

TRUCKING BY-LAW

1. In this By-law unless the context otherwise requires;
 - “Committee” means Police and License Committee of the Town;
 - “Town” means the Town of Port Hawkesbury;
 - “Vehicle” has the meaning given to it by the Motor Vehicle Act;
 - “Person” has the meaning given to it by the Motor Vehicle Act;

2. No person shall engage in the business of transporting goods for compensation or operate a vehicle as owner thereof to transport goods for compensation within the boundaries of the Town unless he has a valid license in respect of such vehicle, issued to him under this By-law hereinafter referred to as a “Trucking License”.

3. Every application for a license under this By-law shall be made in writing, on a form provided therefor by the Town Clerk and signed by the person applying therefor.

4.
 1. The application shall contain:
 - a. The full name and address of the applicant;
 - b. A description of the vehicle to be used, giving the registration or other number sufficient to identify it.
 - c. The amount of insurance in force on the vehicle to be operated, with the name of the Insurance Company and number of the policy.

 2. Such application shall be accompanied by the fee provided by this By-law.

 3. It shall be an offense for a person to make a false statement of fact in any such application.

5. Every person who holds a license under this By-law must at all times while engaging in the business of transporting goods for compensation have in force on the vehicle licensed and operated public liability, property damage and cargo insurance in the following amounts:
 - a. At least \$100,000.00 dollars (exclusive of interest and costs) for loss or damage resulting from bodily injury to or death of any one person in any on accident; and

 - b. At least \$300,000.00 dollars (exclusive of interest and costs) for loss or

damages resulting from bodily injury to or death of two or more persons in any one accident; and

c. At least \$25,000.00 dollars (exclusive of interest and costs) for loss or damage to property, or property carried in or upon the vehicle, resulting from any one accident.

6. Every application shall be deposited with the Town Clerk and shall be accompanied by the license fee required by this By-law.
7.
 1. The license may be granted by the Council.
 2. A license shall not be granted if:
 - a. The application has not been completed in full;
 - b. The amount of the license fee has not been paid to the Town Clerk;
 - c. The amount of insurance required by Section 5 is not in effect.
8. A license issued under this By-law shall be valid until the first day of May next following its issue, unless sooner revoked or suspended.
9.
 1. A traffic Authority may suspend for such period not exceeding on year as he may determine, or may revoke any license issued under this By-law for any of the following reasons:
 - a. That the insurance required by Section 5 hereof is not longer in effect.
 - b. That the licensee has since the date of issue of the license permitted an unqualified person to operate the vehicle.
 2. The person whose license has been suspended or revoked may appeal from the action of the Traffic Authority to the Committee or to the council as he may determine, and the said Committee, or the said Council may either;
 - a. Approve the action of the Traffic Authority;
 - b. Vary the action of the Traffic Authority;
 - c. Allow the appeal and set aside the action of the Traffic Authority.
 3. Any decision of the Committee or the Council on such appeal must be in accordance with the provisions of this By-law.
10. If the license is not granted within thirty days after the application has been filed with the Clerk, the Clerk shall return to the applicant the amount of the license fee deposited with him.
11. The amount of the license fees shall be as follows:
 - a. For a trucking license fees shall be as follows;
 - b. For a trucking license for each vehicle after the first the sum of \$15.00 dollars.

12.
 1. No license under this By-law may be transferred from one person to another.
 2. A trucking license shall be issued for one vehicle only, a description whereof shall be given on the license. If the owner wishes to discontinue the use of that vehicle and to substitute another, the Clerk shall, if the later vehicle complies with Section 5, authorize the use of the license for such vehicle instead of the one for which it was originally issued, and endorse the license to that effect.
13. Nothing in this By-law shall apply to a public utility as defined in the Public Utilities Act or to motor carriers who are required to be licensed under the Motor Carriers Act or to persons transporting for compensation goods brought into the Town from outside the limits of the Town to be discharged outside the limits of the Town.
14. Any person who violates any of the provisions of this By-law shall be liable on conviction to a penalty as described under Section 266 of the Motor Vehicle Act a copy of which is attached as Appendix A. *repealed December 11th, 1981.

Appendix "A"

PORT HAWKESBURY TRUCKING RIGHTS

Section 266 of Motor Vehicle Act, Chapter 191 RSNS 1967:

OFFENCE AND GENERAL PENALTY:

any person who violates any of the provisions of this Act or the regulations in respect of which a penalty for the offence if not in this Act specially provided, shall be guilty of an offence against this Act and shall be liable for the first offence to a penalty of not less than fifteen dollars and in default of payment, to imprisonment for a term of not more than thirty days; for the second offence to a penalty of not less than twenty-five dollars and in default of payment to imprisonment for a term not less than thirty days not more than sixty days; for the third offence or any subsequent offence to a penalty of not less than fifty dollars and in default of payment of imprisonment for a term of not less than thirty days not more than sixty days or to both. 1974, c. 42, s.8.