		Type	IB	Date	2008/10/17	VANESSAC		Transaction Originator			
										VANESSAC					
RI	226483	00002	001	2008/10/20	2008/11/16	00002	1001101	MELCOR DEVELOPMENTS LTD		783.22		37.30	V		
				2008/10/17		T		CLEARVIEW NORTH ADVERTISING							
				180.5901		ADVERTISING RECOVERY		CLEARVIEW NORTH ADVERTISING			745.92-	AA			
Totals for Document								RI	226483	00002	783.22	745.92-	37.30		
								Discount							
RI	226484	00002	001	2008/10/20	2008/11/16	00002	1001101	MELCOR DEVELOPMENTS LTD		832.94		39.66	V		
				2008/10/17		T		SUNNYBROOK SOUTH ADVERTISING							
				180.5901		ADVERTISING RECOVERY		SUNNYBROOK SOUTH ADVERTISING			793.28-	AA			
Totals for Document								RI	226484	00002	832.94	793.28-	39.66		
								Discount							
Totals for Batch								949827		1,616.16	1,539.20-	76.96			
								Discount							
Totals for User ID								VANESSAC		1,616.16	1,539.20-	76.96			
								Discount							
Grand Total										1,616.16	1,539.20-	76.96			
								Discount							

The City of Red Deer
Bylaw Readings

Moved by Councillor: Veer Seconded by Councillor: Buchanan

That Land Use Bylaw Amendment 3357/Z-2008, proposing development of Phase 4 of the Clearview North Neighbourhood, rezoning of approximately 3.07 ha of land from A1 Future Urban Development District to R2 Residential (Medium Density) District and R3 Residential (Multiple Family) District in order to create 2 multi-unit residential lots,

BE READ A FIRST TIME THIS 26th DAY OF August, 2008.

BE READ A SECOND TIME THIS 22nd DAY OF September, 2008.

BE READ A THIRD TIME THIS 22nd DAY OF September, 2008.

REMINDER FOR COUNCIL MEMBERS: YOU MUST BE IN ATTENDANCE AT ALL OR A PORTION OF THE PUBLIC HEARING IN ORDER TO PARTICIPATE IN DEBATE AND VOTE ON 2ND AND 3RD READINGS OF THIS BYLAW.



Public Hearings Item No. 2A

DATE: September 15, 2008

TO: City Council

FROM: Kelly Kloss, Legislative & Administrative Services Manager

SUBJECT: Road Closure Bylaw 3411/2008 (Service Roads)
and Sales along Gaetz Avenue

History:

At the Monday August 25, 2008 Council Meeting Road Closure Bylaw 3411/2008 received first reading.

Road Closure Bylaw 3411/2008 is required in order to initiate subdivision. The Service Roads are required for the improvement of the Gaetz Avenue and 32 Street Intersection improvements or to be disposed and consolidated with various affected adjacent landowners.

Public Consultation Process:

A Public Hearing has been advertised for the above noted bylaw to be held on Monday September 22, 2008 at 6:00 p.m. in Council Chambers, during Council's regular meeting.

Recommendation:

That following the Public Hearing, Council consider 2nd and 3rd readings of Bylaw 3411/2008.



Kelly Kloss
Manager

Memo

Originally Submitted to Council
Monday August 25 2008

Date: August 12, 2008

To: Kelly Kloss, Legislative and Administrative Services Manager

From: Rick Elm, Land and Appraisal Coordinator
Howard Thompson, Land & Economic Development Manager

RE: Road Closure Bylaw (Service Roads), and Sales along Gaetz Avenue

Background:

The Engineering Department is preparing to move forward with the Gaetz and 32nd Street Intersection Improvements. Land currently occupied by the service roads as shown on the attached sketch are required for either;

- 1) Improvements to Gaetz Avenue or
- 2) To be disposed and consolidated with various affected adjacent landowners.

In order to initiate subdivision, a road closure bylaw is required. Alternate accesses to all properties exist by way of Gaetz Avenue North and South, 32nd Street East and West, 49th Avenue North and South and 51st Avenue North and South.

A report regarding the extent of the Gaetz and 32nd Street Intersection Improvements was given final approval by Council on June 16, 2008.

Financial Implications:

Due to the timing of current negotiations with affected landowners and the multiple number of transactions, we are recommending City Council approves the road closures and delegates the authority to enter into land sale agreements for the closed roads to the Engineering Services Manager. The authority would be subject to the purchase price being at or near market value to the satisfaction of the Engineering Services Manager based upon comparison to recent independent appraisals conducted for the project.

The net proceeds from these land sales will be credited to the Gaetz Avenue and 32 Street Intersection Improvements project.

Memo

Page 2

Recommendations:

That City Council approves:

- 1) The first reading of a bylaw having the effect of closing;

"All that portion of Road Plan(s) 4868 KS, 5009 KS, 3237 NY, 737 HW and 782 1412 all lying within the limits of Subdivision Plan _____, excepting thereout all mines and minerals"; and
- 2) The sale of the portions of closed road on the terms outlined by Administration in the report to Council on August 25, 2008, subject to the purchase price being at or near market value to the satisfaction of the Engineering Services Manager based upon comparison to recent independent appraisals conducted for the project; and
- 3) The net proceeds from the sale of closed road will be credited to the Gaetz Avenue and 32 Street Intersection Improvements project.



Rick Elm
Land and Appraisal Coordinator



Howard Thompson
Land & Economic Development Manager

Attach.

- c. Tom Warder, Engineering Services Manager
Dean Krejci, Financial Services Manager



Legislative & Administrative Services

Council Decision – September 22, 2008

DATE: September 23, 2008

FILE

TO: Rick Elm, Land & Appraisal Coordinator
Howard Thompson, Land & Economic Development Manager

FROM: Kelly Kloss, Legislative & Administrative Services Manager

SUBJECT: Road Closure Bylaw 3411/2008(Service Roads), and
Sales along Gaetz Avenue

Reference Report:

Land & Appraisal Coordinator and Land & Economic Development Manager, dated August 12, 2008.

Bylaw Readings:

Road Closure Bylaw 3411/2008 received first reading, at the Monday August 25, 2008 Council Meeting. Bylaw 3411/2008 was advertised. The Public Hearing was held on Monday September 22, 2008. Road Closure Bylaw 3411/2008 received second and third readings, a copy of which is attached.

Report Back to Council: No.

Comments/Further Action:

Road Closure Bylaw 3411/2008 is required for closure of Service Roads within the Gaetz Avenue and 32 Street intersection area to proceed with intersection improvements.


Kelly Kloss
Manager

/attach.

Cc: Development Services Director
Corporate Services Director
Greg Sikora, Acting Engineering Services Manager
Financial Services Manager
Tax & Assessment Manager
Martin Kvapil, Parkland Community Planning Services
Tony Lindhout, Parkland Community Planning Services

The City of Red Deer
Bylaw Readings

Moved by Councillor: BUCHANAN Seconded by Councillor: VERON

That Road Closure Bylaw 3411/2008,

BE READ A FIRST TIME THIS 25th DAY OF AUGUST, 2008.

BE READ A SECOND TIME THIS 22nd DAY OF SEPTEMBER, 2008.

BE READ A THIRD TIME THIS 22nd DAY OF SEPTEMBER, 2008.

REMINDER FOR COUNCIL MEMBERS: YOU MUST BE IN ATTENDANCE AT ALL OR A PORTION OF THE PUBLIC HEARING IN ORDER TO PARTICIPATE IN DEBATE AND VOTE ON 2ND AND 3RD READINGS OF THIS BYLAW.



Legislative & Administrative Services

Public Hearings Item No. 2B

DATE: September 15, 2008

TO: City Council

FROM: Kelly Kloss, Legislative & Administrative Services Manager

SUBJECT: Parkland Community Planning Services
Land Use Bylaw Amendment 3357/AA-2008
Gaetz Avenue / 32 Street Intersection
Rezoning of Closed Portions of Road
The City of Red Deer

History:

At the Monday, August 25, 2008 meeting of Council, Land Use Bylaw Amendment 3357/AA-2008 received first reading.

Land Use Bylaw Amendment 3357/AA-2008 proposes to consolidate the closed portions with adjacent parcels and accommodate them within the C4 Commercial (Major Arterial) District. The proposed land use bylaw amendment supports Engineering Services' report, which was previously considered and conceptually approved by Council.

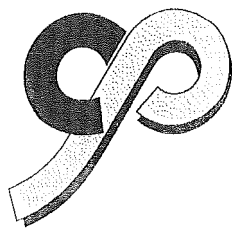
Public Consultation Process:

A Public Hearing has been advertised for the above noted bylaw to be held on Monday September 22, 2008 at 6:00 p.m. in Council Chambers, during Council's regular meeting.

Recommendation:

That following the Public Hearing, Council consider 2nd and 3rd readings of Bylaw 3357/AA-2008.

Kelly Kloss
Manager



**PARKLAND
COMMUNITY
PLANNING
SERVICES**

Originally Submitted to
Council on August 25 2008

Suite 404, 4808 Ross Street
Red Deer, Alberta T4N 1X5
Phone: (403) 343-3394
FAX: (403) 346-1570
e-mail: pcps@pcps.ab.ca
www.pcps.ca

DATE: August 14, 2008
TO: Kelly Kloss, Legislative and Administrative Services Manager
FROM: Martin Kvapil, Planning Assistant
RE: Land Use Bylaw Amendment No. 3357/AA-2008
Gaetz Avenue / 32 Street Intersection
Rezoning of Closed Portions of Road
The City of Red Deer

Proposal

The City of Red Deer is proposing to close several portions of road identified in the City of Red Deer Engineering Services' *Gaetz Avenue / 32 Street Intersection Improvements – Functional Design*.

Further to the report of Land and Economic Development which appears elsewhere on this agenda, the intent is to then consolidate these closed portions with adjacent parcels and accommodate them within the C4 Commercial (Major Arterial) District. The proposed land use bylaw amendment supports Engineering Services' report, which was previously considered and conceptually approved by Council.

Staff Recommendation

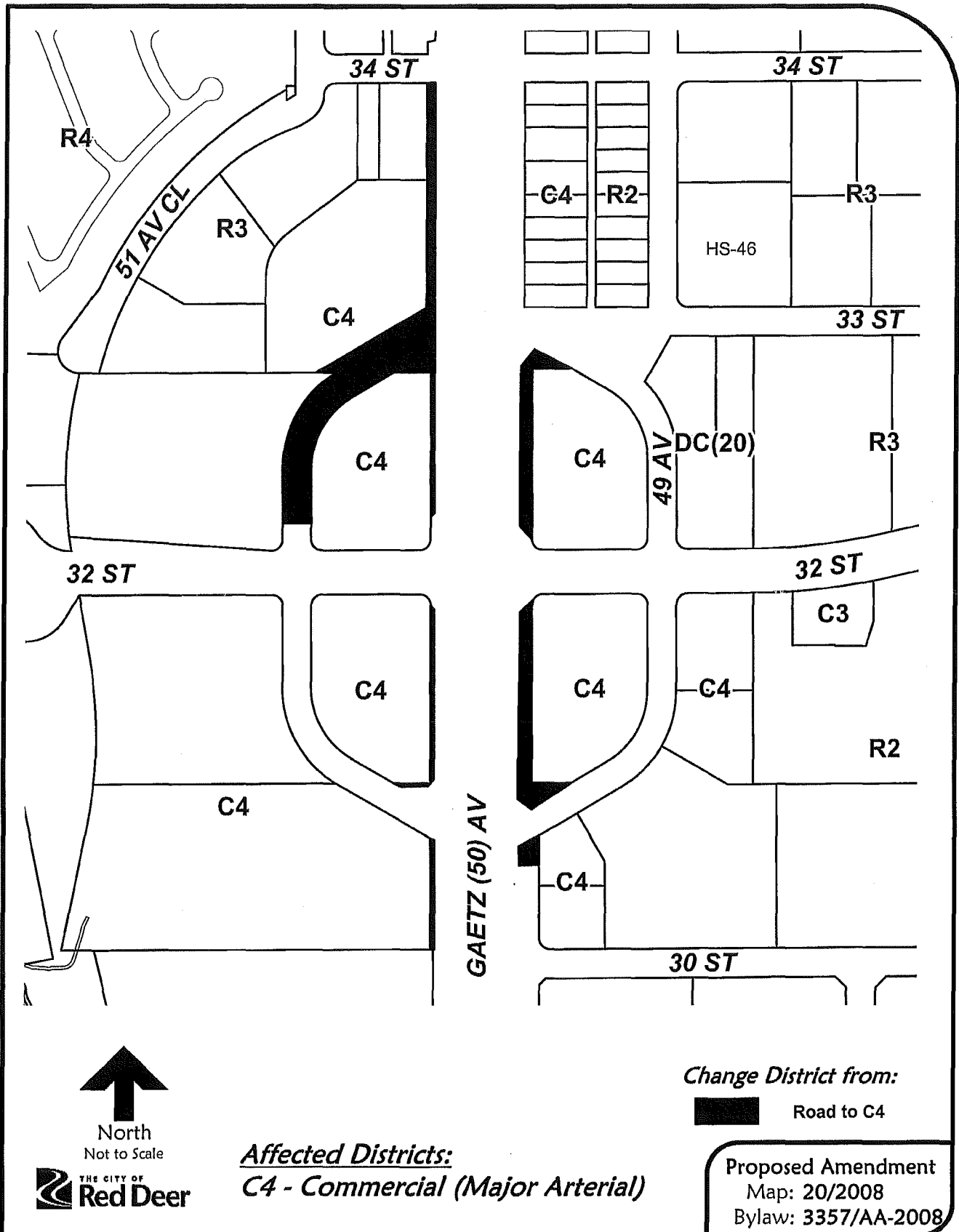
That City Council, subject to first reading of the applicable road closure bylaw, proceed with first reading of Land Use Bylaw Amendment No. 3357/AA -2008.

Martin Kvapil
PLANNING ASSISTANT

Tony Lindhout, ACP, MCIP
CITY PLANNING MANAGER

Attachments

Proposed Amendment to Land Use Bylaw 3357/2006





Legislative & Administrative Services

Council Decision – September 22, 2008

DATE: September 23, 2008

TO: Martin Kvapil, Parkland Community Planning Services
Tony Lindhout, City Planning Manager

FROM: Kelly Kloss, Legislative & Administrative Services Manager

SUBJECT: Land Use Bylaw Amendment No. 3357/AA-2008
Gaetz Avenue / 32 Street Intersection
Rezoning of Closed Portion of Road
The City of Red Deer

FILE

Reference Report:

Parkland Community Planning Services, dated August 14, 2008.


Bylaw Readings:

Land Use Bylaw Amendment 3357/AA-2008 received first reading at the Monday August 25, 2008 Council Meeting. Land Use Bylaw Amendment 3357/AA-2008 was advertised. The Public Hearing was held on Monday September 22, 2008. Land Use Bylaw Amendment 3357/AA-2008 received second and third readings, a copy of which is attached.

Report Back to Council: No.

Comments/Further Action:

Land Use Bylaw Amendment 3357/AA-2008 is required to close several portions of road identified in the City of Red Deer Engineering Services Gaetz Avenue / 32 Street Intersection Improvements – Functional Design. The closed portions of roads will be consolidated with the adjacent parcels and accommodate them within the C4 Commercial (Major Arterial) District.



Kelly Kloss
Manager
/attach.

Cc: Development Services Director
Corporate Services Director
Engineering Services Manager
Financial Services Manager
Assessment & Tax Manager
City Assessor
Inspections & Licensing Manager
Inspections & Licensing Supervisor
Land & Economic Development Manager
Land & Appraisal Coordinator
Graphics Designer
LAS File

The City of Red Deer
Bylaw Readings

Moved by Councillor: PARKS Seconded by Councillor: WONG

That Land Use Bylaw Amendment 3357/AA-2008, proposing a consolidation of closed portions of roads with adjacent parcels and accommodation of them within the C4 Commercial (Major Arterial) District,

BE READ A FIRST TIME THIS 25TH DAY OF AUGUST, 2008.

BE READ A SECOND TIME THIS 20ND DAY OF SEPTEMBER, 2008.

BE READ A THIRD TIME THIS 22ND DAY OF SEPTEMBER, 2008.

REMINDER FOR COUNCIL MEMBERS: YOU MUST BE IN ATTENDANCE AT ALL OR A PORTION OF THE PUBLIC HEARING IN ORDER TO PARTICIPATE IN DEBATE AND VOTE ON 2ND AND 3RD READINGS OF THIS BYLAW.

3357/AA -2008 LUB and Road Closure Bylaw 3411/2008

DESCRIPTION: Land Use Bylaw Amendment 3357/AA -2008 and Road Closure Bylaw 3411/2008, which provides for a proposed road closure of all that portion of Road Plan(s) 4868 KS, 5009 KS, 3237 NY, 737 HW and 732 1412 and the consolidation of closed portions of roads with adjacent parcels and accommodate them within the C4 Commercial (Major Arterial) District.

FIRST READING: August 25, 2008

FIRST PUBLICATION: September 5, 2008

SECOND PUBLICATION: September 12, 2008

PUBLIC HEARING & SECOND READING: September 22, 2008

THIRD READING: September 22, 2008

LETTERS REQUIRED TO PROPERTY OWNERS: YES ☐ NO ☐

DEPOSIT: YES ☐ \$ _____ NO ☒

COST OF ADVERTISING RESPONSIBILITY OF: The City of Red Deer

ACTUAL COST OF ADVERTISING:

\$ _____ X 2 **TOTAL:** \$ _____

MAP PREPARATION: \$ _____

TOTAL COST: \$ _____

LESS DEPOSIT RECEIVED: \$ _____

AMOUNT OWING/ (REFUND): \$ _____

INVOICE NO.: _____

BATCH NO.: _____

(Advertising Revenue to 180.5901)

**LAND USE BYLAW AMENDMENT 3357/AA -2008 and
ROAD CLOSURE BYLAW 3411/2008
Gaetz Avenue and 32 Street Improvements**

City Council proposes to pass **Land Use Bylaw Amendment 3357/AA -2008 and Road Closure Bylaw 3411/2008**, which provides for a proposed road closure of all that portion of Road Plan(s) 4868 KS, 5009 KS, 3237 NY, 737 HW and 732 1412 and the consolidation of closed portions of roads with adjacent parcels and accommodate them within the C4 Commercial (Major Arterial) District.

The proposed bylaws may be inspected at Legislative & Administrative Services, 2nd Floor City Hall during regular office hours or for more details, contact Parkland Community Planning Services at 343-3394.

Map 20/2008

City Council will hear from any person claiming to be affected by the proposed bylaw at a Public Hearing on Monday **September 22, 2008** at 6:00p.m. in Council Chambers, 2nd Floor at City Hall. If you want your letter or petition included on the Council agenda you must submit it to the Manager, Legislative & Administrative Services by **Tuesday September 16, 2008**. Otherwise, you may submit your letter or petition at the Council meeting or you can simply tell Council your views at the Public Hearing. Council's Procedure Bylaw indicates that each presentation is limited to 10 minutes. Any submission will be public information. If you have any questions regarding the use of this information please contact the Manager, Legislative & Administrative Services at 342-8132.

(Publication Dates: September 5, 2008 and September 12, 2008)

Document Name: August 27 2008 Ad for Land Use Bylaw 3357/AA-2208 and 3411/2008 Road Closure
Document Number: 784686
Document Author: KIMW
Document Type: AD
Application: MS WORD

**Social Planning Department**

DATE: September 15, 2008

TO: Kelly Kloss, Manager
Legislative and Administrative Services

FROM: Pam Ralston, Community Facilitator II
Social Planning Department

CC: Scott Cameron, Social Planning Manager
Dustin Quirk, Community Advisory Board

SUBJECT: COMMUNITY ADVISORY BOARD (HOUSING) - RECOMMENDATIONS

Background:

The City of Red Deer has been the Community Entity for the Canada and Alberta Homelessness Initiative since 2001. Over the past seven years, the Homelessness Initiative has included funds from the Urban Aboriginal Strategy (Phase 1), Urban Aboriginal Homelessness (Phase 2), Supporting Community Partnerships Initiative (SCPI) and Government of Alberta Homelessness. Proposals requesting funding from these programs are received by the Social Planning Department following a publicized request, and reviewed by the ad hoc committee of Council, the Community Advisory Board (Housing) (CAB). Following this review, recommendations on the homelessness and housing projects are forwarded to Council at their next scheduled meeting.

The CAB met on September 10, and 11, 2008 to review the most recent submissions and develop recommendations for use of both the federal and provincial funds of the Homelessness Initiative, in place to address issues of homelessness and risk of homelessness. Limited funds are available for the federal and provincial funding as most of the funds from these initiatives have been approved for the 2007-2009 period. The federal program is due to expire March 31, 2009, and at this point there is no indication from the Government of Canada related to its extension or renewal. The federal Homelessness Partnering Strategy in Red Deer currently funds several support services operating in not for profit agencies assisting those who are homeless or at risk of homelessness. These support services' future is uncertain at this time due to the end date for the federal funding. Therefore the current requests to the CAB are capital requests versus operational requests, in order to limit the impact of a pending termination of funding to the community

The CAB also considered proposals to the Affordable Housing Program (AHP) on the above dates. This provincial funding is in place for capital expenditures to create methods to provide affordable housing in Red Deer.

Attached are tables containing the detail regarding all proposals reviewed by the CAB, along with descriptions of the projects.

Homelessness Partnering Strategy

The federal program has two components; an *Aboriginal* component and a *Designated* community component. The City of Red Deer accepted the responsibility of Community Entity for both funding sources. The Aboriginal community requests that The City administer the Aboriginal fund continuing in the manner in which it has been administering since 2000.

The following table contains the Red Deer allocation over two years and the total amount available for this request for proposals to the Initiative. All applicants were provided with the opportunity to present their proposals to the Board and following careful review of proposals which included consideration of the federal government's terms and conditions, Red Deer's Community Plan Priorities, the Community Vision and Framework on Ending Homelessness and the Aboriginal Housing Report, the CAB arrived at recommendations to Council.

Homelessness Initiative (Provincial and Federal funds)

	2007/2008	2008/2009	TOTAL
TOTAL FUNDS AVAILABLE-2 years	\$621,528	\$621,528	\$1,243,056
FUNDS REMAINING AVAILABLE September 2008-March 31, 2009	\$0	\$61,295	\$61,295

Recommendation:

“Resolved that the Community Advisory Board (Housing) recommend to Red Deer City Council that funding from the Homelessness Initiative be approved, for those projects as presented below.

PROJECT	
Canadian Mental Health Association: Housing First appliances and renovations	\$51,295
Safe Harbour for Health & Housing Society: Housing First renovation	\$10,000
TOTAL RECOMMENDED	\$61,295

Affordable Housing Program (AHP)

As a result of the Alberta Affordable Housing Task Force, the Affordable Housing Program was established providing municipalities the opportunity to administer affordable housing funds in addition to funds continuing to be administered by the Provincial Government. This program is in the second year of a ten year agreement with the Province, with the first three years of funding predetermined. Funding for year four onward has not been announced as yet by the Government of Alberta.



Social Planning Department

To date, \$9,135,736 of Red Deer's allocation has been approved by Council, with some projects completed, some nearing completion and others pending, as reported in this year's annual report from the CAB. Following the current review of proposals on September 10 & 11, 2008, applicants were provided with the opportunity to present their proposals to the Board, and recommendations to Council resulted from the Board deliberations. All pending projects are requested to report in June 2009 on their progress when land acquisition is a factor of the proposed project.

AFFORDABLE HOUSING PROGRAM	2007/2008	2008/2009	2009/2010	3 YEAR TOTAL
FUNDS AVAILABLE	\$5,271,362	\$4,026,966	\$2,500,000	\$11,798,328
FUNDS REMAINING September 2008	\$1,108,800	\$1,674,926	\$987,666	\$3,771,392

Recommendation:

"Resolved that the Community Advisory Board (Housing) recommend to Red Deer City Council that funding be approved for the following programs under the Affordable Housing Program:

PROJECT	FUNDING RECOMMENDATION (2008/2009/2010)
City of Red Deer – Administration & Projects	\$70,000
Catholic Social Services	\$714,794
Habitat for Humanity – land purchase	\$500,000
Heritage Family Services (Red Deer Native Friendship Society partnership)	\$1,377,798
TOTAL RECOMMENDED	\$ 2,662,592
TOTAL REMAINING FOR 2009/2010	\$1,108,800

Pam Ralston, Community Facilitator II

Scott Cameron, Manager

/Attach – Appendix "A"

APPENDIX "A"**FUNDING REQUESTS****September 2008****Homelessness Initiative (Federal & Provincial funds)**

Organization	Description	Request	CAB Recommendation
Canadian Mental Health Association	Housing First project Buffalo Hotel – purchase appliances to increase independence of residents. Renovation to office area for physician visit and to entrance for climate control	\$48,000	*\$51,295
Safe Harbour for Health and Housing Society	Housing First project duplex – renovation to develop accessible bathtub/shower	\$6,000	*10,000

** As a result of the discussion among the Community Advisory Board members following the applicants' presentations and question and answer period, the decision was made to increase requested funding amounts to enable the applicants a higher level of efficiency in their appliance purchases and to allow for greater flexibility in the procurement of labour and materials for the accessible bathroom renovation. This will allow the full funding of the Homelessness Initiative to be utilized prior to March 31, 2009.*

Affordable Housing Program

Organization	Description	Request	CAB Recommendation
Catholic Social Services	New construction – 8plex-fully accessible and adaptable	\$714,794	\$714,794
Habitat for Humanity	New land purchases for ownership – 5 family homes	\$500,000	\$500,000
Heritage Family Services	One single family swelling with secondary suite	\$231,350	0
Heritage Family Services (partnership with Red Deer Native Friendship Soc.)	Semi-detached & row house style-16 units	\$1,528,940	\$1,377,798
Red Deer Housing Authority	6 Family townhouses	\$855,015	0
Shining Mountains Living Community Services	Two 4plexs	\$852,764	0

Comments:

We support the recommendation of Administration.

“Morris Flewwelling”
Mayor

“Craig Curtis”
City Manager

MEMO

Reports Item No. 2

DATE: September 10, 2008

TO: Kelly Kloss, Legislative and Administrative Services Manager

FROM: Rick Elm, Land & Appraisal Coordinator and
Howard Thompson, Land and Economic Development Manager

RE: **TIMBERLANDS PHASE 1A & 1B, SOCIAL CARE SITE
AND WORSHIP SITE (R2) RESIDENTIAL LOT PRICING**

The City is developing 150 lots in the two phases of Timberlands as shown on the attached map. Phase 1A is located in the south and east portions of the neighbourhood with approximately half the lots located along the main collector road and the remainder located in cul de sacs or closes. Phase 2B is located in the north and west portions of the neighbourhood. These phases contain 141 single family (R1) lots, of which 5 are secondary suites, and 9 duplex (R1A) lots. The development is consistent with the land use theme identified in the East Hill Major Area Structure Plan and the Timberlands Neighbourhood Area Structure Plan.

Subdivision approval has been granted for Phases 1A and 1B, and servicing contracts are being prepared. In keeping with our historical marketing practices, we are recommending that the City proceed with a presale lot draw for these residential lots in October of this year in anticipation of allowing purchasers possession of the lots by the end of the year.

Lot Pricing

As per City Policy to sell land at current market value, an independent appraiser was hired to provide the City with recommendations for lot values in these phases. Land and Economic Development have reviewed the comprehensive report and subsequent market adjustment letter and concur with the appraiser's valuations.

The appraisal report was completed in May of this year and concluded market value ranges for single family (R1) lots are from \$19.25 per square foot for the largest (pie shaped) lots to \$28.00 for a smaller lot. In general terms, the smaller the lot the higher the market value per square foot, with diminishing values for lots with more square footage than average. After adjustments, single-family (R1) lot prices will range from about \$118,000 for a lot on Turner Crescent that backs onto future commercial development to \$246,000 for the largest lot backing onto the municipal reserve / future school site at the east end of Turner Crescent. The average price of an R1 lot in this subdivision will be approximately \$140,000 plus GST. The average price for a duplex (R1A) lot will be valued at approximately \$98,000 per side or \$196,000 plus GST.

For comparable single family (R1) lots this represents an increase over the April 2008 modified lot draw in Oriole Park and Johnstone Crossing average R1 price and is consistent with the recent Clearview Ridge lot draw by Melcor in July 2008. A large portion of the R1 lots in these phases are large estate lots located in Towers Close and Trump Place as well as the south side of Timothy Drive. The market value for residential lots is increasing at a moderate rate and lot draws by other developers between the dates of this report and the lot sale are anticipated to produce further moderate positive increases in the market value.

Kelly Kloss

September 10, 2008

Page 2

As we are planning to conduct the lot draw within the next 45 days, we do not anticipate recommending any further upward adjustment in the prices to account for passage of time between the appraisal report and subsequent market adjustment letter and the sale of the lots to more accurately reflect market value. Additions to the sale price will also include a portion of the cost to install one tree per lot in the front yard.

The Worship Site that was recently rezoned to an R2 zoning will also begin being marketed to the public, through a call for proposals, within the next 45 days. Based on a recent appraisal report, a price of \$540,000 per acre was indicated as the market value for this 2.0 acre parcel. The Social Care site, consisting of 0.92 acres, received expressions of interest for potential development and a call for proposals will be going out within the next 45 days. The price per acre for this site was recently appraised at \$575,000 per acre.

Architectural Standards and Controls

The standards and controls for these phases will be consistent with previous phases of Oriole Park Estates. John Murray Architectural Associates have been contracted to review all the house plans, prior to application for a building permit.

In keeping with the "live, work and play" lifestyle that is becoming more popular throughout the country, we are not allowing front attached garages along the main collector road and are reducing the front setback to create a more "interactive" and "vibrant" community. We will require front attached garages to the estate lots located in Towers Close, Trump Place and portions of Turner Crescent with the location of the garages to be predetermined to ensure garages are compatible with each other. The majority of R1 single family lots located on Tobin Gate and in Towers Close, Trump Place and the east portion of Turner Crescent will require a minimum 1,500 square foot house, while the majority of lots located along Turner Crescent will require a minimum 1,300 square foot house.

Carports or front parking pads will not be allowed throughout the subdivision. Duplexes must provide a variation in design on the exterior elevation from one side to the other to avoid mirror imaging. In order to ensure a pleasing look and consistency to the neighborhoods, all purchasers will be required to incorporate different building finishing materials; or different architectural elements or accents in all housing units.

Kelly Kloss
September 10, 2008
Page 3

Recommendation

That City Council approves the following for Timberlands (City) Phase 1A and 1B:

1. Market values for Timberlands Phase 1A and 1B are to be based on Howard and Company Real Estate Appraisers Inc. File No. 08IC49.GJ dated May 15, 2008, time adjustment letter dated August 19, 2008 and the architectural standards and controls to be approved by the City Manager.
2. Proceeding with a lot draw for Timberlands Phase 1A and 1B. A marketing package and call for proposals will begin within the next 45 days.
3. Market value for the recently rezoned 2.0 acre R2 parcel is to be based on Howard and Company Real Estate Appraisers Inc. File No. 08IC59.GJ dated May 12, 2008 and to be approved by the City Manager.

Attach.

c. Paul Goranson, Director of Development Services

City of Red Deer
PLAN SHOWING
SETBACKS
FOR

TIMBERLANDS PHASE 1A
1B

Scale 1:1000

Legend:
Distances are shown in metres
Lot widths on Open setbacks are at 6.00 metres
Setback perpendicular to a boundary shown thus:



49 M.R.

4

N.W. 1/4 SEC. 23, TWP. 38, RGE. 27, W.4M.

5 M.R.

4

4

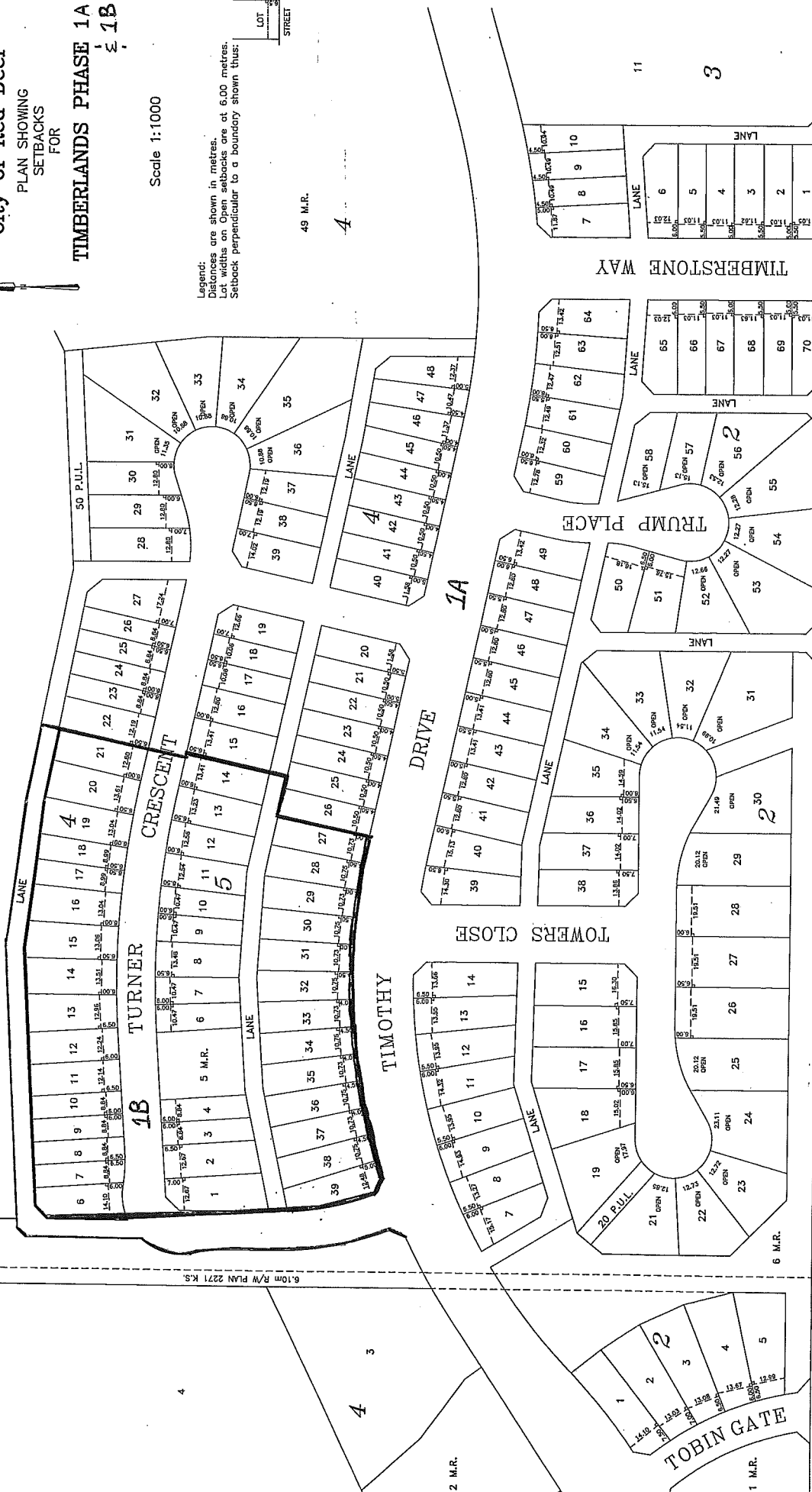
2 M.R.

1 M.R.

61st STREET

PLAN 4314 K.S.

BLOCK X



Comments:

We support the recommendation of Administration.

“Morris Flewwelling”
Mayor

“Craig Curtis”
City Manager



Legislative & Administrative Services

Council Decision – September 22, 2008

DATE: September 23, 2008

TO: Rick Elm, Land & Appraisal Coordinator
Howard Thompson, Land & Economic Development Manager

FROM: Kelly Kloss, Legislative & Administrative Services Manager

SUBJECT: Timberlands Phase 1A & 1B, Social Care Site and
Worship Site (R2) Residential Lot Pricing

FILE

Reference Report:

Land & Appraisal Coordinator and Land & Economic Development Manager, dated August 19, 2008.

Resolution:

"Resolved that Council of the City of Red Deer having considered the report from the Land & Appraisal Coordinator and Land & Economic Development Manager dated September 10, 2008 re: Timberlands Phase 1A & 1B, Social Care Site and Worship Site (R2) Residential Lot Pricing, hereby approves the following for Timberlands (City) Phase 1A and 1B:

- 1) Market values for Timberlands Phase 1A and 1B are based on Howard and Company Real Estate Appraisers Inc. File No. 08IC49.GJ dated May 15, 2008, time adjustment letter dated August 19, 2008
- 2) The architectural standards and controls to be approved by the City Manager.
- 3) Proceeding with a lot draw for Timberlands Phase 1A and 1B.
- 4) Market value for the recently rezoned 2.0 acre R2 parcel are based on Howard and Company Real Estate Appraisers Inc. File No. 08IC59.GJ dated May 12, 2008 and approved by the City Manager."

Report Back to Council: Yes.

Comments/Further Action:

Please provide this office with a report on the status of extending the time that Social Care Site remains on the market.


Kelly Kloss
Manager

Cc: Development Services Director
Corporate Services Director
Community Services Director
Social Planning Manager
Financial Services Manager
Financial Analyst
Assessment & Tax Manager
City Assessor



Reports Item No. 3

ELECTRIC, LIGHT & POWER DEPARTMENT

DATE: September 14, 2008

TO: Kelly Kloss, Manager, Legislative & Administrative Services

FROM: Ligong Gan, Manager, Electric Light & Power Department

RE: Alberta Market Surveillance Administrator – 2008 Q2 Compliance Report

The Electric Light & Power Department requests Council's approval of the Compliance Report to the Alberta *Market Surveillance Administrator* ("**MSA**") for the second quarter of 2008.

BACKGROUND

Established under the *Electric Utilities Act* ("**Act**"), the MSA is an independent body to protect the public interest and to ensure fairness, transparency and balance in Alberta's deregulated electricity industry. The *Code of Conduct Regulation* ("**Code**") grants powers to the MSA to carry out its duties to patrol and discipline the Alberta electricity marketplace.

The Code requires the City of Red Deer to submit reports to the MSA, both quarterly and annually, to indicate compliance with the Code for the operation of its electric system. The reports must disclose how complaints, if any, have been dealt with. The reports must also propose actions to be taken to remedy any incidents of non-compliance.

The 2008 Q2 Compliance Report is attached. The City of Red Deer did not have any incidents of non-compliance with the Code in the second quarter of 2008.

RECOMMENDATION

It is respectfully recommended that Council approve the attached report of "2008 Second Quarter Compliance Report to Council of the City of Red Deer".

A handwritten signature in black ink, appearing to read 'Ligong Gan'.

Ligong Gan, P.Eng.
EL&P Manager

Attachment


City of Red Deer Electric Light & Power Department

to
Council of the City of Red Deer

This Report is submitted to the Council of The City of Red Deer pursuant to sections 34(1) and 34(2) of the *Code of Conduct Regulation* (AR 160/2003) for the period of April 1, 2008 to June 30, 2008.

The City of Red Deer EL&P Department advises that:

- (a) The City of Red Deer had no incidents of non-compliance with the *Code of Conduct Regulation*.
- (b) The City of Red Deer took no action to remedy any non-compliance as there were no incidents of non-compliance.
- (c) The City of Red Deer received no complaints of non-compliance with the *Code of Conduct Regulation*, therefore, no complaints were dealt with.
- (d) Enmax Energy and Enmax Power will report directly to their board of directors on the manner in which they dealt with complaints of non-compliance with the *Code of Conduct Regulation* or their own compliance plans, including those complaints respecting the functions performed by those two entities for the City of Red Deer.

Per: 
Ligong Gan, P.Eng.
Manager, Electric Light & Power Department

Per: _____
Kelly Kloss
City Clerk

Date: September 22, 2008

Comments:

We support the recommendation of Administration.

“Morris Flewwelling”
Mayor

“Craig Curtis”
City Manager

Council Decision – September 22, 2008

DATE: September 23, 2008
TO: Ligong Gan, Electric, Light & Power Manager
FROM: Kelly Kloss, Legislative & Administrative Services Manager
SUBJECT: Alberta Market Surveillance Administrator – 2008 Q2 Compliance Report

FILE

Reference Report:

Electric, Light & Power Manager, September 14, 2008.

Resolution:

"Resolved that Council of the City of Red Deer, having considered the report from the EL & P Manager dated September 14, 2008 re: Alberta Market Surveillance Administrator 2008 Q 2 Compliance Report, hereby approves the 2008 Second Quarter Compliance Report."

Report Back to Council: No.



Kelly Kloss
Manager

Cc: Development Services Director
Corporate Services Director
Financial Services Director

City of Red Deer Electric Light & Power Department

2008 Second Quarter Compliance Report

to

Council of the City of Red Deer

This Report is submitted to the Council of The City of Red Deer pursuant to sections 34(1) and 34(2) of the *Code of Conduct Regulation* (AR 160/2003) for the period of April 1, 2008 to June 30, 2008.

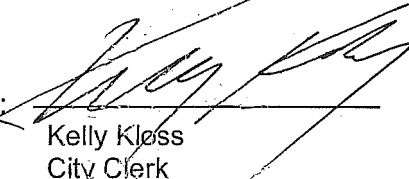
The City of Red Deer EL&P Department advises that:

- (a) The City of Red Deer had no incidents of non-compliance with the *Code of Conduct Regulation*.
- (b) The City of Red Deer took no action to remedy any non-compliance as there were no incidents of non-compliance.
- (c) The City of Red Deer received no complaints of non-compliance with the *Code of Conduct Regulation*, therefore, no complaints were dealt with.
- (d) Enmax Energy and Enmax Power will report directly to their board of directors on the manner in which they dealt with complaints of non-compliance with the *Code of Conduct Regulation* or their own compliance plans, including those complaints respecting the functions performed by those two entities for the City of Red Deer.

Per: _____


Ligong Gan, P.Eng.
Manager, Electric Light & Power Department

Per: _____


Kelly Kloss
City Clerk

Date: September 22, 2008

Reports Item No. 4**Legislative & Administrative Services****DATE:** September 10, 2008**TO:** City Council**FROM:** Kelly Kloss, Legislative & Administrative Services Manager**SUBJECT:** Appointment of Chairperson:
Intermunicipal Subdivision and Development Appeal Board (ISDAB)

History:

At the Monday May 5, 2008 Council Meeting, Council passed Bylaw 3408/2008 called the Intermunicipal Subdivision and Development Appeal Board.

The purpose of the board is to hear appeals from subdivision and development permit decisions made under the provisions of the Intermunicipal Development Plan (IDP) within the City's Growth Area (Map 1, as attached), prior to annexation and adoption of a Major Area Structure Plan.

There are seven members appointed to the Board: 3 members from each municipality and a Chairperson. The Chairperson is agreed upon by Red Deer County Council and City of Red Deer Council.

The Chairperson's responsibilities are as follows: to preside over and be responsible for the conduct of the meeting, may prescribe the manner in which submissions are to be made and will vote on all matters before the board. Any order or decision by the board will be signed by the Chairperson.

Discussion:

At the direction of the Councils, Red Deer County and City of Red Deer Manager's have reviewed the application for Chairperson and have submitted a joint recommendation. This recommendation, as well as, nominees for the City's members are submitted in confidence.

All members of the ISDAB will receive an honorarium. As the honorarium varies slightly between the City and County we recommend that for the City members, the rate be the same as the County rate, which at this time is \$200 per meeting. With regard to the Chairperson's honorarium we recommend that the City and County Managers be authorized to jointly set the rate.

Page 2

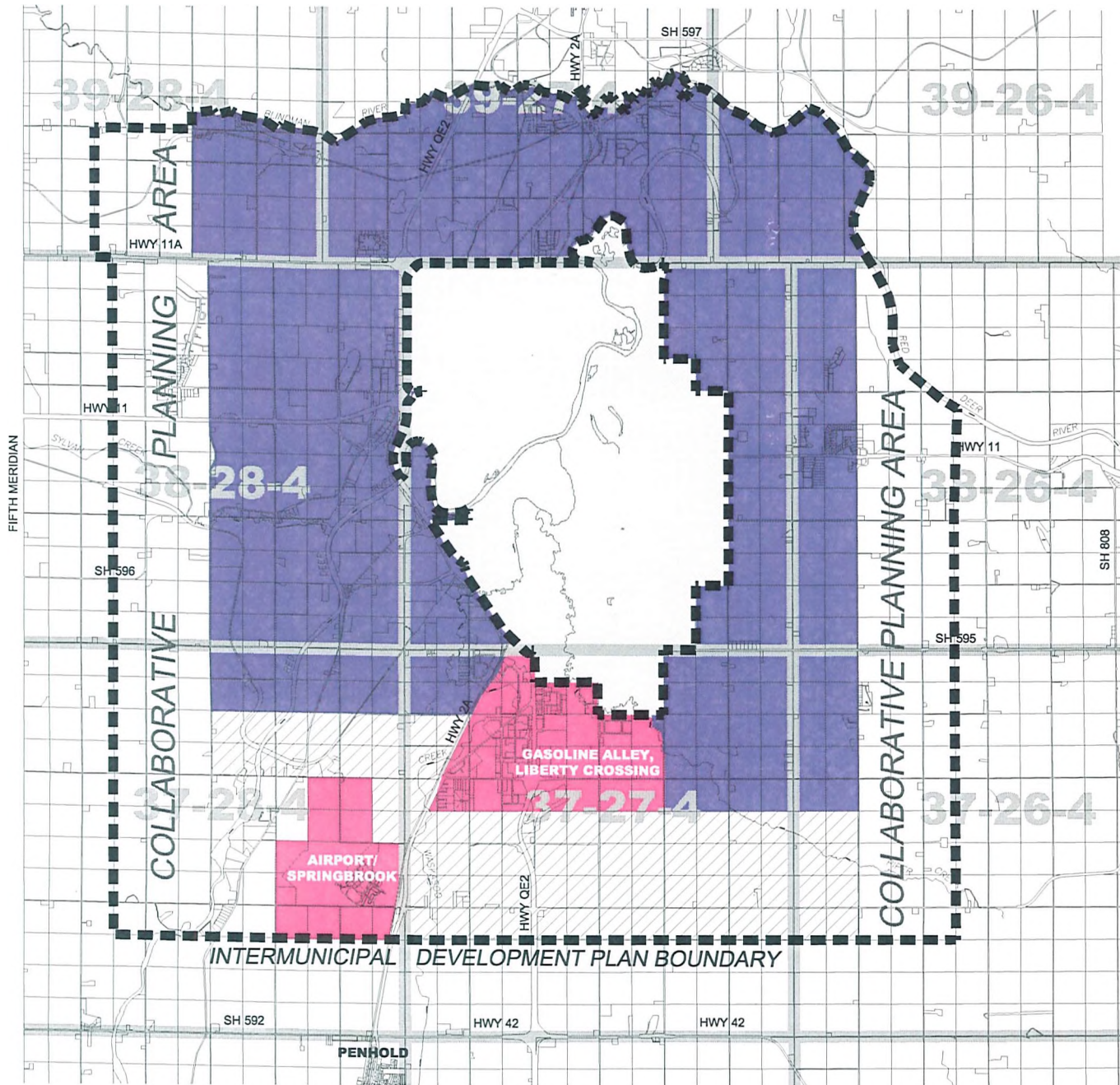
Recommendation:

That Council :

- 1) Appoint a Chairperson and City members to the ISDAB;
- 2) Agrees the honorarium and expenses for the City Members be the same rate as established by Red Deer County and;
- 3) Authorized the Red Deer County Manager and the City of Red Deer Manager to set the honorarium and expenses for the Chairperson.

A handwritten signature in black ink, appearing to read 'Kelly Kloss', with a stylized, cursive script.

Kelly Kloss
Manager



City of Red Deer &
Red Deer County

Intermunicipal Development Plan

MAP 1

-  Intermunicipal Development Plan Boundary
-  City of Red Deer Growth Area
-  Red Deer County Growth Areas
-  Agriculture or Open Space Area

0 1.5 3km
1:150,000



Adopted: July 5, 2007

Comments:

We support the recommendation of Administration.

“Morris Flewwelling”
Mayor

“Craig Curtis”
City Manager



Reports Item No. 5

DATE: September 15, 2008

TO: Kelly Kloss – Legislative & Administrative Services Manager

FROM: Jennifer Smith – Bylaw Research Coordinator
Deb Mann – License Inspector

RE: Taxi Business Bylaw Amendment 3282/B-2008

Cities of all sizes – and their citizens – rely on the taxi industry as an alternative and convenient form of transportation. It comes as no surprise, then, that a call for feedback about the City of Red Deer's Taxi Business Bylaw was met with enthusiasm, both from the public at large and from those in the taxi industry.

From the 84 submissions received as part of the 2008 Annual Taxi Review, Inspections & Licensing has identified three themes, reflected in this report, that detail areas of improvement or growth in the bylaw. Many of the comments pertained to necessary bylaw requirements for taxi drivers and brokers, while others suggested areas of future need. The final theme reflected the need for further collaboration between the City of Red Deer and the taxi industry.

The result of the 2008 Annual Taxi Review is two-fold. First and foremost, it has led to a proposed bylaw amendment that proactively addresses these comments or concerns. Secondly, it has also led to administrative improvements that will benefit the taxi industry and the citizens it serves.

1. NECESSARY REQUIREMENTS

The taxi industry in Red Deer is flourishing, thanks in part to a supportive relationship between the industry and administration. We strive to play an active role in working with the taxi industry to improve all aspects of service to Red Deer citizens.

License Fees

Administratively, playing this active role can take considerable time, and license fees help to offset the cost of that. The current license fees have been in place since 2001. We feel the fees need to be increased and a formula adopted to automate fee increases. This will be best accomplished through an amendment to the Council Policy that governs taxi rate increases.

Essentially, the method for calculating fee increases would be the same as that of calculating taxi rate increases. Every year, the rates will be multiplied automatically by the Alberta average

As a result, we have implemented an administrative policy to ensure all plate draws, if required, are held no later than August 30 of each year. Additionally, a change to the bylaw will require the successful applicant to retain the taxi plate for 24 months instead of the current 12 months.

Accessible Vehicles

Random plate draws will not, however, be held for Wheelchair Accessible Vehicle (WAV) plates. The bylaw itself currently allows for only three WAV plates, and the demand for these types of taxis has grown. To address this demand, the proposed bylaw amendment includes a ratio of one WAV plate for every 15,000 people, which will increase the number of available WAV plates by three for 2008.

The proposed bylaw also eliminates a key barrier to driving a WAV taxi. Currently, taxi drivers who wish to operate a WAV taxi are required to complete first aid training. This requirement has reduced the number of eligible WAV taxi drivers. Given that this is not a standard training requirement for taxi drivers in other municipalities, the proposed bylaw eliminates the first aid training component. Going forward, we will review other types of training opportunities that will help all taxi drivers – including WAV drivers – meet the needs of Red Deer citizens.

Because WAV plates differ from standard taxi plates, the method for issuing these plates must also be different. The proposed bylaw amendment requires proposals, rather than a plate draw, to request a WAV plate. We will evaluate the proposals based on specific preset criteria to ensure these vehicles are used as effectively as possible to meet the needs of those who require accessible taxis.

Late-night Taxi Availability

In addition to a need for a greater number of accessible taxis, feedback from the public has also indicated there is a growing concern surrounding the availability of taxis when bars or nightclubs close. We have developed a creative solution to this problem: the taxi industry feels they could more efficiently serve the patrons by having designated taxi pick-up zones at bar or nightclub locations.

Designating pick-up locations will benefit both taxi drivers and their clients, as it will ensure a steady supply of taxi drivers, and clients for them, in one location. We intend on working with the taxi industry and local business owners to set up these designated taxi pick-up zones on a trial basis in the fall.

3. COLLABORATION

The abolition of the Taxi Commission has had an adverse effect on the taxi industry, according to the feedback we received. The taxi industry appreciated having a formal venue to discuss any concerns or needs. Because Inspections & Licensing is focused on building a fluid, collaborative, and transparent relationship with the taxi industry, we have implemented a process to meet with the taxi industry every three months. Any changes to the Taxi Business Bylaw that arise from these meetings would be implemented promptly, through a bylaw amendment presented to Council for consideration and approval.

Consumer Price Index (CPI). This will help to streamline the process by delegating power to the Inspections and Licensing Manager to update the fees.

We believe that an amendment to the Council Policy will be effective and that the fee increases will be fair. The taxi industry also understands the need for the fees and, further, for increasing the fees. As such, the industry is in full support of these required changes.

Documentation

In addition to paying the license fees, taxi drivers require several types of documentation in order to operate in the City of Red Deer: a driver's abstract from the Motor Vehicles Branch of the Government of Alberta Solicitor General's Office; a defensive driving training certificate; and a taxi driver's license, to name a few. While there have been few challenges with these requirements, feedback shows that there is room for improvement in these areas within the bylaw. The proposed amendments addresses this need.

Currency and validity are two areas of concern for each of these documentation requirements. The proposed bylaw amendment resolves this problem by requiring that the driving abstract is dated within 45 days of the application date, that defensive driver training has been obtained in the year before the initial application or will be obtained within the 30 days of the application, and that the taxi driver holds a valid and subsisting taxi driver's license issued under the Taxi Business Bylaw.

Requiring a valid and subsisting taxi driver's license is another way that we are managing the issue of qualified operators in the City. While the proposed bylaw amendment has not changed significantly to resolve this issue, we have continued to collaborate with the taxi industry and local RCMP on strategies for enforcement.

Vehicle Age

We are also working closely with the taxi industry to address feedback about the age of taxis in Red Deer and about their emissions. Through this collaboration, we have agreed that ensuring a modern, environmentally friendly fleet of taxis is a priority, and as such, the proposed bylaw amendment requires that, by 2012, all Red Deer taxis must be no older than 13 model years. This target is a compromise that is fully supported by the taxi industry, who will begin to phase out older vehicles prior to that date.

2. FUTURE NEEDS

Taxis are an essential form of transportation in a city like Red Deer that continues to grow and change. With that growth comes the need to collaborate with the taxi industry to address the increased requirements of a larger population base.

Plate Draws

Currently, we issue one taxi plate for every 750 citizens. Following the annual census, we assess whether more plates are needed based on the increased population, and if so, we conduct a random plate draw. The taxi industry has expressed there is a need to adjust this process to increase stability in the industry.

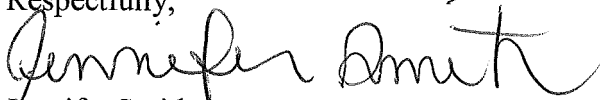
Involving the taxi industry in the implementation of the Transit Department's transit plan would also be expedient. The 2004 Transit & Special Transportation Study indicated (1.6.2) that "all future service expansions will take place with the use of supplemental taxi services." Feedback indicates that the taxi industry is keen to collaborate with the Transit Department in achieving these future service expansions. As such, we have advised the Transit Department that the taxi industry would like to collaborate in implementing these plans.

RECOMMENDATION

These amendments to the bylaw will help to ensure that the taxi industry remains viable and that citizens remain well-served. With that in mind, Inspections & Licensing recommends that

1. Council amend Council Policy 4415-C to increase taxi license fees annually by the Consumer Price Index (CPI); and
2. Bylaw 3282/2001 The Taxi Business Bylaw is amended as attached.

Respectfully,



Jennifer Smith

Bylaw Research Coordinator



Deb Mann

License Inspector

Comments:

We support the recommendation of Administration.

“Morris Flewwelling”
Mayor

“Craig Curtis”
City Manager

DATE: September 23, 2008

TO: Jennifer Smith, Bylaw Research Coordinator
Deb Mann, License Inspector

FROM: Kelly Kloss, Legislative & Administrative Services Manager

SUBJECT: Taxi Business Bylaw Amendment 3282/B-2008

Reference Report:

Bylaw Research Coordinator and License Inspector, dated September 15, 2008.

Bylaw Readings:

The Taxi Business Bylaw Amendment No 3282/B-2008 received three readings at the Monday September 22, 2008 Council Meeting. The Taxi Business Bylaw Consolidated copy is attached.

Resolution:

"Resolved that Council of the City of Red Deer having considered the report from the Bylaw Research Coordinator and Inspections & Licensing dated September 15, 2008 re: Taxi Business Bylaw Amendment 3282/B-2008, hereby amends Council Policy 4415-C in accordance with the changes outlined in the above noted report."

Report Back to Council: No.

Comments/Further Action:

This office will update the consolidated copy of the bylaw in due course.


Kelly Kloss
Manager

Cc: Director of Development Services
Policy & Research Coordinator
Inspections & Licensing Manager
Inspections & Licensing Supervisor



Legislative & Administrative Services

Council Decision – September 22, 2008

DATE: September 23, 2008

TO: Jennifer Smith, Bylaw Research Coordinator
Deb Mann, License Inspector

FROM: Kelly Kloss, Legislative & Administrative Services Manager

SUBJECT: Taxi Business Bylaw Amendment 3282/B-2008

FILE

Reference Report:

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Comments/Further Action:

This office will update the consolidated copy of the bylaw in due course.


Kelly Kloss
Manager

Cc: Director of Development Services
Policy & Research Coordinator
Inspections & Licensing Manager
Inspections & Licensing Supervisor



FILE

LEGISLATIVE & ADMINISTRATIVE SERVICES

October 1, 2008

Alberta Gold Taxi Ltd.
Box 280- 4819C 48 Avenue
Red Deer, AB T4N 3T2

Dear Sir / Madame:

Re: Taxi Business Bylaw 3282/2001 / Amendment 3282/B-2008

At the September 22, 2008 meeting of Red Deer City Council, Council approved Taxi Business Bylaw Amendment 3282/B-2008.

Please discard your copy of the Taxi Business Bylaw and replace it with the revised copy.

If you have any questions please contact me at 403.342.8201

Sincerely,

A handwritten signature in cursive script that reads 'P. Brill'.

Patty Brill
Administrative Assistant
Legislative & Administrative Services

/attach.

c. file



FILE

LEGISLATIVE & ADMINISTRATIVE SERVICES

October 1, 2008

651662 Alberta Ltd., o/a Associated Cab (2003)
6812 – 52 Avenue
Red Deer, AB T4N 4L1

Dear Sir/Madame:

Re: Taxi Business Bylaw 3282/2001 / Amendment 3282/B-2008

At the September 22, 2008 meeting of Red Deer City Council, Council approved Taxi Business Bylaw Amendment 3282/B-2008.

Please discard your copy of the Taxi Business Bylaw and replace it with the revised copy.

If you have any questions please contact me at 403.342.8201

Sincerely,

A handwritten signature in black ink that reads 'P. Brill'.

Patty Brill
Administrative Assistant
Legislative & Administrative Services

/attach.

c. file



FILE

LEGISLATIVE & ADMINISTRATIVE SERVICES

October 1, 2008

Djordje Cavic
131 Barrett Drive
Red Deer, AB
T4R 1H3

Dear Sir:

Re: Taxi Business Bylaw 3282/2001 / Amendment 3282/B-2008

At the September 22, 2008 meeting of Red Deer City Council, Council approved Taxi Business Bylaw Amendment 3282/B-2008.

Please discard your copy of the Taxi Business Bylaw and replace it with the revised copy.

If you have any questions please contact me at 403.342.8201

Sincerely,

A handwritten signature in black ink that reads 'P. Brill'.

Patty Brill
Administrative Assistant
Legislative & Administrative Services

/attach.

c. file



Legislative & Administrative Services

Taxi Business Bylaw

No. 3282/2001

OFFICE CONSOLIDATION

(AMENDMENT EFFECTIVE SEPTEMBER 22, 2008)

BYLAW NO. 3282/2001

WHEREAS pursuant to sections 7 and 8 of the *Municipal Government Act*, R.S.A., 1980, and amendments thereto, Council may pass bylaws for municipal purposes, including the following matters:

- a) the safety and protection of people;
- b) transportation and transportation systems;
- c) business and business activities;
- d) licensing;
- e) fees, rates, and fares that may be charged for the hire of taxis;

and may generally pass bylaws to regulate or prohibit businesses, deal with any business activity, and provide for any system of licenses;

AND WHEREAS Council deems it advisable to generally regulate the taxi business in the City of Red Deer, including the number of taxis, licensing, as well as rates and fares;

COUNCIL OF THE CITY ENACTS AS FOLLOWS:

1 This Bylaw may be called the "Taxi Business Bylaw".

TITLE AND DEFINITIONS

2 In this bylaw:

"Motor Vehicle" means a vehicle propelled by any power other than muscular power;

¹ Deleted

"Person" means a natural person or a body corporate and includes a partnership, a group of persons acting in concert, or an association, unless the context explicitly or by necessary implication otherwise requires;

²"Qualified Applicant" means a person who has worked in the taxi industry in the City in the capacity of a taxi driver or broker for a period of 30 weeks in a calendar year for two consecutive years immediately prior to such person's application for a taxi license plate. The period of two consecutive years shall be deemed not to be interrupted by reason only of periods of vacation or absences due to illness not exceeding three months in total, unless approved by the License Inspector"

"Registered Owner" means a person who is the owner of a motor vehicle, or who is purchasing a motor vehicle under a lease-option to purchase or similar purchase agreement;

"Resident" means a person, firm or corporation that:

- (i) is located or resides within the boundaries of the City; or
- (ii) provides the space and services including office area and telephone from premises that are listed on the business tax roll; or

1 3282/B-2008

2 3282/B-2008

"Taxi Licensee" means a person who holds a subsisting taxi license plate issued under this bylaw;

"Taxi Meter" means a mechanical apparatus or device for automatically measuring and registering the distance travelled by a taxi and the fee corresponding to the distance at the rate specified in this bylaw.

¹"Wheelchair Accessible Vehicle Taxi License Plate" means the City identification plate issued under this bylaw for attachment to a wheelchair accessible motor vehicle, licensing such vehicle for use as a wheelchair accessible taxi;"

LICENSING OF TAXI BUSINESS - BROKERS

3. (1) A Broker's license may only be issued if an applicant has:
- a) at least 3 licensed taxis registered for use in the taxi business;
 - b) registered a colour or combination of colours for taxis, distinctive from other brokers or licensees ("identification colours");
 - c) supplied a list of the motor vehicles which will be used in the taxi business.
- (2) A broker shall within 72 hours of any additions to or deletions from the list of vehicles under section 3(1) (c), inform the License Inspector of such changes.

- d) such other information as the License Inspector may reasonably require.

CORPORATIONS

- 5 (1) If the applicant for a taxi broker's license is a corporation, then such corporation shall make an application to the License Inspector.
- (2) The application shall be in writing and in a form to be required by the License Inspector, shall be signed by all the corporate officers of the applicant, and shall include the following information:
 - a) the correct corporate name, business address and telephone number of the corporation;
 - b) a copy of the corporate minutes and articles of incorporation, including the Certificate of Incorporation and a Certificate of Good Standing relative to the corporation;
 - c) the full and correct name, address and telephone number of all the shareholders and directors;
 - d) a list of all convictions of the corporation, its shareholders and directors, for any offences under the laws of Canada or of any of its provinces or territories, and under the laws of the country of original of the applicant and of its shareholders and directors before their residing in Canada.

DISPUTES RESPECTING COLOURS

- 10 Should a dispute arise between brokers respecting the registration and use of the same or similar identification colours, without limiting the authority of the License Inspector's approval, priority of choice may be given to a broker who has utilized the colours in dispute in the City for the longest period of time. With the approval of the License Inspector two or more brokers may agree to use the same colours.

HOURS OF OPERATION

- 11 Each broker shall provide 7 days per week and 24 hours per day taxi service available to residents of the City.

TRANSFER OF SALE OF BROKER'S BUSINESS

- 12 A broker who intends to sell or dispose of its taxi business either in whole or in part or, if a corporation through the sale in whole or in part of shares, shall immediately notify the License Inspector of the name or names of the proposed purchaser, the proposed date of such sale and the particulars of the proposed sale or disposition.

PURCHASE OF BROKER'S BUSINESS

- 13 The Purchaser of a broker's business must apply for a taxi broker's license as required under this bylaw.

- (3) Notwithstanding the foregoing, where, because of a combination of factors such as illness, vacation or other special circumstances, the taxi is not operated for a period of 30 consecutive weeks, the License Inspector may decide that the taxi shall nevertheless be included in the calculations for the purpose of determining the maximum number of taxi license plates to be issued.
- (4)¹ A qualified applicant who held a taxi license plate or plates in the immediately preceding year shall be entitled, on application to be made on or before January 31 of the current year, to receive the same number of taxi license plates for the current year in priority to new applicants. Thereafter, if additional taxi license plates are still available, and there are more qualified applicants, the allocation of those license plates shall be determined by a random draw conducted by the License Inspector in the last week of August of each year."
- (5) License plates which are surrendered or revoked shall not thereafter be reissued.
- (6)² A qualified applicant who held a wheelchair accessible vehicle taxi license plate or plates in the immediately preceding year shall be entitled, on application to be made on or before January 31 of the current year, to receive the same number of wheelchair accessible vehicle taxi license plates for the current year in priority to new applicants. Thereafter, if additional wheelchair accessible vehicle taxi license plates are still available, the allocation of those wheelchair accessible vehicle taxi license

1 3282/B-2008

2 3282/B-2008

- i) the registered owner of the motor vehicle proposed for use as a taxi;
 - ii) the holder of valid insurance for the operation of the vehicle as a taxi.
 - d) a Mechanical Fitness Report for such motor vehicle and the presentation of the motor vehicle for inspection by the License Inspector at such time and place as may be required by the License Inspector;
 - e) payment of the fee required;
 - f) evidence the vehicle is painted in the registered identification colours of the broker with which the vehicle will be affiliated, or in the case of a vehicle which is operated independently, evidence that the vehicle is painted in the identification colours approved by the License Inspector from time to time;
 - g) if there is no vehicle to which a taxi license plate is to be attached, then to provide to the License Inspector within 22 weeks of January 15th of the year of the application, the information required herein, failing which, any plate issued is automatically cancelled;
-

- 20 A taxi licensee operating a taxi under affiliation with a broker shall provide to the License Inspector the identity of the broker and shall provide such additional reasonable information in regard to the affiliation as the License Inspector may reasonably require, including copies of any written agreements between the licensee and the broker.
- 21 If a broker ceases to be the holder of a valid taxi broker's license, then the broker shall cease to operate any taxis and shall immediately return the taxi license plates issued to it to the License Inspector.
- 22 A taxi license plate shall be valid only until January 31 in the year following the year in which it was issued.
- 23 Taxi license plates and any other plates or insignia required by provincial law or regulations shall be placed on the taxi at locations directed by the City or the Government of Alberta.

TAXI LICENSE PLATES REMAIN THE PROPERTY OF THE CITY

- 24 (1) All taxi license plates are and always remain the property of the City and shall not be sold, leased, assigned or transferred to any person except in accordance with this bylaw. No consideration may be charged by any person for the use of such plates.
- (2) The penalty for a breach of this section shall be revocation of the plate. Additionally, anyone who breaches this provision shall be prohibited from being involved in the taxi industry in the City for a period of 5 years and shall have all licenses, permits, and plates held by them revoked.

- (2) A standby taxi may be used for a period not exceeding 60 consecutive days and then only as a replacement for a taxi which is being repaired.
- (3) A licensee who wishes to use a registered stand-by taxi in substitution for a taxi, must first notify the License Inspector and all brokers in the City of Red Deer and provide the following information, and must do so immediately by FAX:
 - a) name of licensee;
 - b) description of taxi being repaired – colours and number;
 - c) description of stand-by taxi – colours and number;
 - d) taxi license plate number;
 - e) date of commencement of use of stand-by taxi.
- (4) After this notification and information has been provided, the taxi license plate may be removed from the taxi being repaired and be attached to the stand-by taxi, which may then be put into service as a taxi.
- (5) When the taxi is repaired and ready to return to service, the licensee shall first notify the License Inspector and all brokers of the following information and may do so by FAX:
 - a) name of licensee;
 - b) description of taxi which was repaired – colours and number;

TRANSFER OF TAXI LICENSE PLATES

- 27 (1) Should a taxi licensee desire to transfer any taxi license plate to another person, such licensee shall deliver the taxi license plate to the License Inspector.
- (2) The proposed transferee of a taxi license plate shall make application to the License Inspector for the transfer of the taxi license plate in such form as may be required by the License Inspector and will provide such information as may reasonably be required by the License Inspector.
- (3) No transfer of a taxi license plate shall be approved unless:
- a) ¹ the taxi licensee proposing the transfer has been the holder of the taxi license plate for not less than the two consecutive years immediately prior to the date of the proposed transfer, unless the taxi licensee is proposing the transfer due to ill health, proof of which shall be supplied to the satisfaction of the License Inspector;"
 - b) the proposed transferee shall comply with the requirements of section 17; and
 - c) the proposed transferee has paid the fee required in Schedule "A".

¹ 3282/B-2008

- d) a list of all convictions of the applicant for any offences under the laws of Canada or of any of its provinces, or territories, or country of origin before residing in Canada;
- e) a declaration of any physical or medical disability of the applicant;
- f) a list of all the provinces or territories in Canada in which the applicant has at any time been issued a license to drive a motor vehicle;
- g) evidence that the applicant is properly licensed to drive a motor vehicle under the laws of the Province of Alberta;
- h) ¹ the applicant's original driving abstract issued from the Motor Vehicles Branch of the Solicitor General's Office for the Province of Alberta or, if applicable, from any province or territory in which the applicant has formerly resided, dated within 45 days of the date of application;
- i) ² on initial application, or on subsequent applications when a taxi driver's license has lapsed for three months or has been revoked by the License Inspector, provide proof that the applicant has successfully completed a driver improvement course recognized by the City within 365 days prior to the date of application, or proof that the applicant will take the course within 30 days of the date of application."
- j) the fee in the amount set out in Schedule "A".

¹ 3282/B-2008

² 3282/B-2008

- f) unless otherwise directed by a passenger, drive passengers by the most direct practicable route to their destination; and
- g) whenever requested by a passenger, issue a receipt for the amount of the taxi fare paid by such passenger.

31 (2)¹ Each taxi driver shall inform the License Inspector in writing immediately of any change in the status of their Provincial Driver's License or of any health issues that may compromise their ability to drive a taxi."

TAXI METERS

32 The taxi meter in a taxi shall:

- a) automatically register the distance and the correct fee or charge in accordance with the tariff of fees specified in Schedule "B";
- b) be so installed and adjusted as to automatically operate while the taxi is under hire, whether the taxi is in motion or standing;
- c) be in such location as to be plainly visible to passengers in the taxi;
- d) be sealed as required by this bylaw;
- e) be installed in the taxi in such manner as the License Inspector may direct; and

¹ 3282/B-2008

REGULATIONS RESPECTING TAXI CONDITIONS AND MECHANICAL FITNESS

- 36 A taxi licensee shall, once every 6 months following the issuance of the taxi license plate, have a complete mechanical fitness inspection made of the taxi by a licensed mechanic and provide a Mechanical Fitness Report to the License Inspector.
- 37 (1) ¹ If a Mechanical Fitness Report does not certify that a taxi is safe, fit and Suitable for such use, no person shall permit the taxi to be driven as a taxi unless and until all deficiencies have been corrected and repaired and a further Mechanical Fitness Report for such taxi confirming the repairs and certifying that it is safe, fit and suitable for use as a taxi has been delivered to the License Inspector.
- 37 (2) ² Notwithstanding anything contained in section 37(1), no person shall permit any vehicle to be driven as a taxi if the vehicle is older than 13 model years, effective January 1, 2012. Exceptions may be authorized for wheelchair accessible vehicles only following a written request to and vehicle inspection by the License Inspector."
- 38 The License Inspector may at any time require a taxi to be inspected by a Licensed Mechanic designated by the City, at such time and place as the License Inspector may designate and the taxi licensee shall deliver such taxi at the time and place so designed.

¹ 3282/B-2008

² 3282/B-2008

RECORDING OF TRIPS

- 44 Each driver shall keep or cause to be kept a record on a form approved by the License Inspector showing:
- a) the time and date when each customer is picked up;
 - b) the location at which each customer is picked up; and
 - c) the destination at which each customer is discharged.

INSPECTION OF DOCUMENTS

- 45 Each broker, taxi licensee and taxi driver shall, upon the demand of a peace officer, license inspector or bylaw enforcement officer produce any permit, identification card, registration card, license or other document which they may, from time to time, be required to have under this bylaw.

SCANNER

- 46 No broker or taxi licensee shall allow a radio scanner or any other device capable of monitoring the radio signals of any other broker or taxi licensee to be installed or carried in any taxi.

POWERS OF THE LICENSE INSPECTOR

49 The License Inspector is hereby authorized to:

- a) refuse to issue, renew or transfer any taxi broker's license where the applicant or broker does not, in the reasonable opinion of the License Inspector, comply with the requirements of this bylaw;
- b) revoke or suspend a taxi broker's license if, in the reasonable opinion of the License Inspector, the broker has not complied with the requirements of this bylaw or is breaching any provision of this bylaw;
- c) refuse to issue, renew or transfer any taxi license plate for any taxi which, in the opinion of the License Inspector, does not comply with the requirements of this bylaw;
- d) revoke or suspend a taxi license plate for any taxi which, in the opinion of the License Inspector, does not comply with the requirements of this bylaw;
- e) refuse to issue a taxi driver's license to any person or to renew a taxi driver's license issued to any person under this bylaw;
 - i) where that person has a driving record which, in the opinion of the License Inspector, makes him unfit to drive a taxi; or
 - ii) where the character, conduct or state of health of that person is such that he is, in the opinion of the License Inspector, unfit to drive a taxi;

- b) where the suspension is for non-compliance with this bylaw, until the requirements of the bylaw, in the opinion of the License Inspector have been met.

51 Any license issued under this bylaw may be revoked or suspended by the License Inspector for non-compliance with the requirements of this bylaw notwithstanding that the holder of the License has not been formally charged, prosecuted or convicted for a contravention of this bylaw.

POWERS OF PEACE OFFICERS

52 In addition to any other general powers he may have, a peace officer is authorized to:

- a) suspend a taxi license plate with respect to any taxi which does not, in the opinion of the peace officer comply with this bylaw, or is in breach of any provision of this bylaw;
- b) suspend a taxi driver's license issued under this bylaw:
 - i) where the taxi driver has or obtains a driving record or conviction which, in the opinion of the peace officer, makes him unfit to drive a public conveyance; or
 - ii) where the character, conduct or state of health of the taxi driver is such or has become such that he is, in the opinion of the peace officer, unfit to drive a public conveyance; or
 - iii) where the taxi driver does not, in the opinion of the peace officer, comply with the requirements of this bylaw.

- 58 No person shall operate or permit a motor vehicle to be operated as a taxi unless a taxi license plate has been issued for that motor vehicle.
- 59 No person shall operate or permit the operation of a taxi bearing registered identification colours of a broker unless that vehicle is owned or operated by that broker or unless the owner of the vehicle is affiliated with that broker.
- 60¹ (1) No broker or taxi licensee shall, either directly or indirectly, permit any person to drive a taxi unless that person is the holder of a subsisting taxi driver's license.
- (2)² Notwithstanding Section 60 (1), a mechanic or any person in his/her employment may drive a taxi while engaged in repairs or routine maintenance of the taxi without holding a subsisting taxi drivers license.
- 61 No taxi licensee shall permit any taxi license plate to be attached to, or be used in connection with any motor vehicle other than the taxi for which the taxi license plate was issued.
- 62 No taxi licensee shall allow or permit the operation of a taxi when that taxi does not comply with this bylaw.
- 63 No taxi licensee shall allow or permit a taxi to be operated when the taxi meter fails to comply with any of the requirements of this bylaw.
- 64 Subject to section 34, no taxi licensee shall allow or permit a taxi to be operated unless the seal placed on the taxi meter is unbroken.

¹ 3282/A-2004

² 3282/A-2007

71 Any person who contravenes any other provision or requirement of this bylaw shall be guilty of an offence and shall pay a specified penalty of \$110.00.

72 Any 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) ¹ in the case of a contravention set out in section 71, serve upon such person a summons requiring the individual to appear in court;
- b) in all other instances, serve upon such person an offence ticket allowing for the payment of the specified penalty to the City in lieu of prosecution for the offence.

73 Bylaw No. 3076/92 is hereby repealed.

READ A FIRST TIME IN OPEN COUNCIL this 18th day of June 2001.

READ A SECOND TIME IN OPEN COUNCIL this 18th day of June 2001.

READ A THIRD TIME IN OPEN COUNCIL this 18th day of June 2001.

AND SIGNED BY THE MAYOR AND CITY CLERK this 18th day of June 2001.

"G.D. Surkan"

"Kelly Kloss"

MAYOR

CITY CLERK

¹ 3282/A-2007

¹SCHEDULE "B"

The Taxi Business Bylaw Metered Fare Rates shall be as provided for in City Council Policy 4415-C Taxi Business Metered Fare Rates."

¹ 3282/B-2008

	wheelchairs to use wheelchair accessible vehicle taxis			
68	Supplying false or misleading information to the License Inspector	\$750	\$1,000	\$1,250
69	Displaying advertising that does not comply with the bylaw	\$250	\$500	\$750

In all other respects, Bylaw No. 3282/2001 is hereby ratified and confirmed.

**Taxi Business Fees and
Metered Fare Rates****Purpose:**

1. To establish the process of calculating annual taxi license fee increases.
2. To establish the process of calculating annual taxi fare rate increases.
3. To set regulations for the application of discounts and surcharges.

Policy Statements:**Taxi License Fee Calculation**

The annual taxi license fees charged will be automatically adjusted and implemented every year by April 30 to reflect the change in the Alberta average Consumer Price Index from the previous calendar year.

Taxi License Fees

The taxi license fees for 2009, will be as follows:

- Taxi Broker License \$220.00
- Taxi License Plate \$45.00
- Non-refundable Plate draw fee \$20.00
- Taxi Drivers License \$40.00
- Transfer of Broker license \$140.00
- Transfer of Taxi Plate \$40.00
- For each list of vehicles \$10.00

Metered Taxi Rates Calculation

The rates charged for the hire of taxis and for the waiting time for taxis will be automatically adjusted and implemented every year by April 30 to reflect the change in the Alberta average Consumer Price Index from the previous calendar year.

**Taxi Business Fees and
Metered Fare Rates**

3. Taxi drivers may issue free passes or charge reduced fares to raise money for charity or under a program that aims to reduce impaired driving, if they first obtain the written approval of the License Inspector.

Surcharge for Vans

A \$7.00 surcharge will be applied when a person requests the services of a vehicle that legally holds seven people, including the driver, or that they have requested for moving cargo.

Delivery Charge

When a taxi is hired for a delivery, the fare will be the metered rate plus \$1.00.

Authorities and Responsibilities:

The License Inspector is delegated from the City Manager through the Director of Development Services to:

1. Annually calculate the rates and license fees and ensure that all requirements of this policy are met by the taxi industry and administration.
2. Conduct a full review of all rates and license fees every five years, from the date of this policy, which is to be presented in a report to City Council.
3. Update the Metered Taxi Rates of the policy statement annually in accordance with the CPI rate adjustment provided in the Metered Taxi Rates Calculation of this policy statement.
4. Update the Taxi License Fees of the policy statement annually in accordance with the CPI rate adjustment provided in the Taxi License Fee Calculation of this policy statement.

Scope/Application:

License Inspectors, taxi licensees, taxi drivers, taxi brokers, independent taxi drivers, and citizens who use taxi services are affected by this policy.

**Taxi Business Fees and
Metered Fare Rates****Document History:**

Date:	
Original Approval:	July 28, 2008
Revision:	September 23, 2008

The City of Red Deer
Bylaw Readings

Moved by Councillor: Pimm

Seconded by Councillor: Jaffries

That Taxi Business Bylaw Amendment 3282/B-2008,

BE READ A FIRST TIME THIS 22 DAY OF Sept, 2008.

BE READ A SECOND TIME THIS 22 DAY OF Sept, 2008.

BE READ A THIRD TIME THIS 22 DAY OF Sept, 2008.

REMINDER FOR COUNCIL MEMBERS: YOU MUST BE IN
ATTENDANCE AT ALL OR A PORTION OF THE PUBLIC HEARING IN
ORDER TO PARTICIPATE IN DEBATE AND VOTE ON 2ND AND 3RD
READINGS OF THIS BYLAW.

DATE: September 15, 2008

TO: Kelly Kloss – Legislative & Administrative Services Manager

FROM: Jennifer Smith – Bylaw Research Coordinator
Deb Mann – License Inspector

RE: Taxi Business Bylaw Amendment 3282/B-2008

Cities of all sizes – and their citizens – rely on the taxi industry as an alternative and convenient form of transportation. It comes as no surprise, then, that a call for feedback about the City of Red Deer's Taxi Business Bylaw was met with enthusiasm, both from the public at large and from those in the taxi industry.

From the 84 submissions received as part of the 2008 Annual Taxi Review, Inspections & Licensing has identified three themes, reflected in this report, that detail areas of improvement or growth in the bylaw. Many of the comments pertained to necessary bylaw requirements for taxi drivers and brokers, while others suggested areas of future need. The final theme reflected the need for further collaboration between the City of Red Deer and the taxi industry.

The result of the 2008 Annual Taxi Review is two-fold. First and foremost, it has led to a proposed bylaw amendment that proactively addresses these comments or concerns. Secondly, it has also led to administrative improvements that will benefit the taxi industry and the citizens it serves.

1. NECESSARY REQUIREMENTS

The taxi industry in Red Deer is flourishing, thanks in part to a supportive relationship between the industry and administration. We strive to play an active role in working with the taxi industry to improve all aspects of service to Red Deer citizens.

License Fees

Administratively, playing this active role can take considerable time, and license fees help to offset the cost of that. The current license fees have been in place since 2001. We feel the fees need to be increased and a formula adopted to automate fee increases. This will be best accomplished through an amendment to the Council Policy that governs taxi rate increases.

Essentially, the method for calculating fee increases would be the same as that of calculating taxi rate increases. Every year, the rates will be multiplied automatically by the Alberta average

As a result, we have implemented an administrative policy to ensure all plate draws, if required, are held no later than August 30 of each year. Additionally, a change to the bylaw will require the successful applicant to retain the taxi plate for 24 months instead of the current 12 months.

Accessible Vehicles

Random plate draws will not, however, be held for Wheelchair Accessible Vehicle (WAV) plates. The bylaw itself currently allows for only three WAV plates, and the demand for these types of taxis has grown. To address this demand, the proposed bylaw amendment includes a ratio of one WAV plate for every 15,000 people, which will increase the number of available WAV plates by three for 2008.

The proposed bylaw also eliminates a key barrier to driving a WAV taxi. Currently, taxi drivers who wish to operate a WAV taxi are required to complete first aid training. This requirement has reduced the number of eligible WAV taxi drivers. Given that this is not a standard training requirement for taxi drivers in other municipalities, the proposed bylaw eliminates the first aid training component. Going forward, we will review other types of training opportunities that will help all taxi drivers – including WAV drivers – meet the needs of Red Deer citizens.

Because WAV plates differ from standard taxi plates, the method for issuing these plates must also be different. The proposed bylaw amendment requires proposals, rather than a plate draw, to request a WAV plate. We will evaluate the proposals based on specific preset criteria to ensure these vehicles are used as effectively as possible to meet the needs of those who require accessible taxis.

Late-night Taxi Availability

In addition to a need for a greater number of accessible taxis, feedback from the public has also indicated there is a growing concern surrounding the availability of taxis when bars or nightclubs close. We have developed a creative solution to this problem: the taxi industry feels they could more efficiently serve the patrons by having designated taxi pick-up zones at bar or nightclub locations.

Designating pick-up locations will benefit both taxi drivers and their clients, as it will ensure a steady supply of taxi drivers, and clients for them, in one location. We intend on working with the taxi industry and local business owners to set up these designated taxi pick-up zones on a trial basis in the fall.

3. COLLABORATION

The abolition of the Taxi Commission has had an adverse effect on the taxi industry, according to the feedback we received. The taxi industry appreciated having a formal venue to discuss any concerns or needs. Because Inspections & Licensing is focused on building a fluid, collaborative, and transparent relationship with the taxi industry, we have implemented a process to meet with the taxi industry every three months. Any changes to the Taxi Business Bylaw that arise from these meetings would be implemented promptly, through a bylaw amendment presented to Council for consideration and approval.

Consumer Price Index (CPI). This will help to streamline the process by delegating power to the Inspections and Licensing Manager to update the fees.

We believe that an amendment to the Council Policy will be effective and that the fee increases will be fair. The taxi industry also understands the need for the fees and, further, for increasing the fees. As such, the industry is in full support of these required changes.

Documentation

In addition to paying the license fees, taxi drivers require several types of documentation in order to operate in the City of Red Deer: a driver's abstract from the Motor Vehicles Branch of the Government of Alberta Solicitor General's Office; a defensive driving training certificate; and a taxi driver's license, to name a few. While there have been few challenges with these requirements, feedback shows that there is room for improvement in these areas within the bylaw. The proposed amendments addresses this need.

Currency and validity are two areas of concern for each of these documentation requirements. The proposed bylaw amendment resolves this problem by requiring that the driving abstract is dated within 45 days of the application date, that defensive driver training has been obtained in the year before the initial application or will be obtained within the 30 days of the application, and that the taxi driver holds a valid and subsisting taxi driver's license issued under the Taxi Business Bylaw.

Requiring a valid and subsisting taxi driver's license is another way that we are managing the issue of qualified operators in the City. While the proposed bylaw amendment has not changed significantly to resolve this issue, we have continued to collaborate with the taxi industry and local RCMP on strategies for enforcement.

Vehicle Age

We are also working closely with the taxi industry to address feedback about the age of taxis in Red Deer and about their emissions. Through this collaboration, we have agreed that ensuring a modern, environmentally friendly fleet of taxis is a priority, and as such, the proposed bylaw amendment requires that, by 2012, all Red Deer taxis must be no older than 13 model years. This target is a compromise that is fully supported by the taxi industry, who will begin to phase out older vehicles prior to that date.

2. FUTURE NEEDS

Taxis are an essential form of transportation in a city like Red Deer that continues to grow and change. With that growth comes the need to collaborate with the taxi industry to address the increased requirements of a larger population base.

Plate Draws

Currently, we issue one taxi plate for every 750 citizens. Following the annual census, we assess whether more plates are needed based on the increased population, and if so, we conduct a random plate draw. The taxi industry has expressed there is a need to adjust this process to increase stability in the industry.

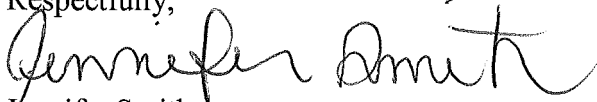
Involving the taxi industry in the implementation of the Transit Department's transit plan would also be expedient. The 2004 Transit & Special Transportation Study indicated (1.6.2) that "all future service expansions will take place with the use of supplemental taxi services." Feedback indicates that the taxi industry is keen to collaborate with the Transit Department in achieving these future service expansions. As such, we have advised the Transit Department that the taxi industry would like to collaborate in implementing these plans.

RECOMMENDATION

These amendments to the bylaw will help to ensure that the taxi industry remains viable and that citizens remain well-served. With that in mind, Inspections & Licensing recommends that

1. Council amend Council Policy 4415-C to increase taxi license fees annually by the Consumer Price Index (CPI); and
2. Bylaw 3282/2001 The Taxi Business Bylaw is amended as attached.

Respectfully,



Jennifer Smith

Bylaw Research Coordinator



Deb Mann

License Inspector

LICENSE FEES

The current license fees have been in place since 2001. They are as follows:

Taxi Broker License	\$200.
Taxi License Plate	40.
Non refundable Plate draw fee	20.
Taxi Drivers License	35.
Transfer of Broker license	125.
Transfer of Taxi Plate	35.
For each list of vehicles	10.

BACKUP INFORMATION
NOT SUBMITTED TO COUNCIL

These fees need to be updated to be comparable to what other municipalities charge. A comparison of other municipalities follows:

Calgary

Broker \$1000.; Plate \$500.; Driver \$75.; Plate Transfer \$500.; Plate Draw \$100.

Edmonton

Broker \$150.; Plate \$285.; Driver \$40.; Plate Transfer \$500.; Plate Draw \$200.

Grande Prairie

Broker \$100.; \$50. per car

Medicine Hat

Broker \$61.; Plate \$61.; Driver \$11.50; Plate Transfer \$11.50

Airdrie, Lethbridge, St Albert, Strathcona and Wood Buffalo do not regulate.

Recommendation

An increase in fees to be effective with the renewal of all licenses, Jan 1/09

Taxi Broker License	\$ 220. (10% increase)
Taxi License Plate	45. (12% increase)
Non-refundable Plate draw fee	20. (no change)
Taxi Drivers License	40. (13% increase)
Transfer of Broker license	140. (12% increase)
Transfer of Taxi Plate	40. (13% increase)
For each list of vehicles	10. (no change)

With the exception of the last fee increase, these fee increases are well below the cumulative rate of inflation over the last eight years. A formula is to be incorporated into the bylaw to allow fee increases to occur automatically, based on the previous years CPI. This formula will require an overall review of the fees every five years and will include a comparison with other municipalities.



Taxi Business Fees and Metered Fare Rates

New: Underlined
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Purpose:

1. To establish the process of calculating annual taxi license fee increases.
2. To establish the process of calculating annual taxi fare rate increases.
3. To set regulations for the application of discounts and surcharges.

Policy Statements:

Taxi License Fee Calculation

The annual taxi license fees charged will be automatically adjusted and implemented every year by April 30 to reflect the change in the Alberta average Consumer Price Index from the previous calendar year.

Taxi License Fees

The taxi license fees for 2009, will be as follows:

- Taxi Broker License \$220.00
- Taxi License Plate \$45.00
- Non-refundable Plate draw fee \$20.00
- Taxi Drivers License \$40.00
- Transfer of Broker license \$140.00
- Transfer of Taxi Plate \$40.00
- For each list of vehicles \$10.00

Metered Taxi Rates Calculation

The rates charged for the hire of taxis and for the waiting time for taxis will be automatically adjusted and implemented every year by April 30 to reflect the change in the Alberta average Consumer Price Index from the previous calendar year.

**Taxi Business Fees and
Metered Fare Rates**Metered Taxi Rates

1. The metered taxi rates for 2008, without wait time, will be as follows:
 - Rate per 5 km trip: \$11.05
 - Drop rate per 92 m: \$3.20
 - Cost per metre after 92 m: \$0.20 per 125 m
2. The metered rate for waiting time for 2008 will be \$38.28 per hour, based on the proportion of time the taxi waited, calculated at \$0.64 per minute. There will be no charge for the first three minutes of waiting time.

Fuel Surcharge

1. When the price of regular gas in the City of Red Deer is above \$1.50 per litre for two consecutive weeks, according to the MJ Ervine and Associates independent weekly gasoline survey, a surcharge of \$0.50 per trip will be added to the fare.
2. When the price of regular gas in the City of Red Deer is below \$1.50 per litre for two consecutive weeks, according to the MJ Ervine and Associates independent weekly gasoline survey, the \$0.50 per trip surcharge will be dropped.

Baggage

No additional charge will be given to any person for the carriage of baggage or parcels in a taxi.

Discounts

1. Taxi drivers may offer a discount of \$1.00 off the fare for any person who has a valid taxi credit voucher issued by the owner or operator of a City business licensed to sell alcoholic beverages or by the organizer of a social function where alcoholic beverages are served.
2. Taxi drivers may offer a 10 percent discount from their rates for people 65 years old or over and for people who are mentally or physically handicapped. The taxi driver must keep a record of transactions of this type.



Taxi Business Fees and Metered Fare Rates

3. Taxi drivers may issue free passes or charge reduced fares to raise money for charity or under a program that aims to reduce impaired driving, if they first obtain the written approval of the License Inspector.

Surcharge for Vans

A \$7.00 surcharge will be applied when a person requests the services of a ~~van that holds eight people~~ vehicle that legally holds seven people, including the driver, or that they have requested for moving cargo. ~~For a van that holds nine or more people, including the driver, the surcharge will be \$9.00.~~

Delivery Charge

When a taxi is hired for a delivery, the fare will be the metered rate plus \$1.00.

Authorities and Responsibilities:

The License Inspector is delegated from the City Manager through the Director of Development Services to:

1. Annually calculate the rates and license fees and ensure that all requirements of this policy are met by the taxi industry and administration.
2. Conduct a full review of all rates and license fees every five years, from the date of this policy, which is to be presented in a report to City Council.
3. Update the Metered Taxi Rates of the policy statement annually in accordance with the CPI rate adjustment provided in the Metered Taxi Rates Calculation of this policy statement.
4. Update the Taxi License Fees of the policy statement annually in accordance with the CPI rate adjustment provided in the Taxi License Fee Calculation of this policy statement.

Scope/Application:

License Inspectors, taxi licensees, taxi drivers, taxi brokers, independent taxi drivers, and citizens who use taxi services are affected by this policy.



Taxi Business Fees and Metered Fare Rates

Definitions:

Consumer Price Index	A statistical device that measures the change in the cost of living for consumers. For the purposes of this policy, the Alberta average Consumer Price Index will be used.
Independent taxi drivers	A person named on a taxi driver's license and who operates a taxi without affiliation with, or without using the services of, a broker.
License Inspector	The Inspections and Licensing Manager for the City or any member of the License Inspection Department.
Taxi broker	A person to whom a taxi broker license has been issued under the Taxi Business Bylaw.
Taxi driver	Any person who holds a valid and subsisting taxi drivers license issued under the Taxi Business Bylaw.
Taxi licensee	A person holding a valid and subsisting taxi license plate issued under the Taxi Business Bylaw.

References / Links:

1. Bylaw 3282/2001 The Taxi Business Bylaw –
<http://www.reddeer.ca/NR/rdonlyres/84CD31D8-955B-4629-8F28-C768F7219034/0/TaxiBusinessBylaw32822007EffectiveOctober12007LAS.pdf>
2. The Municipal Government Act –
<http://www.qp.gov.ab.ca/Documents/acts/M26.CFM>
3. Statistics Canada –
www.statcan.ca

Contact Person:

License Inspector, Inspections & Licensing

**COUNCIL POLICY**
4415-C**Taxi Business *Fees and***
Metered Fare Rates**Document History:**

Original Approval Date	Review Dates (With No Revision)	Revision Dates	Repealed Date
July 28, 2008			

New: Underlined
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BYLAW NO. 3282/2001

WHEREAS pursuant to sections 7 and 8 of the *Municipal Government Act*, R.S.A., 1980, and amendments thereto, Council may pass bylaws for municipal purposes, including the following matters:

- a) the safety and protection of people;
- b) transportation and transportation systems;
- c) business and business activities;
- d) licensing;
- e) fees, rates, and fares that may be charged for the hire of taxis;

and may generally pass bylaws to regulate or prohibit businesses, deal with any business activity, and provide for any system of licenses;

AND WHEREAS Council deems it advisable to generally regulate the taxi business in the City of Red Deer, including the number of taxis, licensing, as well as rates and fares;

COUNCIL OF THE CITY ENACTS AS FOLLOWS:

- 1 This Bylaw may be called the "Taxi Business Bylaw".

TITLE AND DEFINITIONS

- 2 In this bylaw:

~~“Act” means the *Municipal Government Act*, R.S.A., 1980, and amendments thereto;~~

“Applicant” means a person who applies for a license or renewal of a license by this bylaw;

“Broker” means a person to whom a taxi broker license has been issued;

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

“Licensee” means a person holding a valid and subsisting license issued pursuant to this bylaw;

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

¹ Deleted

“Mechanical Fitness Report” means a report in a form approved by the License Inspector and signed by a licensed mechanic, which report shall contain such information as the License Inspector may require, but in any event, shall certify that the vehicle is safe, fit, and suitable for use as a taxi and include information as to the safety and condition of the steering mechanism, brake system, body work, including condition of doors and locks, windows, electrical light and signal systems, exhaust system and tire wear and condition, and that the vehicle is suitable for the conveyance of passengers;

¹ 3282/A-2001

"Motor Vehicle" means a vehicle propelled by any power other than muscular power;

~~"Non-Resident" means a person or corporation that is not a resident as defined in this bylaw;~~

"Person" means a natural person or a body corporate and includes a partnership, a group of persons acting in concert, or an association, unless the context explicitly or by necessary implication otherwise requires;

"Qualified Applicant" means a person who has been involved in the taxi industry in the City in the capacity of a taxi driver, ~~dispatcher, supervisor, or broker or manager~~ for a period of ~~12 consecutive months~~ 30 weeks in a calendar year for two consecutive years immediately prior to such person's application for a taxi license plate. ~~For the purposes of this section the period of 12 consecutive months~~ The period of two consecutive years shall be deemed not to be interrupted by reason only of periods of vacation or absences due to illness not exceeding ~~3~~ three months in total, unless approved by the License Inspector;

"Registered Owner" means a person who is the owner of a motor vehicle, or who is purchasing a motor vehicle under a lease-option to purchase or similar purchase agreement;

"Resident" means a person, firm or corporation that:

- (i) is located or resides within the boundaries of the City; or
- (ii) provides the space and services including office area and telephone from premises that are listed on the business tax

roll; or

(iii) has an occupancy permit issued under the Land Use Bylaw;
and

(iv) satisfies the License Inspector that he intends to carry on
business within the City for not less than six months;

"Taxi Business" means the business of operating taxis and includes accepting calls for the dispatch of taxis and the dispatching taxis, as well as the operation of any motor vehicle such as a bus, mini-bus or van for hire by the public at large, but does not include handicap busing, private courtesy transportation such as provided by a car dealership or garage for its customers, or busing operations connected with adult or senior residences;

"Taxi Broker's License" means a license issued by the License Inspector under this bylaw, authorizing a person to operate a taxi business;

"Taxi" and "Taxicab" means a motor vehicle equipped with a meter and operated by a driver licensed and in compliance with the requirements of this Bylaw;

"Taxi Driver" means any person who is licensed to drive a taxi and is the holder of a valid and subsisting Taxi Driver's License issued under this bylaw;

"Taxi Driver's License" means the license issued under this bylaw authorizing the person named therein to drive a taxi;

"Taxi License Plate" means the City identification plate issued under this

bylaw for attachment to a motor vehicle licensing such vehicle for use as a taxi ~~and includes a wheelchair accessible vehicle taxi license plate;~~

"Taxi Licensee" means a person who holds a subsisting taxi license plate issued under this bylaw;

"Taxi Meter" means a mechanical apparatus or device for automatically measuring and registering the distance travelled by a taxi and the fee corresponding to the distance at the rate specified in this bylaw.

"Wheelchair Accessible Vehicle Taxi License Plate" means the City identification plate issued under this bylaw for attachment to a wheelchair accessible motor vehicle, licensing such vehicle for use as a wheelchair accessible taxi."

LICENSING OF TAXI BUSINESS - BROKERS

- 3 (1) A Broker's license may only be issued if an applicant has:
 - a) at least 3 licensed taxis registered for use in the taxi business;
 - b) registered a colour or combination of colours for taxis, distinctive from other brokers or licensees ("identification colours");
 - c) supplied a list of the motor vehicles which will be used in the taxi business.
- (2) A broker shall within 72 hours of any additions to or deletions from the list of vehicles under section 3(1)(c), inform the License Inspector of such changes.

- (3) Anyone may obtain a copy of the list of all vehicles used by a broker on application to the License Inspector and on payment of the specified fee ~~specified in Schedule "A"~~.
- (4) The License Inspector has the authority to approve the overall design of taxi cabs in order to ensure that taxi cabs associated with different brokers can be readily distinguished. This authority shall include approval of the colour of all or any part of the vehicle, the design, size, colour of lettering, logos, and insignia, and the type of signs or accessories that may be marked upon or affixed to the exterior of the vehicle.

NON-CORPORATION

- 4 (1) Any person, other than a corporation, desiring to obtain a taxi broker's license or to renew such license, shall make application to the License Inspector.
- (2) The application shall be in writing in a form to be required by the License Inspector, shall be signed by the applicant, and shall include the following information:
 - a) the full and correct name, address and telephone number of the applicant;
 - b)¹ Deleted.
 - c) a list of all convictions of the applicant for any offences under the laws of Canada or of any of its provinces or territories, or of the person's country of origin before residing in Canada;

¹ 3282/A-2003

- d) such other information as the License Inspector may reasonably require.

CORPORATIONS

- 5 (1) If the applicant for a taxi broker's license is a corporation, then such corporation shall make an application to the License Inspector.
- (2) The application shall be in writing and in a form to be required by the License Inspector, shall be signed by all the corporate officers of the applicant, and shall include the following information:
 - a) the correct corporate name, business address and telephone number of the corporation;
 - b) a copy of the corporate minutes and articles of incorporation, including the Certificate of Incorporation and a Certificate of Good Standing relative to the corporation;
 - c) the full and correct name, address and telephone number of all the shareholders and directors;
 - d) a list of all convictions of the corporation, its shareholders and directors, for any offences under the laws of Canada or of any of its provinces or territories, and under the laws of the country of origin of the applicant and of its shareholders and directors before their residing in Canada.

RENEWAL OF BROKER'S LICENSE

- 6 A renewal application shall be made not later than January 31 of the year for which the broker's license is to be renewed. An application for a new license may be made at any time during the year. In all cases, the application shall include:
- a) payment of the fee required in ~~Schedule "A"~~;
 - b) proof that the applicant qualifies for a taxi broker's license under section 3(1)(a);
 - c) the list of the motor vehicles required under section 3(1)(c).
- 7 (1) A taxi broker's license is valid only until January 31 of the year following the issuance.
- (2) A taxi broker's license is and always remains the property of the City and cannot be sold, assigned or transferred to any person except in accordance with this bylaw.

REVOCATION OF BROKER'S LICENSE

- 8 Should a broker at any time cease to meet any of the requirements of this bylaw, including section 3(a), the broker's license is automatically revoked.
- 9 Each broker operating in the City shall locate its office and communication centre in an area designated in the City Land Use Bylaw for such use.

DISPUTES RESPECTING COLOURS

- 10 Should a dispute arise between brokers respecting the registration and use of the same or similar identification colours, without limiting the

authority of the License Inspector's approval, priority of choice may be given to a broker who has utilized the colours in dispute in the City for the longest period of time. With the approval of the License Inspector two or more brokers may agree to use the same colours.

HOURS OF OPERATION

- 11 Each broker shall provide 7 days per week and 24 hours per day taxi service available to residents of the City.

TRANSFER OF SALE OF BROKER'S BUSINESS

- 12 A broker who intends to sell or dispose of its taxi business either in whole or in part or, if a corporation through the sale in whole or in part of shares, shall immediately notify the License Inspector of the name or names of the proposed purchaser, the proposed date of such sale and the particulars of the proposed sale or disposition.

PURCHASE OF BROKER'S BUSINESS

- 13 The Purchaser of a broker's business must apply for a taxi broker's license as required under this bylaw.
- 14 If a Purchaser qualifies under this bylaw for a taxi broker's license then, upon the payment of fees required ~~by this bylaw in Schedule "A"~~, the selling broker surrendering to the License Inspector its taxi broker's license and delivering all taxi license plates, the License Inspector shall issue to the Purchaser a taxi broker's license and the taxi license plates.

NUMBER AND ALLOCATION OF TAXI LICENSE PLATES

- 15 (1) The maximum number of taxi license plates which may be issued each year under this bylaw (the "licenses available") shall be ~~equal to the number of licenses issued as at December 31 in the immediately preceding year and under which taxis were, in fact, operated for a minimum of 30 weeks in that calendar year, or alternately, one license per 750 persons of city population based on the population of the city determined in the most recent census, whichever is greater.~~ as follows:
- (i) equal to the number of licenses issued as at December 31 in the immediately preceding year and under which taxis were, in fact, operated for a minimum of 30 weeks in that calendar year; or
- (ii) one taxi license plate per 750 persons of the city population based on the population of the city determined in the most recent census, whichever is greater; and
- (iii) one wheelchair accessible vehicle taxi license plate per 15,000 persons of the city population based on the population of the city determined in the most recent census.
- (2) For the purpose of determining compliance with the requirement that taxis shall have been operated under a particular taxi license plate for the necessary 30 weeks, the License Inspector may require the applicant to produce copies of stand rental agreements establishing the necessary 30 week period or such other proof as the License Inspector may reasonably deem necessary.
- (3) Notwithstanding the foregoing, where, because of a combination of factors

such as illness, vacation or other special circumstances, the taxi is not operated for a period of 30 consecutive weeks, the License Inspector may decide that the taxi shall nevertheless be included in the calculations for the purpose of determining the maximum number of taxi license plates to be issued.

- (4) A qualified applicant who held a taxi license plate or plates in the immediately preceding year shall be entitled, on application to be made on or before January 31st of the current year, to receive the same number of taxi license plates for the current year in priority to new applicants. Thereafter, if additional taxi license plates are still available, and more qualified applicants, the allocation of license plates shall be made by a random draw conducted by the License Inspector in the last week of August of each year.
- (5) License plates which are surrendered or revoked shall not thereafter be reissued.
- (6) ~~Additionally, upon application on or before January 31st of the current year, the License Inspector shall issue 3 license plates to be used for wheelchair accessible vehicles, in priority, if they apply, firstly to Associated Cabs and Alberta Gold Taxi and, thereafter, on the basis of a random draw to qualified applicants. Any plates not issued before January 31st of the current year may be issued thereafter during the year on a first come first serve basis. All provisions of this bylaw including renewal requirements apply.~~ A qualified applicant who held a wheelchair accessible vehicle taxi license plate or plates in the immediately preceding year shall be entitled, on application to be made on or before January 31 of the current year, to receive the same number of wheelchair accessible vehicle taxi license plates for the current year in priority to new applicants. Thereafter, if additional wheelchair accessible vehicle taxi license plates

are still available, the allocation of those wheelchair accessible vehicle taxi license plates shall be determined by an evaluation of proposals received by the License Inspector on or before August 1. The proposals shall be evaluated based on preset criteria established by the License Inspector from time to time.

- (7) Should any company not apply for its wheelchair accessible license plate, the allocation of said plate or plates shall be ~~made by a random draw conducted by the License Inspector for the remaining taxi company or companies who apply for such plates~~ determined by an evaluation of proposals received by the License Inspector on or before August 1. The proposals shall be evaluated based on preset criteria established by the License Inspector from time to time.

- 16 Excepting a broker, no more than 2 taxi license plates shall be issued to a taxi licensee.

APPLICATION FOR TAXI LICENSE PLATE

- 17 Any person who wishes to obtain a taxi license plate shall deliver to the License Inspector an application in writing in a form required by the License Inspector, signed by the applicant, and include the following information and documentation:
- a) the full and correct name, address and telephone number of the applicant;
 - b) evidence that the applicant is a qualified applicant as defined by this bylaw;

- c) evidence identifying:
 - i) the registered owner of the motor vehicle proposed for use as a taxi;
 - ii) the holder of valid insurance for the operation of the vehicle as a taxi.
- d) a Mechanical Fitness Report for such motor vehicle and the presentation of the motor vehicle for inspection by the License Inspector at such time and place as may be required by the License Inspector;
- e) payment of the fee required;
- f) evidence the vehicle is painted in the registered identification colours of the broker with which the vehicle will be affiliated, or in the case of a vehicle which is operated independently, evidence that the vehicle is painted in the identification colours approved by the License Inspector from time to time;
- g) if there is no vehicle to which a taxi license plate is to be attached, then to provide to the License Inspector within 22 weeks of January 15th of the year of the application, the information required herein, failing which, any plate issued is automatically cancelled;
- h) in the case of a corporate applicant, the last annual corporate return of the corporation, a copy of the Certificate of Incorporation, Articles of Incorporation and a Certificate of Good Standing relative to the corporation and the full names, addresses and telephone numbers of all shareholders and directors of the corporation.

Where the shareholder or director of a corporate applicant is also a corporation, the full names, addresses and telephone numbers of the shareholders and directors of such corporation, as well as the last annual corporate return, Articles of Incorporation, and a Certificate of Good Standing relative to the corporation.

APPLICATION FOR WHEELCHAIR ACCESSIBLE PLATE

- 18 A applicant who wishes to obtain a wheelchair accessible vehicle taxi license plate shall make application to the License Inspector in accordance with the provisions of this bylaw and in addition shall provide proof to the satisfaction of the License Inspector that the vehicle in respect of which the plate is to be issued meets the requirements set forth in the document known as C.S.A. D409-92 "Motor Vehicles for the Transportation of Persons with Physical Disabilities" or any replacement for that document, or replacement regulations or requirements that may apply from time to time to the transport of persons with physical disabilities.

LICENSE INSPECTOR AUTHORITY

- 19 Taxi license plates must be renewed annually and such renewal applications must follow the requirements and procedures set out in sections 15, 16, and 17.
- 20 A taxi licensee operating a taxi under affiliation with a broker shall provide to the License Inspector the identity of the broker and shall provide such additional reasonable information in regard to the affiliation as the License Inspector may reasonably require, including copies of any written agreements between the licensee and the broker.

- 21 If a broker ceases to be the holder of a valid taxi broker's license, then the broker shall cease to operate any taxis and shall immediately return the taxi license plates issued to it to the License Inspector.
- 22 A taxi license plate shall be valid only until January 31 in the year following the year in which it was issued.
- 23 Taxi license plates and any other plates or insignia required by provincial law or regulations shall be placed on the taxi at locations directed by the City or the Government of Alberta.

TAXI LICENSE PLATES REMAIN THE PROPERTY OF THE CITY

- 24 (1) All taxi license plates are and always remain the property of the City and shall not be sold, leased, assigned or transferred to any person except in accordance with this bylaw. No consideration may be charged by any person for the use of such plates.
- (2) The penalty for a breach of this section shall be revocation of the plate. Additionally, anyone who breaches this provision shall be prohibited from being involved in the taxi industry in the City for a period of 5 years and shall have all licenses, permits, and plates held by them revoked.

TRANSFER OF TAXI LICENSE PLATES TO ANOTHER VEHICLE

- 25 (1) Should a taxi licensee desire to substitute another motor vehicle for any taxi for which taxi license plates have been issued, such licensee shall deliver to the License Inspector the taxi license plates issued for such taxi, together with such information concerning the motor vehicle to be substituted as the License Inspector may require, including:

- a) a Mechanical Fitness Report;
 - b) evidence that the vehicle is painted in appropriate colours;
 - 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 as a taxi and that the above conditions have been met, he shall, upon payment by the taxi licensee of the fee required in ~~Schedule "A"~~, reissue to the taxi licensee the taxi license plate for the motor vehicle so substituted. No taxi license plate shall be reissued if by so doing, the taxi licensee would hold more taxi license plates than the number permitted by section 15(1).

STANDBY TAXI

- 26 (1) On payment of the transfer fee, a taxi licensee may apply to register one standby taxi to be used in substitution for a taxi that is removed from service for repair.
- (2) A standby taxi may be used for a period not exceeding 60 consecutive days and then only as a replacement for a taxi which is being repaired.
- (3) A licensee who wishes to use a registered stand-by taxi in substitution for a taxi, must first notify the License Inspector and all brokers in the City of Red Deer and provide the following information, and must do so immediately by FAX:

- a) name of licensee;
 - b) description of taxi being repaired – colours and number;
 - c) description of stand-by taxi – colours and number;
 - d) taxi license plate number;
 - e) date of commencement of use of stand-by taxi.
- (4) After this notification and information has been provided, the taxi license plate may be removed from the taxi being repaired and be attached to the stand-by taxi, which may then be put into service as a taxi.
- (5) When the taxi is repaired and ready to return to service, the licensee shall first notify the License Inspector and all brokers of the following information and may do so by FAX:
- a) name of licensee;
 - b) description of taxi which was repaired – colours and number;
 - c) description of stand-by taxi – colours and number;
 - d) taxi license plate number and;
 - e) date of return to use of the repaired taxi.

- (6) After Section 26(5) has been complied with and on payment of the transfer fee, the taxi license plate may be removed from the stand-by taxi and be re-attached to the taxi and the taxi may be returned to service.
- (7) A stand-by taxi may not be used as a taxi, including use as a taxi on delivery service, unless sections 26(3) and (4) have been complied with.
- (8) When a stand-by taxi is not required for use as a taxi, it may be used as a private vehicle.
- (9) It is an offence for any licensee to:
 - a) use a stand-by taxi as a taxi unless a taxi license plate is attached to it;
 - b) use a stand-by taxi or return a taxi to service without first having given the required notices.
- (10) For each breach of section 26(9) the License Inspector shall revoke one taxi license held by the offending licensee.

TRANSFER OF TAXI LICENSE PLATES

- 27 (1) Should a taxi licensee desire to transfer any taxi license plate to another person, such licensee shall deliver the taxi license plate to the License Inspector.
- (2) The proposed transferee of a taxi license plate shall make application to the License Inspector for the transfer of the taxi license plate in such form as may be required by the License Inspector and will provide such information as may reasonably be required by the License Inspector.

- (3) No transfer of a taxi license plate shall be approved unless:
- a) the taxi licensee proposing the transfer has been the holder of the taxi license plate for not less than ~~the 12 consecutive months~~ two consecutive years immediately prior to the date of the proposed transfer, unless the taxi licensee is proposing the transfer due to ill health, proof of which shall be supplied to the satisfaction of the License Inspector;
 - b) the proposed transferee shall comply with the requirements of section 17; and
 - c) the proposed transferee has paid the fee required in ~~Schedule "A"~~.

DEATH OF TAXI LICENSEE

- 28 (1) The Executor of the estate, or if there is no Executor named under a will then the next of kin or personal representative of the deceased taxi licensee as designated by a Judge of the Surrogate Court of Alberta, may for a period of not more than 120 days after the date of death of the taxi licensee:
- (a) continue to operate the licensed taxi; and
 - (b) exercise the powers of a taxi licensee to arrange for the transfer of the taxi and the taxi license plate set out in section 27.
- (2) If the taxi license plate is not transferred within the time period set out herein, the taxi license plate ceases to be valid and must be surrendered to the License Inspector.

LICENSING OF TAXI DRIVERS

- 29 (1) Any person who wishes to obtain a taxi driver's license or to renew such license, shall apply to the License Inspector in writing in a form required by the License Inspector, signed by the applicant, including the following information:
- a) the full and correct name, address, and telephone number of the applicant;
 - b) the physical description of the applicant;
 - c)¹ Deleted;
 - d) a list of all convictions of the applicant for any offences under the laws of Canada or of any of its provinces, or territories, or country of origin before residing in Canada;
 - e) a declaration of any physical or medical disability of the applicant;
 - f) a list of all the provinces or territories in Canada in which the applicant has at any time been issued a license to drive a motor vehicle;
 - g) evidence that the applicant is properly licensed to drive a motor vehicle under the laws of the Province of Alberta;
 - h) ~~a copy of~~ the applicant's original driving abstract from the Motor Vehicles Branch of the Solicitor General's Office for the Province of

¹ 3282/A-2003

Alberta or, if applicable, from any province or territory in which the applicant has formerly resided, *dated within 45 days of the date of application*;

- i) on initial application, ~~evidence that the applicant has completed a driver improvement course recognized by the City, or on subsequent applications, when a taxi driver's license has lapsed for one year or has been revoked by the License Inspector; or on subsequent applications when a taxi driver's license has lapsed for three months or has been revoked by the License Inspector, provide proof that the applicant has successfully completed a driver improvement course recognized by the City within 365 days prior to the date of application, or proof that the applicant will take the course within 30 days of the date of application.~~

- j) the required fee in the ~~amount set out in Schedule "A"~~.

- (2) Each taxi driver licensee shall inform the City in a timely manner of any change in the address and telephone number at which the licensee may be contacted during normal business hours.

30 A taxi driver's license shall be valid until January 31 in the year following the year in which it was issued.

31 (1) Each taxi driver when operating a taxi shall:

- a) prominently display his taxi driver's license in such a position inside the taxi so that it is clearly visible to all passengers in the taxi;
- b) be neatly dressed, clean, well behaved and courteous to passengers;

- c) not permit to be carried in his taxi, at any time, a greater number of passengers than the vehicle manufacturer's recommended seating capacity or the number of manufacturer's installed seatbelts, whichever is lesser;
- d) not demand payment of any fees or benefits not specifically authorized by this bylaw;
- e) after completion of every trip, inspect the taxi and, if he finds any article lost or left therein, deliver the same to the broker for return to the owner, if known. If the owner is not known, the broker shall deliver the article to the City Detachment of the R.C.M.P, who shall deal with the matter according to law. If unclaimed after 30 days, such article shall be returned to the broker for return to the taxi driver;
- f) unless otherwise directed by a passenger, drive passengers by the most direct practicable route to their destination; and
- (g) whenever requested by a passenger, issue a receipt for the amount of the taxi fare paid by such passenger.

(2) Each taxi driver shall inform the License Inspector in writing immediately of any change in the status of their Provincial Driver's License or of any health issues that may compromise their ability to drive a taxi.

TAXI METERS

32 The taxi meter in a taxi shall:

- a) automatically register the distance and the correct fee or charge in accordance with the tariff of fees specified in Schedule "B";
- b) be so installed and adjusted as to automatically operate while the taxi is under hire, whether the taxi is in motion or standing;
- c) be in such location as to be plainly visible to passengers in the taxi;
- d) be sealed as required by this bylaw;
- e) be installed in the taxi in such manner as the License Inspector may direct; and
- f) be so illuminated that the fare can be read at all times by a passenger in the front or rear seats of such taxi.

33 The taxi licensee shall produce all taxi meters to be inspected, tested for accuracy and registration, and sealed by the License Inspector before being used. The taxi licensee shall not less than once every 6 months thereafter or, upon the request of the License Inspector, produce all such taxi meters to the License Inspector for inspection and accuracy testing.

34¹ Where a taxi meter ceases to operate or register properly at a time when the office of the License Inspector is not open, the taxi licensee or taxi driver, upon driving the taxi to the office of the City Detachment of the R.C.M.P., may remove the seal from the meter, repair the meter and have the meter resealed by a peace officer. The taxi licensee shall present the taxi to the License Inspector for meter testing and resealing on the next day that the office of the License Inspector is open for business. Should the meter be found to be accurate, no charges shall be laid under this

¹ 3282/A-2002

bylaw.

- 35 If a taxi meter is incorrectly recording the distance and corresponding charge or fee, the taxi licensee shall forthwith notify the License Inspector who shall cause such taxi meter to be reinspected and retested. If found to be defective, such taxi meter shall not be used until it is repaired, retested and resealed by the License Inspector.

¹ Deleted

REGULATIONS RESPECTING TAXI CONDITIONS AND MECHANICAL FITNESS

- 36 A taxi licensee shall, once every 6 months following the issuance of the taxi license plate, have a complete mechanical fitness inspection made of the taxi by a licensed mechanic and provide a Mechanical Fitness Report to the License Inspector.
- 37 (1) If a Mechanical Fitness Report does not certify that a taxi is safe, fit and suitable for such use, no person shall permit the taxi to be driven as a taxi unless and until all deficiencies have been corrected and repaired and a further Mechanical Fitness Report for such taxi confirming the repairs and certifying that it is safe, fit and suitable for use as a taxi has been delivered to the License Inspector.
- (2) Notwithstanding anything contained in section 37(1), no person shall permit any vehicle to be driven as a taxi if the vehicle is older than 13 model years, effective January 1, 2012. Exceptions may be authorized for wheelchair accessible vehicles only following a written request to and vehicle inspection by the License Inspector.

¹ 3282/A-2007

- 38 The License Inspector may at any time require a taxi to be inspected by a Licensed Mechanic designated by the City, at such time and place as the License Inspector may designate and the taxi licensee shall deliver such taxi at the time and place so designed.
- 39 All costs of inspection of a taxi shall be paid for by the taxi licensee.
- 40 No person shall obstruct or interfere with any inspection that may be required under this bylaw.
- 41 Upon completion of any inspection, a Mechanical Fitness Report, including confirmation of repairs made, shall be delivered forthwith to the License Inspector.

TAXI LICENSEE TO ENSURE TAXI CONDITION

- 42 (1) The taxi licensee shall at all times ensure that the taxi is clean, in good condition, and mechanically maintained so as to be safe and suitable for use as a taxi. Without limitation, this shall include general appearance of the vehicle both exterior and interior, windshield, body condition, and tires.
- (2) No taxi licensee shall operate or permit the operation of a vehicle if a licensed mechanic is unable to certify the vehicle as safe and suitable for use as a taxi.

BROKER TO ENSURE TAXI CONDITION

- 43 (1) The broker shall at all times ensure that all taxis owned by or affiliated with him under his taxi broker's license are clean, in good condition, and mechanically maintained so as to be safe and suitable for use as a taxi.

- (2) No broker shall operate or permit the operation of a taxi if a licensed mechanic is unable to certify the taxi as safe and suitable for use as a taxi.

RECORDING OF TRIPS

- 44 Each driver shall keep or cause to be kept a record on a form approved by the License Inspector showing:
- a) the time and date when each customer is picked up;
 - b) the location at which each customer is picked up; and
 - c) the destination at which each customer is discharged.

INSPECTION OF DOCUMENTS

- 45 Each broker, taxi licensee and taxi driver shall, upon the demand of a peace officer, license inspector or bylaw enforcement officer produce any permit, identification card, registration card, license or other document which they may, from time to time, be required to have under this bylaw.

SCANNER

- 46 No broker or taxi licensee shall allow a radio scanner or any other device capable of monitoring the radio signals of any other broker or taxi licensee to be installed or carried in any taxi.

TAXI AND PLATE IDENTIFICATION NUMBER

- 47 The name and vehicle identification number of a taxi owned, operated or affiliated with a broker shall be prominently displayed on each taxi or its roof light in lettering not less than 2 inches in height to the satisfaction of the License Inspector. The vehicle identification number and the number of the taxi license plate affixed to the taxi must be the same.

CAR TOP AND WINDOW ADVERTISING

- 48 Subject to the approval of the License Inspector and the following, roof top advertising may be placed on taxis:
- a) signs must be a commercially manufactured unit and approved by the License Inspector and may display advertising visible only from the sides of the vehicle;
 - b) illumination of advertising shall not exceed 40 watts and shall be non-flashing;
 - c) advertising messages shall not exceed 15 inches in height;
 - d) advertising should be of good taste, subject to approval of the License Inspector;
 - e) advertising signs shall display the word "taxi" visible to the front and rear of the taxi at least as prominent as the advertising;
 - f) perforated vinyl window film advertising may be displayed on the rear side windows and rear window, subject to the approval of the License Inspector.

POWERS OF THE LICENSE INSPECTOR

49 The License Inspector is hereby authorized to:

- a) refuse to issue, renew or transfer any taxi broker's license where the applicant or broker does not, in the reasonable opinion of the License Inspector, comply with the requirements of this bylaw;
- b) revoke or suspend a taxi broker's license if, in the reasonable opinion of the License Inspector, the broker has not complied with the requirements of this bylaw or is breaching any provision of this bylaw;
- c) refuse to issue, renew or transfer any taxi license plate for any taxi which, in the opinion of the License Inspector, does not comply with the requirements of this bylaw;
- d) revoke or suspend a taxi license plate for any taxi which, in the opinion of the License Inspector, does not comply with the requirements of this bylaw;
- e) refuse to issue a taxi driver's license to any person or to renew a taxi driver's license issued to any person under this bylaw;
 - i) where that person has a driving record which, in the opinion of the License Inspector, makes him unfit to drive a taxi; or
 - ii) where the character, conduct or state of health of that person is such that he is, in the opinion of the License Inspector, unfit to drive a taxi;

- f) revoke or suspend a taxi driver's license:
 - i) where the taxi driver acquires a driving record which, in the opinion of the License Inspector, makes him unfit to drive a public conveyance; or
 - ii) where the character, conduct or state of health of the taxi driver becomes such that he is, in the opinion of the License Inspector, unfit to drive a public conveyance; or
 - iii) where the taxi driver does not, in the opinion of the License Inspector, comply with the requirements of this bylaw or is in breach of any provision of this bylaw; or
 - iv) where a taxi driver's license was issued to a person who is enrolled in an approved driver improvement course and such person does not complete and pass such course within 30 days of the date of application for a license;
- g) revoke or suspend any license when, in the opinion of the License Inspector, the holder of that license has breached any provision of this bylaw;
- h) prescribe and authorize the forms, license and certificates to be used or issued under this bylaw.

50 A suspension of any license by the License Inspector may be:

- a) for a period of time not exceeding the unexpired term of the license;
or

- b) where the suspension is for non-compliance with this bylaw, until the requirements of the bylaw, in the opinion of the License Inspector have been met.

51 Any license issued under this bylaw may be revoked or suspended by the License Inspector for non-compliance with the requirements of this bylaw notwithstanding that the holder of the License has not been formally charged, prosecuted or convicted for a contravention of this bylaw.

POWERS OF PEACE OFFICERS

52 In addition to any other general powers he may have, a peace officer is authorized to:

- a) suspend a taxi license plate with respect to any taxi which does not, in the opinion of the peace officer comply with this bylaw, or is in breach of any provision of this bylaw;
- b) suspend a taxi driver's license issued under this bylaw:
 - i) where the taxi driver has or obtains a driving record or conviction which, in the opinion of the peace officer, makes him unfit to drive a public conveyance; or
 - ii) where the character, conduct or state of health of the taxi driver is such or has become such that he is, in the opinion of the peace officer, unfit to drive a public conveyance; or
 - iii) where the taxi driver does not, in the opinion of the peace officer, comply with the requirements of this bylaw.

53 Where a taxi license plate or a taxi driver's license is suspended by a peace officer, the peace officer shall, as soon as practical, forward notification of the suspension and the reasons therefor to the License Inspector.

54 The suspension of a taxi license plate or a taxi driver's license by a peace officer shall not exceed 72 hours, unless otherwise permitted by law.

APPEAL

55¹ Any decision of the License Inspector under section 50 of this bylaw may be appealed to City Council by the broker, licensee, or driver by giving written notice of appeal, delivered to the City Clerk, not later than 30 days following such decision.

RATES

56 (1) The fees to be charged passengers carried in taxis in the City are those set out on Schedule "B" annexed hereto and made part of this bylaw.

 (2) No taxi licensee or taxi driver or any other person shall charge or collect a greater or lesser amount than is specified in Schedule "B".

OFFENCES AND PENALTIES

57 No Person shall carry on a taxi business without being the holder of a valid and subsisting taxi broker's license.

58 No person shall operate or permit a motor vehicle to be operated as a taxi unless a taxi license plate has been issued for that motor vehicle.

¹ 3282/A-2007

- 59 No person shall operate or permit the operation of a taxi bearing registered identification colours of a broker unless that vehicle is owned or operated by that broker or unless the owner of the vehicle is affiliated with that broker.
- 60¹ (1) No broker or taxi licensee shall, either directly or indirectly, permit any person to drive a taxi unless that person is the holder of a subsisting taxi driver's license.
- ²(2) Notwithstanding Section 60 (1), a mechanic or any person in his/her employment may drive a taxi while engaged in repairs or routine maintenance of the taxi without holding a subsisting taxi drivers license.
- 61 No taxi licensee shall permit any taxi license plate to be attached to, or be used in connection with any motor vehicle other than the taxi for which the taxi license plate was issued.
- 62 No taxi licensee shall allow or permit the operation of a taxi when that taxi does not comply with this bylaw.
- 63 No taxi licensee shall allow or permit a taxi to be operated when the taxi meter fails to comply with any of the requirements of this bylaw.
- 64 Subject to section 34, no taxi licensee shall allow or permit a taxi to be operated unless the seal placed on the taxi meter is unbroken.
- 65 No person shall drive a taxi within the City without being the holder of a subsisting taxi driver's license.

¹ 3282/A-2004

² 3282/A-2007

- 66 No person shall drive a wheelchair accessible vehicle taxi within the City without being the holder of a valid and subsisting taxi driver's license. ~~and a current qualification in first aid equivalent to St. John's Ambulance First Aid Level One training.~~
- 67 It is an offence to fail to provide priority for the use of wheelchair accessible vehicle taxis to persons with physical disabilities who are in wheelchairs.
- 68 No person shall supply false or misleading information in an application for any license, permit, Mechanical Fitness Report, certificate or other document submitted or filed with the License Inspector.
- 69¹ No broker, taxi licensee or person operating any taxi shall display or allow the display of any advertising material upon the taxi other than as required or permitted by sections 48 and 49.
- 70² Any person who contravenes Sections 11, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, and 69, ~~and 70,~~ of this bylaw is guilty of an offence and liable upon summary conviction to a fine as specified in Schedule "C" of this bylaw ~~of not less than \$250.00 or more than \$500.00,~~ and in default of payment thereof, to imprisonment for a period not exceeding 6 months.
- 71 Any person who contravenes any other provision or requirement of this bylaw shall be guilty of an offence and shall pay a specified penalty of \$110.00.
- 72 Any peace officer, license inspector or bylaw enforcement officer who has

¹ 3282/A-2007

² 3282/A-2007

reasonable grounds to believe that any person has contravened any provision of this bylaw shall:

- ¹a) in the case of a contravention set out in section 71, serve upon such person a summons requiring the individual to appear in court;
- b) in all other instances, serve upon such person an offence ticket allowing for the payment of the specified penalty to the City in lieu of prosecution for the offence.

73 Bylaw No. 3076/92 is hereby repealed.

READ A FIRST TIME IN OPEN COUNCIL this 18th day of June 2001.

READ A SECOND TIME IN OPEN COUNCIL this 18th day of June 2001.

READ A THIRD TIME IN OPEN COUNCIL this 18th day of June 2001.

AND SIGNED BY THE MAYOR AND CITY CLERK this 18th day of June 2001.

"G.D. Surkan"

"Kelly Kloss"

MAYOR

CITY CLERK

¹ 3282/A-2007

SCHEDULE "A"**ANNUAL LICENSE FEES****Page 1 of 1**

1 _____ Taxi Broker's License fee will be _____ \$200.00

2¹ _____ (a) _____ Taxi License Plate fee will be _____ 40.00

_____ (b) _____ Non-Refundable Plate Draw fee will be _____ 20.00

3 _____ Taxi Driver's License will be _____ 35.00

4 _____ Transfer of Taxi Broker's License _____ 125.00

5 _____ Transfer of Taxi License Plate — includes transfer
_____ of plate to standby vehicle and to transfer of plate back _____ 35.00

6 _____ For each list of vehicles under section 3 (3) _____ 10.00

The Taxi Business Bylaw Annual License Fees shall be as provided for in City Council
Policy 4415-C Taxi Business Fees and Metered Fare Rates.

¹ Deleted

¹ 3282/B-2005

¹SCHEDULE "B"

The Taxi Business Bylaw Metered Fare Rates shall be as provided for in City Council Policy 4415-C Taxi Business Fees and Metered Fare Rates.

¹ 3282/A-2008

SCHEDULE "C"

¹ 3282/A-2007

PENALTIES

<u>Section</u>	<u>Description</u>	<u>First Offence</u>	<u>Second Offence</u>	<u>Third Offence</u>
<u>11</u>	<u>Broker failing to provide seven days a week, 24 hours a day taxi service</u>	<u>\$250</u>	<u>\$500</u>	<u>\$750</u>
<u>58</u>	<u>Operating a taxi without a taxi license plate</u>	<u>\$750</u>	<u>\$1,000</u>	<u>\$1,250</u>
<u>59</u>	<u>Operating a taxi bearing the colors of a broker without affiliation with that broker</u>	<u>\$250</u>	<u>\$500</u>	<u>\$750</u>
<u>60(1)</u>	<u>Permitting, as a broker or licensee, a person without a taxi driver's license to drive a taxi</u>	<u>\$500</u>	<u>\$750</u>	<u>\$1,000</u>
<u>61</u>	<u>Permitting a taxi license plate to be attached to a vehicle other than that for which the taxi license plate was issued</u>	<u>\$500</u>	<u>\$750</u>	<u>\$1,000</u>
<u>62</u>	<u>Permitting the operation of a taxi that does not comply with the bylaw</u>	<u>\$500</u>	<u>\$750</u>	<u>\$1,000</u>
<u>63</u>	<u>Permitting a taxi to be operated when the taxi meter does not comply with the bylaw</u>	<u>\$250</u>	<u>\$500</u>	<u>\$750</u>
<u>64</u>	<u>Permitting a taxi to be operated with a broken seal on the taxi meter</u>	<u>\$500</u>	<u>\$750</u>	<u>\$1,000</u>
<u>65</u>	<u>Driving a taxi without a taxi driver's license</u>	<u>\$1,000</u>	<u>\$1,500</u>	<u>\$2,000</u>
<u>66</u>	<u>Driving a wheelchair accessible vehicle taxi without a taxi driver's license</u>	<u>\$1,000</u>	<u>\$1,500</u>	<u>\$2,000</u>
<u>67</u>	<u>Failing to provide priority to persons in wheelchairs to use wheelchair accessible vehicle taxis</u>	<u>\$750</u>	<u>\$1,000</u>	<u>\$1,250</u>
<u>68</u>	<u>Supplying false or misleading information to the License Inspector</u>	<u>\$750</u>	<u>\$1,000</u>	<u>\$1,250</u>
<u>69</u>	<u>Displaying advertising that does not comply with the</u>	<u>\$250</u>	<u>\$500</u>	<u>\$750</u>

Bylaws Item No. 1

BYLAW NO. 3412/2008

Being a Bylaw of The City of Red Deer to provide a uniform levy of off-site costs in respect of previously undeveloped land.

1. WHEREAS pursuant to provisions of Section 648 of the Municipal Government Act, The City may by bylaw:
 - (a) Provide for the imposition and payment of a levy to be known as an “off-site levy” in respect of land that is to be developed or subdivided, and
 - (b) Authorize an agreement to be entered into in respect of the payment of the levy.
2. An off-site levy may be used only to pay for all or part of the capital cost of any or all of the following:
 - (a) New or expanded facilities for the storage, transmission, treatment, or supplying of water;
 - (b) New or expanded facilities for the treatment, movement, or disposal of sanitary sewage;
 - (c) New or expanded storm sewer drainage facilities;
 - (d) New or expanded roads required for or impacted by a subdivision or development;
 - (e) Land required for or in connection with any facilities described in clauses (a) to (d);

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

1 This bylaw may be cited as "The Off-Site Levy Bylaw".

2 Definitions:

For the purpose of this bylaw:

(1) "Development" shall mean:

(a) a change of use of land, or an act done in relation to land that results in or is likely to result in a change in the use of the land, or

(b) a change in the intensity of the use of land or an act done in relation to land that results in, or is likely to result in, a change of the intensity of the use of the said land.

(2) "Gross Development Area" means each and every hectare or part thereof as shown on the Plan of Subdivision for a development which has been approved by the Municipal Planning Commission, including any area which may be dedicated for roads, lanes, walkways, parks, reserve parcels, schools, or any other public use.

3

Bylaw No. 3412/2008

- (3) “Net Development Area” means the area remaining after the deletion of the following lands (deemed undevelopable) from the Gross Development Area:
- (a) previously developed lands for which off-site levies have already been paid,
 - (b) expressway and arterial road right of ways as defined by The City,
 - (c) Environmental Reserves as defined in the Municipal Government Act (e.g. native wetlands, rivers, creeks, lakes, ravines, steeply sloped areas),
 - (d) major tree stands that are identified by the City for preservation and are in excess of the 10% municipal reserve dedication required by the MGA,
 - (e) The power transmission right of way extending across the south end of city. Parts of this land that are subdivided from the right of way for development purposes would not be excluded from the Gross Development Area.
- (4) “Trunk Water” means an existing or proposed water main; generally having an internal diameter of 350 mm or greater, complete with related pumping and storage facilities; that has been designated by The City as a trunk facility, the cost of same having been included in the calculation of the Water Off-site Levy rate.

- (5) "Trunk Water Off-site Levy Rate" means the amount to be assessed per hectare of developable land; the calculation of which is based on the actual or estimated cost of the Trunk Water facilities identified on Schedule "A" less the Water Off-site Levy revenues collected to date, plus interest on borrows funds, divided by the Net Development Area within the Basin Boundary identified on Schedule "A".
- (6) "Trunk Sanitary" means an existing or proposed sanitary sewer; generally having an internal diameter of 375 mm or greater, or having a depth of cover greater than 6.0 m, complete with related pumping facilities; that has been designated by The City as a trunk facility, the cost of same having been included in the calculation of the Sanitary Off-site Levy rate.
- (7) "Trunk Sanitary Off-site Levy Rate" means the amount to be assessed per hectare of developable land; the calculation of which is based on the actual or estimated cost of the Trunk Sanitary facilities identified on Schedule "B" less the Sanitary Off-site Levy revenues collected to date, plus interest on borrows funds, divided by the Net Development Area within the Basin Boundary identified on Schedule "B".
- (8) "Trunk Storm" means an existing or proposed storm sewer; generally defined as having an internal diameter of 1,200 mm or greater, as well as storm water storage facilities and associated outlet piping; that has been designated by The City as a trunk facility, the cost of same having been included in the calculation of the Storm Off-site Levy rate.

5

Bylaw No. 3412/2008

- (9) "Trunk Storm Off-site Levy Rate" means the amount to be assessed per hectare of developable land; the calculation of which is based on the actual or estimated cost of the Trunk Storm facilities identified on Schedule "C" less the Storm Off-site Levy revenues collected to date, plus interest on borrows funds, divided by the Net Development Area within the Basin Boundary identified on Schedule "C".
- (10) "Major Thoroughfare" means an existing or proposed expressway, divided arterial roadway, or undivided arterial roadway, including the land for right of way, storm drainage, traffic signals, and street lighting, that has been designated as a major thoroughfare by The City; the cost of same having been included in the calculation of the Major Thoroughfare off-site levy rate.
- (11) "Major Thoroughfare Off-site Levy Rate" means the amount to be assessed per hectare of developable land; the calculation of which is based on the actual or estimated cost of the Major Thoroughfare facilities identified on Schedule "D" less the Major Thoroughfare Off-site Levy revenues collected to date, plus interest on borrows funds, divided by the Net Development Area within the Basin Boundary identified on Schedule "D".

3

That effective January 1, 2008, The City of Red Deer hereby levies an off-site levy upon all land within The City boundaries to be subdivided or developed within the areas described below and calculated as follows:

6

Bylaw No. 3412/2008

- (1) In all the area outlined in the attached Schedule "A", the sum of \$15,660 per hectare for each hectare or part thereof within the Net Development Area for Trunk Water Infrastructure (the "Trunk Water Off-site Levy Rate").
- (2) In all the area outlined in the attached Schedule "B", the sum of \$19,185 for each hectare or part thereof within the Net Development Area for Trunk Sanitary Sewer Infrastructure (the "Trunk Sanitary Off-site Levy Rate").
- (3) In all the area outlined in the attached Schedule "C", the sum of \$43,935 for each hectare or part thereof within the Net Development Area for Trunk Storm Sewer Infrastructure (the "Trunk Storm Off-site Levy Rate").
- (4) In all the area outlined in the attached Schedule "D", the sum of \$77,340 for each hectare or part thereof within the Net Development Area for Major Thoroughfares (the "Major Thoroughfare Off-site Levy Rate").

5 Service Basin areas lying beyond City limits are used for purposes related to calculation of Off Site Levy rates only. Off-site Levies shall not apply to areas beyond The City's jurisdiction.

6 All levies imposed under this bylaw shall be in addition to the fee payable for development permits or building permits, and shall be paid to The City following approval of a subdivision plan and prior to the issuance of a development permit or a building permit, as the case may be.

7

Bylaw No. 3412/2008

7 Off-site levies imposed and collected under Bylaw 3397/2007 shall be deemed to have been imposed and collected under this Bylaw.

8 Bylaw 3397/2007 is hereby repealed.

READ A FIRST TIME IN OPEN COUNCIL this 25th day of August 2008.

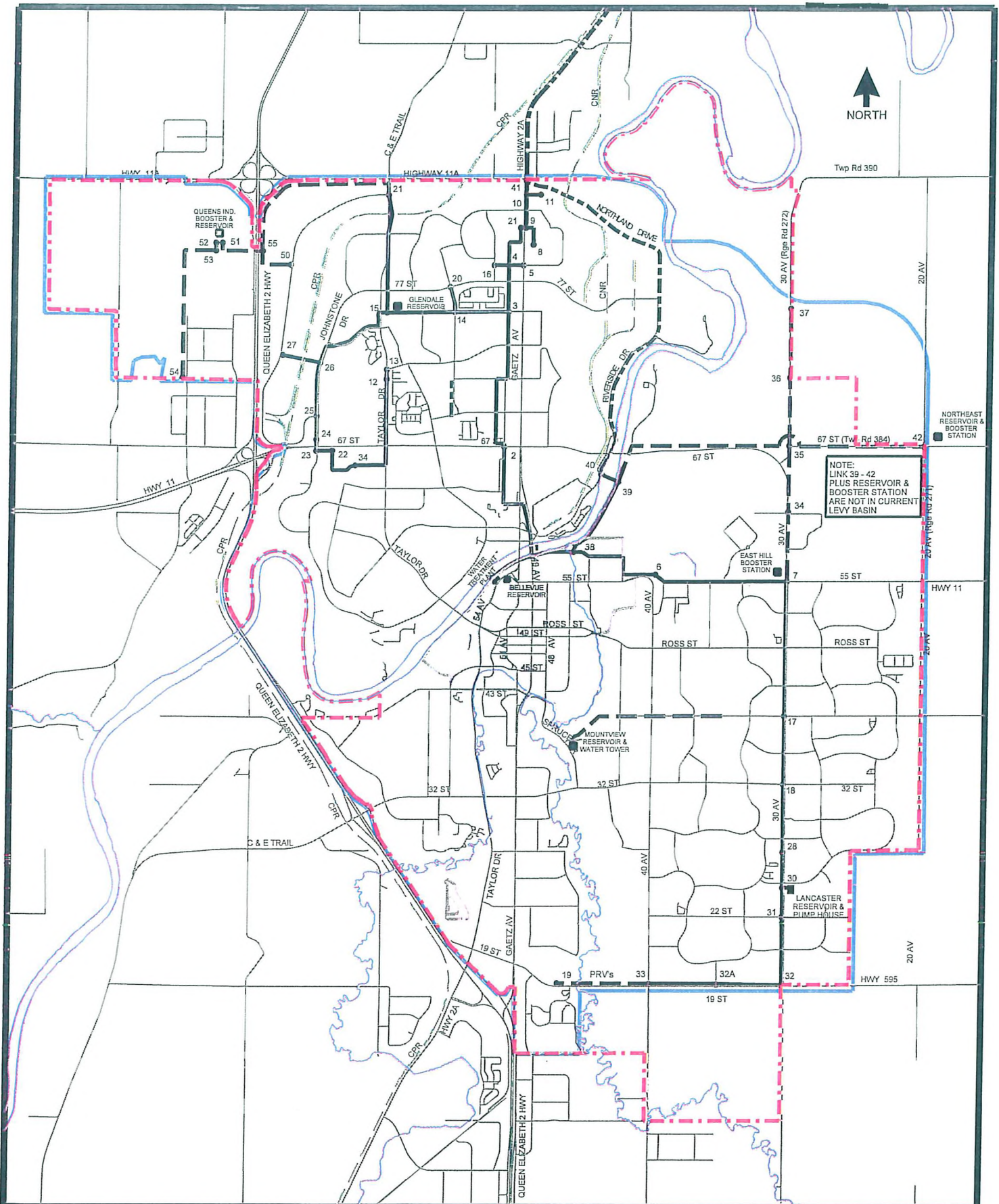
READ A SECOND TIME IN OPEN COUNCIL this day of 2008.

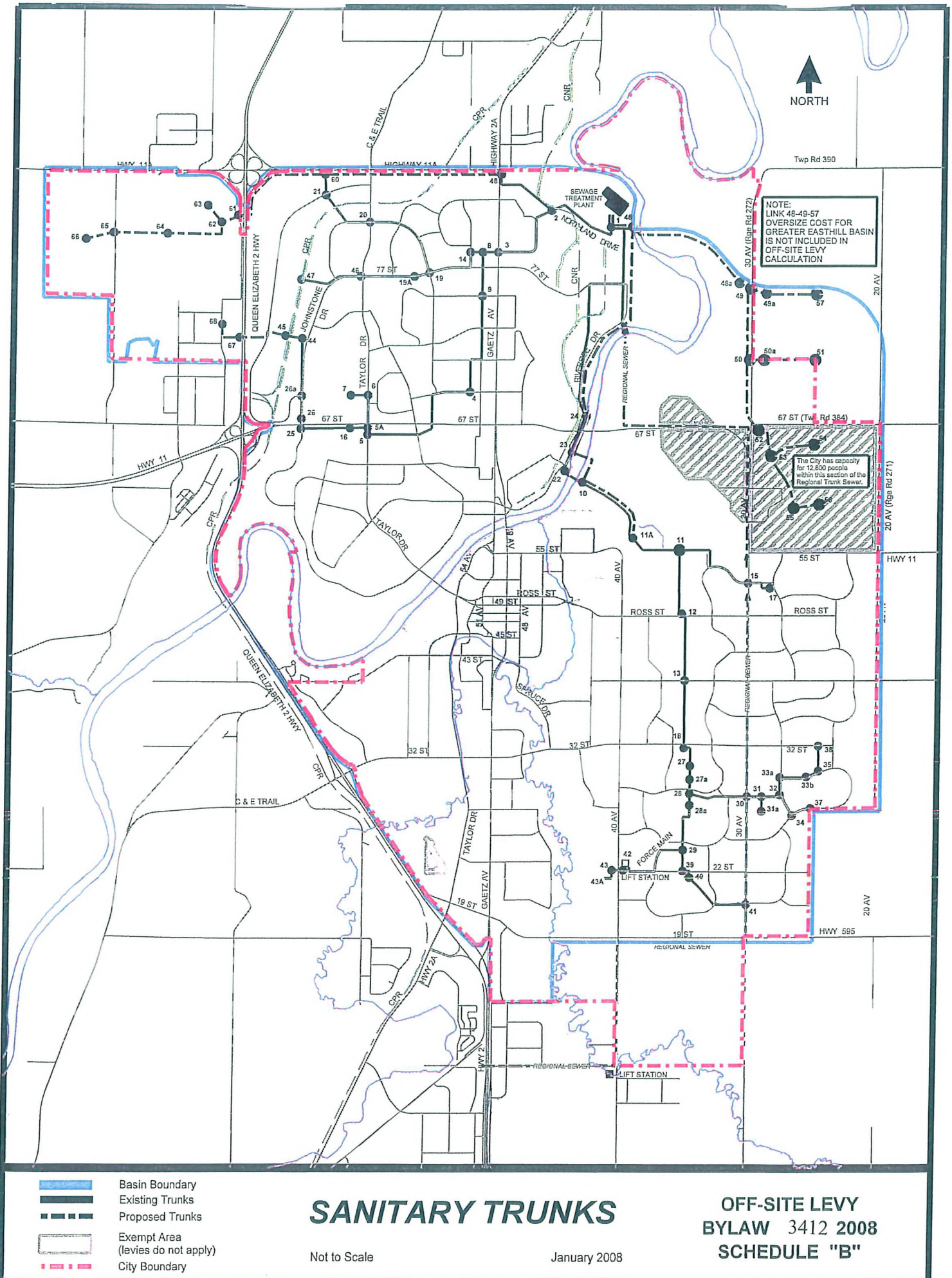
READ A THIRD TIME IN OPEN COUNCIL this day of 2008.

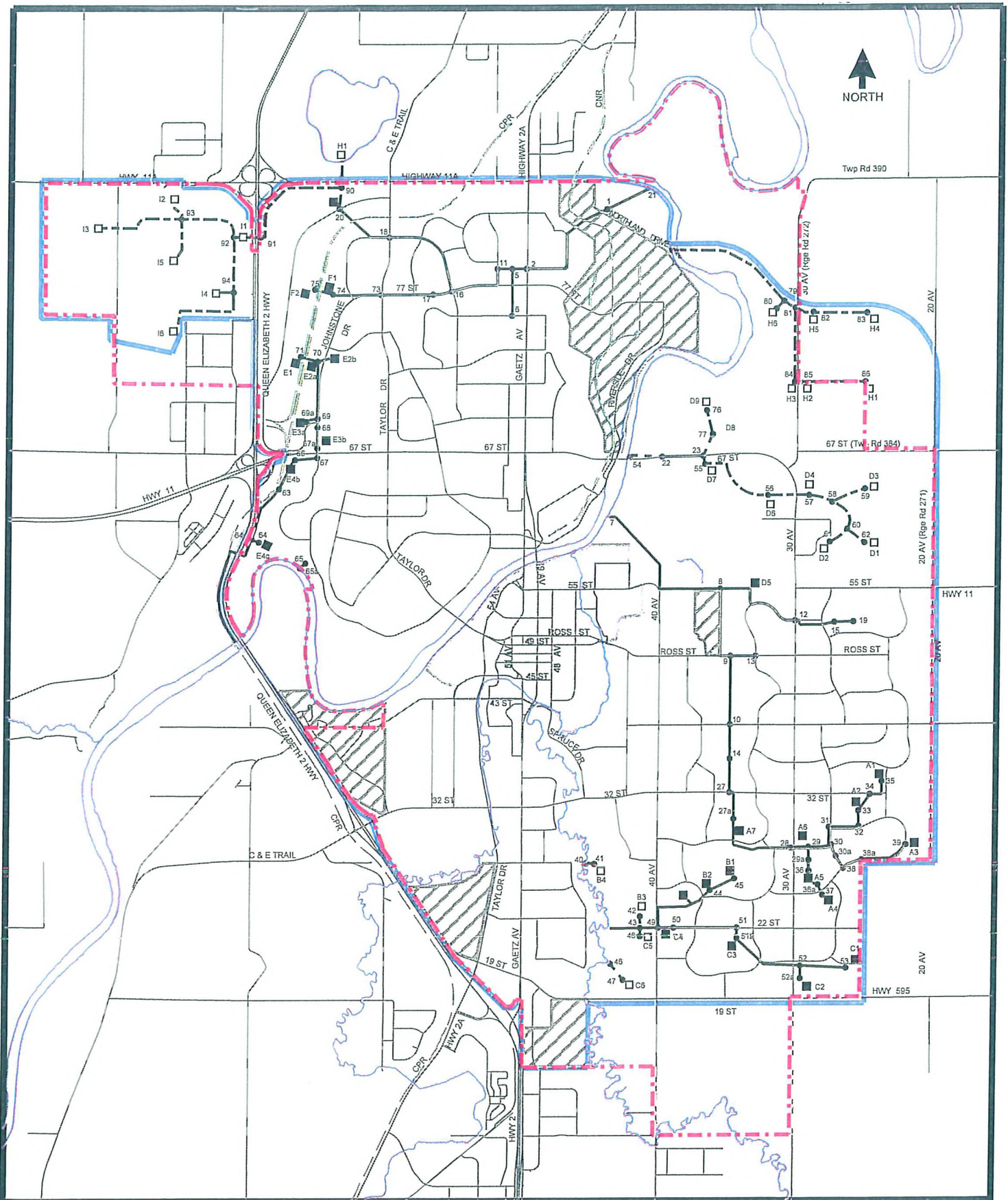
AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2008.

MAYOR

CITY CLERK







STORM TRUNKS

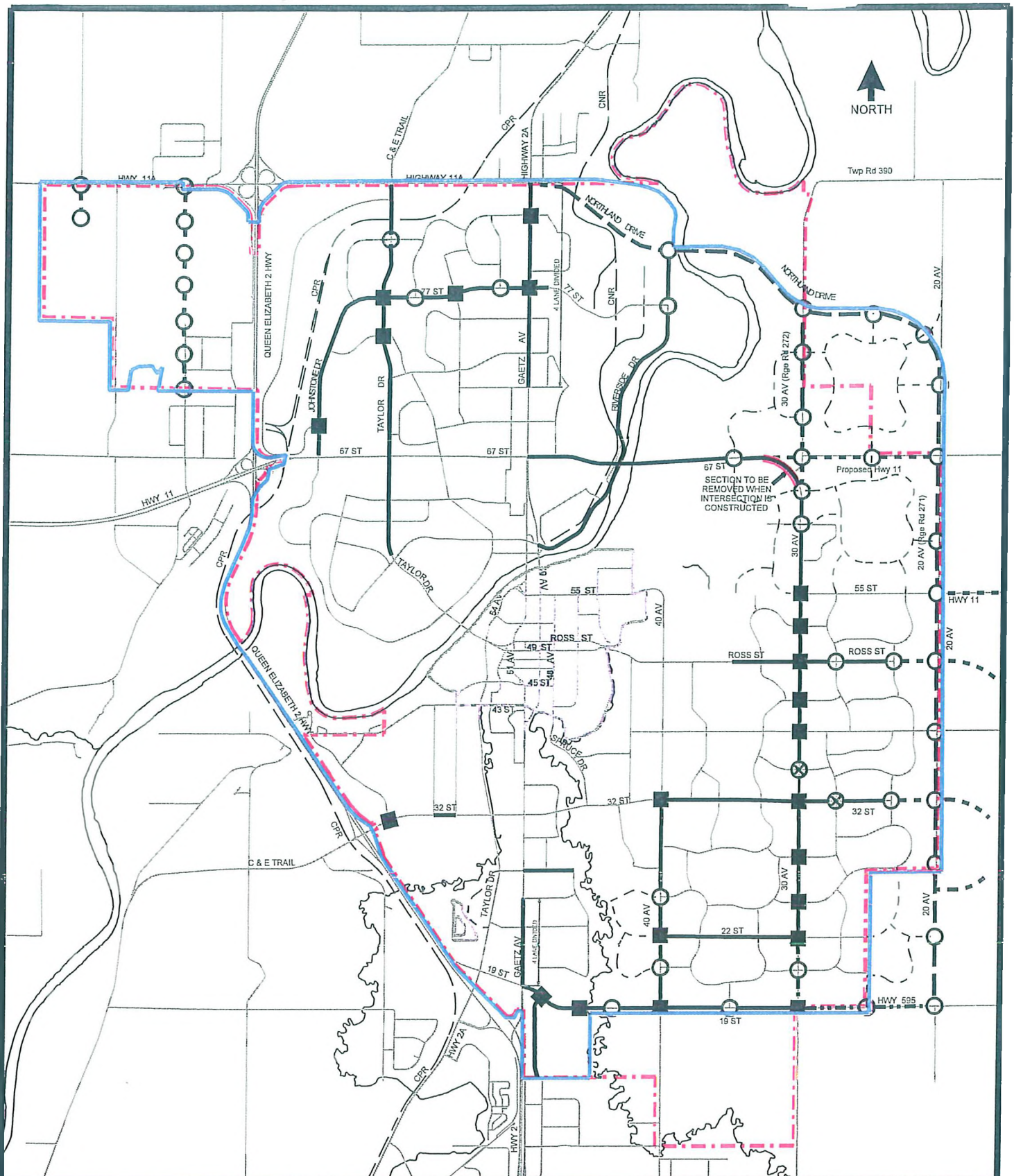
Not to Scale

January 2008

**OFF-SITE LEVY
BYLAW 3412/2008
SCHEDULE "C"**

- Basin Boundary
- Exempt Area (levies do not apply)
- Developer to construct and pay for own outfall main; basin levy charge not applicable
- Existing Detention Pond
- Proposed Detention Pond
- City Boundary

- Existing Trunks
- Proposed Trunks



MAJOR THOROUGHFARE LEVY

OFF-SITE LEVY
BYLAW 3412 2008
SCHEDULE "D"

Not to Scale January 2008

- Basin Boundary
- Existing 4 lane road (included in levy rate)
- Proposed 4 lane road
- Proposed 4 lane with 2 existing lanes
- Initial 2 lanes of 4 lane divided roadway
- Proposed Collector Roadway
- City Boundary
- Exempt Area (levies do not apply)
- Existing traffic lights included in offsite levy rate
- Proposed traffic lights included in offsite levy rate
- Not funded by Levy

Bylaws Item No. 2

BYLAW NO. 3357/Z -2008

Being a bylaw to amend Bylaw No. 3357/2006, the Land Use Bylaw of the City of Red Deer.

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

1. That "Use District Map P17" contained within "Schedule A" of the Land Use Bylaw is hereby amended in accordance with Land Use District Map No. 19 attached hereto and forming part of the bylaw.

READ A FIRST TIME IN OPEN COUNCIL this 25th day of August 2008.

READ A SECOND TIME IN OPEN COUNCIL this day of 2008.

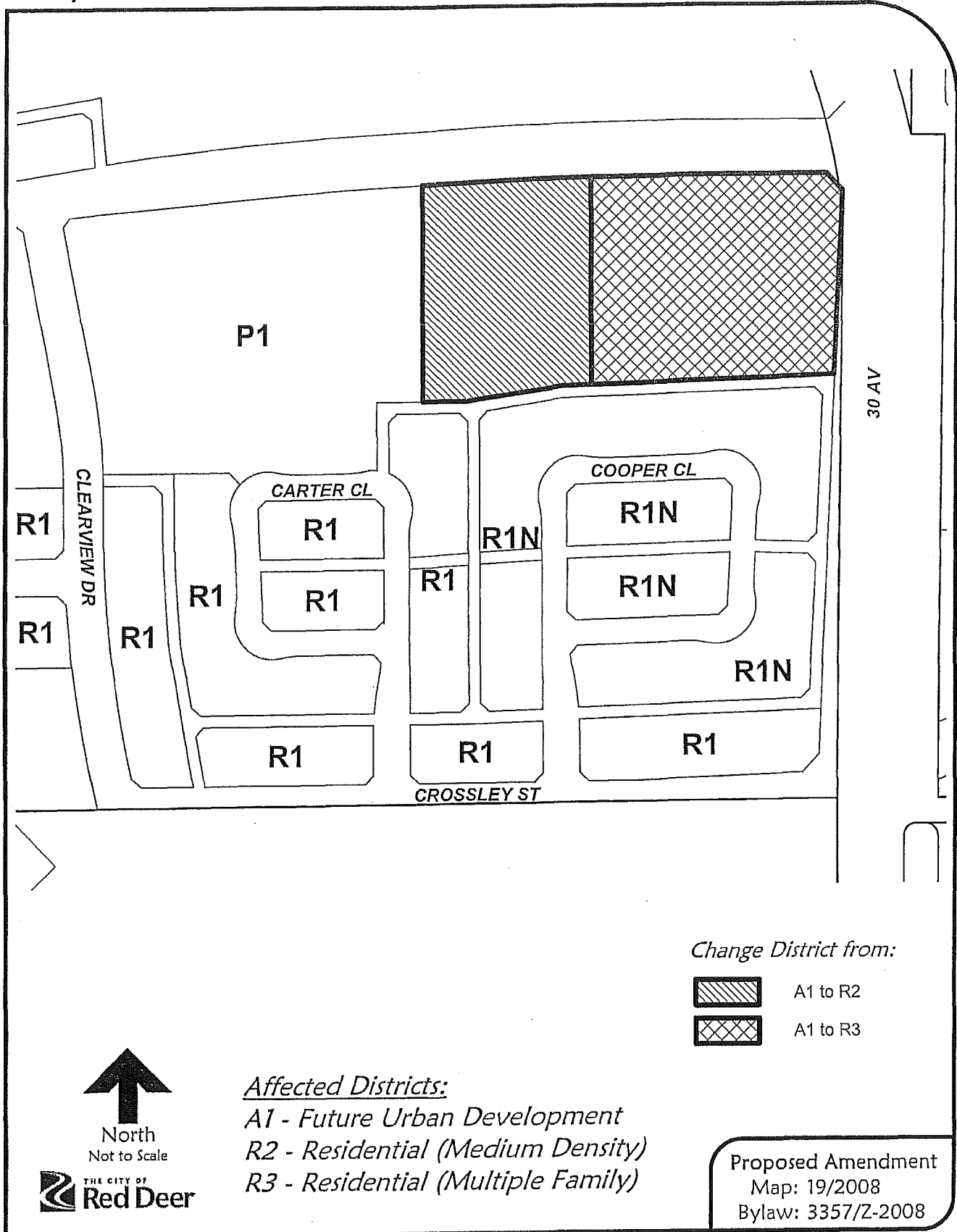
READ A THIRD TIME IN OPEN COUNCIL this day of 2008.

AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2008.

MAYOR

CITY CLERK

Proposed Amendment to Land Use Bylaw 3357/2006



Bylaws Item No. 3

BYLAW NO. 3411/2008

Being a bylaw to close portions of road in the City of Red Deer, as described herein.

COUNCIL OF THE CITY OF RED DEER ENACTS AS FOLLOWS:

1 The following portions of roadway in the City of Red Deer are hereby closed:

All that portion of Road Plan(s) 4868 KS, 5009 KS, 3237 NY, 737 HW

and 782 1412 all lying within the limits of

Subdivision plan_____, Excepting thereout all mines and
minerals.

READ A FIRST TIME IN OPEN COUNCIL this 25th day of August 2008.

READ A SECOND TIME IN OPEN COUNCIL this day of 2008.

READ A THIRD TIME IN OPEN COUNCIL this day of 2008.

AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2008.

MAYOR

CITY CLERK

Bylaws Item No. 4

BYLAW NO. 3357/AA -2008

Being a bylaw to amend Bylaw No. 3357/2006, the Land Use Bylaw of the City of Red Deer.

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

1. That "Use District Maps L12, L13, M12 and M13" contained within "Schedule A" of the Land Use Bylaw is hereby amended in accordance with Land Use District Map No. 20 attached hereto and forming part of the bylaw.

READ A FIRST TIME IN OPEN COUNCIL this 25th day of August 2008.

READ A SECOND TIME IN OPEN COUNCIL this day of 2008.

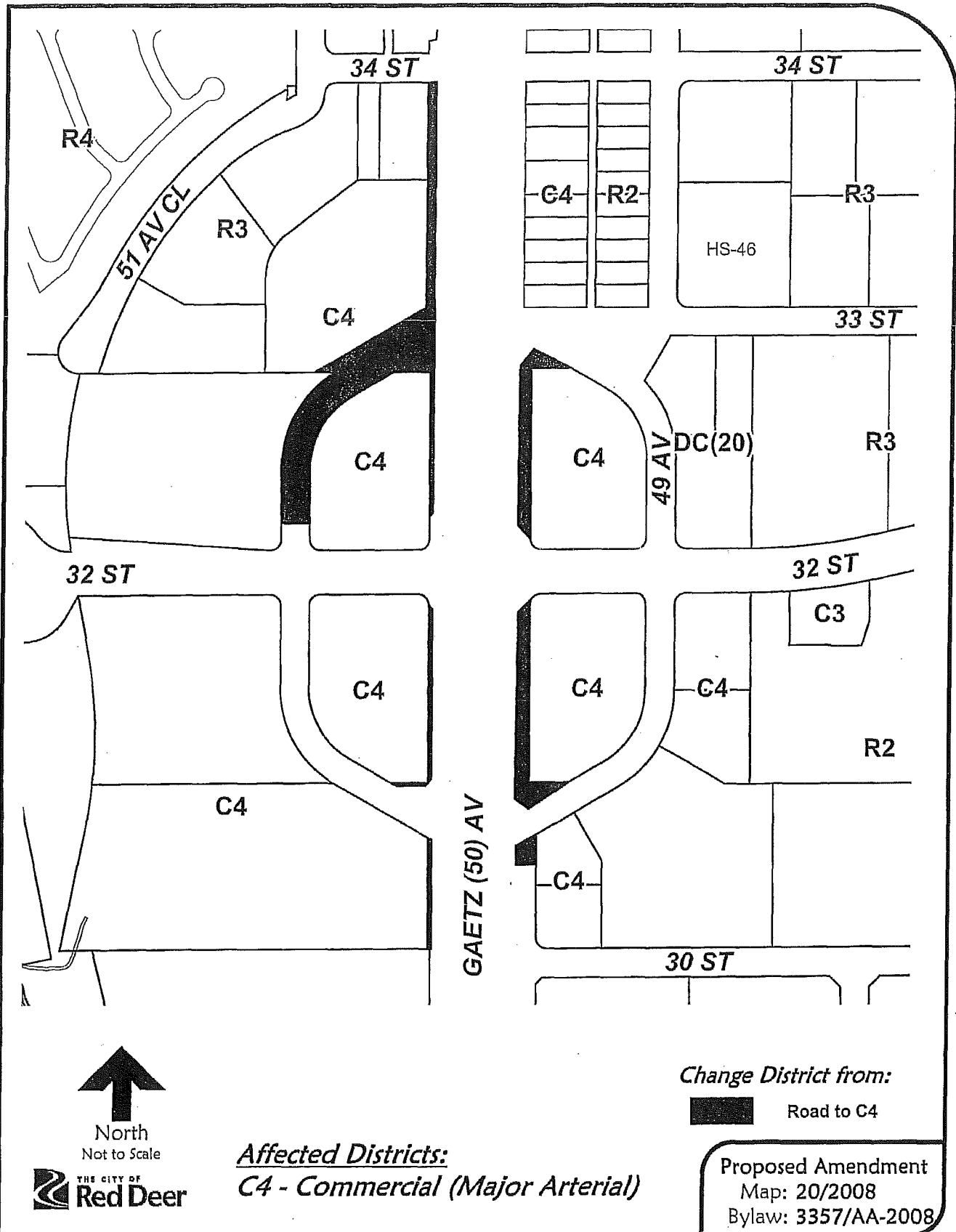
READ A THIRD TIME IN OPEN COUNCIL this day of 2008.

AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2008.

MAYOR

CITY CLERK

Proposed Amendment to Land Use Bylaw 3357/2006



Bylaws Item No. 5**BYLAW NO. 3282/B-2008**

Being a Bylaw to amend Bylaw No. 3282/2001 The Taxi Business Bylaw of the City of Red Deer.

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

Bylaw No. 3282/2001 is hereby amended as follows:

1. The definition of "Act" in section 2 is deleted in its entirety.
2. The definition of "Non-Resident" in section 2 is deleted in its entirety.
3. The definition of "Qualified Applicant" in section 2 is deleted in its entirety and replaced with the following new definition:

"Qualified Applicant" means a person who has worked in the taxi industry in the City in the capacity of a taxi driver or broker for a period of 30 weeks in a calendar year for two consecutive years immediately prior to such person's application for a taxi license plate. The period of two consecutive years shall be deemed not to be interrupted by reason only of periods of vacation or absences due to illness not exceeding three months in total, unless approved by the License Inspector;"
4. The definition of "Taxi Driver" in section 2 is deleted in its entirety and replaced with the following new definition:

"Taxi Driver" means any person who is licensed to drive a taxi and is the holder of a valid and subsisting Taxi Driver's License issued under this bylaw;"
5. The definition of "Taxi License Plate" is deleted in its entirety and replaced with the following new definition:

"Taxi License Plate" means the City identification plate issued under this bylaw for attachment to a motor vehicle licensing such vehicle for use as a taxi;"
6. The definition of "Wheelchair Accessible Vehicle Taxi License Plate" is added to section 2, as follows:

"Wheelchair Accessible Vehicle Taxi License Plate" means the City identification plate issued under this bylaw for attachment to a wheelchair

accessible motor vehicle, licensing such vehicle for use as a wheelchair accessible taxi;”

7. Section 3(3) is deleted in its entirety and replaced with the following new section 3(3):

“3 (3) Anyone may obtain a copy of the list of all vehicles used by a broker on application to the License Inspector and on payment of the specified fee.”

8. Section 6(a) is deleted in its entirety and replaced with the following new section 6(a):

“6 (a) payment of the fee required;”

9. Section 14 is deleted in its entirety and replaced with the following new section 14:

“14 If a purchaser qualifies under this bylaw for a taxi broker’s license, upon the payment of fees required, and upon the selling broker surrendering to the License Inspector its taxi broker’s license and the delivery of all taxi license plates, the License Inspector shall issue to the purchaser a taxi broker’s license and the taxi license plates.”

10. Section 15(1) is deleted in its entirety and replaced with the following new section 15(1):

“15 (1) The maximum number of taxi license plates that may be issued each year under this bylaw (the “licenses available”) shall be as follows:

- (i) equal to the number of licenses issued as at December 31 in the immediately preceding year and under which taxis were, in fact, operated for a minimum of 30 weeks in that calendar year; or
- (ii) one taxi license plate per 750 persons of the city population based on the population of the city determined in the most recent census, whichever is greater; and
- (iii) one wheelchair accessible vehicle taxi license plate per 15,000 persons of the city population based on the population of the city determined in the most recent census.”

11. Section 15(4) is deleted in its entirety and replaced with the following new section 15(4):

- “15 (4) A qualified applicant who held a taxi license plate or plates in the immediately preceding year shall be entitled, on application to be made on or before January 31 of the current year, to receive the same number of taxi license plates for the current year in priority to new applicants. Thereafter, if additional taxi license plates are still available, and there are more qualified applicants, the allocation of those license plates shall be determined by a random draw conducted by the License Inspector in the last week of August of each year.”
12. Sections 15(6) and 15(7) are deleted in their entirety and replaced with the following new section 15(6):
- “15 (6) A qualified applicant who held a wheelchair accessible vehicle taxi license plate or plates in the immediately preceding year shall be entitled, on application to be made on or before January 31 of the current year, to receive the same number of wheelchair accessible vehicle taxi license plates for the current year in priority to new applicants. Thereafter, if additional wheelchair accessible vehicle taxi license plates are still available, the allocation of those wheelchair accessible vehicle taxi license plates shall be determined by an evaluation of proposals received by the License Inspector on or before August 1. The proposals shall be evaluated based on preset criteria established by the License Inspector from time to time.
- (7) Should any company not apply for its wheelchair accessible license plate, the allocation of that plate or plates shall be determined by an evaluation of proposals received by the License Inspector on or before August 1. The proposals shall be evaluated based on preset criteria established by the License Inspector from time to time.”
13. Section 25(2) is deleted in its entirety and replaced with the following new section 25(2):
- “25 (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 as a taxi and that the above conditions have been met, he shall, upon payment by the taxi licensee of the fee required, reissue to the taxi licensee the taxi license plate for the motor vehicle so substituted. No taxi license plate shall be reissued if so

doing, the taxi licensee would hold more taxi license plates than the number permitted by section 15(1)."

14. Section 27(3) is deleted in its entirety and replaced with the following new section 27(3):

"27 (3) No transfer of a taxi license plate shall be approved unless:

- a) the taxi licensee proposing the transfer has been the holder of the taxi license plate for not less than two consecutive years immediately prior to the date of the proposed transfer, unless the taxi licensee is proposing the transfer due to ill health, proof of which shall be supplied to the satisfaction of the License Inspector;
- b) the proposed transferee shall comply with the requirements of section 17; and
- c) the proposed transferee has paid the fee required."

15. Sections 29(1)h), 29(1)i), and 29(1)j) are deleted in their entirety and replaced with the following new sections 29(1)h), 29(1)i), and 29(1)j):

"29 (1) Any person who wishes to obtain a taxi driver's license or to renew such license shall apply to the License Inspector, in writing in a form required by the License Inspector and signed by the applicant, including the following information:

- h) the applicant's original driving abstract issued from the Motor Vehicles Branch of the Solicitor General's Office for the Province of Alberta or, if applicable, from any province or territory in which the applicant has formerly resided, dated within 45 days of the date of application;
- (i) on initial application, or on subsequent applications when a taxi driver's license has lapsed for three months or has been revoked by the License Inspector, provide proof that the applicant has successfully completed a driver improvement course recognized by the City within 365 days prior to the

date of application, or proof that the applicant will take the course within 30 days of the date of application.

(j) the required fee.”

16. The current section 31 is renumbered to be section 31(1).
17. Section 31(2) is added, as follows:

“31 (2) Each taxi driver shall inform the License Inspector in writing immediately of any change in the status of their Provincial Driver’s License or of any health issues that may compromise their ability to drive a taxi.”
18. The current section 37 is renumbered to be section 37(1).
19. Section 37(2) is added, as follows:

“37 (2) Notwithstanding anything contained in section 37(1), no person shall permit any vehicle to be driven as a taxi if the vehicle is older than 13 model years, effective January 1, 2012. Exceptions may be authorized for wheelchair accessible vehicles only following a written request to and vehicle inspection by the License Inspector.”
20. Section 66 is deleted in its entirety and replaced with the following new section 66:

“66 No person shall drive a wheelchair accessible vehicle taxi within the City of Red Deer without being the holder of a valid and subsisting taxi driver’s license.”
21. Section 70 is deleted in its entirety and replaced with the following new section 70:

“70 Any person who contravenes Sections 11, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, and 69 of this bylaw is guilty of an offence and liable upon summary conviction to a fine as specified in Schedule “C” of this bylaw and, in default of payment thereof, to imprisonment for a period not exceeding six months.”
22. Schedule “A” is deleted in its entirety and replaced with the following new Schedule “A”:

**“SCHEDULE “A”
ANNUAL LICENSE FEES**

The Taxi Business Bylaw Annual License Fees shall be as provided for in City Council Policy 4415-C Taxi Business Fees and Metered Fare Rates.”

23. Schedule “B” is deleted in its entirety and replaced with the following new Schedule “B”:

“SCHEDULE “B”

The Taxi Business Bylaw Metered Fare Rates shall be as provided for in City Council Policy 4415-C Taxi Business Fees and Metered Fare Rates.”

24. Schedule “C” is added, as follows:

**“SCHEDULE “C”
PENALTIES**

Section	Description	First Offence	Second Offence	Third Offence
11	Broker failing to provide seven days a week, 24 hours a day taxi service	\$250	\$500	\$750
58	Operating a taxi without a taxi license plate	\$750	\$1,000	\$1,250
59	Operating a taxi bearing the colors of a broker without affiliation with that broker	\$250	\$500	\$750
60(1)	Permitting, as a broker or licensee, a person without a taxi driver’s license to drive a taxi	\$500	\$750	\$1,000
61	Permitting a taxi license plate to be attached to a vehicle other than that for which the taxi license plate was issued	\$500	\$750	\$1,000
62	Permitting the operation of a taxi that does not comply with the bylaw	\$500	\$750	\$1,000
63	Permitting a taxi to be operated when the taxi meter does not comply with the bylaw	\$250	\$500	\$750

64	Permitting a taxi to be operated with a broken seal on the taxi meter	\$500	\$750	\$1,000
65	Driving a taxi without a taxi driver's license	\$1,000	\$1,500	\$2,000
66	Driving a wheelchair accessible vehicle taxi without a taxi driver's license	\$1,000	\$1,500	\$2,000
67	Failing to provide priority to persons in wheelchairs to use wheelchair accessible vehicle taxis	\$750	\$1,000	\$1,250
68	Supplying false or misleading information to the License Inspector	\$750	\$1,000	\$1,250
69	Displaying advertising that does not comply with the bylaw	\$250	\$500	\$750

25. In all other respects, Bylaw No. 3282/2001 is hereby ratified and confirmed.

READ A FIRST TIME IN OPEN COUNCIL this day of 2008

READ A SECOND TIME IN OPEN COUNCIL this day of 2008

READ A THIRD TIME IN OPEN COUNCIL this day of 2008

AND SIGNED BY THE MAYOR AND CLERK this day of 2008

MAYOR

CITY CLERK