

## Town Of Port Hawkesbury Taxi Bylaw

### **Title**

1. This bylaw may be cited as the "Town of Port Hawkesbury Taxi Bylaw".

### **Definitions**

2. In this Bylaw unless the context otherwise requires:
  - a. "Town" means the Town of Port Hawkesbury
  - b. "Committee" means persons appointed by the Town of Port Hawkesbury to carry out work on behalf of Council with respect to this Bylaw
  - c. "Taxi" means a motor vehicle other than a bus or truck, used for the transportation of passengers for compensation;
  - d. "Taxi Business License" means a license issued for a Taxi which is being operated by a bonafide taxi company;
  - e. "Taxi Driver's License" means a license issued to a qualified person to drive a Taxi in accordance with Section 10 of this bylaw.
  - f. "Vehicle" has the meaning given to it by the Motor Vehicle Act of Nova Scotia;
  - g. "Bonafide Taxi Company" means a registered company that provides:
    - Proof of a Business Number supplied through Revenue Canada;
    - Proof of Registration of Joint Stock Companies supplied through the Province of Nova Scotia; this registration must be valid and current;
3. No Taxi Company shall engage in the business of transporting passengers for compensation within the Town unless such Company is the holder of a valid Taxi Business License granted by the Town under this bylaw.
4. The number of Taxi Business Licenses shall not be restricted. New applications for Taxi Business Licenses shall be submitted to the Chief Administrative Officer or designate and he/she will either approve or reject each such application.

No vehicle shall be used as a Taxi unless a Taxi Business License has been issued for it.
5. No person shall drive a Taxi to transport passengers for compensation within the Town unless such person has been granted and continues to hold, a valid Taxi Driver's License under this bylaw.
6. Every application for a Taxi Business License or Taxi Driver's License shall be made in writing on forms provided by the Town and signed by the applicant.

7. It shall be the responsibility of the individual applicant to ensure that their application for a license is completed properly, that the required documentation accompanies each application, and that the full amount of license fees required under this Bylaw are remitted with said application.

**Taxi Business License Application**

8. The application as prescribed in the Taxi Policy for a Taxi Business License shall contain:
- a. the name and current address of the applicant;
  - b. the taxi company name under which the applicant is to carry on business;
  - c. the location from which the business is to be carried out;
  - d. a description of each vehicle to be used;
  - e. a copy of a valid Nova Scotia motor vehicle permit registered in the name of the applicant;
  - f. his/her signature acknowledging receipt of a copy of the Taxi Bylaw and to abide by said Bylaw.
  - g. a copy of a valid Nova Scotia safety inspection report for the taxi, issued not more than 60 days prior to the application;
  - h. proof of financial responsibility certifying:
    - (i) public liability coverage in accordance with policy
    - (ii) passenger hazard coverage
    - (iii) accident benefits and uninsured motorist coverage as required by the Motor Vehicle Act and any other applicable statute
    - (iv) endorsement 6A entitled permission to carry passenger for compensation or such comparable form approved by the Insurance Bureau of Canada
9. All Taxi Companies shall supply an up to date listing of Taxi Drivers employed by the Company and licensed under this bylaw within five (5) days of a request by the Town.

**Taxi Driver's License Application**

10. An application for a Taxi Driver's License as prescribed in the Taxi Policy shall contain:
- a. the name and current address of the applicant;
  - b. the taxi company name under which the license is to be used;
  - c. a copy of the applicant's Class 1, 2, class 3 or class 4 Nova Scotia drivers' license;
  - d. his/her signature acknowledging receipt of a copy of the Taxi Bylaw and to abide by said Bylaw.

The applicant shall file with his/her application the following documents:

- e. the results of a criminal record check, including vulnerable sector verification, every three (3) years, or as deemed by the Chief Administrative Officer or designate;
  - f. an abstract of driving record from the Registry of Motor Vehicles dated not more than 30 days prior to the application.
11. All applications for Taxi Business license or Taxi Driver's license will be received by the Chief Administrative Officer or designate. The Chief Administrative Officer or designate may interview the applicant or representative of the taxi company if he/she so desires, but in all cases a decision will be relayed to the applicant by the Chief Administrative Officer or designate not later than 45 days from the date of the application.

**License Restrictions**

12. No Taxi Business License and no Taxi Driver's License shall be granted when:
- a. The applicant has been convicted of an offence involving the illegal sale of or transportation of liquor or drugs for a period of five years immediately preceding the date of application for such Licenses;
  - b. The applicant has been convicted of an offence involving violence, assault, harm or attempted harm to the body of another person or an offence involving possession or use of an offensive weapon for a period of five years immediately preceding the date of application for such Licenses;
  - c. The applicant has been convicted of an offence under the Tobacco Act or the Tobacco Access Act for a period of five years immediately preceding the date of application for such Licenses;
  - d. The applicant has been convicted of an offence within the past five years under the Criminal Code of Canada, The Nova Scotia Liquor Control Act, The Controlled Drugs and Substances Act, the Food and Drug Act or the Narcotic Control Act;
  - e. The applicant has made a false statement of fact in the application under this bylaw.

A Taxi Company shall advise the Town immediately when it becomes aware of any such conviction against any Taxi operator.

- f. The Chief Administrative Officer or designate, for valid reasons, does not believe it to be appropriate to issue the license.
- g. Any person or company convicted of any offence as outlined in Section 12 (a), (b) (c), (d), or (e) shall have their license immediately revoked.



**Application Refusal**

13. Every person whose application for a Taxi Business License or a Taxi Driver's License has been refused under Section 12 shall be given:
- a. notification of the refusal;
  - b. reasons for the refusal.
  - c. may appeal from such refusal, suspension or revocation to Council. (Procedure indicated in the Taxi Policy)
14. Every license granted under this Bylaw shall be valid until the 31st day of December next following the date of such license.
15. Taxi Business Licenses and Taxi Driver's Licenses are not transferable by the holder of the license.
16. The License fees payable each year shall be set out in the Taxi Policy:

These fees shall accompany the application but shall be returned to applicants when applications are refused.

**Taxi Business Requirements**

17. Holders of Taxi Business Licenses shall be required to:
- a. Ensure that the Taxi Business License is valid for a particular vehicle;
  - b. Keep all vehicles in a clean and sanitary condition.
  - c. Have in force at all times proof on each vehicle covered by such Taxi Business License a public liability, property damage and passenger hazard insurance policy for each Claimant for each occurrence for loss of damage resulting from bodily injury to or the death of one or more persons and for loss of damage to property as prescribed in the Taxi Policy. The Holder of Taxi Business License shall exhibit a copy of the insurance policy to the Town within ten (10) days of a request to do so by the Town.
  - d. Upon request of the Chief Administrative Officer or designate make a vehicle(s) available within seven (7) days of the request for a complete motor vehicle inspection. On request the said motor vehicle inspection will be carried out by a motor vehicle inspector for the Province of Nova Scotia or an approved inspection station, to be determined by the Chief Administrative Officer or designate. The holder of the Taxi Business License shall pay for the cost of the inspection.
  - e. Make each licensed vehicle available for inspection by the Chief Administrative Officer or designate of the Town at such times as the Chief Administrative Officer or designate shall direct to ensure compliance with 17 (b) and (d).

- f. Cause to be displayed on each licensed vehicle roof a sign bearing the word "Taxi" or the name of the Taxi company which shall be illuminated after dark and be clearly visible at all times from a distance of two hundred feet.
  - g. Ensure that every taxi driver of a vehicle covered by the Taxi Business License is the holder of a valid Taxi Driver's License.
  - h. Display the company name on both sides of the vehicle.
18. All license Taxi drivers and passengers are prohibited from smoking in a Taxi.  
All taxi cabs are to have 'No Smoking' signs posted on the inside of the taxi cab visible to passengers.  
All licensed Taxi drivers while in control of a taxi shall behave in an orderly manner at all times and shall not use abusive or insulting language.
19. If the holder of a Taxi Business License desires to replace a Taxi operated thereunder with another Taxi such holder may do so upon written application to the Chief Administrative Officer or designate providing that all provisions of this bylaw have been complied with. No further license fee shall be payable with respect to the replacement Taxi for the year that Taxi Business License was granted.
20. The fees to be paid to the Town of Port Hawkesbury issued pursuant to the Taxi Bylaw shall be in accordance with the Town of Port Hawkesbury Taxi Policy.

**Bylaw Compliance**

21. The Chief Administrative Officer or designate may give a warning or suspend a Taxi Business License or shall revoke the Taxi Business License granted under this bylaw for any of the following reasons:
- a. That any of the requirements under Section 12 and 17 have not been complied with; and
  - b. Failure to comply with any other requirements of the Bylaw.
22. The Chief Administrative Officer or designate may give a warning or suspend a Taxi Driver's License or may revoke the Taxi Driver's License granted under this bylaw for any of the following reasons:
- a. That a holder of a Taxi Driver's License has since the date of issue thereof been convicted of an offence as described in Section 12 of this Bylaw;
  - b. That a holder of a Taxi Driver's License has since the date of issue thereof been charged of an offence as described in Section 12 of this Bylaw;
  - c. Failure to comply with any other requirements of this bylaw.


23. Any person whose application for a Taxi Business License or Taxi Driver's License has been refused or whose Taxi Business License or Taxi Driver's License has been suspended or revoked may, within seven (7) days of receipt of the Notice appeal the suspension or revocation to Town Council which may:
- a. approve of the action taken;
  - b. vary the action taken;
  - c. allow the appeal and order that the application be granted or the license reinstated.

The Taxi Business License or Taxi Driver's License, as the case may be, shall continue to be suspended or revoked until the appeal is heard. Following the appeal, the Town Council shall make a final decision, and that decision shall be in compliance with this bylaw, the principles of natural justice and the Taxi Policy.

**Penalties**

24. Any person or company who violates any of the provisions of this bylaw shall be guilty of an offence against this bylaw and shall be liable for the first offence to a penalty of not less than One Hundred Dollars (\$100.00) and in default of payment, to imprisonment for a term of not more than thirty (30) days; for the second offence to a penalty of not less than Two Hundred and Fifty Dollars (\$250.00) and in default of payment to imprisonment for a term not less than thirty (30) days nor more than sixty days (60); for a third offence to a penalty of not less than Five Hundred Dollars (\$500.00) and in default of payment, to imprisonment for a term of not less than thirty (30) days nor more than sixty (60) days or to both. (Under Review)

The Town of Port Hawkesbury Taxi Bylaw and amendments thereto as now in effect, is repealed upon the coming into force of this bylaw and all amendments thereto are hereby repealed.

Date of First Reading:	December 7 <sup>th</sup> , 2021
Dates of Advertisement of Notice of Intent to Consider:	December 22 <sup>nd</sup> & 29 <sup>th</sup> 2021
Date of Second Reading:	January 6 <sup>th</sup> , 2022
Dates of Advertisement of By-law Passage:	January 12 <sup>th</sup> 2022
Date of Mailing Certified Copy to Nova Scotia Department of Municipal Affairs:	January 12 <sup>th</sup> 2022
I certify that the Taxi By-Law was adopted by Town Council at a Public Meeting held January 6 <sup>th</sup> 2022	
 _____ Terry Doyle, P. Eng. Chief Administrative Officer	<u>January 12, 2022</u> Date