

# **BYLAW RESPECTING THE REGULATION OF THE TRANSPORTING OF PASSENGERS FOR HIRE CONSOLIDATION<sup>1</sup>**

Be it enacted by the Council of the Town of Amherst, under the authority of Section 305 of Chapter 293 of the Revised Statutes of Nova Scotia, 1967, as amended, the Motor Vehicle Act as follows:

## **SHORT TITLE**

1. This by-law shall be known as the Town of Amherst Taxi By-law

## **DEFINITIONS**

2. In this by-law, unless the context of it requires:

- a. **CAO** means the Chief Administrative Officer of the Town of Amherst
- b. **Limousine** means:
  - i. A full-sized luxury class four or more door sedan motor vehicle having a standard seating capacity for at least five passengers excluding the driver which is used for hire for the conveyance of passengers;
  - ii. Which has carpeted floors;
  - iii. Which is not equipped with taxi roof signage;
  - iv. Which is furnished with a minimum of four of the following features:
    1. Glass partition separating the front of the rear seats;
    2. Top quality interior appointments, being either leather or plus
    3. Upholstery
    4. Power windows
    5. One-way tinted glass
    6. Television
    7. Stereo system
    8. Cellular telephone
    9. Air conditioning; and
  - v. Which is one of the following makes:
    1. Cadillac
    2. Lincoln
    3. Rolls Royce
    4. Jaguar
    5. Mercedes-Benz
    6. Bentley
    7. Royal Princess
    8. Any other vehicle approved by the Taxi Authority upon application by a prospective license as being of comparable limousine quality to the makes referred above.
  - vi. But excludes vehicles operated by a public utility as defined in the Public Utilities Act or by a motor carrier required to be licensed under the Motor Carrier Act.
- c. **Limousine Driver** means the driver of a limousine as defined by the by-law

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Adopted – November 25, 2013

Amended - December 22, 2014

Consolidated Regulation of the Transporting of Passengers for Hire Bylaw, C-9-C

- d. **Local Shuttle Service** means a van, limo or bus used to transport individuals or organizational groups of people collected at a given point and dropped off at pre-determined destinations within the town of Amherst. If a fee is charged to the individual being transported, then the owner and the driver shall require a license under this by-law, otherwise the service will be a courtesy service.
- e. **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 by-law.
- f. **Person** means a natural person or a body corporate and includes a partnership.
- g. **Registrar** means the Taxi By-law Registration Officer as appointed by the **Taxi Authority** GAO.
- h. **Taxi Authority** means the Chief of Police of the Town of Amherst and includes any person designated by the Chief of Police as deputy or assistant or temporary Taxi Authority.
- i. **Taxi** means a vehicle used or intended to be used to carry passengers for hire other than a limousine, but excludes vehicles operated by a public utility as defined in the Public Utilities Act or by a motor carrier required to be licensed under the Motor Carrier Act.
- j. **Vehicle** has the meaning given to it under the Motor Vehicle Act and includes a Taxi or Limousine as defined under this by-law.

## CONTROL

- 3. Pursuant to the provisions of Section 305(1) of the Motor Vehicle Act, the Council shall have a general control, supervision and direction over all aspects of licensing and regulation pursuant to this by-law and over any inspector or any other officer acting or carrying out the overall duties of this by-law.

## DUTIES OF TAXI AUTHORITY

- 4. 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 Taxi Authority shall have supervision over persons licensed under this by-law and over vehicles to which the same applies and the following shall constitute his/her duties under this by-law:

The Taxi Authority shall:

- a. Report to Council respecting the performance of his/her duties under this by-law whenever required to by Council. **This will include an annual written report that includes the following information:**
  - i. **The number of taxi owners/operators;**
  - ii. **The number of drivers employed by each owner/operator;**
  - iii. **The number of vehicles utilized as taxis by each taxi company;**
  - iv. **The number of taxi licenses assigned to each owner/operator;**
  - v. **The number of bylaw infractions per owner/operator;**
  - vi. **The number of infractions under the Motor Vehicle Act per owner/operator;**

- vii. The number of Motor Vehicle Act infractions per driver;
    - viii. The number of vehicle inspections carried out annually;
    - ix. The number of vehicles in use that are in excess of 3 years old;
  - b. Make all necessary inquiries concerning applications for the 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 bylaw;
  - d. Carry out periodic inspections at minimum twice a year, as per a bylaw checklist and without notice, of vehicles licenced under this by-law;
  - e. Issue, refuse to issue, or suspend, revoke, cancel licenses in accordance with the requirements of this by-law;
  - f. Advise the Registrar of the approval of applications for all licenses issued pursuant to this by-law;
  - g. Advise the Registrar when an application has been denied, and when a license has been revoked, suspended or cancelled;
  - h. Ascertain by inspection, inquiry and investigation from time to time, and as often as may be required, whether persons holding licenses under this by-law continue to comply with the provisions of this by-law;
  - i. Upon completion of an investigation to decide whether or not to proceed with prosecution;
  - j. Take any other lawful steps in regards to the licensing and regulations of taxis as may be consistent with this by-law.
5. Any act, authorized or directed by this by-law to be done by the Taxi Authority may, in their absence or as circumstances require, be performed by such other officer or any official as may be designated by the Council or the CAO. The power and authority of the officer or official so designated shall be the same as that of the Taxi Authority in the particular case except where prohibited by statutory conditions to the contrary.

## DUTIES OF REGISTRAR

6. 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 Council, the following shall constitute the duties of the registrar under this bylaw.
- The Registrar shall:
- a. Maintain a register of all licenses issued, suspended, revoked, cancelled and of all applications refused under the authority of this by-law. Such registrar shall contain the name or names of the applicants, the date of the license, and shall keep such other books and records as the Council may from time to time order;
  - b. Provide and receive all applications for licenses issued pursuant to this by-law on behalf of the Taxi Authority;
  - c. Review insurance policies and confirm they meet all requirements;
  - d. Advise the Taxi Authority if any information that may require a suspension or cancellation of a license;
  - e. Shall cause to be made out, and to issue the license to the applicant, the fee as required under this by-law first having being paid;
  - f. Keep a register of all payments made in relation to applications for all licenses pursuant to this by-law;

- g. Make available to every person receiving a license under this by-law, a copy of the bylaw and advising every such person of the availability of the by-law.

## **TYPES OF LICENSES**

- 7. Upon receiving notification from the Taxi Authority of an approved application the Registrar may issue the following licenses:
  - a. Owner's License
  - b. Driver's License

## **PERIOD OF LICENSES**

- 8.
  - a. Every license issued under this by-law shall relate to the period from the 1<sup>st</sup> of April of each year to the 31<sup>st</sup> of March of the succeeding year
  - b. No license fee is refundable.

## **OWNER'S LICENSE**

- 9.
  - a. 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 **conspicuously displayed in the vehicle and be readily visible to any passengers who may be in the vehicle**
  - b. The owner's license fee shall be paid for any part of the registration period as defined in Section 7 "Period of License." This section does not apply to common carriers licensed by the Province of Nova Scotia.
  - c. Every application for a license to use a vehicle for the transport of passengers for hire shall make application to the Registrar in the form prescribed from time to time by the Taxi Authority. A copy of the prescribed form is attached as Schedule "A".
  - d. An owner's license that has been destroyed, lost or stolen will be replaced upon receipt of sufficient proof of the destruction, loss or theft, and upon payment of the required fee.
  - e. 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.
- 10. No taxi or limousine owner's license shall be granted for any vehicle unless and until:
  - a. The completed form of application shall be submitted to the Registrar. It shall be signed by the applicant and include information as follows:
    - i. The full name and address of the applicant;
    - ii. Where the vehicle is owned by 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;
    - iii. Where the vehicle is owned by a partnership or is operating under a business name: the full particulars under the Partnership and Business Name Registration Act, the names of the partners and their addresses, a

- copy of the Certificate of Registration under the Partnership and business Name Registration Act;
  - iv. Names and addresses of all employees and their positions held in the business;
  - v. The business name under which the taxi or limousine will be operated on the street and postal and civic address of the place of business from which the taxi or limousine will be operated;
  - vi. The motor vehicle registration number, motor vehicle license plate number, make, model, colour, year and serial number of the vehicle;
  - vii. A criminal record/vulnerable sector check of each person whose name and address is required to be provided pursuant to paragraphs a, b and c of this subsection, and duly executed consents sufficient to obtain verification of same from law enforcement agencies.
- b. Payment is made to the Town of the annual fee for such license as stipulated in schedule "E" to this by-law.
- c. Proof of insurance that the vehicle carries on it an automobile insurance policy providing public liability insurance, passenger hazard insurance, and property 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. For the purposes of this section, proof of insurance is a copy of the current policy for the vehicle.
- d. The applicant has provided permission for the insurance company to provide details on the insurance policy to the Taxi Authority or Registrar when requested.
- e. The applicant must also have directed the insurance company issuing the insurance policy required by this section to immediately advise the Registrar of any changes to the coverage and terms of the insurance policy during the term of the license and to notify the Registrar when the insurance policy is no longer in effect. Initial notification may be provided verbally, however a written notification confirming any changes must be provided to the Registrar. A notification by email will be accepted as a written notification.

## VEHICLE REQUIREMENTS

11. In addition to the requirements of Section 9 of this by-law, each applicant, in order to receive **and maintain** an owner's license, must establish that the vehicle meets the following requirements:
  - a. Has been properly registered under the provisions of the Motor Vehicle Act as a vehicle for operation within the Province of Nova Scotia;
  - b. Shall have been inspected by the Taxi Authority;
  - c. Bears a valid Province of Nova Scotia motor vehicle safety sticker issued within 30 days of the application being filed with the Registrar;
  - d. In the case of a taxi, meets the following requirements:
    - i. Is a four-door sedan, hard top or station wagon, SUV or mini van with four or more doors (such doors to be on the sides of the vehicle) with a design capacity of seven (7) passengers or less, excluding the driver;
    - ii. Has a height from the top of the floor to the underneath side of the roof of at least 114 cm;
    - iii. Has a width from the inside of one door post to the inside of the door post on the opposite side of at least 137 cm;

- iv. Has a length from the dashboard, excluding extremities, to the front of the back seat of at least 160 cm;
- v. Is equipped with a sign affixed upon the roof of such taxi capable of being illuminated electrically, and such sign shall conform to the layout and Design specified from time to time by the Traffic Authority:
  - 1. Shall bear the business name of the taxi company under which the taxi is being operated on the front and back, and the owner's license number on each side, and such lettering shall not be less than 5 cm in height;
  - 2. Shall be removed from the roof or covered by opaque material when the vehicle is not in service as a taxi.
- vi. In addition to the roof sign requirements the Taxi **may** also be identified with a sign affixed to the driver's door and the passenger's door, and such sign:
  - 1. Shall be painted or attached to the door of driver and opposite passenger door;
  - 2. Shall be in legible print with each letter or number not less than 5 cm in height;
  - 3. Shall bear the business name of the taxi company under which the taxi is being operated;
- e. In the case of a limousine, meets the requirements in the definition for a Limousine contained in section 2 of this by-law.
- f. In the case of a taxi and a limousine, shall meet the following requirements:
  - i. The body of the vehicle shall not be damaged and shall be clean and in good repair. Paint shall be maintained in good condition and shall match
  - ii. The interior shall be clean and sanitary and shall not contain any refuse.
  - iii. The upholstery shall be clean, free of holes, cuts and tears and shall not show excessive wear
  - iv. The side windows in a vehicle which are intended to open and close shall be in good repair and working order
  - v. No portion of the exterior shall be bent or broken and no such portion shall protrude in such a way as to be a hazard to persons or vehicles.
  - vi. No fender, grill hubcaps or bumpers on a taxi shall be removed or missing.
  - vii. Every door and trunk lid shall close securely.
  - viii. All door handles and catches on a taxi shall be in good working order.
  - ix. Every seat shall be equipped with a seat belt, shall be securely mounted and shall maintain its position and its adjustments.
  - x. Shall have an interior dome light which shall be in good working order and shall operate when any of the doors are opened.

## **ADDITIONAL OWNER'S OBLIGATIONS**

12. All owners shall comply with the following:

- a. Shall not permit any person to operate the vehicle to which the license relates as a vehicle for hire unless the person is in possession of both a valid provincially issued Nova Scotia minimum Class 4 license, or equivalent, to operate a passenger vehicle and a valid driver's license in accordance with this by-law.
- b. Not permit smoking in the vehicle at any time, whether or not the vehicle is being operated at the time as a vehicle for hire.

- c. Neither the owner nor the driver of a licensed vehicle may represent that it is a non-smoking vehicle or a smoke free vehicle if it has been smoked in while owned by the current owner.
- d. Notify the Registrar in writing not less than one week in advance of any change in the business name under which the vehicle is operated.
- e. Notify the Registrar forthwith of any change in the Provincial Registration of the vehicle.
- f. File with the Registrar, in writing, the names and addresses and telephone numbers of every driver who operates the owner's licensed vehicle or vehicles and shall notify the Registrar in writing within 72 hours of any new appointments and any dismissals, or other changes in employment of such drivers.
- g. Not operate or permit the operation of a vehicle when the conditions described in subsections a), c), d) and f) of Section 10 are no longer met or the insurance policy of the vehicle no longer complies with the requirements of subsection c) of Section 9.
- h. Immediately advise the Registrar of any change in the insurance policy and shall provide the Registrar with a copy of the updated policy forthwith.
- i. At least three days before making the change, the owner must notify the Registrar of any change in:
  - i. The business name under which the licensed vehicle is operated;
  - ii. The business address from which the licensed vehicle is operated; or
  - iii. The owner's residential address.

Saturday, Sunday and holidays are not to be included in calculating the three-day period.
- j. Upon request, submit such vehicle for inspection by the Taxi Authority at the time and place directed.
- k. Immediately notify the Registrar when they have become the subject to a court order, undertaking, charge or conviction.

## **VEHICLE INSPECTIONS**

- 13.
  - a. A vehicle licensed under this by-law may, at any time, be inspected by the Taxi Authority, and/or a licensed mechanic selected by the Taxi Authority to determine that such vehicle complies with the requirements under this by-law. There is no requirement for the Taxi Authority to provide advanced notice of the inspection. The costs of the licensed mechanic shall be paid by the owner.
  - b. If the inspection determines the vehicle does not meet the requirements of this by-law, it may result in the immediate suspension of the license until such requirements are met.

## **DRIVER'S LICENSES**

- 14. Unless they are in possession of a valid driver's license issued pursuant to this by-law, no person shall:
  - a. transport passengers for hire within the town or be on any highway, street, road, lane, alley or other public place in the town in control of a motor vehicle for the purpose of transporting for hire or soliciting within the Town the transportation of passengers for hire.

- b. Wait at any location in the Town, whether in a public place or a private place, in the control of a motor vehicle for the purpose of transporting for hire or soliciting within the Town the transportation of passengers for hire;
  - c. Such license shall be conspicuously displayed in the vehicle and be readily visible to any passengers who may be in the vehicle;
- 15. 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

16. No driver's license shall be granted unless and until:

- a. An application in the form prescribed by the Taxi Authority completed and signed by the applicant;
  - b. The applicant is in possession of and submits to the Registrar for examination and for the purposes of photocopying, a valid, minimum Class 4 motor vehicle operator's license, or equivalent, issued under the provisions of the Motor Vehicle Act of the Province of Nova Scotia;
  - c. A driver's abstract from the Registrar of Motor Vehicles completed within the past 30 days for the applicant is provided.
  - d. A criminal record/vulnerable sector check and a duly executed consent sufficient to obtain verification of same from law enforcement agencies is provided;
  - e. Two professionally taken passport style photographs of the applicant are provided to the Registrar, dated within 30 days of the date of application, which are neither heat sensitive nor subject to fading;
  - f. The applicant pays to the Town the fee for a driver's license as set at the time of the application.
- 17. A driver's license that has been destroyed, lost or stolen will be replaced upon receipt of sufficient proof of the destruction, loss or theft, and upon payment of a \$10.00 fee.
- 18. A taxi driver's license shall not be transferrable

## **ADDITIONAL DRIVER OBLIGATIONS**

19. All drivers shall comply with the following:

- a. Maintain a high standard of personal hygiene which will be reflected in a neat, clean and professional appearance and personal cleanliness at all times;
  - b. Shall transport any personal luggage accompanying any passenger, not exceeding 25 kilograms per item, and shall place the luggage in or out of the vehicle for the passenger if requested to do so;
  - c. Must not smoke or permit smoking in the vehicle at any time, whether or not the vehicle is being operated at the time as a vehicle for hire;
  - d. Not use abusive or insulting language;

- e. At all times while in the control of a vehicle, in any public place, conduct themselves in an orderly manner;
- f. Not permit any additional passengers in the vehicle without the consent of the passenger who first engaged them;
- g. Proceed to the destination indicated by his or her passenger by the quickest route; however, they may take another route if directed to do so by the passenger;
- h. A driver may determine whether persons may eat or drink while passengers are in the vehicle, and may also determine where the passengers sit, except that passengers may decline to sit in the front seat;
- i. Immediately notify the Registrar when they have become the subject to a court order, undertaking, charge or conviction.

## **REFUSE TO GRANT, SUSPENSION AND REVOCATION OF LICENSES**

20. The Taxi Authority may suspend or revoke the owner's or driver's license or both, of any license holder or refuse any applicant who:

- a. Contravenes this by-law;
- b. Has been convicted of an offence against vulnerable persons, a sexual offence, illegal sale or possession of drugs, a violent offence or a breach of trust.
- c. Is either charged or convicted pursuant to any municipal by-law or provincial or federal legislation, **or is the subject of such charges outside of Canada**, and in the opinion of the Taxi Authority, because of the charge or conviction it is in the public interest that the person not hold either an owner's license or driver's license.
- d. Has a driving record, criminal or provincial offence record or outstanding criminal charges that in the opinion of the Taxi Authority makes them unfit to possess a license.
- e. Has failed to immediately notify the Licensing Authority that they have become the subject to a court order, undertaking, charge or conviction.
- f. Fails to meet the requirements of this by-law or, being an owner, their vehicle fails to meet the requirements of this bylaw;
- g. Has committed any act or acts that, in the opinion of the Taxi Authority, it is in the public interest that the person not hold either an owner's license or driver's license;
- h. Refuses to respond or cooperate with an investigation conducted by the Taxi Authority;
- i. Where, in the opinion of the Taxi Authority, the license holder may be a danger to passengers or others if they possess a license.

21. In making a determination under (g) of this Section, the Taxi Authority shall consider any credible and relevant information as to whether the applicant:

- a. Suffers from a mental illness or instability;
- b. Abuses drugs or alcohol;
- c. Has a propensity for violence or other objectionable behaviour

that could cause the applicant to be a danger to passengers or others.

22. At any time, a person holding a driver's license under this by-law ceases to hold a valid minimum class 4 motor vehicle operator's license issued under the provisions of the Motor Vehicle Act of the Province of Nova Scotia, or equivalent, the driver's license shall be deemed suspended and shall be surrendered forthwith to the Registrar:

- a. Any person whose driver's license or owner's license is suspended pursuant to this section may apply for reinstatement when:
    - i. The period of suspension has expired; and
    - ii. The minimum class 4 license is renewed or reinstated as the case may be
- 23. The Taxi Authority shall suspend an owner's license forthwith upon having reasonable and probable grounds to believe that such vehicle is not covered by insurance as required by this by-law, and the suspension shall remain in force until:
  - a. The period of suspension has expired; and
  - b. Proof of insurance is provided to the Registrar that the vehicle meets the requirements of this by-law.

## **FALSE STATEMENTS**

- 24. If an applicant or holder of a license makes a false statement in a statutory declaration made pursuant to this bylaw, **or in a hearing pursuant to this by-law**, the Taxi Authority may:
  - a. Refuse to issue the license that is the subject of the application;
  - b. Revoke any other owner's licenses and or any driver's licenses held by the applicant; and
  - c. Direct that the applicant is ineligible to apply for or to be granted a license under this bylaw for a period of up to five (5) years.
- 25. No license fee is refundable upon suspension, revocation or termination for any reason for any license granted under this bylaw.

## **NOTICE OF SUSPENSION OR REVOCATION**

- 26. With exception to suspension covered by subsection 4 of Section 18 of this by-law, no license shall be revoked or suspended without giving notice of the suspension to the license holder, and the reasons for the suspension.
- 27. A verbal notice of a suspension or revocation and the reasons for the suspension or revocation shall be deemed proper notification. A written notice with the reasons for the suspension or revocation shall be made available for the license holder at the Amherst Police Department within seven (7) days of the verbal notice.
- 28. Notice of suspension may be given as per subsection 2. Above or upon delivery by registered mail to the address of the application on the license application form, a written notice. In the case of a driver, the notice may also be delivered to the owner, by registered mail to the address of the applicant on the owner's license application form.

## **APPEALS**

- 29. A refusal to issue or renew or a revocation or suspension of the license by the Taxi Authority may be appealed to Council.

30. No appeal shall be taken from any decision of the Taxi Authority except upon written notice of appeal being delivered to the CAO within 15 days from the date of the notice of the suspension.

31. Council shall hear the appellant in accordance with the rules of natural justice and may:

- a. Confirm or vary the decision of the Taxi Authority;
- b. Order that the license be revoked and surrendered; or
- c. Order that a license be granted or reinstated.

32. In exercising its discretion in an appeal, Council shall consider:

- a. The nature and severity of the violation of this by-law or nature and severity of the disqualification of the appellant that led to the Taxi Authority's decision;
- b. The protection of the public;
- c. The circumstances of the appellant, including whether the appellant suffers from mental illness or mental instability, abuses drugs or alcohol, or has a propensity for violence or other objectionable behaviour that could cause the applicant to be a danger to passengers or others;
- d. The likelihood of a recurrence of a violation of this by-law;
- e. All other circumstances that Council determines are relevant.

## **OFFENCES AND PENALTIES**

33. Any person who violates or fails to comply with any provisions of this by-law shall be guilty of an offence and shall be liable on conviction to a minimum fine of one hundred dollars (\$100.00) but of not more than five thousand dollars (\$5,000.00).

## **REPEAL**

34. All previous Town of Amherst Taxi Bylaws and amendments thereto now in force are hereby repealed.