

Town of Wolfville
Bylaw Ch40
Taxi Bylaw

1. Title

This bylaw shall be known as bylaw 40 and may be cited as the Taxi Bylaw.

2. References

2.1 Nova Scotia Municipal Government Act (NS MGA)

2.2 Policy 140-015, Municipal Fees Policy

3. Definitions

3.1 In this Bylaw:

- (1) "**Authorized Insurer**" means an insurance company lawfully authorized or permitted to carry on its business in Nova Scotia.
- (2) "**Driver**" means a person, to whom a Taxi Driver's License has been issued, driving or having the care and control of a taxi.
- (3) "**Licensing Authority**" means the Chief of Police of the Town of Wolfville or a person appointed by the Town Council to act on behalf of the Chief of Police for the purposes of this Bylaw.
- (4) "**Motor Vehicle**" means a vehicle as defined below, which is propelled or driven otherwise than by muscular power.
- (5) "**Owner**" means the owner of a taxi.
- (6) "**Proof of Financial Responsibility**" means the production of a written certificate of an authorized insurer that it has issued, to or for the benefit of the person named in the certificate, a motor vehicle liability policy which, at the date of the certificate, is in full force and effect, and which certifies insurance coverage required by this bylaw, or such other proof as the Licensing Authority may require.
- (7) "**Taxi**" means a motor vehicle with four doors which is a sedan, station wagon, van or limousine, or an accessible taxi cab as defined in the Motor Vehicle Act used to transport passengers or goods for compensation, but does not include either a motor vehicle owned or operated by a public utility as defined in the Public Utilities Act, or a motor carrier required to be licensed under the Motor Carrier Act.
- (8) "**Taxi Stand**" means off street parking for a taxi or taxis within the Town.
- (9) "**Vehicle**" means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting a motorized wheel chair and devices moved by human power or used exclusively upon stationary rails or tracks

4. Bylaw:

4.1 Taxi Owner's License

- (a) Every owner who operates a taxi or permits it to be operated in Town, shall have a Taxi Owner's License issued by the Licensing Authority for that Taxi.
- (b) Every applicant for a Taxi Owner's License shall submit an application in the form recommended by the Licensing Authority to the Licensing Authority with the following:
 - 1) Full name and address of the Owner/Applicant;
 - 2) Registration number of the Taxi;
 - 3) Year, make, model and description of the Taxi;
 - 4) A valid Nova Scotia Registry of Motor Vehicles Safety Inspection Report for the Taxi, issued not more than sixty (60) days prior to the application;
 - 5) Location of the Taxi Stand for the Taxi;
 - 6) A complete list of all taxis that Owner operates under the provisions of this Bylaw;
 - 7) Proof of Financial Responsibility certifying:
 - (i). Public liability coverage of not less than Two Million Dollars (\$2,000,000);
 - (ii). Passenger hazard coverage;
 - (iii). Accident benefits and uninsured motorist coverage as required by the Motor Vehicle Act and any other applicable Provincial Statute.
 - (iv). Endorsement 6A entitled, Permission to Carry Passenger for Compensation, or such comparable form approved by the Insurance Bureau of Canada;
 - 8) Payment of the Taxi Owner's License Fee;
 - 9) Evidence of a valid Nova Scotia Motor Vehicle Permit registered in the name of the Applicant for the Taxi sought to be licensed.
- (c) The Licensing Authority may issue a Taxi Owner's License:
 - 1) To an Applicant who has submitted a complete application;
 - 2) Applicable to one Taxi only, without limitation on the number of Taxi Owner's Licenses for separate Taxis which may be issued to any owner.
- (d) The Owner shall display conspicuously the Taxi Owner's License on the inside of the door post or on the rear portion of the front seat of the Taxi for which it is issued.

- (e) The holder of a Taxi Owner's License who acquires or disposes of a Taxi operating under the provisions of this Bylaw shall immediately report on that to the Licensing Authority.
- (f) A Taxi Owner's License is not transferable.
- (g) The holder of a Taxi Owner's License wishing to discontinue the use of one Taxi and to begin using another, must submit a new Application for a Taxi Owner's License but need not repay the fee for the same licensing year.
- (h) The holder of a Taxi Owner's License shall keep the Taxi clean and in a sanitary condition and in good repair at all times.
- (i) The holder of a Taxi Owner's License shall cause to have permanently displayed on the exterior of the Taxi so licensed a sign bearing the word TAXI. The sign shall be lighted after dark and shall be clearly visible at all times from a distance of at least two hundred (200) feet.

4.2 Taxi Driver's License

- (a) Every person who operates a Taxi in the Town shall have a Taxi Driver's License issued by the Licensing Authority.
- (b) Every operator shall display conspicuously the Taxi Driver's License with the Taxi Owner's License on the inside door post or on the rear portion of the front seat of the Taxi while the Taxi is being operated.
- (c) Every applicant for a Taxi Driver's License shall submit an application in the form recommended by the Licensing Authority to the Licensing Authority with the following:
 - 1) Full address of the Applicant and full name and other names by which the Applicant has been known in the past;
 - 2) Two (2) copies of a recent photograph of the Applicant, one and one-half inches square in size, which shall not be retouched; one to be filed with the application and the other to be fixed to the license if and when granted;
 - 3) True and full disclosure of any conviction under:
 - (i). The Criminal Code of Canada;
 - (ii). The former Narcotic Control Act and the former provisions of the Food and Drugs Act, or either of them, for trafficking or for possession for the purpose of trafficking;
 - (iii). The Controlled Drugs and Substances Act, for trafficking or possession for the purpose of trafficking;
 - (iv). The Liquor Control Act;

- (v). The Young Offenders Act for an indictable offence within the last five years.
- 4) A copy of a valid Nova Scotia Driver's License issued to the Applicant under the Motor Vehicle Act, which allows operation of a taxi;
- 5) The Applicant's Abstract of Driving Record from the Registry of Motor Vehicles dated not more than thirty (30) days prior to the date of the Application;
- 6) The name of the holder of a Taxi Owner's License for whom the applicant will be driving;
- 7) Medical Certificate stating that the Applicant is physically and mentally fit to operate a taxi, issued not more than sixty (60) days prior to the date of the Application;
- 8) A copy of the Applicant's Birth Certificate;
- 9) Two written non-family character references for the Applicant;
- 10) Payment of the Taxi Driver's License fee as outlined in Policy 140-015
- (d) The Licensing Authority shall decline to issue a Taxi Driver's License to an Applicant judged by the Licensing Authority, to be not a fit and proper person to hold such a license on the basis of the information provided by the Applicant in the Application.
- (e) If the Licensing Authority declines to issue a Taxi Driver's License, the Applicant may appeal that decision of the Licensing Authority to the Town Council at its next regular meeting.
- (f) Every Operator shall be neat and clean at all times.

4.3 General Conditions

- (a) All Taxi Owner's Licenses and Taxi Driver's Licenses expire on 31 March of each year.
- (b) No holder of a Taxi Owner's License shall allow the Taxi for which that license is issued to be operated by a person without a Taxi Driver's License.
- (c) The Licensing Authority may issue a license for part of a year. The License Fee shall be prorated accordingly.
- (d) While transporting a passenger in a Taxi, no Operator shall smoke, except with the consent of the passenger.
- (e) While in control of a Taxi, every Operator shall behave in an orderly manner at all times and shall not use abusive or insulting language.

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- (f) Upon satisfying the Licensing Authority that a Taxi Owner's License or a Taxi Driver's License has been lost, stolen or destroyed, and upon payment of the prescribed fee, the holder of the License may obtain a replacement license from the Licensing Authority.
- (g) If the Licensing Authority has reason to believe that it is in the public interest to cancel any license under this Bylaw, the Licensing Authority shall provide to the License Holder written notice of:
 - 1) the proposed cancellation;
 - 2) the reasons for the proposed cancellation;
 - 3) at least two working days, notice of the date, time and place, for a hearing with the Licensing Authority to hear the reasons for the proposed cancellation and to respond to those reasons.

The notice shall be served personally or by regular mail to the address given in the License Application or a current address provided by the License Holder.

- (h) If the Licensing Authority proposes to cancel a Taxi Driver's License, the notice required above shall be provided also to the holder of the applicable Taxi Owner's License.
- (i) If the Licensing Authority is satisfied after the hearing, or the non-appearance by the License Holder at the hearing, that it is in the public interest to do so, the Licensing Authority may cancel the license. The Licensing Authority shall provide written notice of cancellation of license to the license holder. The cancellation shall be effective at midnight on the second full day after the day of personal service of the notice of cancellation, or the fourth full day after mailing the notice of cancellation to the license holder. If the notice of cancellation applies to a Taxi Driver's License, the Licensing Authority shall also give Notice of cancellation to the applicable holder of the Taxi Owner's License.
- (j) Any person whose license has been cancelled under this Section may appeal the decision of the Licensing Authority to the Town Council at its next regular meeting.
- (k) Every holder of a Taxi Owner's License shall file with the Licensing Authority the current fee schedule in use for each applicable Taxi. The holder of the Taxi Owner's License shall display or cause to be displayed conspicuously the fee schedule on the rear of the driver's seat of the Taxi.
- (l) No Operator shall charge a fare higher than set out in the fee schedule filed with the Licensing Authority and displayed in the Taxi.
- (m) Every holder of a Taxi Owner's License shall have a Taxi Stand in the Town large enough to accommodate all the Taxis licensed to that Owner.

4.4 Condition of Vehicle and Inspection

- (a) No owner or operator shall operate or permit to be operated any Taxi that does not meet the following standards of repair and cleanliness:
- 1) The body shall not be damaged or unsightly, the exterior shall be clean and in good repair;
 - 2) The interior shall be clean and sanitary and shall not contain any refuse;
 - 3) The upholstery shall be clean, free from holes, cuts, tears and shall not show excessive wear;
 - 4) The side windows which are intended to open and close shall be in good repair and in good working order;
 - 5) The Taxi shall be equipped with front and back bumpers, both of which shall be securely mounted;
 - 6) No portion of the exterior shall be bent or broken and nothing shall protrude as to be a hazard to persons or vehicles;
 - 7) No fender, grill, hubcap or bumper of a taxi shall be removed or missing;
 - 8) Every door and trunk lid shall close securely;
 - 9) All door handles and catches shall be in good working order;
 - 10) Every seat shall be equipped with a seat belt which shall be securely mounted and shall maintain its position and its adjustments; and
 - 11) The Taxi shall have an interior dome light which shall be in good working order and which shall operate when any of the doors is opened or the light switch turned on.
- (b) At a reasonable time and on reasonable notice by the Licensing Authority, every Owner or Operator shall submit the Taxi identified for examination by the Licensing Authority. Neither the Owner nor the Operator shall at any time prevent or hinder the Licensing Authority from entering the vehicle for inspection. The Licensing Authority shall record the condition of the vehicle so inspected in a Taxi Inspection Report.

If a Taxi fails to satisfy the condition requirements set out in Section 4.4(a), the Licensing Authority may order the Owner or Operator of that Taxi to cease operation until the deficiencies described in the Taxi Inspection Report are corrected to the satisfaction of the Licensing Authority. Neither the Owner nor the Operator shall put that Taxi back into service until it has been reapproved for operation by the Licensing Authority.

- (c) The holder of a Taxi Owner's License for a Taxi which has been involved in an accident or a collision, not later than three o'clock of the afternoon of the following weekday, shall notify the Licensing Authority, who shall inspect the Taxi under Section 4.4(b).
- (d) Every Owner shall file with the Licensing Authority the name and address of each Operator in the Owner's employ and shall notify the Licensing Authority within seven (7) days of any new hiring, dismissal, or other change in employment of such Operator.

4.5 Offences and Penalties

Any person who violates any of the provisions of this Bylaw shall be guilty of an offence and shall be liable for the first offence to a penalty of not less than fifteen dollars (\$15) and in default of payment, to imprisonment for a term of not more than fifteen (15) days; for the second offence to a penalty of not less than twenty-five dollars (\$25) and in default of payment to imprisonment for a term of not less than thirty (30) days nor more than sixty (60) days; for a third offence or any subsequent offence to a penalty of not less than fifty dollars (\$50) and in default of payment, to imprisonment for a term of not less than thirty (30) days or more than sixty (60) days or both.

4.6 Fees

The Fees payable for licenses are outlined in Policy 140-015, Municipal Fees Policy.

4.7 Summary Conviction

The levying and payments of any fine or the imprisonment for any period provided in this Bylaw shall not relieve a person from the necessity of paying any fee, charge or cost for which they are liable under the provisions of this Bylaw.

4.8 Restrictions

- (a) This Bylaw does not apply to a person transporting for hire passengers or goods brought into the Town from outside the Town.
- (b) This Bylaw does not apply to a person transporting for hire passengers or goods taken on within the Town to be discharged or unloaded outside the Town.
- (c) Between the hours of 8:00 a.m. and 10:00 p.m. no Taxi shall be parked or left standing on any highway or street in the Town for a period longer than ten (10) minutes or for the purpose of soliciting business or passengers, unless in a taxi stand or in a parking space provided as a "Taxi Only Parking" space. The Traffic Authority may designate, from time to time, parking spaces as "Taxi Only Parking".

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5. Repeal Section:

Chapter 40, Town of Wolfville Taxi Bylaw passed by Town Council on September 20, 1999 is repealed upon publication of this Bylaw under Section 169(2) of the Municipal Government Act.

Clerk's Annotation for Official Bylaw Book

Date of first reading: 2017-09-19

Date of advertisement of Notice of Intent to Consider: 2017-09-26

Date of second reading: 2017-10-17

Date of advertisement of Passage of Bylaw: 2017-10-24

Date of mailing to Minister a certified copy of Bylaw: 2017-10-25

I certify that this **Taxi Bylaw 40--** was adopted by Council and published as indicated above.



Dan S. Stovel, Town Clerk

October 25, 2017
Date