

BYLAW NO. 15

A BYLAW REGULATING AND LICENSING THE OPERATION OF TAXICABS

WHEREAS the Council of the Region of Queens Municipality has the authority, within certain limitations, to pass bylaws regulating and licensing persons and vehicles engaged in the business of transporting persons or goods for hire within its boundaries – pursuant to Sec. 305 of the *Motor Vehicle Act*, R.S.N.S. 1989, Chapter 293, as amended from time to time;

AND WHEREAS the Council of the Region of Queens Municipality has broad authority, pursuant to the *Municipal Government Act*, to include in its bylaws a variety of items that are auxiliary or incidental to the subject matter of said bylaw;

AND WHEREAS the Province of Nova Scotia has authorized the Nova Scotia Utility and Review Board to regulate and license certain public passenger vehicles pursuant to the *Motor Carrier Act* R.S.N.S. 1989, Chapter 292, as amended from time to time;

AND WHEREAS certain persons engaged in the business of transporting persons or goods for hire are a "Public Utility" pursuant to the *Public Utilities Act*, and are thus subject to regulation and licensing by the same Nova Scotia Utility and Review Board;

THEREFORE BE IT ENACTED as follows:

OFFICIAL DETAILS

1. This bylaw shall be known as Bylaw Number 15 and may be cited as "The Taxi Bylaw" and applies only to taxicab engagements that both originate and terminate within the Region of Queens Municipality.

DEFINITIONS

2. In this Bylaw:
 - (a) "**Council**" means the Council of the Region of Queens Municipality;
 - (b) "**disqualifying conviction**" means:
 - (i) an Order prohibiting the possession of any firearm, ammunition or explosive substance pursuant to the *Criminal Code of Canada*;
 - (ii) a conviction for any indictable offence which involved the use, threat or attempt of violence against a person;
 - (iii) conviction for any 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 taxi driver's licence or within a period of two (2) years immediately preceding the date of application for a taxi driver's license;

- (iv) conviction for any offence involving the possession, control or use of an automobile and the unlawful possession or use of liquor or narcotics;
 - (v) convictions for three (3) or more driving offences, or two (2) or more convictions for such offences within a 12 month period; or
 - (vi) a conviction in another country or jurisdiction for an offence similar in nature to those described in the preceding paragraphs of this subsection will be counted if within the applicable time span.
- (c) "**highway**" has the meaning as defined in the *Motor Vehicle Act* of Nova Scotia, as amended from time to time;
 - (d) "**Inspector**" means the person appointed as, or acting temporarily in the place of, a Bylaw Enforcement Officer for the Region of Queens Municipality;
 - (e) "**license**" when used without any further descriptive word means both a taxi owner's license and a taxi driver's license;
 - (f) "**operate**" when used in relation to a taxicab means to drive or have care or control of said taxicab;
 - (g) "**owner**" has the meaning as defined in the *Motor Vehicle Act* of Nova Scotia, as amended from time to time;
 - (h) "**person transporting for hire**" means both the owner and the operator of any taxicab;
 - (i) "**taxicab**" or "**taxi**" means any vehicle used, or available to be used, to transport persons for compensation within the jurisdiction of the Region of Queens Municipality other than any vehicle operated by a public utility as defined in the *Public Utilities Act* or any vehicle required to be licensed pursuant to the *Motor Carrier Act* or Regulations passed pursuant to the *Motor Carrier Act*;
 - (j) "**taxi driver**" means the person operating a taxicab on a highway whether or not it be in motion;
 - (k) "**vehicle**" has the meaning as defined in the *Motor Vehicle Act* of Nova Scotia, as amended from time to time.

MAIN PROHIBITIONS

3. No person shall operate a taxicab unless said taxicab is the subject of a valid and current Taxi Driver's License.
4. No person shall be on any highway, at any taxi stand or any other public place in the Region of Queens Municipality in control of a vehicle for the purpose of transporting of passengers for compensation or hire, or soliciting for the transport of persons for compensation or hire, unless such person is in possession of a valid and current Taxi Driver's Licence.
5. No owner of a vehicle shall permit said vehicle to be operated as a taxicab unless said vehicle is the subject of a valid Taxi Owner's License.
6. No person shall operate a taxicab, or being the owner of a vehicle shall permit said vehicle to be operated as a taxicab, unless both the Taxi Driver's License issued to that person and the Taxi Owner's License for said taxicab is conspicuously displayed so as to be readily visible to any passengers who may be in the vehicle.

APPLICATIONS FOR TAXICAB OWNER'S LICENSES

7. A Taxi Owner's License shall not be issued by the Inspector unless and until all of the following has been filed with the Inspector and the Inspector is satisfied that said materials meet the requirements of this bylaw:
 - a. A completed application signed by the applicant, in the form prescribed from time to time by the Council, which includes at least the following information:
 - i. The name, address and telephone number of the owner and of any other person holding an ownership interest of 25% or more in the subject vehicle;
 - ii. In the event that the vehicle is owned by a corporation, the name, address and telephone number of any person owning or controlling, either directly or indirectly, an ownership interest of 25% or more in the said corporation;
 - iii. The business name under which the taxicab will be operated;
 - iv. The registration number, license plate number, make, model, colour, year of manufacture and serial number of the subject vehicle;
 - v. The name and address of the issuing company (the "insurer"), the policy number, liability coverage limits and categories of same if applicable, name of insured and expiry date of the insurance policy applicable to the subject vehicle;

- vi. The record of convictions within the preceding five (5) years (or any shorter time period where so specified), for any conviction which falls within the definition of "disqualifying conviction" pursuant to this bylaw, in relation to each person whose name, address and telephone number is required to be provided pursuant to this bylaw;
 - b. Signed, witnessed and dated Consent Forms from each person covered by the previous subsection or paragraph, drafted so as to provide authorization for the Inspector or another official acting on behalf of Council to obtain verification of said record of convictions from the applicable law enforcement agencies and/or governments;
 - c. Evidence of insurance on the subject vehicle of a minimum of \$1,000,000 (One Million Dollars) of public liability, property damage and passenger hazard coverage, without any limit on any particular claim up to that amount regardless of the number of persons involved or the nature of the damage;
 - d. A signed letter from the insurer, dated within thirty (30) days prior to the date of the application, to be entitled "Verification of Insurance Coverage" which outlines all relevant details of the insurance coverage and a statement advising that the vehicle has been insured to transport passengers and/or goods for compensation as well as a commitment that the insurer undertakes to advise the Inspector immediately should said insurance coverage be changed or cancelled;
 - e. Evidence of the subject vehicle having passed the Safety Inspection requirements per the Province of Nova Scotia within the three (3) month period immediately preceding the date of the application;
 - f. Payment of the annual license fee of \$25.00.
8. A Taxi Owner's License expires as of March 31st of each year.
 9. A Taxi Owner's License shall apply to only one vehicle; thus a separate application must be completed and submitted for each vehicle that an owner wishes to operate as a Taxi.
 10. A taxicab owner may apply for a license for the following annual licensing term by the submission of a fresh, revised and updated application for a Taxi Owner's License, which can be filed with the Inspector any time after February 28th of each year.
 11. A Taxi Owner's License may be transferred to another vehicle but only by way of written authorization from the Inspector which shall not be provided unless and until a new application is filed providing all of the information required in any such application and the Inspector being satisfied that said application and accompanying materials meet the requirements of this bylaw. In such case the termination date of said license does not change and a license transfer fee of \$15.00 must be paid.

12. A Taxi Owner's License shall specify the business name under which the licensed vehicle is to be operated.

OWNER OBLIGATIONS

13. A person holding a valid Taxi Owner's License shall immediately notify the Inspector in the event of a change in any of the items mentioned as part of a completed application, or in any of the materials that shall accompany an application, for a Taxi Owner's License.
14. A taxicab owner shall not change the business name under which the licensed vehicle is operated without first providing at least seven (7) days prior written notification to the Inspector of the proposed change.
15. A taxicab owner shall provide written notification to the Inspector of any change in the Provincial registration of the licensed vehicle, within seven (7) days of said change taking place.
16. A taxicab owner shall not permit any person to operate any Taxi for which said owner holds a Taxi Owner's License unless that person is in possession of a valid Taxi Driver's License pursuant to this bylaw.

APPLICATIONS FOR TAXICAB DRIVER'S LICENSES

17. A Taxi Driver's License shall not be issued by the Inspector unless and until all of the following has been filed with the Inspector and the Inspector is satisfied that said materials meet the requirements of this bylaw:
 - a. A completed application signed by the applicant taxi driver, in the form prescribed from time to time by the Council, which includes at least the following information:
 - i. The name, address and telephone number of the applicant taxi driver;
 - ii. The taxi business name under which, or for which, the applicant taxi driver proposes to operate a taxi;
 - iii. Two (2) professional quality photographs of the applicant (one to be retained on file and the other to be incorporated into the Taxi Driver's License should one be issued), to have been taken within the past thirty (30) days, and to be in a form not subject to fading nor sensitive to heat and to be two (2) inches by two (2) inches in size, and to show a full front view of head and shoulders and the subject shall be without head covering except that worn for bona fide religious reasons, and to have been taken against a plain white background;

- iv. The number from a valid and current Motor Vehicle Operators License, of a class that permits the applicant to operate a Taxi issued to the applicant pursuant to the *Motor Vehicle Act* of Nova Scotia;
 - v. A signed, witnessed and dated Consent Form from the applicant taxi driver drafted so as to provide authorization for the Inspector or another official acting on behalf of Council to obtain an abstract of the applicant's driving record from the Registrar of Motor Vehicles (N.S.) and from any other relevant Motor Vehicle Registry or equivalent body;
 - vi. The record of any conviction or convictions of the applicant taxi driver within the past five (5) years or such lesser period of time as may be applicable, for offences referenced in the definition of "disqualifying conviction", accompanied by a duly executed Consent Form drafted so as to provide authorization for the Inspector or another official acting on behalf of Council to obtain verification of same from the applicable law enforcement agencies and/or governments;
- b. A photocopy of a valid and current Motor Vehicle Operators License, of a Class that permits the applicant to operate a Taxi, issued to the applicant pursuant to the *Motor Vehicle Act* of Nova Scotia;
 - c. Payment of the annual license fee of \$25.00.
18. A Taxi Driver's License shall not be issued by the Inspector unless and until the Inspector is satisfied that the applicant does not have a disqualifying conviction or convictions within the past five (5) years or such lesser period of time as may be applicable pursuant to the definition of "disqualifying conviction" in this bylaw.
19. A Taxi Driver's License is not transferable and expires as of March 31st of each year.
20. A taxicab driver may apply for a license for the following annual licensing term by the submission of a fresh, revised and updated application for a Taxi Driver's License, which can be filed with the Inspector any time after February 28th of each year.

DRIVER OBLIGATIONS

21. A person holding a valid Taxi Driver's License shall immediately notify the Inspector in the event of a change in any of the items mentioned as part of a completed application, or in any of the materials that shall accompany an application, for a Taxi Driver's License, as noted above.

REFUSAL TO ISSUE OR RENEW LICENSE

22. The Inspector shall refuse to issue or renew a license based on one or more relevant persons having a disqualifying conviction as part of their record. The Inspector may refuse to issue or renew a license based on failure to meet other qualifications for issuance of a license.
23. Any such refusal to issue or renew shall be communicated in writing by the Inspector to the applicant and shall include a description of the reason or reasons for the decision as well as notification of the availability of, and process details of, an appeal - said notice to be dated on the day that it is finalized and to be mailed or hand delivered as soon as possible after finalization.
24. The unsuccessful applicant may appeal the decision of the Inspector, to the Council, by filing a written appeal notice or letter with the Clerk within twenty-one (21) days from the date of the letter from the Inspector indicating refusal.
25. Council shall set a date for a Special Meeting as an appeal hearing and provide a minimum of seven (7) days notice of the time and place of said hearing to the unsuccessful applicant. All members of Council are to be provided a copy of the Notice letter from the Inspector at least five (5) business days prior to said hearing and Council shall give the unsuccessful applicant an opportunity to be heard at the hearing and following the hearing may make any decision that the Inspector could have made in the first instance.

GENERAL PROVISIONS AND PROHIBITIONS

26. No person shall operate, or permit the operation of, a taxicab under a taxi business name other than the taxi business name specified in the Taxi Owner's License.
27. No person shall operate, or permit the operation of, a taxicab when anything described in the application, or in the materials provided as part of the application - for either a Taxi Owner's License or a Taxi Driver's License - has changed and said change has not been approved by the Inspector.
28. In the event of loss or destruction of a license, a replacement license shall be issued by the Inspector upon provision of:
 - a. Proof of said loss or destruction, which may consist of one or more Statutory Declarations as deemed necessary by the Inspector; and
 - b. Payment of a replacement fee of \$10.00.
29. A license issued under this bylaw constitutes a license to transport parcels, boxes, packages, groceries or other articles, for compensation, in spite of the absence of any passenger in the vehicle.

TAXI ROOF SIGNAGE

30. No vehicle shall be the subject of a Taxi Owner's License or shall be operated as a taxi unless it is equipped with a sign affixed to the roof of such taxi showing the business name under which it is being operated, capable of being illuminated electrically from within such sign; provided however that a taxi may be operated without such sign affixed to the roof if the taxi has markings no less than twelve inches in size on both sides of the vehicle clearly showing the business name under which the taxi is being operated.

SUSPENSION, REVOCATION OF LICENSES

31. The Inspector shall revoke a Taxi Owner's License if the owner of the relevant Taxi, or any person having an ownership interest of 25% or more in the relevant Taxi, is convicted of an offence which falls within the definition of "disqualifying conviction" pursuant to this bylaw.
32. The Inspector shall revoke a Taxi Driver's License if the person to whom the License is issued is convicted of an offence that falls within the definition of "disqualifying conviction" pursuant to this bylaw.
33. The Inspector may suspend or revoke a license based on what s/he perceives to be a breach of any provision of this bylaw.
34. Any such suspension or revocation shall be communicated in writing by the Inspector to the person named in the license and shall include a description of the reason or reasons for the decision as well as notification of the availability of, and process details of, an appeal – said notice to be dated on the day that it is finalized and to be mailed or hand delivered as soon as possible after finalization.
35. The person affected may appeal the decision of the Inspector, to the Council, by filing a written appeal notice or letter with the Clerk within twenty-one (21) days from the date of the letter from the Inspector indicating suspension or revocation.
36. Council shall set a date for a Special Meeting as an appeal hearing and provide a minimum of seven (7) days notice of the time and place of said hearing to the person affected. All members of Council are to be provided a copy of the Notice letter from the Inspector at least five (5) business days prior to said hearing and Council shall give the person affected an opportunity to be heard at the hearing and following the hearing may make any decision which the Inspector could have made in the first instance.
37. There shall be no refund of the annual fee paid in relation to any license that is suspended or revoked by the Inspector.

PENALTIES

38. Any person who contravenes any provision of this bylaw is guilty, upon summary conviction, of an offence and is, in addition to any other penalty or remedy, liable per Sec. 299 of the *Motor Vehicle Act* of Nova Scotia as follows:
- a. For a 1st offence to a fine of not less than Fifteen Dollars (\$15.00) and not more than Two Hundred and Fifty Dollars (\$250.00), and in default of payment, to a term of imprisonment not to exceed Thirty (30) days;
 - b. For a 2nd offence to a fine of not less than Twenty-Five Dollars (\$25.00) and not more than One Thousand Dollars (\$1000.00), and in default of payment, to a term of imprisonment of not less than Thirty (30) days and not to exceed Sixty (60) days; and
 - c. For a 3rd or subsequent offence to a fine of not less than Fifty Dollars (\$50.00) and not more than Two Thousand Five Hundred Dollars (\$2500.00), and in default of payment, to a term of imprisonment not less than Thirty (30) days and not to exceed Sixty (60) days – or to BOTH.
39. Pursuant to Sec. 505 (3) of the *Municipal Government Act*, every day during which a contravention of this bylaw continues is a separate offence.

VOLUNTARY PAYMENT

40. In the case of an alleged contravention of any part of this bylaw the Inspector may, in lieu of initiating a formal prosecution, issue to the alleged violator a Notice of Violation indicating that the person to whom it is directed has the option to voluntarily pay to the Region of Queens Municipality the sum of One Hundred Dollars (\$100.00) within fourteen (14) days of the date of issuance of the said Notice in order to avoid a formal prosecution.

SEVERABILITY

41. In the event that any part or section of this bylaw is found in any court of law to be illegal or beyond the power of Council to enact, such part or section shall be deemed to be severable and all other sections or parts of this bylaw shall be deemed to be separate and independent and to have been enacted as such.

EFFECTIVE DATE and REPEAL PROVISION

42. This bylaw shall be of full force and effect as of April 1, 2005 and the former Taxi Bylaw of the Region of Queens Municipality, being Bylaw No. 15 enacted on the 16th day of December, 1996, is repealed as of the date of coming into full force and effect of this bylaw.



Region of Queens Municipality

APPLICATION TAXICAB OPERATOR

1. Full Name: (No Initials) _____
2. Mailing Address: _____

3. Civic Address: _____

4. Date of Birth: _____
5. Driver's License Master No. _____
6. Class of License: _____
7. License Restrictions: _____
8. Taxi Operator with whom I will be employed: _____
9. Date of Criminal Reference Check : _____
(copy of Criminal Reference Check to be attached)
10. Convictions in last five (5) years:

Criminal Code	Yes	_____	No	_____
Narcotic Control Act	Yes	_____	No	_____
Food & Drug Act	Yes	_____	No	_____
Liquor Control Act	Yes	_____	No	_____

If you answered "Yes" to any part of No. 10, please provide details, including dates:

I hereby declare the above information to be accurate and provided to the best of my ability.

DATE

SIGNATURE OF APPLICANT



Region of Queens Municipality

APPLICATION TAXICAB OWNER LICENSE

1. Full Name (No Initials): _____

2. Mailing Address: _____

3. Civic Address: _____

4. Make of Vehicle: _____

Model: _____

Serial Number: _____

Date of Last Motor Vehicle Inspection: _____
(copy of Certificate to be attached)

5. Insurance: (copy of policy to be attached)

Name of Agent: _____

Insurance Company: _____

Policy Number: _____

Date of Expiration: _____

DATE

SIGNATURE OF APPLICANT

OFFICIAL CERTIFICATION

THIS IS TO CERTIFY THAT this bylaw was passed by the Council of the Region of Queens Municipality at a duly constituted meeting of said Council held the 21st day of March, 2005.

SIGNED by the Mayor and Regional Clerk this 11th day of April, 2005.

MAYOR

Chris McNeill

REGIONAL CLERK

OFFICIAL READINGS

READINGS: First: February 21, 2005

Second: March 21, 2005

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Office of the Minister of Service Nova Scotia & Municipal Relations

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