

BY-LAW NO. 59
Taxi By-Law

Title

1. This By-Law is entitled the "Taxi By-Law".

Definitions

2. In this By-Law:
 - (1) "Council" means Council of the Town of Lunenburg;
 - (2) "disqualifying conviction" means:
 - (a) an order prohibiting the possession of any firearm, ammunition or explosive substance pursuant to the Criminal Code of Canada;
 - (b) a conviction for an indictable offence in which the commission of violence against a person was used, threatened or attempted;
 - (c) 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 Taxi Driver's License or within a period of two years immediately preceding the date of application for a driver's license;
 - (d) conviction for any offence involving the possession, control or use of an automobile and the unlawful possession or use of liquor or narcotics;
 - (e) convictions for three or more driving offences, pursuant to the Criminal Code of Canada or the Motor Vehicle Act of Nova Scotia or any similar Statute in this or any other jurisdiction 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
 - (f) convictions in another country or jurisdiction similar in nature to those described in the preceding paragraphs of this subsection.
 - (3) "driver" means a taxi driver and "Taxi Driver's License" means a license for a driver pursuant to this By-Law'
 - (4) "licenses" includes
 - (a) Taxi Driver's Licenses; and
 - (b) Owner's Licenses;

- (5) “operate” means to operate or drive a taxi while such vehicle is transporting, picking up, dropping off passengers for hire, or soliciting passengers for hire;
- (6) “owner” means a person who directly or indirectly holds the legal title of a vehicle, provided that in the event a vehicle is the subject of a financing agreement (including a conditional sale or lease with an option or 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 purposes of this By- Law;
- (7) “taxi” means a vehicle used or intended to be used to carry passengers for hire 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;
- (8) “Taxi Authority” means an employee of the Town designated from time to time by Council as Taxi Authority and includes any person designated as deputy or assistant or temporary Taxi Authority;
- (9) “Town” means the Town of Lunenburg.

Taxi Authority

- 3. The powers and duties of the Taxi Authority shall be to:
 - (1) make all necessary inquiries and inspections concerning applications for or renewals of licenses pursuant to this By-Law;
 - (2) carry out periodic spot inspections, without notice, of vehicles licensed under this By- Law;
 - (3) issue, refuse to issue, or suspend licenses in accordance with the requirements of this By-Law;
 - (4) recommend disciplinary action to the Council for breach of this By-Law;
 - (5) prescribe application and license forms, documents, or taxi roof signage layouts or designs;
 - (6) keep a register of all licenses granted under the authority of this By-Law and assign license numbers;
 - (7) cause to be prosecuted for violations of this By-law with the approval of the Council of the Town; and
 - (8) take any other lawful steps in relation to the licensing and regulation of taxis as may be consistent with this By-Law.

Owner’s Licenses

- 4. No person shall operate a vehicle or, being the owner of a vehicle, shall permit

such vehicle to be operated as a taxi unless the vehicle is the subject of a valid and current Owner's License pursuant to this By-Law.

5. No person shall operate a vehicle or, being the owner of a vehicle, shall permit such vehicle to be operated as a taxi 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.
6. No Owner's License shall be granted for any vehicle unless and until:
 - (1) 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:
 - (a) the name, address, telephone number of the owner and of any person with a beneficial ownership interest in the vehicle of 25% or more;
 - (b) where the vehicle is owned by a corporation, the names, addresses and telephone numbers of persons directly or indirectly owning or controlling more than 25% of the beneficial ownership of the vehicle and all of the legal and beneficial shareholders of the corporation;
 - (c) the taxi business name under which the taxi will be operated;
 - (d) the motor vehicle registration number, motor vehicle license plate number, make, model, colour, year and serial number of the vehicle;
 - (e) the insurance company, policy number, liability coverage limits, name of insured, and expiry date of the motor vehicle insurance policy or policies applicable to the vehicle;
 - (f) the record of convictions within the preceding 5 years, for offences referenced in subsection (2) of section 2 of this By-Law, of each person whose name and address is required to be provided pursuant to paragraphs (1) and (b) of this subsection, and duly executed consents sufficient to obtain verification of same from law enforcement agencies and justice centres.
 - (g) has been inspected by the Taxi Authority;
 - (h) the application is accompanied by a motor vehicle inspection report obtained within the previous 30 days.
 - (2) payment is made to the Town of the annual fee of \$25.00 per vehicle or such amount as is determined by Policy of Council from time to time for

such license.

- (3) the Taxi Authority is satisfied that each person whose names and addresses are required to be provided pursuant to paragraphs (a) and (b) of subsection (1) of this section does not have, within the preceding 5 years, disqualifying convictions pursuant to subsection (2) of section 2 of this By-Law;
 - (4) the vehicle which is to be licensed as a taxi:
 - (a) bears a valid Province of Nova Scotia motor vehicle safety sticker;
 - (b) is insured for public liability and property damage and passenger hazard in an amount not less than \$2,000,000.00 and, when required by the Taxi Authority, provides proof of coverage;
 - (c) has a height from the top of the floor to the underneath side of the roof of at least 114 centimeters;
 - (d) 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;
 - (e) has a length from the dashboard, excluding extremities, to the front of the upper portion of the back seat of at least 160 centimeters;
 - (f) is in a good state of repair with no visible body fillers, rust, primer, paint, dents, breakages or other accidental damage or defect;
 - (g) functioning seatbelts for each passenger for which the vehicle is designed, and when applicable, appropriate approved car seats for children.
 - (h) is a four or more door sedan, a four or more door station wagon, or a four or more door minivan (such doors to be on the sides of the vehicle), with a design capacity of 7 passengers or less, excluding the driver, provided that notwithstanding the foregoing, any three-door minivan taxi in existence at the time of the passage of this By-Law shall be deemed to satisfy the requirements of this sub-clause 6.(4)(h), but any replacement vehicle shall have four or more doors as required herein.
 - (i) 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.
7. Owner's Licenses shall specify a taxi business name under which the licensed vehicle shall be operated and no person shall operate or permit the operation of any taxi under any taxi business name other than the name specified in the Owner's License.

8. An Owner's License may be renewed upon
 - (1) 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
 - (2) payment of the annual license fee prescribed by Town Council by Policy; provided that all of the requirements of this By-Law for issuance of an Owner's License continue to be met.

9. 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.

10. Council may by policy limit the number of taxi Owner's Licenses in force in the Town at any time [including suspended licenses within the grace period allowed under subsection (3)] and in particular:
 - (1) the Taxi Authority shall not issue a new taxi Owner's License until the number of such licenses falls below the number set by Council from time to time, at which time a further number of licenses may be issued until the number again reaches that number set by Council;
 - (2) 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 that number set by Council, 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
 - (3) 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 that number set by Council, 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 this section.

Other Owner Obligations

11. A 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.

12. An owner of a taxi shall notify the Taxi Authority forthwith of any change in the Provincial Registration of the vehicle.
13. No person shall operate or permit the operation of a taxi when any of the conditions described in subsections (2) to (4) of section 6 do not apply or have ceased to apply.
14. An owner of a taxi shall not permit any person to operate such a vehicle unless that person is in possession of a valid Taxi Driver's License pursuant to this By-Law.
15. An owner or driver of a taxi shall provide to the Taxi Authority upon demand from time to time evidence of insurance coverage consistent with the requirements of this By-Law.
16. The owner of any taxi shall have an established place of business and shall have a business telephone. Such place of business may be the office or place of business of another taxi owner who provides continuous service. Any change of place of business shall be reported at once to the Taxi Authority. The taxi owner shall inform the public of the business telephone number by advertisement or by listing the number in the telephone directory for the area in which his business is located.

Taxi Driver's Licenses

17. No person shall:
 - (1) transport passengers for hire within the Town;
 - (2) be on any highway, street, road, lane, alley, taxi stand or other public place in the Town in control of a motor vehicle for the purpose of transporting passengers for hire, or soliciting within the Town the transportation of passengers for hire;unless such person is in possession of a valid Taxi 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.
18. Any person in control of a motor vehicle

- (1) which displays taxi roof signage which is not covered by opaque material;
- (2) which is not transporting a passenger for hire; and
- (3) which is on any highway, street, road, lane alley, taxi stand or at any other public place in the Town, or who is found waiting with any such motor vehicle at any location in 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 for purposes of this By-Law.

19. No Taxi Driver's License shall be granted unless and until:

- (1) 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:
 - (a) the name, address, telephone number of the applicant;
 - (b) the taxi business name under which or for which the applicant will drive a taxi;
 - (c) 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, 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 Taxi Driver's License, if it is granted;
 - (d) the motor vehicle operator license number of the applicant of the appropriate class issued pursuant to the Motor Vehicle Act;
 - (e) 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
 - (f) a current, original abstract of the applicant's driving record from the Registrar of Motor Vehicles within the preceding 5 years, for offences referenced in subsection (2) of section 2 of this By-Law, and a duly executed consent sufficient to obtain verification of same from law enforcement agencies and justice centers;
- (2) the applicant is in possession of and submits for inspection to the Taxi Authority a valid and current class 4 motor vehicle operator license issued under the provisions of the Motor Vehicle Act.
- (3) payment is made to the Town of the annual fee set by Council by policy from time to time;

- (4) the Taxi Authority is satisfied that the applicant does not have disqualifying convictions within the preceding five years pursuant to subsection 2 of section 2 of this By-Law.
20. A Taxi Driver's License is not transferable.
21. A Taxi 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 Taxi Driver's License continue to be met.

Other Driver Obligations

22. No person shall operate a taxi when either of the conditions described in subsections (2) and (4) of section 18 do not apply or cease to apply.
23. A licensed driver of a taxi 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.
24. All drivers of taxis licensed under this By-Law shall comply with the following:
 - (1) Every driver while in control of a taxi shall be fully clothed, including footwear, which clothing shall be in a clean and tidy condition at all times. Every driver, while in control of a taxi shall be in a clean, tidy and respectable condition.
 - (2) The driver shall cause the interior of his taxi to be lighted upon a passenger entering or leaving same.
 - (3) A driver shall not permit any additional passengers in his or her taxi without the consent of the passenger who first engaged him or her.
 - (4) The carrying of multiple passengers for separate fares is prohibited.
 - (5) Every driver, unless engaged by a passenger, shall upon being applied to in person or by telephone place his or her taxi at the disposal of the person so applying and shall proceed to any place in the Town 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.
 - (6) Every driver shall transport any parcels, bags or luggage accompanying any 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 for the passenger if requested to do so.

- (7) 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.
- (8) The driver may determine whether persons may eat or drink while in his or her vehicle, and may also determine where the passengers sit, except that passengers may decline to sit in the front seat.
- (9) A driver shall not, while in control of a taxi, use abusive or insulting language.
- (10) A driver shall, at all times while in control of a taxi in a public place, conduct himself or herself in an orderly and polite manner.
- (11) A driver may solicit passengers for his or her taxi but such solicitation shall not be made by calling out or shouting or in any other noisy or disorderly manner.
- (12) 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, that he or she may take another route if directed to do so by a passenger.
- (13) A driver shall not refuse to transport:
 - (a) 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
 - (b) a dog accompanying a passenger with a disability if the dog is trained to assist a person with a disability.
- (14) A driver shall not smoke while a passenger is in the vehicle.
- (15) The driver shall not permit smoking in the vehicle by any passenger.
- (16) No person shall represent a taxi to be a non-smoking or smoke-free vehicle if it has been smoked in while in the ownership of the current owner.

Fares

25. Every taxi driver shall charge a fare not in excess of the fares set out in Schedule "A" of this By-law.
26. Every taxi driver or taxi owner who receives or demands a fare greater than the fares set out in Schedule "A" 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 disability 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 destination.

27. Every taxi driver shall post a copy of the tariff of fares as set out in Schedule "A" in the inside of the taxi where such fares are clearly visible to passengers.

Taxi Stands

28. The Traffic Authority for the Town may establish Common Taxi Stands for taxis on such streets and in such places and numbers as he or she shall determine is of the greatest benefit and convenience to the public and such Common Taxi Stands shall be designated by appropriate signs as provided for in the Motor Vehicle Act.
29. Common Taxi Stands shall only be used by a licensed driver operating a licenses taxi.
30. Taxi drivers who use Common Taxi Stands shall be subject to the following regulations:
- (1) 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;
 - (2) 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;
 - (3) whenever a taxi leaves the stand, all other drivers shall move their vehicles ahead;
 - (4) all drivers shall move their vehicles when necessary to allow the departure from the stand of any other taxi;
 - (5) no driver while parked at a Common Taxi Stand shall:
 - (a) leave his or her vehicle unattended;
 - (b) obstruct the exit of another vehicle whose driver indicates a desire to leave the stand.
 - (6) no driver shall interfere with the free selection by any passenger of any vehicle at stand.

Licenses Generally

31. An Owner's License and a Taxi 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 passengers in such vehicle.

32. No license fee is refundable upon suspension, revocation or termination for any reason any license granted under this By-Law.
33. 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 of \$25.00.
34. 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 either or both of an owner or driver of a taxi, for a breach of this By-Law, or failure to meet the qualifications for licensing on the part of the owner, driver or vehicle, or failure to continue to meet the qualifications for licensing on the part of the owner, driver or vehicle which were initially required at the time of obtaining the license, as the case may be. Without limiting the foregoing, either or both of a taxi owner's license or taxi driver's license may be suspended by the Taxi Authority for the violation of any provision of this By-law or the conviction of the owner or taxi driver of an offence against the Liquor Control Act, the Motor Vehicle Act or the Criminal Code (Canada) and a taxi driver's license shall be cancelled where his or her driver's privileges have been suspended or cancelled under the Motor Vehicle Act. Within 24 hours of any refusal to issue or renew or revocation or suspension of a Taxi Owner's License or Taxi Driver's License (Sundays and holidays excepted) the Taxi Authority shall make a report in writing to Council on the fact of such suspension, revocation or refusal to issue or renew and the reason therefor. A refusal to issue or renew or a revocation or suspension of the license by the Taxi Authority may be appealed to the Council within fourteen days of the decision of the Taxi Authority by written Notice of Appeal delivered to the Manager/Clerk of the Town, and the Council 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

35. No vehicle which is the subject of a Taxi Owner's License shall be operated or permitted to be operated as a taxi unless it is equipped with a sign affixed to

the roof of such taxi.

36. Taxi roof signs:

- (1) shall be of the size, colour, 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;
- (2) shall bear the business name under which the taxi is being operated.

37. 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.

Penalties

38. Any person who contravenes any provision of this By-Law is, in addition to any other remedy, guilty of an offence and punishable on summary conviction by a fine in an amount not exceeding \$2,000.00.

All previous provisions relating to taxis as contained in By-law No. 23 a By-law Respecting Trades and Licenses, are hereby repealed.

SCHEDULE "A"

RATES FOR TAXI DRIVERS

The following rates are applicable as of 2022, including HST.

1. Between 8:00 o'clock in the forenoon and midnight:

For transportation by taxi from any one point within in the Town to any other point within the Town the sum of \$7.00 including Harmonized Sales Tax (H.S.T.) for one passenger. An additional charge of \$2.80 including H.S.T. may be levied for every additional passenger with a maximum of \$14.00 per trip.

2. During other hours the rates referred to in Number 1 above may be doubled, with a maximum charge of \$28.00per trip.
3. If a taxi is required to wait for a passenger, there may be an additional charge not greater than \$0.35 per minute, for a total of \$21.00 per hour.