

**TOWN OF LUNENBURG BYLAW NO. 56 -  
HACK AND TROLLEY BYLAW AMENDMENT**

**WHEREAS** the liability insurance to be provided in order to obtain a Hack License should have the Town added as an "additional insured" and not an "additional named insured".

**BE IT RESOLVED** by the Town of Lunenburg that the Hack and Trolley By-law No. 56 be and is hereby amended as follows:

In section 4 (a) (4) the term "additional named insured" shall be deleted and the words "additional insured" shall be substituted therefor.

Any reference to liability insurance in the Application and Renewal Form for a Hack License shall provide that the Town be added as an additional insured and not additional named insured.

**Clerk's Annotation For Official Bylaw Book regarding Bylaw #56**

**Hack And Trolley Bylaw In The Town Of Lunenburg**

Date of first reading: May 28, 2019

Date of advertisement of notice of intent to consider: July 8, 2020

Date of second/final reading: August 25, 2020


Date of advertisement of passage of By-Law: September 9, 2020

Date of mailing to Provincial Minister a certified copy of the By-Law:  
September 10, 2020

I certify that the aforementioned amendment to By-Law #56, Hack and Trolley Bylaw of the Town of Lunenburg, was adopted by Council and published as indicated above.

Date

Sept. 16/20

  
Bea Renton, Town Manager/Clerk

**Certified Town of Lunenburg**  
**Council Resolution**

Motion: moved by Councillor Croft, seconded by Councillor Bachman

WHEREAS:

1. Clause 4(a)(4) provides that a Hack License and any renewal thereof shall contain a provision that adequate proof of liability insurance in an amount to be determined by Council by Resolution from time to time covering the Licensee, and there shall be adequate proof of liability insurance.
2. The Council by this Resolution is establishing an amount for the purposes of clause 4(a) (4) of the By-law.

BE IT RESOLVED:

That liability insurance in an amount of \$2.0 Million in 2019/20 and in an amount of \$5.0 Million beginning in 2020/21 per occurrence shall be required for a Hack License from and any renewal thereof. Motion carried.

I certify that this is a resolution of the  
Lunenburg Town Council approved at the  
March 12, 2019 Council meeting.

\_\_\_\_\_  
Bea Renton, CAO/Clerk

\_\_\_\_\_  
Date

**CERTIFIED AMENDMENT TO THE TOWN OF LUNENBURG BY-LAW NO. 56**

**HACK AND TROLLEY BY-LAW**

**WHEREAS** Council is not aware of any persons in Nova Scotia licensed to inspect carriages of this nature;

**BE IT RESOLVED** by the Town of Lunenburg that the Hack and Trolley By-law #56 be and is hereby amended as follows:

Section 4 (a) is amended by deleting the following sentence: "A Hack License and any renewal thereof shall contain the following provisions, which are material and go to the essence of the Hack License:" and substituting the following words therefor: "A Hack License Application and an Application for any renewal thereof shall contain the following information which is material and goes to the essence of the Hack License:"

Clause 4 (a) (6) is deleted and the following clause substituted therefor: "(6) Certification by the hack owner that the carriage (hack) is in good condition and safe for operation as a hack as well as evidence of satisfactory appearance inspection of tack and equipment by an individual reasonably capable of assessing it; and."

DATE

June 16/03

Bea Renton  
BEA RENTON,  
TOWN MANAGER/CLERK

I, BEA RENTON, TOWN MANAGER/CLERK FOR THE TOWN OF LUNENBURG, DO CERTIFY THAT THE ATTACHED IS A TRUE COPY OF AN AMENDMENT TO THE TOWN OF LUNENBURG'S HACK AND TROLLEY BY-LAW NO. 56, DULY APPROVED BY THE LUNENBURG TOWN COUNCIL ON MARCH 27, 2003, WITH FIRST READING HAVING BEEN GIVEN ON FEBRUARY 27, 2003, SECOND AND THIRD READINGS ON MARCH 27, 2003, AND EFFECTIVE ON APRIL 9, 2003, THE DATE OF ADVERTISEMENT IN THE PROGRESS ENTERPRISE NEWSPAPER.

**CERTIFIED TOWN OF LUNENBURG RESOLUTION REGARDING**

**HACK AND TROLLEY BY-LAW # 56**

**WHEREAS** the Hack and Trolley By-law contains provisions for Hack Licenses and Hack Operators Licenses.

**BE IT FURTHER RESOLVED** by the Town of Lunenburg that the attached Application form for Hack Licenses and Hack Operator's Licenses be adopted for use pursuant to the Hack and Trolley By-law #. 56 and all previous Application forms are rescinded.

I, Bea Renton, Town Manager/Clerk, for the Town of Lunenburg, certify that this is a true copy of a Resolution duly passed by the Lunenburg Town Council at a meeting duly called and held on March 27, 2003.

Date

June 16/03

Bea Renton

Bea Renton  
Town Manager/Clerk



TOWN OF LUNENBURG

HACK LICENSE

APPLICATION AND RENEWAL FORM

License No. \_\_\_\_\_  
(for office use only)

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE: (Work) \_\_\_\_\_ (Home) \_\_\_\_\_

DATE OF BIRTH OF APPLICANT:  
(If applicable) \_\_\_\_\_

1. I am the owner of the following Hack:

A. Horse (or horses if rotating)  
Description: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

B. Carriage (characteristics, including dimensions, weight, passenger capacity): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

C. A color photograph of the carriage is attached.

2. I have liability insurance in the amount of \$2 million dollars covering the Licensee and the Town as an additional named insured [attach written confirmation].

3. Attached is a recent proof of health inspection by a licensed veterinarian of the horse or horses to be used in drawing the carriage.

4. The horse(s) will be housed at the following stables:  
\_\_\_\_\_  
\_\_\_\_\_

5. I certify that the carriage (hack) as well as the tack and equipment are in good condition and safe for operation as a hack.

I hereby make application for a Hack License in accordance with the particulars as stated above and declare that the above statements are true and correct, and I undertake that if granted the License applied for, I will comply with each and every obligation contained in all Municipal, Provincial and Federal laws, regulations and by-laws now in force and amendments thereto in the Town of Lunenburg, Nova Scotia.

\_\_\_\_\_  
Date of Application

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

\_\_\_\_\_  
License approved/Date:

\_\_\_\_\_  
TRAFFIC AUTHORITY

\_\_\_\_\_  
License denied/Date:

\_\_\_\_\_  
TRAFFIC AUTHORITY

Mail completed Application and applicable fee to:

Town of Lunenburg  
P.O. Box 129  
Lunenburg, Nova Scotia  
B0J 2C0

OR

Deliver to:

Town Hall  
119 Cumberland Street  
Lunenburg, Nova Scotia  
B0J 2C0



## NOTE:

6. The Hack and Trolley By-law states:
- A. A Hack License shall be issued on a specific vehicle to a specific owner and for a specific horse (or horses where the hack owner intends to rotate horses). A Hack License is not transferrable. Hacks shall be authentically-styled passenger carriages of a style and type approved by Council by Resolution. Carriages must not exceed 12' in length measured from end to end and 6' in width excluding the steps and shafts, and measured from axle tip to axle tip.
  - B. Failure to abide by the provisions of this By-law, any other Town By-laws, or the Motor Vehicle Act, R.S.N.S. 1989, Chapter 293 in any manner affecting or regulating the operation of the vehicle for which the Hack License is issued, shall be grounds for the suspension or cancellation of the Hack License at the discretion of either the Traffic Authority or the Council.
  - C. The Council may determine by resolution a maximum number of hacks which shall be allowed to operate in the Town (and may, by Resolution, increase or decrease that number from time to time). If in any year after deducting the number of renewals of hack licenses as referred to in clause 4.(a) and 4.(e), there are a greater number of applications for hack licenses than the maximum number of hacks allowable (less the said renewals), the Council shall select a method of determining the successful applicants (including, without limiting the foregoing, tender or lottery).
  - D. A Hack 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 Traffic Authority by appointment made at least two weeks in advance of expiry of the license; and
    - (2) satisfactory proof of health inspection of the horse (or horses) within the previous 30 days, by a veterinarian and a certification by the veterinarian that the horse (or horses) is (or are) healthy and able to work in the hack business; and
    - (3) payment of the annual license fee prescribed by Town Council

provided that all of the requirements of this By-law for issuance of a Hack License continue to be met.
  - E. A refusal to issue or renew or a revocation or suspension of the license by the Traffic Authority may be appealed to the Council within fourteen days of the decision of the Traffic 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 Traffic Authority could have made in the first instance.
7. Council may approve hack loading zones where hacks may wait to load or unload passengers. A hack shall be assigned to a specific loading zone for the duration of the yearly license, provided that the loading zones may be relocated, enlarged or reduced in size by Council by Resolution from time to time and further provided that Council may, from time to time, relocate hacks to another assigned loading zone from time to time.
8. Hacks may operate only on such Town streets and routes as are approved by Council; provided that the hack may be operated on such other streets in the Town on a temporary basis, as may be authorized by the Traffic Authority or the Council from time to time; and further provided that if a Town Street is temporarily closed or obstructed (due to construction, motor vehicle accident, presence of fire fighting apparatus, parade or similar obstruction), the hack may be operated for a period not in excess of two days on such other streets in the Town of Lunenburg to detour around the obstruction without obtaining authorization from the Traffic Authority or the Council. Special occasion requests may also be made by the hack owner to the Traffic Authority who may authorize the hack to operate on other streets in the Town for that special occasion as specifically listed in the Special Occasion Permit. The Traffic Authority or Council may restrict or vary the routes and streets upon which hacks may operate during special events in the Town of Lunenburg.
9. All Hack Operators shall observe all the provisions of the Motor Vehicle Act as are applicable to the operation of hacks. Without restricting the foregoing, all hacks shall display such lighting and reflector apparatus and any other equipment as may be required by the Motor Vehicle Act.
10. All Hack Operators shall be competent in accurately portraying the culture, history and architecture of the Town. The Hack Owner shall provide a written copy of the tour route and Hack Operator commentary to the Council for approval

prior to the issuance of a Hack License and at such other times as requested by the Manager/Clerk of the Town. The Hack Operators shall use such approved commentary.

11. The Hack Operator shall ensure that all horse feces is promptly transported to the horse's stable (or such other location approved by Council from time to time) for proper disposal of same so as not to cause an offensive odour. Horse feces will not be deposited in Town garbage receptacles. The Hack Operator shall also take all necessary steps to prevent any nuisance including odour emanating from horse feces. All horse urine will be promptly dealt with by the Hack Operator by cleaning and sanitizing the affected public or private property so as not to cause an offensive odour.
12. While on duty, a Hack Operator shall:
  - A. not permit or allow any person on the back of a horse under the said Operator's control;
  - B. not leave a horse unattended except when confined to a stable or other enclosure or attached to a hitching post;
  - C. ensure that the horse is always in the Operator's effective control;
  - D. not permit a hack to be parked without first effectively setting any brake equipment thereon;
  - E. upon request at any reasonable time without prior notice, make a horse or hack available for inspection by the Traffic Authority, any Town Police Officer, SPCA official, or any veterinarian;
  - F. operate the hack so as not to unduly impede the flow of motor vehicle traffic on the Town streets.
13. The erection of any hitching post shall be at the sole expense of the Hack Owner and shall not be installed until the location and design is approved by the Town Engineer.
14. The Hacks may be operated only between sunrise and one hour after sunset provided that Council may, by resolution, from time to time, vary the hours and period of operation of Hacks.
15. A Hack Operator shall, at his own expense, keep routes, carriage stands and stationary horse feeding and watering locations clean, sanitary and free of horse feces, urine, litter, and other waste materials, which shall not be deposited in Town garbage receptacles.
16. All Hack Operators and Hack Licensees shall ensure that appropriate and sufficient food and fresh potable drinking water are available for each horse and that, while working, each horse is permitted to eat at reasonable intervals and have access to drinking water as necessary.
17. Hack Operators and Hack Licensees shall further ensure that horses be given regular rest periods while working.
13. Hack Operators and Hack Licensees shall ensure that horses are kept clean, especially those areas in contact with the harness or other tack.
14. Hack Operators and Hack Licensees shall ensure that pads and other pieces of tack are kept clean and in a safe and serviceable condition.
15. The Hack Operators shall take such further precautions as may be reasonably necessary to ensure the health and safety of the horse.
16. Hack Operators and Hack Licensees shall not allow a horse to be used in the hack operation when the horse is not in good health. The Hack Operators and Hack Licensees shall not allow the horse to be subject to any condition or treatment which will impair the good health and physical condition of the horse. Without restricting the generality of the foregoing, the following shall deem a horse unfit for use:
  - (a) lameness of any kind;
  - (b) open sores or wounds caused by, or likely to be irritated by, the bearing surfaces of harness, bridle or girths;
  - (c) signs of emaciation, dehydration or exhaustion; or
  - (d) loose shoes or shoes of a type not approved by the Town Engineer or Traffic Authority.



17. (a) The Traffic Authority or Council may require at anytime the Hack Operator or Hack Licensee, at his own expense, to have each horse examined by a veterinarian before the horse is used in service, if the horse is considered to be unfit. Satisfactory proof of health inspection by a veterinarian [and a certification by the veterinarian that the horse is healthy and able to return to work] shall be required for the horse to return to work.
- (b) The Traffic Authority or Council may also engage a veterinarian, at the Hack Operator's or Hack Licensee's expense to assess a horse and if the veterinarian determines the horse unfit for work, may suspend the Hack License for such period as the Traffic Authority or Council deems appropriate.

C:\misc\town-hack.applca.wpd(jan14,2003)

TOWN OF LUNENBURG

HACK OPERATOR LICENSE

APPLICATION FORM AND RENEWAL

License No. \_\_\_\_\_  
(for office use only)

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE: (work) \_\_\_\_\_ (home) \_\_\_\_\_

DATE OF BIRTH: \_\_\_\_\_

MOTOR VEHICLE DRIVERS LICENSE  
MASTER NO. \_\_\_\_\_

I agree that:

- A. I must maintain a current Motor Vehicle Drivers License;
- B. I must operate strictly in accordance with the By-laws of the Town applicable thereto as amended from time to time and in accordance with all Federal and Provincial legislation and regulation. I shall not place or distribute pamphlets or other printed materials to solicit or advertise for business on Town property, shall not use hawkers or persons holding signs to solicit or advertise for business or place any fixed structure for the purpose of sale, solicitation or hawking, excepting a sign authorized by development permit and approved by the Town;
- C. I shall not park or store horses or equipment on a public street or private property except to wait for, load or unload passengers in approved hack loading zones, unless a special occasion permit is issued by the Traffic Authority.
- D. nothing herein shall prohibit the solicitation of business by a Hack Operator immediately alongside a hack in an approved hack loading zone, so long as such solicitation is not done in an offensive manner; and
- E. I shall be assessed an annual fee to operate a hack in the Town. Such fee shall be set by resolution of Council from time to time.

Attached herewith are the fees proscribed by Council for a Hack License.

Attached hereto is a written copy of the tour route and Hack Operator commentary to be submitted to Council for approval prior to the issuance of the License.

I hereby make application for a Hack Operators License in accordance with the particulars as stated above and declare that the above statements are true and correct, and I undertake that if granted the License applied for, I will comply with each and every obligation contained in all Municipal, Provincial and Federal laws, regulations and by-laws now in force and amendments thereto in the Town of Lunenburg, Nova Scotia.

\_\_\_\_\_  
Date of Application

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

License approved/Date: \_\_\_\_\_

\_\_\_\_\_  
TRAFFIC AUTHORITY

License denied/Date: \_\_\_\_\_

\_\_\_\_\_  
TRAFFIC AUTHORITY

Mail completed Application and applicable fee to:

Town of Lunenburg  
P.O. Box 129  
Lunenburg, Nova Scotia  
B0J 2C0

OR

Deliver to:

Town Hall  
119 Cumberland Street  
Lunenburg, Nova Scotia  
B0J 2C0

## NOTE:

1. The Hack and Trolley By-law states:
  - A. A Hack License shall be issued on a specific vehicle to a specific owner and for a specific horse (or horses where the hack owner intends to rotate horses). A Hack License is not transferrable. Hacks shall be authentically-styled passenger carriages of a style and type approved by Council by Resolution. Carriages must not exceed 12' in length measured from end to end and 6' in width excluding the steps and shafts, and measured from axle tip to axle tip.
  - B. Failure to abide by the provisions of this By-law, any other Town By-laws, or the Motor Vehicle Act, R.S.N.S. 1989, Chapter 293 in any manner affecting or regulating the operation of the vehicle for which the Hack License is issued, shall be grounds for the suspension or cancellation of the Hack License at the discretion of either the Traffic Authority or the Council.
  - C. The Council may determine by resolution a maximum number of hacks which shall be allowed to operate in the Town (and may, by Resolution, increase or decrease that number from time to time). If in any year after deducting the number of renewals of hack licenses as referred to in clause 4.(a) and 4.(c), there are a greater number of applications for hack licenses than the maximum number of hacks allowable (less the said renewals), the Council shall select a method of determining the successful applicants (including, without limiting the foregoing, tender or lottery).
  - D. A Hack 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 Traffic Authority by appointment made at least two weeks in advance of expiry of the license; and
    - (2) satisfactory proof of health inspection of the horse (or horses) within the previous 30 days, by a veterinarian and a certification by the veterinarian that the horse (or horses) is (or are) healthy and able to work in the hack business; and
    - (3) payment of the annual license fee prescribed by Town Council

provided that all of the requirements of this By-law for issuance of a Hack License continue to be met.
  - E. A refusal to issue or renew or a revocation or suspension of the license by the Traffic Authority may be appealed to the Council within fourteen days of the decision of the Traffic 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 Traffic Authority could have made in the first instance.
2. Council may approve hack loading zones where hacks may wait to load or unload passengers. A hack shall be assigned to a specific loading zone for the duration of the yearly license, provided that the loading zones may be relocated, enlarged or reduced in size by Council by Resolution from time to time and further provided that Council may, from time to time, relocate hacks to another assigned loading zone from time to time.
3. Hacks may operate only on such Town streets and routes as are approved by Council; provided that the hack may be operated on such other streets in the Town on a temporary basis, as may be authorized by the Traffic Authority or the Council from time to time; and further provided that if a Town Street is temporarily closed or obstructed (due to construction, motor vehicle accident, presence of fire fighting apparatus, parade or similar obstruction), the hack may be operated for a period not in excess of two days on such other streets in the Town of Lunenburg to detour around the obstruction without obtaining authorization from the Traffic Authority or the Council. Special occasion requests may also be made by

the hack owner to the Traffic Authority who may authorize the hack to operate on other streets in the Town for that special occasion as specifically listed in the Special Occasion Permit. The Traffic Authority or Council may restrict or vary the routes and streets upon which hacks may operate during special events in the Town of Lunenburg.

4. All Hack Operators shall observe all the provisions of the Motor Vehicle Act as are applicable to the operation of hacks. Without restricting the foregoing, all hacks shall display such lighting and reflector apparatus and any other equipment as may be required by the Motor Vehicle Act.
5. All Hack Operators shall be competent in accurately portraying the culture, history and architecture of the Town. The Hack Owner shall provide a written copy of the tour route and Hack Operator commentary to the Council for approval prior to the issuance of a Hack License and at such other times as requested by the Manager/Clerk of the Town. The Hack Operators shall use such approved commentary.
6. The Hack Operator shall ensure that all horse feces is promptly transported to the horse's stable (or such other location approved by Council from time to time) for proper disposal of same so as not to cause an offensive odour. Horse feces will not be deposited in Town garbage receptacles. The Hack Operator shall also take all necessary steps to prevent any nuisance including odour emanating from horse feces. All horse urine will be promptly dealt with by the Hack Operator by cleaning and sanitizing the affected public or private property so as not to cause an offensive odour.
7. While on duty, a Hack Operator shall:
  - A. not permit or allow any person on the back of a horse under the said Operator's control;
  - B. not leave a horse unattended except when confined to a stable or other enclosure or attached to a hitching post;
  - C. ensure that the horse is always in the Operator's effective control;
  - D. not permit a hack to be parked without first effectively setting any brake equipment thereon;
  - E. upon request at any reasonable time without prior notice, make a horse or hack available for inspection by the Traffic Authority, any Town Police Officer, SPCA official, or any veterinarian;
  - F. operate the hack so as not to unduly impede the flow of motor vehicle traffic on the Town streets.
8. The erection of any hitching post shall be at the sole expense of the Hack Owner and shall not be installed until the location and design is approved by the Town Engineer.
9. The Hacks may be operated only between sunrise and one hour after sunset provided that Council may, by resolution, from time to time, vary the hours and period of operation of Hacks.
10. A Hack Operator shall, at his own expense, keep routes, carriage stands and stationary horse feeding and watering locations clean, sanitary and free of horse feces, urine, litter, and other waste materials, which shall not be deposited in Town garbage receptacles.
11. All Hack Operators and Hack Licensees shall ensure that appropriate and sufficient food and fresh potable drinking water are available for each horse and that, while working, each horse is permitted to eat at reasonable intervals and have access to drinking water as necessary.
12. Hack Operators and Hack Licensees shall further ensure that horses be given regular rest periods while working.
13. Hack Operators and Hack Licensees shall ensure that horses are kept clean, especially those areas in contact with the harness or other tack.



14. Hack Operators and Hack Licensees shall ensure that pads and other pieces of tack are kept clean and in a safe and serviceable condition.
15. The Hack Operators shall take such further precautions as may be reasonably necessary to ensure the health and safety of the horse.
16. Hack Operators and Hack Licensees shall not allow a horse to be used in the hack operation when the horse is not in good health. The Hack Operators and Hack Licensees shall not allow the horse to be subject to any condition or treatment which will impair the good health and physical condition of the horse. Without restricting the generality of the foregoing, the following shall deem a horse unfit for use:
  - (a) lameness of any kind;
  - (b) open sores or wounds caused by, or likely to be irritated by, the bearing surfaces of harness, bridle or girths;
  - (c) signs of emaciation, dehydration or exhaustion; or
  - (d) loose shoes or shoes of a type not approved by the Town Engineer or Traffic Authority.
17.
  - (a) The Traffic Authority or Council may require at anytime the Hack Operator or Hack Licensee, at his own expense, to have each horse examined by a veterinarian before the horse is used in service, if the horse is considered to be unfit. Satisfactory proof of health inspection by a veterinarian [and a certification by the veterinarian that the horse is healthy and able to return to work] shall be required for the horse to return to work.
  - (b) The Traffic Authority or Council may also engage a veterinarian, at the Hack Operator's or Hack Licensee's expense to assess a horse and if the veterinarian determines the horse unfit for work, may suspend the Hack License for such period as the Traffic Authority or Council deems appropriate.

**CERTIFIED TOWN OF LUNENBURG HACK AND TROLLEY BY-LAW #56**

DATE July 3/02

Bea Renton  
BEA RENTON,  
TOWN MANAGER/CLERK

I, BEA RENTON, TOWN MANAGER/CLERK FOR THE TOWN OF LUNENBURG, DO CERTIFY THAT THE ATTACHED IS A TRUE AND CURRENT COPY OF HACK AND TROLLEY BY-LAW # 56. OF THE TOWN OF LUNENBURG DULY APPROVED BY THE LUNENBURG TOWN COUNCIL ON MAY 30, 2002, WITH FIRST READING HAVING BEEN GIVEN ON FEBRUARY 28, 2002, SECOND READING ON MARCH 28, 2002 AND THIRD AND FINAL READING ON MAY 30, 2002 AND EFFECTIVE ON JUNE 12, 2002 THE DATE OF ADVERTISEMENT IN THE PROGRESS ENTERPRISE NEWSPAPER.



TOWN OF LUNENBURG BY-LAW #56

HACK AND TROLLEY BY-LAW

This By-law shall be known as the "Hack and Trolley By-law".

1. Definitions:

- (a) "**Council**" means the Council of the Town of Lunenburg;
- (b) "**Hack**" means a horse-drawn vehicle used to transport passengers for compensation;
- (c) "**Public Address System**" includes phonographs, gramophones, radios, microphones and other devices or apparatus whether operated electrically, mechanically or in any other way whatsoever whether moveable or stationary, which reproduce, amplify, emit or transmit sounds which are capable of being heard on any street or public place or in any building;
- (d) "**Town**" means the Town of Lunenburg;
- (e) "**Traffic Authority**" means the Traffic Authority of the Town of Lunenburg; and
- (f) "**Trolley**" means a bus, van or other motorized vehicle designed to transport passengers, but does not include a taxi as defined in the Trade and Licenses By-Law of the Town. In this By-law, the term "Trolley" only applies to such vehicles used to transport passengers or conduct tours for compensation within the Town.

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HACKS

- 2. No person shall operate or cause to be operated for hire any hack for the purpose of conducting tours or transporting passengers for compensation within the Town except hacks as provided in, and authorized pursuant to, this By-law.

HACK OPERATOR LICENSE

- 3. (a) No person shall operate upon the streets of the Town any hack without first obtaining a Hack Operator License issued by the Town Traffic Authority upon application. Such License shall be for a period of one year and shall be renewable on April 1 in each year. A Hack Operator License and any renewal thereof shall contain the following provisions, which are material and go to the essence of the Hack Operator License:

- (1) the Hack Operator shall maintain a current Motor Vehicle Drivers License;
  - (2) the Hack Operator shall agree to operate strictly in accordance with the By-laws of the Town applicable thereto as amended from time to time and in accordance with all Federal and Provincial legislation and regulations. The Hack Operator shall not place or distribute pamphlets or other printed materials to solicit or advertise for business on Town property, shall not use hawkers or persons holding signs to solicit or advertise for business or place any fixed structure for the purpose of sale, solicitation or hawking, excepting a sign authorized by development permit and approved by the Town;
  - (3) the Hack Operator shall not park or store horses or equipment on a public street or private property except to wait for, load or unload passengers in approved hack loading zones, unless a special occasion permit is issued by the Traffic Authority.
  - (4) nothing herein shall prohibit the solicitation of business by the Hack Operator immediately alongside a hack in an approved hack loading zone, so long as such solicitation is not done in an offensive manner; and
  - (5) each Hack Operator shall be assessed an annual fee to operate a hack in the Town. Such fee shall be set by resolution of Council from time to time.
- (b) The location, size and conditions related to hack loading zones shall be approved by the Traffic Authority.
  - (c) Hack Operator Licenses are not transferable.
  - (d) Failure to abide by the provisions of this By-law or of any other Town By-laws or any provisions of the Motor Vehicle Act, R.S.N.S, 1989, Chapter 293, in any manner affecting or regulating the operation of a hack, shall be grounds for the suspension or cancellation of the Hack Operator License at the discretion of the Traffic Authority (but there shall be a right of appeal to Council).
  - (e) Hack Operator Licenses shall not be exclusive and the Traffic Authority may issue other such Hack Operator Licenses, but the Council may also limit the number of Hack Operators Licenses to be issued by the Traffic Authority.
  - (f) A Hack Operator License may be renewed upon payment of the annual license fee prescribed by Town Council provided that all of the requirements of this By-law for issuance of an Operator's License continue to be met.
  - (g) A refusal to issue or renew or a revocation or suspension of the license by

the Traffic Authority may be appealed to the Council within fourteen days of the decision of the Traffic 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 Traffic Authority could have made in the first instance.

## HACK LICENSE

4. (a) No hack shall operate without a Hack License duly issued by the Traffic Authority upon application by the hack owner. Such License shall be for a period of one year and shall be renewable on April 1 in each year. A Hack License and any renewal thereof shall contain the following provisions, which are material and go to the essence of the Hack License:
  - (1) adequate identification of the applicant and hack and proof of ownership;
  - (2) material setting forth the characteristics of the vehicle, including the dimensions, weight, passenger capacity;
  - (3) a colour photograph of the carriage;
  - (4) adequate proof of liability insurance in an amount to be determined by Council by Resolution from time to time covering the Licensee and also the Town as an additional named insured;
  - (5) satisfactory proof of health inspection by a veterinarian of the horse or horses to be used in drawing the vehicle and identification of the stables where such horse is to be housed;
  - (6) evidence of satisfactory annual safety inspection and appearance inspection of tack and equipment; and
  - (7) payment of fees as set by policy established by resolution of Council from time to time.
- (b) A Hack License shall be issued on a specific vehicle to a specific owner and for a specific horse (or horses where the hack owner intends to rotate horses). A Hack License is not transferrable. Hacks shall be authentically-styled passenger carriages of a style and type approved by Council by Resolution. Carriages must not exceed 12' in length measured from end to end and 6' in width excluding the steps and shafts, and measured from axle tip to axle tip.



- (c) Failure to abide by the provisions of this By-law, any other Town By-laws, or the Motor Vehicle Act, R.S.N.S. 1989, Chapter 293 in any manner affecting or regulating the operation of the vehicle for which the Hack License is issued, shall be grounds for the suspension or cancellation of the Hack License at the discretion of either the Traffic Authority or the Council.
  
- (d) The Council may determine by resolution a maximum number of hacks which shall be allowed to operate in the Town (and may, by Resolution, increase or decrease that number from time to time). If in any year after deducting the number of renewals of hack licenses as referred to in clause 4.(a) and 4.(e), there are a greater number of applications for hack licenses than the maximum number of hacks allowable (less the said renewals), the Council shall select a method of determining the successful applicants (including, without limiting the foregoing, tender or lottery).
  
- (e) A Hack 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 Traffic Authority by appointment made at least two weeks in advance of expiry of the license; and
  - (2) satisfactory proof of health inspection of the horse (or horses) within the previous 30 days, by a veterinarian and a certification by the veterinarian that the horse (or horses) is (or are) healthy and able to work in the hack business; and
  - (3) payment of the annual license fee prescribed by Town Council

provided that all of the requirements of this By-law for issuance of a Hack License continue to be met.

- (f) A refusal to issue or renew or a revocation or suspension of the license by the Traffic Authority may be appealed to the Council within fourteen days of the decision of the Traffic 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

Traffic Authority could have made in the first instance.

### HACK LOADING ZONES

5. Council may approve hack loading zones where hacks may wait to load or unload passengers. A hack shall be assigned to a specific loading zone for the duration of the yearly license, provided that the loading zones may be relocated, enlarged or reduced in size by Council by Resolution from time to time and further provided that Council may, from time to time, relocate hacks to another assigned loading zone from time to time.

### REQUIREMENTS FOR OPERATING HACKS

6. Hacks may operate only on such Town streets and routes as are approved by Council; **provided that** the hack may be operated on such other streets in the Town on a temporary basis, as may be authorized by the Traffic Authority or the Council from time to time; **and further provided that** if a Town Street is temporarily closed or obstructed (due to construction, motor vehicle accident, presence of fire fighting apparatus, parade or similar obstruction), the hack may be operated for a period not in excess of two days on such other streets in the Town of Lunenburg to detour around the obstruction without obtaining authorization from the Traffic Authority or the Council. Special occasion requests may also be made by the hack owner to the Traffic Authority who may authorize the hack to operate on other streets in the Town for that special occasion as specifically listed in the Special Occasion Permit. The Traffic Authority or Council may restrict or vary the routes and streets upon which hacks may operate during special events in the Town of Lunenburg.
7. All Hack Operators shall observe all the provisions of the Motor Vehicle Act as are applicable to the operation of hacks. Without restricting the foregoing, all hacks shall display such lighting and reflector apparatus and any other equipment as may be required by the Motor Vehicle Act.
8. All Hack Operators shall be competent in accurately portraying the culture, history and architecture of the Town. The Hack Owner shall provide a written copy of the tour route and Hack Operator commentary to the Council for approval prior to the

issuance of a Hack License and at such other times as requested by the Manager/Clerk of the Town. The Hack Operators shall use such approved commentary.

9. The Hack Operator shall ensure that all horse feces is promptly transported to the horse's stable (or such other location approved by Council from time to time) for proper disposal of same so as not to cause an offensive odour. Horse feces will not be deposited in Town garbage receptacles. The Hack Operator shall also take all necessary steps to prevent any nuisance including odour emanating from horse feces. All horse urine will be promptly dealt with by the Hack Operator by cleaning and sanitizing the affected public or private property so as not to cause an offensive odour.
10. While on duty, a Hack Operator shall:
  - (a) not permit or allow any person on the back of a horse under the said Operator's control;
  - (b) not leave a horse unattended except when confined to a stable or other enclosure or attached to a hitching post;
  - (c) ensure that the horse is always in the Operator's effective control;
  - (d) not permit a hack to be parked without first effectively setting any brake equipment thereon;
  - (e) upon request at any reasonable time without prior notice, make a horse or hack available for inspection by the Traffic Authority, any Town Police Officer, SPCA official, or any veterinarian;
  - (f) operate the hack so as not to unduly impede the flow of motor vehicle traffic on the Town streets.
11. The erection of any hitching post shall be at the sole expense of the Hack Owner and shall not be installed until the location and design is approved by the Town Engineer.
12. The Hacks may be operated only between sunrise and one hour after sunset provided that Council may, by resolution, from time to time, vary the hours and period of operation of Hacks.

13. A Hack Operator shall, at his own expense, keep routes, carriage stands and stationary horse feeding and watering locations clean, sanitary and free of horse feces, urine, litter, and other waste materials, which shall not be deposited in Town garbage receptacles.

#### **CARE OF ANIMALS**

14. All Hack Operators and Hack Licensees shall ensure that appropriate and sufficient food and fresh potable drinking water are available for each horse and that, while working, each horse is permitted to eat at reasonable intervals and have access to drinking water as necessary.
15. Hack Operators and Hack Licensees shall further ensure that horses be given regular rest periods while working.
16. Hack Operators and Hack Licensees shall ensure that horses are kept clean, especially those areas in contact with the harness or other tack.
17. Hack Operators and Hack Licensees shall ensure that pads and other pieces of tack are kept clean and in a safe and serviceable condition.
18. The Hack Operators shall take such further precautions as may be reasonably necessary to ensure the health and safety of the horse.
19. Hack Operators and Hack Licensees shall not allow a horse to be used in the hack operation when the horse is not in good health. The Hack Operators and Hack Licensees shall not allow the horse to be subject to any condition or treatment which will impair the good health and physical condition of the horse. Without restricting the generality of the foregoing, the following shall deem a horse unfit for use:
  - (a) lameness of any kind;
  - (b) open sores or wounds caused by, or likely to be irritated by, the bearing surfaces of harness, bridle or girths;
  - (c) signs of emaciation, dehydration or exhaustion; or

- (d) loose shoes or shoes of a type not approved by the Town Engineer or Traffic Authority.
20. (a) The Traffic Authority or Council may require at anytime the Hack Operator or Hack Licensee, at his own expense, to have each horse examined by a veterinarian before the horse is used in service, if the horse is considered to be unfit. Satisfactory proof of health inspection by a veterinarian [and a certification by the veterinarian that the horse is healthy and able to return to work] shall be required for the horse to return to work.
- (b) The Traffic Authority or Council may also engage a veterinarian, at the Hack Operator's or Hack Licensee's expense to assess a horse and if the veterinarian determines the horse unfit for work, may suspend the Hack License for such period as the Traffic Authority or Council deems appropriate.

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**TROLLEYS**

21. No person shall operate or cause to be operated for hire any motor vehicle (of whatever nature) or human-powered means of transportation of whatever nature, (including, but not limited to, rickshaws and bicycle drawn carriages) for the purpose of conducting tours or transporting persons within the Town, except trolleys as provided and authorized pursuant to this By-law. This By-law shall not affect or in any way apply to taxis as referred to in the Trade and Licenses By-law (or Taxi By-law) of the Town or buses transporting passengers from a pick-up and drop-off location outside of Town.

**TROLLEY LICENSE**

- 22.(a)No person shall operate or cause to be operated upon the streets of the Town of



Lunenburg any trolley without first obtaining a Trolley License from the Council. Such License shall be for a period of one year and may be renewed on April 1 in each year. A Trolley License and any renewal thereof shall contain the following provisions, which provisions are material and go to the essence of the Trolley License:

- (1) the Licensee shall agree to operate its business strictly in accordance with the By-laws of the Town applicable thereto as amended from time to time;
- (2) the Licensee shall not place or distribute pamphlets or other printed materials to solicit or advertise for business on Town property or in violation of Provincial or Federal legislation or regulations, and shall not use hawkers or persons holding signs to solicit or advertise for business or place any fixed structure for the purpose of sale, solicitation or hawking, excepting a sign authorized by Development Permit and approved by the Council;
- (3) the Trolley Licensee shall not park or store a bus or equipment on a public street (or allow a bus or equipment to be parked or stored on a public street) except to wait for, load or unload passengers in trolley loading zones approved by resolution of Council from time to time;
- (4) nothing herein shall prohibit the solicitation by the Trolley Licensee of business immediately alongside a trolley in a Council-approved trolley loading zone, so long as such solicitation is not done in an offensive manner;
- (5) all trolley drivers shall be competent in portraying the culture, history and architecture of the Town and shall provide to the Council a written copy of their tour route and commentary for approval prior to the issuance of a Trolley License; and
- (6) any public address system utilized in a trolley shall not be operated in such a manner so that the sounds transmitted shall be projected beyond a distance of 15 feet from the trolley. Any public address system utilized in a trolley shall also not be operated in violation of any of the Town's By-laws, or any Federal or Provincial legislation or regulations.
- (7) the Licensee shall agree that upon violation of the provisions of the License this By-law or any of the other By-laws of the Town of Lunenburg and any provisions of the Motor Vehicle Act R.S.N.S. 1989, Chapter 293 or the Motor Carrier Act R.S.N.S. 1989, Chapter 292, the Council or traffic authority, in its or his discretion, may suspend or cancel the License.

- (b) Trolley Licenses are not transferable.
  - (c) Failure to abide by the provisions of this By-law, the Motor Vehicle Act, R.S.N.S. 1989, c. 293, the Motor Carrier Act, R.S.N.S., 1989, c. 292, or any other Federal or Provincial legislation or regulations in any manner affecting or regulating the operation of the trolley for which the Trolley License is issued, shall be grounds for the suspension or cancellation of the Trolley License at the discretion of the Council or Traffic Authority.
  - (d) Trolley Licenses shall not be exclusive and the Council may grant other licenses. The Council may determine by Resolution a maximum number of trolleys which shall be allowed to operate in the Town (and may, by Resolution, increase or decrease that number from time to time). If in any year after deducting the number of renewals of Trolley Licenses as referred to in clause 22(a) there are a greater number of applications for Trolley Licenses than the maximum number of licenses allowable (less the said renewals), the Council shall select a method of determining the successful applicants, including without limiting the foregoing, tender or lottery.
23. The Licensee shall not operate the trolley within the Town of Lunenburg except during the hours authorized in the conditions of Trolley License issued by the Town. The Town Council is authorized to impose conditions on the issuance of any Trolley licenses in the Town.
24. The trolley shall only display such signage as may be approved by the Town.
25. Trolleys may operate only on such Town streets and routes as are approved by Council.
26. The Licensee, the trolley and the driver thereof shall comply with all of the applicable provisions of the Motor Carrier Act, R.S.N.S. 1989, Chapter 292 and the Motor Vehicle Act R.S.N.S. 1989, Chapter 293.
27. This By-law shall not affect or in any way apply to buses transporting passengers where there may be a pick up or drop off location inside the Town but the purpose of the operation is not solely to conduct tours within the Town or transport persons within the Town.

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**OFFENCE**

28. Any person who contravenes any provision of this By-law (including, without limiting the foregoing, any provision contained in a License issued pursuant to this By-law) is punishable on summary conviction by a fine of not less than \$100.00 and not more than \$1,000.00.