

Chapter 20

Taxi By-law



Title

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

Definition

2. In this By-law:

(1) "Appeals Committee" means the Appeals Committee appointed pursuant to the Appeals Committee By-law.

~~(1)~~(2) "Council" means the Council of the Municipality of the County of Colchester;

~~(2)~~(3) "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 offence in which the commission of violence against a person was used, threatened or attempted;
- (c) a conviction for any indictable offence;
- (d) a conviction for an offence of a sexual nature;
- (e) a conviction for an offence involving the illegal sale of any goods or the illegal possession of any goods for the purpose of sale or trafficking;
- (f) conviction for any offence involving the possession, control or use of an automobile and the unlawful possession or use of liquor or narcotics;
- (g) convictions for three or more driving offences, or two or more convictions for such offences within any 12 month period unless, in the reasonable opinion of the Taxi Authority, the convictions were for offences unrelated to the possible safety of passengers or other persons using streets or highways irrespective of whether persons were actually endangered at the time of the infractions; or
- (h) convictions in another country or jurisdiction similar in nature to those described in the preceding paragraphs of this subsection;

~~(3)~~(4) "driver" means a taxi driver or limousine driver;

~~(4)~~(5) "driver's license" means a license for a driver pursuant to this By-law;

~~(5)~~(6) "licenses" includes

- (a) driver's licenses; and
- (b) owner's licenses;

~~(6)~~(7) "limousine" means

- (a) a full sized luxury class four or more door sedan motor vehicle having a standard seating capacity for at least five passengers excluding the driver which is used for hire for the conveyance of passengers;
- (b) which has carpeted floors;
- (c) which is not equipped with taxi roof signage;
- (d) which is furnished with a minimum of four of the following features:
 - (i) glass partition separating the front and rear seats;
 - (ii) top quality interior appointments, being either leather or other plush upholstery;
 - (iii) power windows;
 - (iv) one-way tinted glass;
 - (v) television
 - (vi) stereo system;
 - (vii) cellular telephone;
 - (viii) air conditioning; and
- (e) which is one of the following makes:
 - (i) Cadillac;
 - (ii) Lincoln;
 - (iii) Rolls Royce;
 - (iv) Jaguar;
 - (v) Mercedes-Benz;
 - (vi) Bentley;
 - (vii) Royal Princess;
 - (viii) any other vehicle approved by the Taxi Authority upon application by a prospective licensee as being of comparable limousine quality to the makes referred to above;
- (f) 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;

~~(7)~~(8) "limousine driver" means the driver of a limousine as defined in this By-law;

~~(8)~~(9) "Municipality" means the Municipality of the County of Colchester;

~~(9)~~(10) "operate" means to operate or drive a taxi or limousine when such vehicle is transporting, picking up, dropping off passengers for hire, or soliciting passengers for hire;

~~(10)~~(11) "owner" means a person who directly or indirectly holds the legal title of a vehicle or, 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;

~~(11)~~(12) "taxi" means a vehicle used or intended to be used to carry passengers for hire other than a limousine, 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;

~~(12)~~(13) "Taxi Authority" means any person designated by the Municipality to exercise the duties of the Taxi Authority pursuant to this by-law.

~~(13)~~(14) "Municipality" means the Municipality of the County of Colchester.

~~(14)~~(15) "~~Committee~~"

~~(15)~~(16) "The Policy" shall refer to the *Taxi Business Fees, Metered Fare Rates, and Surcharges Policy*

Taxi Authority

3. The powers and duties of the Taxi Authority shall be to:

- (1) make all necessary inquiries and inspections concerning applications or renewals for 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) prescribe application and license forms, documents, or taxi roof signage layouts or designs;
- (5) keep a register of all licenses granted under the authority of this By-law and assign license numbers;
- (6) cause to be prosecuted persons who offend against the provisions of this By-law; and
- (7) take any other lawful steps in regards the licensing and regulation of taxis and limousines 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 or limousine unless the vehicle is the subject of a valid and current owner's license pursuant to this By-law as a taxi or as a limousine, as the case may be.
5. No person shall operate a vehicle or, being the owner of a vehicle, shall permit such vehicle to be operated as a taxi or limousine unless the vehicle has the owner's license for that vehicle conspicuously displayed in the vehicle, readily visible to any passengers who may be in the vehicle.
6. No taxi or limousine 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;

- (b) where the vehicle is owned by a corporation, particulars of the registration of the corporation, the addresses and telephone numbers of the officers and directors of the corporation, and the head office of the corporation;
 - (c) where the vehicle is owned by a partnership, the names, addresses and telephone numbers of the partners and a copy of the Certificate of Registration under the Partnership and Business Name Registration Act;
 - (d) the taxi business name under which the taxi or limousine will be operated and the street and postal address of the place of business from which the taxi or limousine be operated;
 - (e) the motor vehicle registration number, motor vehicle license plate number, make, model, colour, year and serial number of the vehicle;
 - (f) the insurance company, policy number, liability coverage limits, name of insured, and expiry date in respect of the motor vehicle insurance policy or policies applicable to the vehicle;
 - (g) the record of convictions within the preceding 5 years, for disqualifying convictions 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 (a), (b) and (c) of this subsection, and duly executed consents sufficient to obtain verification of same from law enforcement agencies;
- (2) payment is made to the Municipality of the annual fee for such license as determined by Council.
- (3) the Taxi Authority is satisfied that each person whose names and addresses are required to be provided pursuant to paragraphs (a), (b) and (c) of subsection (1) of this section does not have, within the preceding 5 years,
- (a) disqualifying convictions pursuant to subsection (2) of section 2 of this By-law; and
 - (b) any fines levied with respect to any summary offence tickets or other convictions that are unpaid;
- (4) the vehicle which is to be licensed as a taxi or limousine:
- (a) has been inspected by the Taxi Authority, and a licensed mechanic selected by the Taxi Authority, the costs of which shall be paid by the applicant;
 - (b) bears a valid, non rejected, Province of Nova Scotia motor vehicle safety sticker and matching certificate, which is not more than 12 months old;
 - (c) is insured for public liability and property damage and passenger hazard in an amount not less than \$1,000,000.00 and, when required by the Taxi Authority, provides proof of coverage;
 - (d) has a height from the top of the floor to the underneath side of the roof of at least 114 centimetres;
 - (e) 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 centimetres;

- (f) has a length from the dashboard, excluding extremities, to the front of the upper portion of the back seat of at least 160 centimetres;
 - (g) is in a clean and sanitary condition;
 - (h) is in a good state of repair with no visible body fillers, rust, primer paint, dents, breakages or other accidental damage or defect;
 - (i) has functioning seatbelts for each passenger for which the vehicle is designed;
 - (j) in the case of a taxi
 - (i) is a four or more door sedan, a four or more door station wagon, 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;
 - (k) in the case of a taxi, 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;
 - (l) in the case of a limousine, meets the requirements in the definition for a limousine contained in section 2 of this By-law;
- (5) Notwithstanding subsection (4), smaller fuel efficient vehicles, fitting the performance standard of 7.8 litres per 100 km or less, as well as sub-sections (a), (b), (c), (g), (h), (i), (j) and (k) of subsection (4), may be permitted as a taxi, subject to the following minimum measurements:
- (a) a width from the inside of one door post to the inside of the door post on the opposite side of at least 129 centimetres;
 - (b) a wheelbase measurement from the center of the front wheel to the center of the rear wheel of at least 256 centimetres.

7.

- (1) Despite section 7 of this By-law, the Taxi Authority may refuse to grant a taxi or limousine owner's license to an applicant who, in the opinion of the Taxi Authority, may be a danger to passengers or others if they are granted a license.
- (2) In making a determination under subsection (1), the Taxi Authority shall consider any credible and relevant information as to whether the applicant:
 - (a) suffers from a mental illness or mental instability;
 - (b) abuses drugs or alcohol;
 - (c) has a propensity for violence or other objectionable behaviour;
 that could cause the applicant to be a danger to passengers or others.

8. 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 or limousine under any taxi business name other than the name specified in the owner's license.

9. 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;
 - (2) an inspection of the vehicle as set out at subsection (4) (a) of section 7 of this By-law; and
 - (3) payment of the annual license fee set out by Council; provided that all of the requirements of this By-law for issuance of an owner's license continue to be met.
10. An owner's license may be transferred from one vehicle to another vehicle which complies with the requirements of this By-law, upon an inspection of the vehicle for which the license is sought in accordance with subsection (4)(a) of section 7 of this By-law upon payment of the transfer fee set out by Council.

Other Owner Obligations

11. A taxi or limousine 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 or limousine shall notify the Taxi Authority forthwith of any change in the Provincial Registration of the vehicle.
13. Every owner of a taxi or limousine shall have an established place of business from which all dispatching, including the receipt of telephone calls for service and communications with the owner's taxis and/or limousines, shall be conducted.
14. Every owner of a taxi or limousine shall file with the Taxi Authority the names, addresses and telephone numbers of every driver who operates the owner's licensed vehicle or vehicles and shall notify the Taxi Authority within 72 hours of any change in drivers.
15. No person shall operate or permit the operation of a taxi or limousine when the conditions described in subsections (2) to (4) of section 7 do not apply or have ceased to apply.
16. An owner of a taxi or limousine shall not permit any person to operate such a vehicle unless that person is in possession of a valid driver's license pursuant to this By-law.
17. An owner or driver of a taxi or limousine shall provide to the Taxi Authority upon demand from time to time evidence of insurance coverage consistent with the requirements of this By-law.
18. An owner or driver of a taxi or limousine shall, upon request, submit such vehicle for inspection by the Taxi Authority.

Driver's Licences

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

20. 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 Municipality, or who is found waiting with any such motor vehicle at any location in the Municipality;

shall be deemed to be soliciting the transportation of passengers for hire within the Municipality and deemed to be operating the vehicle as a taxi or limousine for purposes of this By-law.

21. No 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 or limousine;
 - (c) the motor vehicle operator class 1, class 2, class 3 or class 4 license number of the applicant issued pursuant to the Motor Vehicle Act;
 - (d) 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
 - (e) the record of convictions of the applicant within the preceding 5 years, for disqualifying convictions 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;
- (2) the applicant is in possession of a valid and current class 1, class 2, class 3 or class 4 motor vehicle operator license issued under the provisions of the Motor Vehicle Act, and submits the original of the license to the Taxi Authority for inspection as well as a colour photocopy of the license;
- (3) payment is made to the Municipality of the annual fee for such driver's license as determined by Council;
- (4) the Taxi Authority is satisfied that the applicant does not have, within the preceding 5 years
 - (a) disqualifying convictions pursuant to subsection (2) of section 2 of this By-law; and
 - (b) any fines levied with respect to any summary offence tickets or other convictions that are unpaid;
- (5) the applicant has successfully completed an examination on the location of streets and prominent buildings within the Municipality.

22.

- (1) Despite section 22 of this By-law, the Taxi Authority may refuse to grant a driver's license to an applicant who, in the opinion of the Taxi Authority, may be a danger to passengers or others if they are granted a license.
 - (2) In making a determination under (1), the Taxi Authority shall consider any credible and relevant information as to whether the applicant:
 - (a) suffers from a mental illness or mental instability;
 - (b) abuses drugs or alcohol;
 - (c) has propensity for violence or other objectionable behaviour;that could cause the applicant to be a danger to passengers or others.
23. A driver's license is not transferable.
24. A driver's license may be renewed upon payment of the annual license fee set out by Council provided that all of the requirements of this By-law for issuance of a driver's license continue to be met.

Other Driver Obligations

25. No person shall operate a taxi or limousine when the conditions described in subsection (2) and (4) of section 22 do not apply or cease to apply.
26. A licensed driver of a taxi or limousine 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.
27. All drivers of taxis and limousines licensed under this By-law shall comply with the following:
- (1) Every driver while in control of a taxi or limousine shall wear a shirt or blouse; pants, skirt or dress; socks or stockings; and shoes, which clothing shall be in a clean and tidy condition at all times.
 - (2) A driver shall not permit any additional passengers in his or her taxi or limousine without the consent of the passenger who first engaged him or her.
 - (3) The carrying of multiple passengers for separate fares is prohibited.
 - (4) Every driver, unless engaged by a passenger, shall upon being applied to in person or by telephone place his or her taxi or limousine at the disposal of the person so applying and shall proceed to any place in the Municipality 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.
 - (5) 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 or limousine for the passenger if requested to do so.
 - (6) 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.

- (7) The driver may determine whether persons may eat or drink while passengers are in his or her vehicle, and may also determine where the passengers sit, except that passengers may decline to sit in the front seat.
- (8) A driver shall not, while in control of a taxi or limousine, use abusive or insulting language.
- (9) A driver shall, at all times while in control of a taxi or limousine in a public place, conduct himself or herself in an orderly manner.
- (10) A driver may solicit passengers for his or her taxi or limousine but such solicitation shall not be made by calling out or shouting or in any other noisy or disorderly manner.
- (11) 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.
- (12) A driver shall not smoke in the vehicle.
- (13) The driver shall not permit smoking in the vehicle by any passenger.
- (14) No person shall represent a taxi or limousine to be a non-smoking or smoke-free vehicle if it has been smoked in while in the ownership of the current owner.

Licences Generally

28. Every license issued under this By-law shall relate to the period from the 1st of May to the 30th of April of the succeeding year, and shall expire on the next April 30th following the date of issuance of the license.
29. An owner's license and a 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.
30. No license fee is refundable upon suspension, revocation or termination for any reason any license granted under this By-law.
31. Licences 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 the replacement fee set out by Council.
32.
 - (1) 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 an owner or driver of a taxi or limousine for a breach of this By-law, or failure to meet the qualifications for licensing on the part of the owner, driver or vehicle, as the case may be.
 - (2) A refusal to issue or renew of a revocation or suspension of the licences by the Taxi Authority may be appealed to the Appeals Committee within fourteen days of the decision of the Taxi Authority by written Notice of Appeal delivered to the Chief Administrative Officer of the Municipality.

- (3) Despite (2), where the Taxi Authority's refusal to issue or renew or to suspend or revoke a license is based on the applicant having a disqualifying conviction, except as to the existence of a disqualifying conviction, the Taxi Authority's decision is final and is not subject to appeal.
- (4) Following receipt of a Notice of Appeal, the Appeals Committee shall convene an appeal hearing and following the appeal hearing may uphold the decision of the Taxi Authority, or
 - (a) where the Taxi Authority has refused to issue or renew a license, the Appeals Committee may issue or renew the license;
 - (b) where the Taxi Authority has revoked a license, the Appeals Committee may reverse the revocation and reinstate the license immediately, or reverse the revocation and instead suspend the license;
 - (c) where the Taxi Authority has suspended a license, the Appeals Committee may reverse the suspension and reinstate the license immediately, or may substitute a shorter suspension.
- (5) In exercising its discretion in an appeal, the Appeals Committee shall consider:
 - (a) the nature and severity of the violation of this By-law or nature and severity of the disqualification of the appellant that led to the Taxi Authority's decision;
 - (b) the protection of the public;
 - (c) the circumstances of the appellant, including whether the appellant suffers from a mental illness or mental instability, abuses drugs or alcohol, or has a propensity for violence or other objectionable behaviour, that could cause the applicant to be a danger to passengers or others;
 - (d) the likelihood of a recurrence of a violation of this By-law;
 - (e) all circumstances that the Appeals Committee determines are relevant.

Taxi Roof Signage

33. 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 capable of being illuminated electrically from within such sign.
34. 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 vehicles' owner's license number;
 - (2) shall bear the business name under which the taxi is being operated;
 - (3) shall be connected to the electrical system of the taxi in such manner that it is illuminated in the interior of the sign and is capable of being switched on and off by the operator of the vehicle.
35. 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.

Fares

36. Every taxi driver shall charge fares no greater than those set out in The Policy.
37. Every taxi driver or taxi owner who receives or demands a fare greater than the fares set out in The Policy 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 fee for the transportation of wheelchairs, walkers, dogs accompanying passengers with disabilities, 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.
38. Every Taxi Driver shall post a copy of the tariff of maximum fares set out in The Policy in the inside of the Taxi where such fares are clearly visible to passengers.

Taxi Meters

39. No vehicle shall be licensed as a taxi or shall be operated as a taxi unless it has installed within it a single taxi meter with a single tariff only which shall be connected to, and operated from, one of the front wheels of the taxi or from the transmission or drive shaft and shall be regulated to show the correct maximum fare for transporting passengers or goods as set out in The Policy.
40. The taxi meter shall meet the following specifications:
 - (1) it shall be equipped with a timing device which shall register the fare while the vehicle is engaged but not in motion in accordance with the The Policy;
 - (2) it shall be placed in the taxi so that the fare registered on the taxi meter is clearly visible to passengers at all times, and the taxi meter shall be illuminated by a suitable light after dark;
 - (3) the cover and gear of the taxi meter shall be kept sealed and intact; and
 - (4) the taxi meter shall not be calibrated to register any fare which is not in accordance with the maximum fares in The Policy.
41. The holder of a taxi owner's license shall, at his or her own expense, provide to the Taxi Authority a certificate stating that the taxi meter is properly calibrated to show the maximum fares set out in The Policy.
42. Every taxi driver who transports any passenger or article for hire shall ensure that the meter operates during the entire period of such transportation unless the driver has made agreement with the passenger for transportation at the hourly rate provided for in The Policy.
43. The Taxi Authority may at any time inspect any meter which is installed in a taxi and may apply such tests to the taxi and meter as may be necessary to ascertain the accuracy of the taxi meter.
44. It shall be an offence for any person who has possession or custody of the taxi meter to refuse to allow such tests or to hinder such tests being conducted.
43. The owner of a taxi who operates or permits the taxi to be operated in which is installed a taxi meter which shows a variation in the correctness of the maximum fare thereof such as results in an increase of more than five per cent in the fares being charged shall be guilty of an offence and should in addition to any other penalty reimburse the Municipality for the costs of tests carried out on the taxi meter.

Taxi Stands

44. The Traffic Authority for the Municipality may establish Common Taxi Stands for taxis on such streets and in such places and numbers as he or she shall determine 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.
45. Common Taxi Stands shall only be used by a licensed driver operating a licensed taxi.
46. 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; or
 - (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 the stand.

Penalties

47.
 - (1) Any person who violates or fails to comply with any provision of this By-law shall, upon summary conviction, be guilty of an offence and shall be liable to a fine of not less than \$250 and not more than \$5,000, and in default of payment to imprisonment for a term of not more than 30 days.
 - (2) The power of the Taxi Authority under section 33 of this By-law to refuse to issue or renew or to revoke or suspend the license of an owner or driver of a taxi or limousine for breach of this By-law is not diminished or in any way affected by the payment of fines or penalties or the serving of a term of imprisonment of such owner or driver pursuant to this section of the By-law.