

# TOWN OF STEWIACKE

## BY-LAW NUMBER 2006 – 14

### 1. Short Title

This By-law may be cited as the “*Taxi By-law*”.

### 2. Interpretation

In this By-law, unless the context otherwise requires, the expression:

- a) “accessible taxi” means a taxi with a seating capacity of eight passengers or less, excluding the driver, designed and manufactured, or concerted, for the purpose of transporting for hire passengers with physical disabilities, providing ease of entry into and egress from the vehicle in a safe and dignified manner by means of an on-board lift and conforming with all sections of Canadian Standards Association D409: Motor Vehicles for Transportation of Persons with Physical Disabilities;
- b) “accessible taxi driver” means the driver of an accessible taxi as defined in this by-law;
- c) “Committee” means the Taxi Committee established by or continued pursuant to this By-law
- d) “driver” means a taxi driver, accessible taxi driver or limousine driver and “driver’s license” means a license for a driver pursuant to this By-law;
- e) “licenses” include
  - i. driver’s licenses, and
  - ii. owner’s licenses;
- f) “limousine” means
  - i. a full size 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 as carpeted floors;
  - iii. which is not equipped with a taxi roof sign

- iv. which is furnished with a minimum of four of the following features:
- glass partition separating the front and rear seats;
  - top quality interior appointments, being either leather or other plush upholstery;
  - power windows;
  - one-way tinted glass;
  - television;
  - stereo system;
  - cellular telephone;
  - air conditioning; and
- v. which is one of the following makes;
- Cadillac;
  - Lincoln;
  - Rolls Royce;
  - Jaguar;
  - Mercedes-Benz;
  - Bentley;
  - Royal Princess: and
  - Any other vehicle approved by the committee upon application by a prospective licensee as being of comparable limousine quality to the makes referred to 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*;
- g) “limousine driver” means the driver of a limousine as defined in this By-law;
- h) “operate” means to operate or drive a taxi or limousine accessible taxi, when such vehicle is transporting, picking up, dropping off passengers for hire, or soliciting passengers for hire;
- i) “owner” means a person who directly or indirectly holds the legal title of a vehicle or, in the event a vehicle is the subject of a financing agreement (including a conditional sale or lease with an option of right of purchase upon performance of conditions stated in the agreement) with an immediate right of possession vested in a debtor then the debtor shall be deemed to be the owner for the purposes of this By-law;

- j) “taxi” means a vehicle used or intended to be used to carry passengers for hire other than a limousine, and unless the context indicates otherwise, includes an accessible taxi, 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*;
- k) “Taxi Authority” means an employee of the Town of Stewiacke designated from time to time by Council as Taxi Authority and includes any person designated as deputy or assistant or temporary Taxi Authority;
- l) “taxi meter” means a mechanical or electronic apparatus or device for automatically measuring and registering the mileage traveled by a taxi, the time in which a taxi is engaged, and the fee corresponding thereto as set out in this By-law.;
- m) “Year” means the fiscal year of the Town of Stewiacke.

### **Taxi Committee and Taxi Authority**

- 3. The Taxi Committee is hereby established and shall consist of five members with duties and responsibilities as set out in this By-law. The committee shall be comprised of 2 members of Council, 2 members of Town at large and 1 member representing a taxi company. The term of the members shall be two years and all members are eligible for reappointment.
- 4. The powers and duties of the Taxi Authority shall be:
  - a) make all necessary inquiries and inspections concerning applications or renewals for licenses pursuant to this by-law.
  - b) carry out periodic spot inspections, without notice, of vehicles licensed under the By-law;
  - c) issue, refuse to issue, or suspend licenses in accordance with the requirements of this By-law;
  - d) recommend disciplinary action to the committee for breach of this By-law;
  - e) prescribe application and license forms, documents, or taxi roof signage layouts or designs;
  - f) keep a register of all licenses granted under the authority of this By-law and assign license numbers; and

- g) take any other lawful steps in regards to the licensing and regulation of taxis and limousines as may be consistent with this By-law.

### **Owner's Licenses**

5. No person shall operate a vehicle or, being the owner of a vehicle, shall permit such vehicle to be operated as a taxi, accessible taxi or limousine unless the vehicle is the subject of a valid and current owner's license pursuant to this By-law as a taxi, an accessible taxi or as a limousine, as the case may be.
6. No person shall operate a vehicle or, being the owner of a vehicle, shall permit such vehicle to be operated as a taxi, accessible taxi or limousine unless the vehicle has the owner's license for that vehicle conspicuously displayed on or above the doorpost, or on the rear portion of the front seat, readily visible to any passengers who may be in the vehicle.
7. No taxi, accessible taxi or limousine owner's license shall be granted for any vehicle unless and until:
  - a) an application in the form prescribed from time to time by the Taxi Authority is completed and signed by the applicant for the license including:
    - i. the name, address, telephone number of the owner and of any person with a beneficial ownership interest in the vehicle of twenty five percent (25%) or more;
    - ii. where the vehicle is owned by a corporation, the names, addresses and telephone numbers of persons directly or indirectly owning or controlling more than twenty five percent (25%) of the beneficial ownership of the vehicle;
    - iii. the taxi business name under which the taxi, accessible taxi or limousine will be operated;
    - iv. the motor vehicle registration number, motor vehicle license plate number, make, model, color, year and serial number of the vehicle; and
    - v. the insurance company, policy number, liability coverage limits, name of insured, and expiry date in respect of the motor vehicle insurance policy or policies applicable to the vehicle;
  - b) payment is made to the Town of Stewiacke of the annual fee for such license as stipulated in Schedule "A" attached to this By-law;

- c) the vehicle which is to be licensed as a taxi, accessible taxi or limousine:
- i. has been inspected by the Taxi Authority and is available to be inspected on a semi annual basis;
  - ii. bears a valid Province of Nova Scotia motor vehicle safety sticker
  - iii. is insured for public liability and property damage and passenger hazard in an amount not less than one million dollars (\$1,000,000.00) and, when required by the Taxi Authority, provides proof of coverage;
  - iv. has a height from the top of the floor to the underneath side of the roof of at least 114 centimeters;
  - v. 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 centimeters;
  - vi. has a length from the dashboard, excluding extremities, to the front of the upper portion of the back seat of at least 160 centimeters;
  - vii. is in good state of repair with no visible body fillers, rust, primer paint, dents, breakages or other accidental damage or defect;
  - viii. functioning seatbelts for each passenger for which the vehicle is designed;
  - ix. in the case of a taxi, other than an accessible taxi:
    - is a four or more door sedan, a four or more door station wagon, or a four or more door minivan with such doors on the sides of the vehicle, with a design capacity of seven (7) passengers or less, excluding the driver; and
    - is equipped with a taxi meter conforming with the requirements of this By-law;
  - x. in the case of either a taxi or an accessible taxi, has roof signage conforming to the layout and design specified from time to time by the Traffic Authority and to the requirements of this By-law;
  - xi. in the case of either an accessible taxi or a limousine, meets the requirements in the definitions for such vehicles contained in section 2 of the By-law; and
  - xii. in the case of an accessible taxi, in addition to the insurance requirements set out in paragraph iii is insured for loss or damages

arising out of or in connection with the loading or unloading and escorting of persons with disabilities outside the vehicle.

8. Owner's licenses shall specify a taxi business /owners name under which the licensed vehicle shall be operated and no person shall operate or permit the operation of any taxi, limousine or accessible taxi under any taxi business name other than the name specified in the owner's license.

9. An owner's license may be renewed upon:

a) presentation of the vehicle for which renewal is sought prior to expiry of the license at the office of the Taxi Authority by appointment made at least 2 weeks in advance of expiry of the license; and

b) payment of the annual license fee prescribed by Schedule "A" to this By-law

provided that all of the requirements of this By-law for issuance of an owner's license continue to be met.

10. An owner's license may be transferred from one vehicle to another vehicle which complies with the requirements of this By-law, upon presentation of the vehicle for which the license is sought for inspection by the Taxi Authority and upon payment of a transfer fee of \$25.00.

11. There shall be a limit of 25 taxi owner's licenses in force in the Town of Stewiacke at any time, including suspended licenses within the grace period allowed under subsection ( c ) below, excluding licenses for accessible taxis which shall be unlimited in number, and in particular:

a) the Taxi Authority shall not issue a new taxi owner's license until the number of such licenses, falls below 25 , at which time a further number of licenses may be issued until the number again reaches 25;

b) the Taxi Authority shall maintain a waiting list of persons eligible to hold taxi owner's licenses in order of their seniority determined in order of receipt of applications, and whenever new taxi owner's licenses can be issued as a result of the total number of licenses falling below 25, persons whose names are on the list shall have first opportunity to obtain a license in order of their seniority, and only one license can be obtained for each person on the waiting list; and

c) any taxi owner's license which is revoked or surrendered shall not be renewed or reissued unless the issuance of such license will not result in the number of licenses exceeding 25, except that a grace period of ***3 months*** following expiration of an owner's license shall be allowed before expiration is deemed to constitute surrender of a license for purposes of the section.

### **Other Owner Obligations**

12. A taxi, limousine or accessible taxi owner shall not change the taxi business name under which the vehicle is operated without notifying the Taxi Authority of such change in writing not less than one week in advance of such change.
13. An owner of a taxi, accessible taxi or limousine shall notify the Taxi Authority forthwith of any change in the Provincial Registration of the vehicle.
14. No person shall operate or permit the operation of a taxi, accessible taxi or limousine when the conditions described in subsections b) and c) of section 7 do no apply or have ceased to apply.
15. An owner of a taxi, accessible taxi or limousine shall not permit any person to operate such vehicle unless that person is in possession of a valid driver's license pursuant to this By-law.
16. An owner or driver of a taxi, accessible taxi or limousine shall provide to the Taxi Authority upon demand from time to time evidence of insurance coverage consistent with the requirements of this By-law.
17. Every owner of an accessible taxi shall ensure that each driver of such taxi is physically capable of assisting in the loading and unloading of persons confined to wheelchairs.

### **Driver's Licenses**

18. No person shall
  - a) transport passengers for hire within the Town of Stewiacke;
  - b) be on any highway, street, road, lane, alley, taxi stand or other public place in the Town of Stewiacke in control of a motor vehicle for the purpose of transporting passengers for hire, or soliciting within the Town of Stewiacke the transportation of passengers for hire;

unless such person is in possession of a valid driver's license under this By-law and unless that license is conspicuously displayed in the vehicle and is readily visible to any passengers who may be in the vehicle.

19. Any person in control of a motor 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 in the Town of Stewiacke, or who is found waiting with any such motor vehicle at any location in the Town of Stewiacke

shall be deemed to be soliciting the transportation of passengers for hire within the Town of Stewiacke and deemed to be operating the vehicle as a taxi or limousine for the purposes of this By-law.

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

- a) an application in the form prescribed from time to time by the taxi Authority is completed and signed by the applicant for the license including:
  - i. the name, address and telephone number of the applicant;
  - ii. the taxi business name under which the applicant will drive a taxi or limousine;
  - iii. two professional quality photographs of himself or herself, not subject to fading or sensitive to heat, taken not less than one month before the date of the application and allowing a positive identification of the applicant at the time the application is made, two inches by two inches in dimension, which are clear and well defined showing a full front view head and shoulders without head covering, except that worn for *bona fide* religious reasons, taken against a plain white background, one to be retained by the Taxi Authority with the applicant's file and the other to be placed on the driver's license, if it is granted;
  - iv. the motor vehicle operator class 4 license number of the applicant issued pursuant to the *Motor Vehicles Act*;
  - v. a consent in form satisfactory to the taxi Authority to obtain an abstract of his or her driving record from the Registrar of Motor Vehicles; and
  - vi. the record of convictions of the applicant within the preceding 5 years and a duly executed consent sufficient to obtain verification of same from law enforcement agencies.
- b) payment is made to the Town of Stewiacke of the annual fee as stipulated in Schedule "A" attached to this By-law; and
- c) the Taxi Authority is satisfied that the applicant does not have disqualifying convictions within the proceeding five years.



21. A driver's license is not transferable.
22. A driver's license may be renewed upon payment of the annual license fee, provided that all of the requirements of this By-law for issuance of a driver's license continue to be met.

### **Other Driver Obligations**

23. No person shall operate a taxi or limousine when the conditions described in subsections a) iv and c) of section 20 do not apply or cease to apply.
24. A licensed driver of a taxi, accessible taxi or limousine shall immediately notify the Taxi Authority in the event of a change of address, telephone, business name under or for which he or she drives, loss of class 4 *Motor Vehicle Act* licensing, loss of insurance coverage or in the event of a disqualifying conviction.
25. All drivers of taxis and limousines licensed under this By-law shall comply with the following:
  - a) every driver while in control of a taxi or limousine shall wear a shirt or blouse; pants, skirt or dress; socks or stockings; and shoes (no opened toed footwear), which clothing shall be in a clean and tidy condition at all times;
  - b) a driver shall not permit any additional passengers in his or her taxi or limousine without the consent of the passenger who first engaged him or her;
  - c) the carrying of multiple passengers for separate fares is prohibited;
  - d) every driver, unless engaged by a passenger, shall upon being applied to in person or by telephone place his or her taxi or limousine at the disposal of the person so applying and shall proceed to any place in the Town of Stewiacke as directed, provided that a driver may refuse to drive a person whose conduct reasonably causes a driver to fear for his or her safety;
  - e) every driver shall transport any parcels, bags or luggage accompanying and given passenger not exceeding 25 kilograms per item or 50 kilograms in aggregate per passenger and shall place the luggage in and out of the taxi or limousine for the passenger, if requested to do so;
  - f) every driver who engages to be at any particular place at a particular time, whether by day or by night, shall be punctual in attendance at the specified place;

- g) the driver may determine whether persons may eat or drink while passengers are in his or her vehicle, and may also determine where the passengers sit, except that passengers may decline to sit in the front seat;
- h) a driver shall not, while in control of a taxi or limousine, use abusive or insulting language;
- i) a driver shall, at all times while in control of a taxi or limousine in a public place, conduct himself or herself in an orderly manner;
- j) a driver may solicit passengers for his or her taxi or limousine but such solicitation shall not be made by calling out or shouting or in any other noisy or disorderly manner;
- k) every driver shall proceed to the destination indicated by his or her passenger by the quickest route which shall result in the lowest fare, provided however, the he or she may take another route if directed to do so by a passenger;
- l) a drive shall not refuse to transport:
  - i. a passenger with a disability except where such is justified by physical limitations or disabilities of the driver, and where notice of such physical limitations or disabilities has been filed in advance with the Taxi Authority; and
  - ii. a dog accompanying a passenger with a disability id the dog is trained to assist a person with a disability.
- m) every driver of an accessible taxi shall render all assistance required by a disabled passenger or any passenger confined to a wheelchair, to enter and exit the taxi safely;
- n) a driver shall not smoke while a passenger is in the vehicle;
- o) the driver shall not permit smoking in the vehicle by any passenger; and
- p) no person shall represent a taxi or limousine to be a non-smoking or smoke-free vehicle if it has been smoked in while in the ownership of the current owner.

### **Licenses Generally**

- 26.** An owner's license and driver's license under this By-law constitute a license to transport parcels, boxes, packages, or other articles of whatsoever nature, at the

rates specified in this By-law for the transporting of passengers, even in the absence of any passenger in such vehicle.

27. No license fee is refundable upon suspension, revocation or termination for any reason any license granted under this By-law.
28. Licenses which have been destroyed, lost or stolen may be replaced upon sufficient proof of destruction or loss being presented to the taxi Authority and upon payment of a replacement fee as stipulated in Schedule "A" attached to this By-law.
29. The Taxi Authority may, after giving the licensee or prospective licensee an informal opportunity to be heard, refuse to issue or renew or may revoke or suspend the license of an owner or driver of a taxi, accessible taxi or limousine for a breach of this By-law, or failure to meet the qualifications for licensing on the part of the owner, driver or vehicle, as the case may be. A refusal to issue or renew or revocation or suspension of the license by the Taxi Authority may be appealed to the Committee within fourteen days of the decision of the Taxi Authority by written Notice of Appeal delivered to the Chief Administrative Officer of the Town of Stewiacke, and the Committee shall convene an appeal hearing and may, following the appeal hearing, make any decision which the Taxi Authority could have made in the first instance.

### **Taxi Roof Signage**

30. No vehicle which is the subject of a taxi owner's license or accessible taxi owner's license shall be operated or permitted to be operated as a taxi or accessible taxi unless it is equipped with a sign affixed to the roof of such taxi and capable of being illuminated electrically.
31. Taxi roof signs,
  - a) shall be of the size, color, design, layout and style as may be prescribed from time to time by the Taxi Authority and shall bear the vehicle's owner's license number;
  - b) shall bear the business name under which the taxi is being operated; and
  - c) shall be connected to the electrical system of the taxi in such a manner that it is illuminated at the same time the headlights of the vehicle are turned on or shall be capable of being switched on and off by the operator of the vehicle.
32. The taxi roof sign required herein shall be removed from the roof or covered by opaque material when the vehicle is not in service as a taxi.

## Fares

33. Every taxi driver shall charge the fares set out in Schedule “B” to this By-law.
34. Every taxi driver or taxi owner who receives or demands a fare greater or less than the fares set out in Schedule “B” to this By-law shall be guilty of an offence under this By-law, provided, however, that it shall not be an offence for a driver to accept a gratuity voluntarily offered by a passenger. For greater certainty, no taxi driver shall demand any additional fare for the transportation of wheelchairs, walkers, dogs accompanying passengers with disabilities, if such dogs are trained to assist a person with a disability, or for escorting passengers with disabilities to and from the first accessible door of their pick-up or designation.

## Taxi Stands

35. The Traffic Authority for the Town of Stewiacke may establish Common Taxi Stands for taxis and accessible taxis on such streets and in such places and numbers as he or she shall determine of the greatest benefit and conveniences to the public and such Common Taxi Stands shall be deemed designated by appropriate signs as provided for in the *Motor Vehicles Act*.
36. Common Taxi Stands shall only be used by a licensed driver operating a licensed taxi or accessible taxi.
37. Taxi and accessible taxi drivers who use Common Taxi Stands shall be subject to the following regulations:
- a) any driver whose vehicle is available for hire may take a position with the vehicle at any Common Taxi Stand where there is a vacancy;
  - b) a driver entering a Common taxi Stand shall take a position at the rear of the taxi which is at the end of the line at the stand;
  - c) whenever a taxi or accessible taxi leaves the stand, all other drives shall move their vehicles ahead;
  - d) all drivers shall move their vehicles when necessary to allow the departure from the stand of any other taxi or accessible taxi;
  - e) no driver while parked at a Common Taxi Stand shall:
    - i. leave his or her vehicle unattended; or
    - ii. obstruct the exit of another vehicle whose driver indicates a desire to leave the stand.

- f) No driver shall interfere with the free selection by any passenger of any vehicle at the stand.

### Penalties

38. Any person who contravenes any provision of this By-law is, in addition to any other remedy, guilty of an offense and punishable on summary conviction by a fine in an amount authorized by the *Motor Vehicles Act*.

#### Annotations for Official Bylaw Book

Date of first reading: April 27, 2006  
Date of advertisement of Notice of Intent to Consider: July 2, 2006  
Date of second reading: July 20, 2006  
\* Date of advertisement of Passage of By-law: July 25, 2006  
Date of mailing to Minister a certified copy of By-law: July 25, 2006

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

\_\_\_\_\_  
CAO / Clerk

\_\_\_\_\_  
Date

\* Effective date of the by-law unless otherwise specified in the text of the by-law

## Schedule A

### Licensing fees

Owners License: \$25.00

Drivers License: \$25.00

Replacement Licenses: \$25.00

## Schedule B

### Fares

<b>In Town Only</b>	<b>Regular Fares (2 People)</b>	<b>Extra People</b>
	\$5.00	\$1.00

- A maximum charge of \$2.00 per extra stop along hired trip