

Nova Scotia



**Department of  
Municipal Affairs**

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Halifax, Nova Scotia  
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Our file no: 07-91-0024

October 16, 1991

Mr. Colin J. MacDonald, CMA  
Chief Administrative Officer  
Office of the Town Clerk and Treasurer  
P.O. Box 10  
Port Hawkesbury, Nova Scotia  
B0C 2V0

Dear Mr. MacDonald:

Re: Town of Port Hawkesbury - Taxi By-Law Amendments

The above by-law which was adopted at a meeting of Town Council, held on September 3, 1991, has been approved by the Minister of Municipal Affairs. I return to you one copy bearing his approval dated October 15, 1991.

Although these amendments will enable a license to be revoked if the taxi is not operated during the hours or days stated in the application, the by-law only permits the refusal of a license if the application is incomplete (eg. the hours of operation are not stated in the application).

Yours very truly,

A handwritten signature in cursive script, appearing to read "Fran Robertson".

Fran Robertson (Mrs.)  
Departmental Solicitor

FR:sm  
cc. Lawrence Evans, Q.C.



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contains recycled fibre

BYLAW RESPECTING THE REGULATION OF THE TRANSPORTING OF PASSENGERS  
FOR HIRE

BE IT ENACTED by the Town Council of the Town of Port Hawkesbury, under the authority of Section 273 of Chapter 191 of the Revised Statutes of Nova Scotia, 1967, as amended, the Motor Vehicle Act, as follows:-

SHORT TITLE

1. This Bylaw shall be known as the Town of Port Hawkesbury Taxi Bylaw.

DEFINITIONS

2. In this Bylaw, unless the context of it requires:
- (a) "Committee" means the Community Services Committee;
  - (b) "Council" means the Town Council of the Town of Port Hawkesbury;
  - (c) "Traffic Authority" means the Traffic Authority for the Town of Port Hawkesbury;
  - (d) "Town Clerk" means the Chief Administrative Officer of the Town of Port Hawkesbury;
  - (e) "Taxi Cab" has the meaning given to it under the Motor Vehicle Act and "vehicle" has the meaning given to it under the Motor Vehicle Act;
  - (f) "Inspector" means the inspector of licensing as appointed by the Town Clerk and any deputy or assistant to such inspector may be appointed by the Town Clerk;
  - (g) "Owner" means a person who holds the legal title of a vehicle, or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the condition stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then the conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this Act;
  - (h) "Person" means a natural person or a body corporate and includes a partnership.

CONTROL

3. Pursuant to the provisions of Section 273(3) of the Motor Vehicle Act, the Council shall have general control, supervision, and direction over all aspects of licensing and regulation pursuant to this Bylaw and over any inspector or any other officer acting or carrying out the overall duties of this Bylaw.

DUTIES OF INSPECTOR

4. (1) Subject to the provisions of the Motor Vehicle Act and to the provisions of Section 3 hereof and to any specific direction from time to time given or issued by the Council, the Inspector shall have supervision over persons licensed under this by-law and over vehicles to which the same applies and the following shall constitute his duties under this by-law:

The Inspector shall:

(a) report to the Council respecting the performance of his duties under this by-law whenever he shall be required to by Council;

(b) make all necessary inquiries concerning applications for licenses or transfers thereof, as may be required to secure a due observation of the law and of this by-law;

(c) examine or cause to be examined every vehicle for which a license is requested under this by-law;

(d) submit to the Council all applications for licenses, together with his report thereon as to whether such application should be granted or not; and, should it be necessary, his recommendation for revoking or cancelling of any license granted under this by-law;

(e) keep a register of all licenses granted under the authority of this by-law. Such register shall contain the name or names of the applicants, the address of the applicants, and the date of the license. And he shall keep such other books and records as the Council may from time to time order;

(f) when authorized by the Council, he shall cause to be made out, and to have the Town Clerk sign, all licenses under this by-law, the fee therefor as required under this by-law first having been paid;

(g) furnish every person receiving a license under this by-law with a copy of the by-law and with a card setting out the rates and fares specified in this by-law;

(h) ascertain by inspection and inquiry from time to time, and as often as may be required by the Council, whether persons holding licenses under this by-law continue to comply with the provisions of this by-law;

(i) recommend to Council to cause to be prosecuted all persons who shall offend against any of the provisions of this by-law;

4. (2) Any act, authorized or directed by this by-law to be done by the Inspector, may in his absence or as circumstances require be performed by such other officer or official as may be designated by the Council or the Town Clerk. The power and authority of the officer or official so designated shall be the same as that of the Inspector in the particular case except where prohibited by statutory conditions to the contrary.

#### OWNER'S LICENSE

5. (1) No vehicle shall be used for the transport of passengers for hire within the Town unless and until the owner of such vehicle has first obtained a license. The license to be granted an owner of a vehicle to be used to transport passengers for hire shall be in the form as set out in Schedule "A" to this By-Law, and shall be posted in the vehicle for which it is issued.

(2) A license granted to an owner of a vehicle to be used to transport passengers for hire shall also be a license to transport parcels, packages, or other articles of whatsoever nature, at the rates specified in this by-law.

#### OWNER'S QUALIFICATIONS

6. (1) Every applicant for a license to use a vehicle for the transport of passengers for hire shall make application to the Inspector in writing in a form provided by the Council.

(2) The form of application shall be approved by the Council and as attached as Schedule "E" shall require the applicant to supply such information concerning himself as set out in section 7.

(3) In addition to the requirement of subsection (2) of this section, each applicant in order to receive a license, must establish that:

(a) the motor vehicle has been properly registered under the provisions of the Motor Vehicle Act as a vehicle for operation within the Province of Nova Scotia.

(b) That said vehicle shall have been safety inspected pursuant to the provisions of the Motor Vehicle Act.

(c) That the vehicle carries on it an automobile insurance policy, providing public liability insurance, passenger hazard insurance and property damage coverage, in the minimum amount of

\$1,000,000.00 without any limit or any particular claim up to the herein mentioned amount, regardless of the number of persons involved or the nature of the damage.

(d) The vehicle owned by the applicant which is to be used as a taxi is specified.

(e) That the vehicle has been inspected and approved for cleanliness, and other requirements of this by-law by the Inspector.

#### APPLICATION FOR OWNERS

7. An application for an owner's license as prescribed by the Council shall contain the following particulars:

(a) the full name and address of the applicant and if the applicant is a corporation, particulars of the registration of the corporation, names of the corporate officers of the corporation, and the head office of the said corporation and if the applicant is a partnership or is operating under a business name the full particulars under the Partnerships and Business Name Registration Act, the names of the partners and their addresses;

(b) the particulars of the vehicle to be used in the operation of the business and in particular the licensing registration provisions under the Motor Vehicle Act for safety inspection;

(c) the particulars of the automobile insurance policy on said vehicle providing for the necessary coverage and showing the public liability coverage is at a minimum amount of \$1,000,000.00.

#### LICENSE FEE

8. The fee payable for a license for a motor vehicle to be used for transporting passengers for hire shall be as set out in Schedule "C".

#### LICENSING CONDITIONS

9. (1) All vehicles licensed under this Act for the transport of passengers for hire shall post in the vehicle a form of license as set out in Schedule "A" to this bylaw.

(2) Each vehicle licensed under this bylaw shall at all times when in use meet the following standards of repair and cleanliness:

- (a) the body of the taxi shall not be damaged and shall be clean and in good repair as to its exterior;
- (b) the interior of the taxi shall be clean and sanitary and shall not contain any refuse;
- (c) the upholstery shall be clean, free of holes, cuts, and tears and shall not show excessive wear;
- (d) the side windows in a vehicle which are intended to open and close shall be in good repair and in good working order;
- (e) the taxi shall be equipped with a front and back bumper both of which shall be securely mounted;
- (f) no portion of the exterior of the taxi shall be bent or broken and no such portion shall protrude in such a way as to be a hazard to persons or vehicles;
- (g) no fender, grill, hubcaps, or bumper on a taxi shall be removed or missing;
- (h) every door and trunk lid on a taxi shall close securely;
- (i) all door handles and catches on a taxi shall be in good working order;
- (j) every seat in a taxi shall be equipped with a seat belt, shall be securely mounted, and shall maintain its position and its adjustments; and
- (k) every taxi shall have an interior dome light which shall be in good working order and which shall operate when any of the doors of the taxi are opened or shall be operated by the light switch.

(3) The owner of any vehicle in respect of which an application for license is made or of a vehicle for which a license has been issued and is in force shall upon request by the Inspector submit such vehicle for examination by the Inspector. Failure of the owner to permit such inspection may result in the immediate suspension of the license.

(4) A vehicle licensed under this bylaw may at any time be inspected by the Inspector to determine that such vehicle complies with the requirements of this bylaw.

#### TRANSFER

10. A license for a motor vehicle may not be transferred to another vehicle until payment of the fee of \$10.00 to the Town and upon the vehicle which the license is to be transferred being inspected and approved by the Inspector pursuant to the provisions of this bylaw.

OWNER TO FILE NAMES OF DRIVERS

11. Every owner of a vehicle licensed under this bylaw and operated by a driver licensed under this bylaw shall file with the Inspector the name and address of each such driver employed by him, and shall notify the Inspector within seventy two (72) hours of any new appointments and any dismissals, or other changes in employment, of such drivers. Failure by such owner to do so shall constitute a violation of this bylaw and such owner shall be liable upon conviction to the penalty hereinafter provided.

PERIOD OF LICENSE

12. Every license issued under this bylaw shall relate to the period from the 1st of January of each year to the 31st of December of each succeeding year. The license may be renewed for the subsequent year by application of the owner on or before the 30th day of December of each year for renewal of licenses to be accompanied by an application as prescribed and with the license fee as set out in Schedule "C".

TAXI DRIVER'S LICENSE

13. (1) No person shall transport passengers for compensation within the boundaries of the Town in any taxi unless such person is in possession of a valid taxi driver's license under this bylaw as contained in Schedule "B" which is conspicuously displayed in the motor vehicle and is readily visible to any passengers who may be in the vehicle.

until: (2) No taxi driver's license shall be granted unless and

- (a) An application in the form which is attached as Schedule "F" hereto is made by the applicant;
- (b) The applicant submits two personal photographs of himself, size 2 inches by 2 inches, one to be retained by the Inspector of Licenses with the applicant's file and the other to be placed on the taxi driver's license, if it is granted. The photographs shall have been taken not less than one month before the date of application and shall accurately illustrate the facial characteristics of the applicant at the time the application is made;
- (c) The applicant is in possession of and submits for examination a valid and unexpired class 4 license issued under the provisions of the Motor Vehicle Act;

- (d) The applicant pays to the Town the fee for a taxi driver's license as set out in Schedule "C" attached hereto at the time of application.
- (3) A taxi driver's license shall not be transferable.
- (4) All taxi drivers shall comply with the following:
  - (a) Every taxi driver while in control of a taxi shall be in a clean and tidy condition;
  - (b) Every taxi driver shall transport any personal luggage accompanying any passenger and shall place the luggage in or out of the taxi for the passenger if requested to do so;
  - (c) A taxi driver while engaged in the operation of a taxi and transporting a passenger shall not smoke except with the consent of the passenger;
  - (d) A taxi driver shall not, while in control of a taxi, use abusive or insulting language;
  - (e) A taxi driver shall at all times, while in control of a taxi, in any public place, conduct himself in an orderly manner and shall not be noisy;
  - (f) A taxi driver may solicit passengers for his taxi but such solicitation shall not be made by calling out or shouting or in any other noisy or disorderly manner;
  - (g) A taxi driver shall not permit any additional passengers in his taxi cab without the consent of the passenger who first engaged him. The carrying of passengers for separate fares is prohibited.
- (5) A taxi driver's license may be renewed upon payment of the annual license fee prescribed in Schedule "C" hereof provided that the license holder continues to meet all of the requirements of this bylaw.

#### SUSPENSION AND REVOCATION OF LICENSES

14. (1) The Inspector may suspend or revoke a taxi driver's license or a taxi owner's license for a violation by the license holder of any provision of this bylaw, or where any vehicle used as a taxi fails to comply with the requirements of this bylaw.
- (2) If at any time a person holding a taxi driver's license under this bylaw ceases to hold a valid class 4 license for the Province of Nova Scotia, the taxi driver's license shall be deemed suspended and shall be surrendered forthwith to the Inspector.
- (3) A person whose taxi driver's license or taxi owner's license is suspended pursuant to this section may apply for reinstatement when:



- (a) the period of his suspension has expired; or
- (b) his class 4 license is renewed or reinstated as the case may be.

(4) The Inspector shall suspend a taxi owner's license forthwith upon having reasonable and probable grounds to believe that such taxi is not covered by insurance as required by this bylaw, and the suspension shall remain in force until it is proven to the Inspector that the taxi is insured as required by the bylaw.

(5) No license shall be revoked without giving notice to the license holder with the reasons for the revocation and an opportunity to be heard.

(6) The notice required in this section shall be deemed to have been served if sent by registered mail to the license holder at the address shown in his application or to the address of the place of business shown on the application.

#### APPEALS

15. (1) Any person whose application for a license under this bylaw is refused by the Inspector, or any person whose license or permit under this bylaw is suspended or revoked by the Inspector, may appeal from such refusal, suspension, or revocation to the Council.

(2) No appeal shall be taken from any decision of the Inspector except upon written notice of appeal being served upon the Town Clerk, within 30 days from the decision appealed from.

(3) The Council shall hear the Appellant in accordance with the rules of natural justice and may:

- (a) confirm the decision of the Inspector;
- (b) order that a license be revoked and surrendered; or
- (c) order that a license be granted or reinstated.

#### FARE

16. No owner or operator shall charge an amount for transportation from any one place within the town to any other place within the town greater than as set out in Schedule "D" and the schedule of fees shall be conspicuously displayed in the motor vehicle and readily visible to any passengers who may be in the vehicle.

OFFENCES AND PENALTIES

17. Any person who violates or fails to comply with any provision of this bylaw shall be guilty of an offence and shall be liable on conviction to a fine pursuant to Section 266 of the Motor Vehicle Act but of not more than Five Hundred Dollars (\$500.00) and in default of payment to imprisonment for a term of not more than thirty (30) days..

REPEAL

18. All previous Taxi Bylaws and amendments thereto now in force are hereby repealed.

SCHEDULE "A"

TOWN OF PORT HAWKESBURY

TAXI LICENSE #: \_\_\_\_\_

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

The owner of a motor vehicle:

N. S. License #: \_\_\_\_\_

is licensed to operate the said vehicle

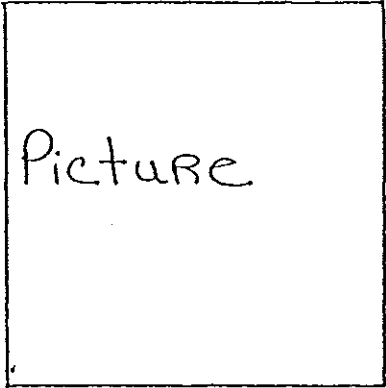
as a taxi within the Town of Port

Hawkesbury for the period ending

December 31, 19\_\_\_\_.

\_\_\_\_\_  
TOWN CLERK

SCHEDULE "B"



TOWN OF PORT HAWKEBURY

TAXI DRIVER LICENSE

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NAME

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ADDRESS

is licensed to carry on the trade or profession  
as a taxi driver within the Town of Port Hawkesbury  
for the period ending December 31, 19\_\_.

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TOWN CLERK

SCHEDULE "E"

TOWN OF PORT HAWKESBURY  
APPLICATION FOR TAXI OWNERS LICENSE

TO: The Inspector or Town Clerk  
Port Hawkesbury  
Nova Scotia

I hereby make application for a Taxi Owner's License in the Town of Port Hawkesbury pursuant to the regulations and requirements as set out in the Town of Port Hawkesbury Taxi By-Law.

My full name is\* \_\_\_\_\_

My address is \_\_\_\_\_

My telephone number is \_\_\_\_\_

Proposed Location of Business \_\_\_\_\_

Proposed Hours of Operation \_\_\_\_\_

1. AUTOMOBILE PARTICULARS

Make: \_\_\_\_\_ Model: \_\_\_\_\_

Year: \_\_\_\_\_ N.S. Plate No. \_\_\_\_\_

N.S. License No. \_\_\_\_\_

Serial No. \_\_\_\_\_

Colour: \_\_\_\_\_

Motor Vehicle Inspection Date\*\* \_\_\_\_\_

2. INSURANCE PARTICULARS\*\*\*

Insurance Company: \_\_\_\_\_

Policy No.: \_\_\_\_\_ Agent: \_\_\_\_\_

Date of Policy: \_\_\_\_\_ Amount of Coverage: \_\_\_\_\_

I further undertake to provide said vehicle for purposes of inspection and enclose the sum of \$ \_\_\_\_\_ for application and license fee.

DATE \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF APPLICANT

\*If incorporated or under business name, please supply particulars of Officers or partners.

\*\*Attach copy of Vehicle Inspection

\*\*\*Attach copy of Insurance Policy

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Received by Inspector - Date: \_\_\_\_\_

SCHEDULE "F"

TOWN OF PORT HAWKESBURY  
APPLICATION FOR TAXI DRIVER'S LICENSE

TO: The Inspector or Town Clerk  
Port Hawkesbury  
Nova Scotia

I hereby make application for a Taxi Driver's License in the Town of Port Hawkesbury pursuant to the regulations and requirements as set out in the Town of Port Hawkesbury Taxi Bylaw.

My full name is: \_\_\_\_\_

My address is: \_\_\_\_\_

My telephone number is: \_\_\_\_\_

My employer is: \_\_\_\_\_

Address of employer: \_\_\_\_\_

I hold a valid unexpired Class 4 driver's license issued by the Province of Nova Scotia bearing License No. \_\_\_\_\_\*.

I enclose \$15.00 for application and license fee together with two personal photographs.\*\*

\_\_\_\_\_  
DATE

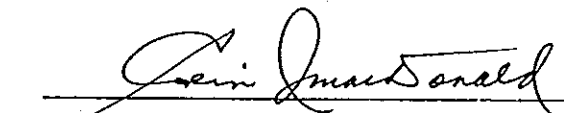
\_\_\_\_\_  
SIGNATURE OF APPLICANT

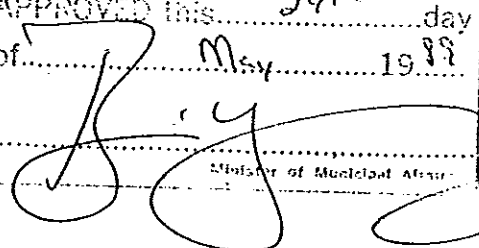
-----  
\* Attach copy of Class 4 License.  
\*\* Photographs should measure 2 inches by 2 inches and have been taken within one month of the application.  
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Received by Inspector - Date: \_\_\_\_\_

I, COLIN J. MacDONALD, CLERK OF THE TOWN OF PORT HAWKESBURY,  
DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE COPY OF A BY-LAW DULY  
PASSED AT A DULY CALLED MEETING OF THE TOWN COUNCIL OF THE TOWN OF  
PORT HAWKESBURY DULY CONVENED AND HELD ON THE *6th* DAY OF *April*  
A.D., 1989.

GIVEN UNDER THE HAND OF THE TOWN CLERK AND UNDER THE  
CORPORATE SEAL OF THE SAID TOWN THIS *13th* DAY of *April* A.D., 1989.

  
COLIN J. Mac DONALD  
TOWN CLERK

DEPARTMENT OF MUNICIPAL AFFAIRS	
Recommended for approval of the Minister	
<i>F. Robertson</i>	
APPROVED this <i>24th</i> day of <i>May</i> 19 <i>89</i>	
 Minister of Municipal Affairs	

TOWN OF PORT HAWKESBURY

TAXI BY-LAW

BE IT RESOLVED by the Town Council of the Municipality of the Town of Port Hawkesbury that the Taxi By-Law be amended as follows:

1. Section 7 is amended by adding the following subparagraph:  
"(d) the proposed location for the operation of the business and the proposed hours of operation."
2. Section 9 is amended by adding the following:  
"(5) The owner of any vehicle for which a license has been issued and is in force shall operate his business on a regular basis in accordance with the hours of operation and at the location specified in his application and shall notify the Inspector of any proposed changes in the location or hours of operation."
3. By substituting the Schedule "E" attached hereto for the Schedule "E" previously forming part of the said By-Law.

DEPARTMENT OF MUNICIPAL AFFAIRS
Recommended for approval of the Minister
<i>F. K. ...</i> Departmental Solicitor
APPROVED this <i>15th</i> day of <i>October</i> 19 <i>91</i>
<i>[Signature]</i> Minister of Municipal Affairs

I, Colin MacDonald, Town Clerk of the Municipality of the Town of Port Hawkesbury do hereby certify that the foregoing is a true and correct copy of a by-law amendment duly passed by Town Council at a duly called and regularly constituted meeting held on the *3rd* day of *September* 1991.

*[Signature]*  
COLIN MACDONALD - TOWN CLERK