



COMMITTEE OF THE WHOLE

CDR# 2023059

DATE: April 17, 2023

TO: Mayor Kogon and Members of Council

SUBMITTED BY: Dwayne Pike, Chief of Police

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SUBJECT: Taxi By-Law Review

ORIGIN: Bylaw Review Policy

LEGISLATIVE AUTHORITY: MGA Sections 47 and 48 authorize council to make, amend and repeal by-laws and policies.

RECOMMENDATION: That Council review the proposed changes to the Taxi Bylaw and foreword any questions or concerns to the Clerk no later than May 5th so such questions and / or concerns can be addressed at the May Committee of the Whole.

BACKGROUND: Staff are completing a review of all Town of Amherst Bylaws and Policies to ensure they are relevant and updated appropriately. Every document is to be reviewed on a 4-year cycle. The Taxi By-Law was reviewed as a result of this initiative and because it was recognized that changes are required

DISCUSSION: The current Town of Amherst Taxi By-Law was adopted in November 2013. In December of 2014 it was amended and has been unchanged since that time. The primary purpose of the by-law is to provide a measure of confidence that local taxis are operated in a safe manner, utilizing safe vehicles and adhering to a set of safety standards. It also includes the requirement of reviewing and requiring drivers' abstracts and criminal record checks prior to the approval of a license to mitigate public safety concerns.

It has been recognized that this particular by-law is due for review changes, especially in areas that affect enforcement and reporting and also in general content. Without strong and clear language in the by-law, the regulation of taxis and licenses can be difficult. Taxi services will often will cross jurisdictional lines (both municipal and provincially) and before we can apply the by-law, we need to prove jurisdiction. Just because a taxi is

within town limits, we cannot automatically assume that the by-law has jurisdiction. As a result, some changes are required to ensure that certain activities are well-defined so that infractions can be addressed by our municipal Taxi By-Law. We will also be changing the resources that have been traditionally assigned to this issue.

The Town of Amherst By-Law foundationally prohibits the operation of an unlicensed taxi or an unlicensed driver (under the by-law) within town limits. Taxis that are coming into town to drop people off or to pick people up to take them outside of the town cannot be addressed under the by-law and by nature of the business. We can only address those taxis that are operating 'in' town. Changes need to be made so that activities relating to 'soliciting' by taxis is clearly defined. Staff are recommending the addition of new language in relation to 'soliciting the transportation for hire':

14. *Any person in control of a vehicle*

- a. *Which displays taxi roof signage which is not covered by opaque material*
- b. *Which is not transporting a passenger for hire; and*
- c. *Which is on any highway, street, road, lane, alley, taxi stand or at any other public place within the town, or who is found waiting with any such motor vehicle at any location within the town*

Shall be deemed to be soliciting the transportation of passengers for hire within the town and deemed to be operating the vehicle as a taxi or a limousine for the purposes of this by-law

This section strengthens the previous wording, making it clear that drivers/taxis are not permitted to wait at any location in town for purposes of soliciting unless they have a driver's license issued under the bylaw.

There are several other revisions being recommended to the current by-law. These will ensure that our ability to enforce the by-law is increased and provide additional clarity when interpreting:

1. Definition for "Local Shuttle Service" which was taken from the Cape Breton By-law. This helps to differentiate between taxis and 'courtesy' services provided by some local business such as car dealerships;
2. Changing the by-law so that the 'registrar' is appointed by the *Taxi Authority* as opposed to the CAO. Years ago, these duties used to be performed by Town Hall staff in the past have been moved to the police department and are now assigned to By-Law Officer;
3. Requirement for an annual report to council that includes details concerning approved drivers, vehicles and other information;
4. Requirement that vehicle inspections carried out at least twice a year, using a checklist created from sections in the by-law that speak of standards and requirements;

5. Owners' licenses and Drivers licenses under the Amherst By-law to be displayed in the car so passengers can see this information;
6. Vehicle requirements must not only be met, but also must be maintained to keep an owner's license;
7. Added a section under "false statements" that included making a false statement in a *hearing pursuant to this by-law* which give the authority to refuse or revoke a license and make them ineligible for a license for 5 years.

These changes will assist with enforcement issues and ensuring that taxi services in the town are safe and trustworthy. Should Council decide to make the recommended changes, educational sessions/presentations with the APD members and staff will take place to ensure that consistent and regular enforcement is conducted.

FINANCIAL IMPLICATIONS: There are no financial implications.

SOCIAL JUSTICE IMPLICATIONS: There are no social justice implications to this decision.

ENVIRONMENTAL IMPLICATIONS: No environmental implications.

COMMUNITY ENGAGEMENT: No Community engagement required at this time. Should Council give first reading to the amendments, a Notice of Intent to give second reading will appear in the Cumberland Wire. Correspondence for Amherst Taxi Companies (both owners and drivers) will be prepared, providing an outline of the by-law and the responsibilities, requirements, procedures and penalty sections. This would be sent to all companies operating in the area to ensure that they, and their drivers, have a complete understanding of the requirements on them as per the by-law. Staff can also meet with anyone who requires additional information or has additional questions.

ALTERNATIVES:

1. Direct staff to do a further review or make specific changes to this by-law
2. Do not make changes the current Taxi By-Law

ATTACHMENTS:

1. Town of Amherst Taxi By-Law Draft;
2. Proposed vehicle inspection checklist
3. Owner's license template and Taxi drivers license template
4. Current Taxi By-law