

## **TAXI BY-LAW # 2014 - 02**

### **A BY-LAW RESPECTING THE OWNERS AND OPERATORS OF TAXICABS IN THE TOWN OF DIGBY**

1. This By-law may be cited as the Taxi By-Law;

#### **DEFINITIONS**

2. In this By-law:
  - (a) “Town” means the Town of Digby,
  - (b) “Committee” means the Fire, Police and License Committee,
  - (c) “Council” means the Council of the Town of Digby,
  - (d) “Taxicab” means a motor vehicle, other than a bus, hack (horse drawn carriage) or rickshaw transport passengers for compensation,
  - (e) “Taxicab Operator” means the person driving a motor vehicle being used as a Taxicab on the highway or who has care and control of the motor vehicle on a highway whether in motion or not,
  - (f) “Taxicab Owner” means a person who holds the legal title of a vehicle for which a license to operate the same as a taxi has been granted,
  - (g) “Inspector” means the Town Clerk or By-Law Enforcement Officer as appointed by the Town,
  - (h) “disqualifying conditions” means:
    - (1) an order prohibiting the possession of any firearm, ammunition or explosive substance pursuant to the *Criminal Code of Canada*;
    - (2) a conviction for an indictable offence in which the commission of violence against a person was used, threatened or attempted;

- (3) conviction for an offence involving the illegal sale of liquor or narcotics or the illegal possession of liquor or narcotics for the purpose of sale or trafficking while holding a driver's license or within a period of two years immediately preceding the date of application for a driver's license;
- (4) conviction for any offence involving the possession, control or use of an automobile and the unlawful possession or use of liquor or narcotics;
- (5) convictions for three or more driving offences, or two or more convictions for such offences within any 12 month period unless, in the reasonable opinion of the Taxi Authority, the convictions were for offences unrelated to the possible safety of passengers or other persons using streets or highways, irrespective of whether persons were actually endangered at the time of the infractions; or
- (6) convictions in another country or jurisdiction similar in nature to those described in the preceding paragraphs of this subsection.

#### **TAXICAB OWNER'S LICENSE:**

3. 1) No person shall:
  - a) transport passengers for compensation in or through any highway, street road, lane, alley or other public place of the Town in any Taxicab;
  - b) be on any highway, street, road, lane, alley, or other public place in the Town in the control of a motor vehicle seeking employment as a taxi driver;
  - c) 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 obtaining employment as a taxi driver by way radio messages or any other means;

unless such person is in the possession of a valid taxi driver's license issued under this bylaw which is conspicuously displayed in the motor vehicle and is readily visible to any passengers who may in the vehicle.

- 2) No person being the owner of a vehicle shall operate such vehicle or permit it to be operated as a taxi in the Town unless said person holds a valid Taxicab Owner's license for such vehicle.

- 3)
  - a) The holder of a Taxi Owner's License shall cause to have displayed on the exterior of the Taxi so licensed a roof 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.
  - b) Any person in control of a motor vehicle which displays a taxi roof sign which is not covered or turned off, and is on any highway, street, road, lane, alley, or at any other public place in the Town, or is found waiting with such motor vehicle at any location in the Town, shall be deemed to be available to provide the service of the Taxi Cab.
- 4)
  - (a) The owner of a motor vehicle proposed to be licensed as a taxicab in the Town shall complete the application set out in schedule "A" of this By-law.
  - (b) An application for a taxicab owner's license shall be made to the Inspector for the Town.
- 5) A license may be issued by the Inspector where:
  - (a) The vehicle has passed a Province of Nova Scotia Motor Vehicle Inspection within thirty (30) days prior to the date of making the application or a valid Nova Scotia Motor Vehicle Inspection upon renewal of license; and
  - (b) That the owner of a motor vehicle proposed to be licensed as a taxicab in the Town of Digby shall submit said vehicle to an at the direction of the Inspector, present the vehicle within 7 [seven] days of the request, for inspection at an approved Nova Scotia Vehicle Inspection Station. **The holder of the Taxicab License shall pay for the expense of the inspection.**
  - (c) The owner has produced a certificate of insurance issued by an insurance company licensed to do business in the Province of Nova Scotia certifying that:
    - i. the vehicle is insured to operate as a taxicab, and
    - ii. property damage and public liability insurance is in effect with respect to the vehicle in an amount of not less than one million dollars (\$1,000,000) per occurrence, and
    - iii. the policy contains a rider providing that the Inspector shall be given fourteen days written notice on any non-renewal or cancellation of the policy, and

- (d) the required fee has been paid, and
  - (e) the required sticker shall be located on the lower right-hand side of the back window.
6. (a) The fee for a taxicab owner's license shall be twenty-five (\$25.00) dollars for each taxicab.
- (b) The Taxicab Owner shall supply the inspector a listing of all taxicab operators.
- (c) A taxicab owner's license shall expire on the 31<sup>st</sup> day of May next following its date of issuance.

### **DUTIES OF TAXICAB OWNER**

7. A taxicab owner shall ensure that during the term for which a license is granted for the operation of a taxicab that:
- (a) the interior of the taxicab shall be kept neat and tidy at all times while it is being operated as a taxi cab and shall not contain any refuse;
  - (b) the body of the taxi:
    - i. shall be equipped with a front and rear bumper both of which shall be securely mounted;
    - ii. shall have no portion of the exterior of the taxi bent or broken and no such portion shall protrude in such a way as to be a hazard to persons or vehicles;
    - iii. shall have no fender, grill, hubcaps or bumpers on the taxicab removed or missing;
    - iv. shall be of a uniform color scheme;
    - v. shall have all door handles and catches in good working order; and
    - vi. shall have an interior dome light which shall be in good working order and which shall operate when any of the doors of the taxi are opened or shall be operated by the light switch.
  - (c) that any license issued pursuant to this by-law is kept within the vehicle at all times while it is being operated as a taxicab.

- (d) every Taxi Cab shall have prominently displayed on the right hand visor within view of the passengers, the latest Town of Digby taxi rates as approved by the Council of the Town of Digby, and such display of rates shall be in Schedule E, which is attached to, and forms part of this bylaw.

#### **APPLICATION FOR TAXICAB OPERATOR'S LICENSE**

- 8. The Inspector of the Town may issue a license to the operator of a taxicab who has completed the application set out in Schedule "B" hereof, meets the terms of this By-law, and has paid the fee required herein.
- 9. The applicant for a taxicab operator's license shall provide to the Inspector:
  - (a) satisfactory evidence that the applicant is properly licensed by the Province of Nova Scotia to operate a taxicab; and
    - (1) A copy of a driver's abstract as issued by the Registrar of Motor Vehicles for the period of five (5) years preceding the date of the application shall be attached to the application. In the case where the applicant resided in another province within the preceding five (5) years, a driver's abstract as issued by the authority of the province of residence shall accompany the application; and
    - (2) Provides a satisfactory criminal records report from the Royal Canadian Mounted Police which is sufficient in the opinion of the Inspector to satisfy him / her that the applicant is not an unfit or improper person to hold a license by virtue of past misconduct.
  - (b) satisfactory evidence that the applicant has not been convicted of an offense under the Liquor Control Act of Nova Scotia, a summary conviction offense under the Controlled Drug and Substances Act of Canada or the Criminal Code of Canada within five (5) years preceding the application; and
  - (c) satisfactory evidence that the applicant has not been convicted of an indictable offense under the Criminal Code of Canada or the Controlled Drug and Substances Act of Canada within five (5) years preceding the application; and
  - (d) the name and address of the taxicab owner for whom the applicant will operate the taxicab.

- (e) Every taxi cab shall have prominently displayed on the right hand visor within view of the passengers, an identity card, which is shown attached as Schedule “C” of this By-Law. Schedule “C” shall identify the vehicle driver by stating the drivers name, the date the Taxi Driver’s License was issued, the driver’s master number, and such form shall have attached a recent photograph of the driver taken in the passport photo style and shall be signed by the driver and the Town Clerk.
10. (a) The fee for a taxicab operator’s license shall be twenty-five (\$25.00) dollars.
- (b) A taxicab operator’s license shall expire on the 31<sup>st</sup> day of May next following its date of issuance.

### **DUTIES OF A TAXI CAB OPERATOR**

11. The operator of a taxicab, while operating a taxicab, shall:
- (a) have on his/her person any license issued pursuant to this By-law;
  - (b) ensure that all conditions necessary for the issuance of a license are maintained during the term for which the license is granted, and;
  - (c) produce, on demand by any peace officer, any license issued pursuant to this By-law.
  - (d) A taxi driver, while engaged in the operation of a taxicab, shall be neat and clean in appearance, well groomed and, without limiting the generality of the foregoing, be dressed in pants, walking shorts or jeans or skirt, shirt or blouse with a collar, and shoes, all free from obvious wear.
  - (e) A taxi driver shall not wear any sleeveless shirt, or any clothing with patches therein or clothing displaying advertising logos or slogans deemed offensive or obscene by recognized public standards.

### **PENALTIES and SUSPENSIONS**

12. a) Where any taxicab owner or taxicab operator fails to comply with the terms of this By-law, the inspector may suspend for such term as is reasonable or revoke any license issued hereunder; and/or

- b) Every taxicab owner who contravenes or fails to comply with any of the foregoing provisions of this bylaw shall be liable to the penalty of one hundred (\$100.00) dollars for the first offense, and in default of payment upon conviction to a term of imprisonment of up to thirty (30) days; and two hundred and fifty (\$250.00) dollars for the second and subsequent offenses , and in default of payment upon conviction to a term of imprisonment of up to sixty (60) days; and,
- c) Every taxicab operator who contravenes or fails to comply with any of the foregoing provisions of this bylaw shall be liable to the penalty of fifty (\$50.00) dollars for the first offense, and in default of payment upon conviction to a term of imprisonment of up to thirty (30) days; and one hundred (\$100.00) dollars for the second and subsequent offences; and in default of payment upon conviction to a term of imprisonment of up to sixty (60) days.

**APPEALS**

- 13. Where a license issued hereunder is suspended or revoked by the Inspector, the aggrieved party may appeal such suspension or revocation to the next meeting of the Committee of the Whole of Town Council.
- 14. Upon hearing an appeal, the Committee of the Whole of Town Council may confirm, modify, alter or reverse any decision made by the Inspector and shall notify the applicant within forty-eight (48) hours of making its decision.

**REPEALS**

- 15. All Taxi By-laws of the Town now in force are hereby repealed.

<b><u>Clerk's Annotation For Official; Bylaw Book</u></b>	
<b>Date of First Reading: <u>07 July 2014</u></b>	
<b>Date of Advertisement of Notice of Intent to Consider:</b>	<b><u>17 July 2014</u></b>
<b>Date of Second Reading: <u>05 August 2014</u></b>	
<b>*Date of Advertisement of Passage of Bylaw: <u>14 August 2014</u></b>	
<b>Date of mailing to Minister a Certified copy of bylaw: <u>14 August 2014</u></b>	
<b>I certify that this Town of Digby Taxicab Bylaw was adopted by Council and published as indicated above.</b>	
<b>Clerk: _____</b>	<b>Date: <u>14 August 2014</u></b>
<b>E. Thomas Ossinger</b>	
<b>* Effective date of the bylaw unless otherwise specified in the text of the Bylaw.</b>	

**SCHEDULE "A"**  
**APPLICATION FOR TAXICAB  
OWNERS LICENSE**

1. Full Name (No Initials)
2. Mailing Address:
3. Civic Address:
4. Make of Vehicle:  
Year:  
Model:  
Serial Number:  
Date of Last Motor Vehicle Inspection:
5. Insurance: (copy of policy to be attached)  
  
Name of Agent:  
Insurance Company:  
Policy Number:  
Date of Expiration:

Date of Application

Signature of Applicant





**SCHEDULE "B"**  
**APPLICATION FOR TAXICAB**  
**OPERATORS LICENSE**

1. Full Name (No Initials)
2. Mailing Address
3. Civic Address
4. Telephone:
5. Date of Birth:
6. Drivers License Master No.
7. Class of License:
8. License Restrictions:
9. Expiry Date:
10. RCMP Criminal Records Check (forms available S/Cst. Office - Town Hall)  
[to be submitted with application/renewal]
11. Drivers Abstract [available through Motor Vehicles - Robinson Weir Rd.]  
[to be submitted with application/renewal]
12. Taxi Company with whom I will be employed:

\_\_\_\_\_  
Date of Application/Renewal

\_\_\_\_\_  
Signature of Applicant



## TAXI DRIVER'S LICENSE

Pursuant to Section 8 (e), Town of Digby Taxi By-Law

Name:

Master Number:

Date issued:

Driver's Signature

Town Clerk

August 2014

**Town of Digby  
Policy  
Taxi Bylaw Fares**

**The fares for passengers utilizing the services of taxicabs licensed within the Town of Digby are fixed as per Schedule “D” and Schedule “E”. This Policy shall take effect on the coming into force of the Operators and Owners of Taxicabs Bylaw.**

**Schedule “D”**

No owner or operator of a Taxi Cab shall charge for transportation from any one place within the Town of Digby to any other place within the Town of Digby a fare or fares other than as provided in the following:

- (A) Within the boundaries of the Town of Digby the fare shall be \$7.00, with a fee of \$1.00 for each over 2 (two) persons to the legal capacity of the taxicab.
- (B) For each and every 3 minute stop the sum of one dollar (\$1.00) extra [\$2.00 for each Off Direct Route stop]. A “stop” means a stop where a passenger embarks or disembarks the taxi cab, the fee for the extra stops to be apportioned equally amongst all passengers.
- (C) For the delivery of articles, groceries, and packages, the sum of three dollars (\$3.00) added to the flat rate as set out in (A) above;
- (D) For cruising or waiting within the limits of the Town of Digby, forty dollars (\$40.00) per hour. Timing for this charge will only apply after the passenger embarks or places personal items in the vehicle.
- (E) Discounted fares for the conveyance of children to and from school; of elderly, disabled, and/or physically handicapped residents of the Town (within the Town of Digby) may be made by private arrangement with the owner or driver of the licensed vehicle.

**SCHEDULE “ E “  
SCHEDULE OF RATES  
TO BE DISPLAYED IN VEHICLE**

Within the boundaries of the Town of Digby	\$7.00
Additional passengers (vehicle legal capacity)	\$1.00 each over 2 [two] persons
Each and every 3 minute stop	\$1.00 per stop [\$2.00 for each Off Direct Route stop]
Package Delivery	Regular fare plus \$3.00 = \$10.00
Cruising or Waiting	\$40.00 per hour

*I Certify this is a true copy of a policy adopted by Council of the  
Town of Digby pursuant to subparagraph 49(1)(c)(I) of the  
Municipal Government Act on August 5<sup>th</sup>, 2014.*

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*E. Thomas Ossinger, Town Clerk*

August 2014