

**TOWN OF PICTOU
TAXI BY-LAW**

BE IT RESOLVED that this By-law, known as the Taxi By-law for the Town of Pictou, be enacted effective this 30th day of May, 2012;

TITLE

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

GENERAL

2. This By-law applies to the operation of a Motor Vehicle operated under a Taxi Business License issued pursuant to this By-law.

DEFINITIONS

3. In this By-law,
 - a. **"Council"** means the Council of the Town of Pictou;
 - b. **"Driver"** means a person who has been granted a Taxi Driver's License by the Licensing Authority of the Town and pursuant to this By-law;
 - c. **"Driver's License"** means a license for a Driver pursuant to this By-law;
 - d. **"Licenses"** include:
 - i. Taxi Business Licenses;
 - ii. Taxi Vehicle Licenses; and
 - iii. Taxi Driver's Licenses.
 - e. **"Licensing Authority"** means the Human Resources/Administration Officer of the Town;
 - f. **"Motor Vehicle"** means a motor vehicle as defined in the interpretation provisions of the Motor Vehicle Act SNS 1989, c. 293;
 - g. **"Non-owned Motor Vehicle"** means a Motor Vehicle not owned by a Taxi Business License holder, but to which is attached a Taxi Vehicle License and is operating as a taxi under a Taxi Business License;

- h. **“Operate”** means to drive, or to have the care or control within the meaning of the *Criminal Code*, R.S.C. 1970, c. C-34, s. 1, of a Taxi, when such Motor Vehicle is involved in the transportation of passengers;
- i. **“Owner”** means the owner of a Motor Vehicle for which a Taxi Vehicle License has been granted;
- j. **“Peace Officer”** means a member of the Provincial Police as defined in the *Police Act*, SNS 2004, c. 31;
- k. **“Policy Officer”** means any employee of the Town of Pictou or other employee in connection with the Town of Pictou charged with enforcement of the policies and/or By-laws of the Town of Pictou, including, without limitation, a By-law enforcement officer;
- l. **“Taxi”** includes any Motor Vehicle of any description whatsoever used for the transport of passengers for hire, saving and excepting buses, limousines, and any Motor Vehicle required to be licensed under the *Motor Carrier Act*;
- m. **“Town”** means the Town of Pictou;
- n. **“Traffic Authority”** means the local authority appointed by the Council of the Town of Pictou pursuant to section 311 of the *Municipal Government Act*, SNS 1998, c.18.

TAXI BUSINESS LICENSE

- 4. A Taxi Business License may be granted upon the Licensing Authority receiving and/or approving:
 - a. Payment to the Town of an annual fee for a Taxi Business License as stipulated in Schedule A attached hereto, with said schedule forming part of this By-law; and
 - b. An application and statutory declaration in the form as shown in Schedule B attached hereto, with said schedule forming part of this By-law, being completed by the applicant.
- 5. A Taxi Business License shall specify a business name under which the licensed Motor Vehicle(s) shall be Operated and list the name, address and telephone number of the business owner.
- 6. No person shall Operate or permit the Operation of any Taxi under any taxi business name other than the name specified in the Taxi Business License.

7. The applicant must satisfy the Licensing Authority that each Motor Vehicle for which a Taxi Vehicle License is applied under a prospective Taxi Business License:
 - a. is Owned by the Taxi Business License holder, or is a Non-owned Motor Vehicle to be Operated under the Taxi Business License;
 - b. lists the name of the Motor Vehicle Owner(s);
 - c. is insured for public liability, passenger hazard and property damage as prescribed by Provincial legislation and the applicant shall provide the Licensing Authority with proof of financial responsibility by provision of a copy of proof of insurance which is currently in force, and provide said proof of insurance to the Licensing Authority at any time upon request. In the event the Motor Vehicle(s) is Non-owned, the applicant must provide the Licensing Authority with proof the Owner of the Non-owned Motor Vehicle has obtained insurance as prescribed above together with a certificate of insurance that lists the holder of the Taxi Business License as a third party named insured.
8. A Taxi Business License may be renewed upon satisfaction of the requisites in Section 4 and 7 of this By-law.
9. A Taxi Business License shall not be transferable.
10. The holder of a Taxi Business License shall, at all times, ensure that a laminated copy of the Taxi Business License is 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 Motor Vehicle. Said License shall be supplied by the Licensing Authority and reference the year for which the License was issued.
11. The holder of a Taxi Business License shall not permit any person to Operate a Taxi unless that person is in possession of a valid Taxi Driver's License pursuant to this By-law.

TAXI VEHICLE LICENSE

12. A Taxi Vehicle License may be granted upon the Licensing Authority receiving and/or approving:
 - a. payment to the Town of an annual fee for a Taxi Vehicle License as stipulated in Schedule A of this By-law; and
 - b. an application and statutory declaration in the form as shown in Schedule D attached hereto, with said schedule forming part of this By-law.
13. The Applicant must satisfy the Licensing Authority that each Motor Vehicle for which a

Taxi Vehicle License is applied under a Taxi Business License:

- a. is Owned by the Taxi Business License holder or is a Non-owned Motor Vehicle to be Operated under the Taxi Business License;
 - b. lists the name, address, telephone number of the Motor Vehicle Owner.
14. No person shall Operate a Motor Vehicle or, being the Owner of a Motor Vehicle, shall permit such Motor Vehicle to be Operated as a Taxi unless said Motor Vehicle:
- a. has a valid and current Taxi Vehicle License and is listed under a specific Taxi Business License;
 - b. has passed the inspection required by this By-law within the preceding twelve months and has a current Motor Vehicle inspection as prescribed by Provincial legislation and regulations;
 - c. is a sedan, station wagon, or minivan, such sedan, station wagon or minivan having not less than four doors (such doors to be on the sides of the Motor Vehicle) and a design capacity of 7 passengers or less, excluding the Driver;
 - d. has roof signage conforming to the layout and design specified from time to time by the Licensing Authority and to the requirements of this By-law; and
 - e. has a copy of the Taxi Driver's License as issued by the Licensing Authority conspicuously displayed on or above the interior doorpost, or on the rear portion of the front seat, in a manner that is readily visible to any passengers who may be in the Motor Vehicle.
15. A Taxi Vehicle License may be renewed upon:
- a. satisfaction of the requisites in Section 13 and 14 of this By-Law;
 - b. presentation of the Motor Vehicle for which renewal is sought prior to expiry of the License at the office of the Licensing Authority by appointment made at least 2 weeks in advance of expiry of the License; and
 - c. payment to the Town of the annual License fee prescribed by Schedule A attached hereto, with said schedule forming part of this By-law.
16. An Owner of a Taxi Vehicle shall notify the Licensing Authority forthwith of any change in the Provincial Registration of the Motor Vehicle.

TAXI DRIVER'S LICENSE

17. A Taxi Driver's License may be granted upon the Licensing Authority receiving and/or approving:
 - a. payment to the Town of a fee for a Taxi Driver's License as stipulated in Schedule A attached hereto;
 - b. an application and statutory declaration in the form as shown in Schedule E attached hereto, with said schedule forming part of this By-law, as completed by the applicant and with provision by the applicant of such further information as may be determined by the Licensing Authority to establish qualifications for the License;
 - c. submission by the applicant with the application two current copies of the applicant's passport photograph, 1-1/2" square in size, which shall not be retouched, one copy to be retained by the Licensing Authority with the applicant's file and the other to be placed on the identification card to be supplied by the Licensing Authority, such photographs to be renewed every five years;
 - d. submission to the Licensing Authority a current abstract of the applicant's driving record from the Registry of Motor Vehicles, and submission for examination a valid Class 4 license for the Province of Nova Scotia, which has been granted to the applicant pursuant to the *Motor Vehicle Act*.
18. No person shall, without a valid Taxi Driver's License that is conspicuously displayed in the Motor Vehicle on or above the doorpost or on the rear portion of the front seat and that is readily visible to any passengers who may be in the Motor Vehicle:
 - a. transport passengers for compensation in or through any highway, street, road, lane, alley, Taxi stand or other public place of the Town in any Taxi;
 - b. be on any highway, street, road, lane, alley or Taxi stand or other public place of the Town while Operating or having care or control of a Motor Vehicle seeking employment as a Taxi Driver.
19. No Taxi Driver's License shall be granted to any person who is not of the full age of majority (19).
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 per Schedule A and satisfaction of the requisites in Section 17 of this By-law.

22. An identification card shall be supplied to every Taxi Driver by the Licensing Authority.
23. When a Taxi Driver's License is suspended, is cancelled or expires without being renewed, the identification card shall be returned to the Licensing Authority.
24. No person shall Operate a Taxi who refuses, omits, fails to comply with or neglects to fulfill, observe, carry out or perform any duty or obligation imposed by this By-law.
25. The holder of a Taxi Driver's License shall immediately notify the Licensing Authority in the event of a change of address, telephone, business name/Taxi Business License under or for which he Drives, loss of class 4 *Motor Vehicle Act* licensing, loss of insurance coverage or in the event of a disqualifying conviction.
26. A Driver, while engaged in the operation of a Taxi and transporting a passenger, shall not smoke.
27. A Driver, while Operating or having care or control of a Taxi, shall not use abusive or insulting language.
28. A Driver shall, at all times, while Operating or having care or control of a Taxi, employ orderly personal conduct and shall be respectful of passengers.
29. A Driver shall not consume any alcoholic beverage or other substance that could impair the Driver's ability to Operate, while having care or control of a Taxi.
30. Every Driver, while Operating or having care or control of a Taxi, shall be in a clean and tidy condition.

LICENSES GENERALLY

31. All Licenses shall terminate on the thirty-first day of March, unless sooner cancelled or revoked.
32. The Licensing Authority shall refer every Criminal Records Check Consent form for a Taxi Driver's License to the Traffic Authority, who shall conduct a criminal records check and supply a copy of the Criminal Records Check to the Licensing Authority.
33. The Licensing Authority shall refuse to issue a Taxi Driver's License when an applicant has been convicted of an offence under the *Criminal Code of Canada*, the *Controlled Drugs and Substances Act (Canada)*, the *Liquor Control Act* or the *Motor Vehicle Act*, within the preceding five years and in the opinion of the Traffic Authority the conviction renders the applicant an unfit or improper person to hold a License.

34. The Traffic Authority shall advise the Licensing Authority of any error or omission in the application and statutory declaration, and if the Licensing Authority determines that the errors or omissions are material, the Licensing Authority shall refuse the application.
35. License fees are non-refundable.
36. Licenses which have been destroyed, lost or stolen may be replaced upon sufficient proof of destruction or loss being presented to the Licensing Authority and upon payment of a replacement fee as stipulated in Schedule A.

INSPECTIONS

37. The Owner of a Motor Vehicle shall make said vehicle available for inspection as part of the Taxi Vehicle application process. The following standards of repair and cleanliness shall be required:
 - a. the body of the Motor Vehicle shall not be damaged or unsightly; and
 - b. the Motor Vehicle shall be clean and in good repair as to its exterior and interior.
38. No person shall Operate or permit Operation of a Taxi that does not meet the inspection requisites of this By-Law.

SUSPENSION AND REVOCATION OF LICENSES

39. The Licensing Authority shall revoke the Taxi Driver's License where the holder thereof has been convicted of an offence under the *Criminal Code of Canada*, the *Controlled Drugs and Substances Act (Canada)*, the *Liquor Control Act*, the *Motor Vehicle Act* or this By-law within the preceding five years and the conviction, in the opinion of the Licensing Authority, renders the License holder an unfit or improper person to hold the License.
40. The Licensing Authority shall revoke the Taxi Driver's License where the holder thereof has been convicted of an offence under the *Criminal Code of Canada*, the *Controlled Drugs and Substances Act (Canada)*, the *Liquor Control Act*, the *Motor Vehicle Act* or this By-law within the preceding five years and has used the Taxi in the commission of such offence.
41. Upon the holder of a Taxi Driver's License ceasing to hold a valid Class 4 license for the Province of Nova Scotia, the Taxi Driver's License is revoked and shall be surrendered forthwith to the Licensing Authority.
42. A person whose License is revoked pursuant to this Part may apply for reinstatement upon:
 - a. permission of the Licensing Authority to re-apply; or

- b. in the case of a person who had at any time ceased to hold a valid Class 4 license, renewal or reinstatement of the Class 4 license.
- 43. The Licensing Authority shall suspend a Taxi Vehicle License forthwith upon failure to demonstrate proof of financial responsibility in form of a current motor vehicle liability policy or financial responsibility card as required by this By-law and/or the *Motor Vehicle Act*, such suspension which shall remain in effect until proof of financial responsibility is produced.
- 44. The Licensing Authority shall revoke or suspend a License if the holder ceases to be qualified to hold the License or has made a false statement in an application or statutory declaration for the License.
- 45. The Licensing Authority shall suspend a Taxi Vehicle License upon failure to demonstrate proof of inspection as required by this By-law and/or the *Motor Vehicle Act*, such suspension which shall remain in effect until the Taxi passes the inspection.
- 46. Notice of suspension and/or revocation is deemed to have been effected upon personal service of such notice or registered mail to the License holder at the address of the place of business on the License.

APPEAL PROCESS

- 47. Any person whose application for a License under this By-law is refused by the Licensing Authority, or any person whose License under this By-law is suspended or revoked by the Licensing Authority, may appeal from the refusal, suspension or revocation to Council.
- 48. No appeal shall be taken from any decision of the Licensing Authority except upon service of written notice of appeal upon the Licensing Authority within 15 days of the decision.
- 49. Council shall hear the Appellant and may confirm or vary the decision of the Licensing Authority, with any qualifications, conditions or orders as determined appropriate by Council.

OFFENCE ENFORCEMENT AND PENALTIES

- 50. No person shall contravene or fail to comply with any provision of this By-law.
- 51. This By-law may be enforced, at the discretion of the Town, by any Peace Officer or Policy Officer, in accordance with the procedures set out in the *Municipal Government Act* or by

means of a Summary Offence Ticket under the *Municipal Government Act* or *Summary Proceedings Act*.

52. The *Summary Proceedings Act*, where applicable, shall apply to proceedings under this By-law.
53. Except as otherwise provided in this By-law, any person who violates any of the provisions of the By-law or who suffers or permits any act or thing to be done in contravention of this By-law, or who makes any false or misleading statements in relation to any duty, obligation or application pursuant to this By-law, or who refuses, omits, fails to comply with or neglects to fulfill, observe, carry out or perform any duty or obligation imposed by this By-law shall be liable upon summary conviction:
- a. for the first offence to a penalty of not less than One Hundred Dollars (\$100.00) and of not more than Ten Thousand Dollars (\$10,000.00) or imprisonment for a period of not more than six (6) months or both;
 - b. for the second offence to a penalty of not less than Three Hundred Dollars (\$300.00) and of not more than Ten Thousand Dollars (\$10,000.00) or imprisonment for a period of not more than six (6) months or both;
 - c. for the third or subsequent offence to a penalty of not less than Five Hundred Dollars (\$500.00) and of not more than Ten Thousand Dollars (\$10,000.00) or imprisonment for a period of not more than six (6) months or both.

REPEAL

54. The Town of Pictou Taxi By-law, dated the 25th day of April, 1991 as approved by the Minister of Municipal Affairs and any amendments thereto, is hereby repealed.

CAO ANNOTATION

Date of First Reading: December 19, 2011

Date of advertisement of Notice of Intent to Consider: May 8, 2012

Date of Second Reading: May 22, 2012

Date of advertisement of Passage of By-law: May 29, 2012

Date of mailing to Minister a certified copy of By-law: August 28, 2012

I certify that the above TAXI BY-LAW was adopted by Pictou Town Council at duly called meetings and was published as indicated above.

Chief Administrative Officer

SCHEDULE A**SCHEDULE OF LICENSING FEES**

Taxi Business License Fee	\$ 25.00
Taxi Vehicle License Fee	\$ 25.00
Taxi Driver's License Fee	\$ 25.00
Taxi Vehicle Transfer Fee	\$ 15.00
License Replacement Fee	\$ 15.00

SCHEDULE B

APPLICATION FOR A TAXI BUSINESS LICENSE

Taxi Business Information

Business Name: _____

Business Owner's Name: _____

Address (Civic and Mailing): _____
_____ Postal Code _____

Telephone- Home: _____ Wk: _____ Cell: _____

Required Submissions

- Attach business insurance contract providing public liability, passenger hazard and property damage coverage for the minimum amount of \$1,000,000 for each vehicle listed in this application (Refer to Section 7c of this By-law for further details)
- License Fee

Please Note: Application for Taxi Vehicle Licenses is to be Completed on Schedule D

Statutory Declaration

I, _____, the Applicant in the above Application for Taxi Business License, declare that the statements contained in this application are complete and true in every respect to the best of my knowledge, information, and belief.

Date

Signature of Applicant

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Business Insurance Verified: Yes / No

Fee Paid: Yes / No

License Approved: Yes / No

License Distributed to Applicant: Yes / No

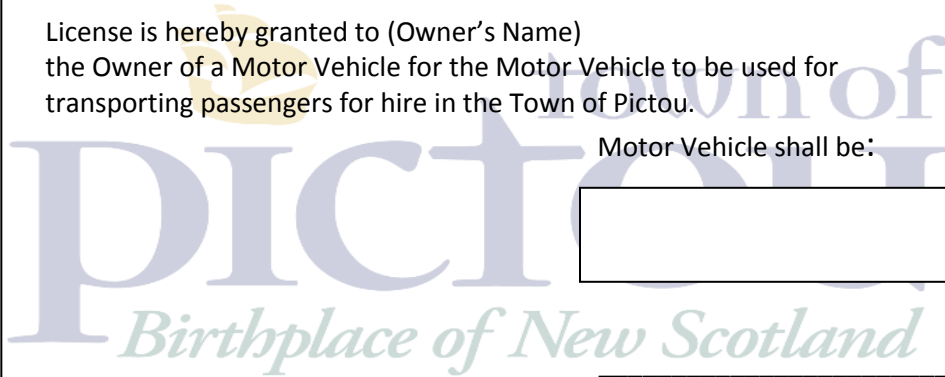
Licensing Authority Signature: _____ **Date:** _____

SCHEDULE C
TAXI BUSINESS LICENSE

TAXI BUSINESS LICENSE

License is hereby granted to (Owner's Name)
the Owner of a Motor Vehicle for the Motor Vehicle to be used for
transporting passengers for hire in the Town of Pictou.

Motor Vehicle shall be:



Town of Pictou - Licensing Authority

License expires 31st day of March _____

TO BE DISPLAYED INSIDE MOTOR VEHICLE

SCHEDULE D

APPLICATION FOR TAXI VEHICLE LICENSE

Vehicle Owner's Information

Owner's Name: _____

Address (Civic and Mailing): _____

_____ Postal Code _____

Telephone- Home: _____ Wk: _____ Cell: _____

Business Name for Which Vehicle Will be Used: _____

Motor Vehicle Information

Year: _____ Make & Model: _____ Color: _____

Motor Vehicle Registration Number: _____

License Plate Number: _____ Serial Number: _____

Motor Vehicle is Owned / Non- Owned by Taxi Business License Holder

Year: _____ Make & Model: _____ Color: _____

Motor Vehicle Registration Number: _____

License Plate Number: _____ Serial Number: _____

Motor Vehicle is Owned / Non- Owned by Taxi Business License Holder

Year: _____ Make & Model: _____ Color: _____

Motor Vehicle Registration Number: _____

License Plate Number: _____ Serial Number: _____

Motor Vehicle is Owned / Non- Owned by Taxi Business License Holder

Required Submissions

- Current Motor Vehicle inspection
- License Fee
- Attach proof of vehicle ownership for all vehicles listed in the application

Statutory Declaration of Applicant

I, _____, the Applicant in the above Application for a Taxi Vehicle License, declare that the statements contained in this application are complete and true in every respect to the best of my knowledge, information, and belief.

Date

Signature of Applicant

Statutory Declaration of Taxi Business License Holder (if different from applicant)

I, _____, the holder of the Taxi Business License for which the listed vehicle(s) will be used, declare that the statements contained in this application are complete and true in every respect to the best of my knowledge, information, and belief.

Date

Signature of Taxi Business License Holder

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MVI Due Date: Yes / No

Fee Paid: Yes / No

License Approved: Yes / No

License Distributed to Applicant: Yes / No

Licensing Authority Signature: _____ **Date:** _____

**SCHEDULE E
TAXI DRIVER'S LICENSE APPLICATION**

APPLICATION FOR TAXI DRIVER'S LICENSE

Personal Information

Name: _____

Address (Civic and Mailing): _____

_____ Postal Code _____

Telephone - Home: _____ Wk: _____ Cell: _____

Business Name for Which Applicant Will be Driving: _____

Required Submissions

- Two professional photographs (Refer to Section 17.c of this By-law for further details)
- Copy of Class 4 Driver's License
- Copy of Driver's Abstract
- Consent form for Licensing Authority to conduct a Criminal Records Check
- License Fee

Statutory Declaration

I, _____, the Applicant in the above Application for a Taxi Driver License, declare that the statements contained in this application are complete and true in every respect to the best of my knowledge, information, and belief.

Date

Signature of Applicant

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2 Photographs: Yes / No	Class 4 License Verified: Yes / No	Driver's Abstract Verified: Yes / No
Criminal Record Check Completed: Yes / No	Fee Paid: Yes / No	
License Approved: Yes / No	License Distributed to Applicant: Yes / No	
Licensing Authority Signature: _____		Date: _____

SCHEDULE F

TAXI DRIVER'S LICENSE

TAXI DRIVER LICENSE

License is hereby granted to
to drive a Motor Vehicle for which a license for
the transporting of passengers for hire in the
Town of Pictou has been obtained.

Place Photo Here

Town of Pictou - Licensing Authority

License expires 31st day of March _____

TO BE POSTED IN MOTOR VEHICLE WHEN DRIVER ON DUTY

SCHEDULE G

Change of Information or Taxi Vehicle Transfer Form

Change of Information

Business Name Related to Change of Information: _____

Old Information: _____

New Information: _____

Taxi Vehicle Transfer

Old Vehicle

Year: _____ Make & Model: _____ Color: _____

Motor Vehicle Registration Number: _____

License Plate Number: _____ Serial Number: _____

New Vehicle

Year: _____ Make & Model: _____ Color: _____

Motor Vehicle Registration Number: _____

License Plate Number: _____ Serial Number: _____

Statutory Declaration

I, _____, declare that the statements contained in this application are complete and true in every respect to the best of my knowledge, information, and belief.

Date

Signature of Applicant

Statutory Declaration of Taxi Business License Holder (if different from applicant)

I, _____, the holder of the Taxi Business License for which the above information will be used, declare that the statements contained in this form are complete and true in every respect to the best of my knowledge, information, and belief.

Date

Signature of Taxi Business License Holder