

MUNICIPALITY OF THE COUNTY OF KINGS



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BY-LAW # 69

TAXI BY-LAW

Pursuant to the provisions of Chapter 293, RSNS 1989 being the Motor Vehicle Act, Sections 305 and 306, the Council of the Municipality of the County of Kings in the Province of Nova Scotia hereby enacts as follows:

1. **DEFINITION**

In this By-Law:

- (a) Licensing Authority means the Municipal Clerk of the County of Kings or a person appointed by the Council to act in the Clerk's behalf for the purpose of this By-law.
- (b) Taxi means any motor vehicle available for hire and used for the transportation of passengers or goods for compensation, but does not include any motor vehicle owned or operated by a public utility as defined in the Public Utilities Act, and does not include vehicles duly licensed under the Motor Carrier Act.
- (c) Motor vehicle means a vehicle as herein defined, which is propelled or driven otherwise than by muscular power.
- (d) Operator means a person who has been granted a taxi or limousine driver's license by the licensing authority and who drives or has the care and control of a taxi or limousine, whether such vehicle is involved in the transportation of passengers or not.
- (e) Owner means the owner of a taxi or limousine.
- (f) Vehicle means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting a motorized wheel chair and devices move by human power or used exclusively upon stationary rails or tracks.

2. **TAXI OWNERS LICENSE**

- (a) No person shall operate a vehicle or permit it to be operated as a taxi or limousine within the Municipality of the County of Kings unless he holds a valid Taxi Owners License for such vehicles.

- (b) Every Taxi Owners License shall be conspicuously displayed on the inside of the door post or on the rear portion of the front seat of the vehicle for which it is issued.
- (c) Every applicant for a Taxi Owners License shall submit to the Municipal Clerk's office a form containing the following information:
 - (1) Full name and address of applicant;
 - (2) Registration number of the vehicle involved;
 - (3) Year, make, model and description of the vehicle involved;
 - (4) A statement of the amount of insurance in force on the vehicle and a copy of the current valid insurance policy shall accompany the application;
 - (5) A copy of a valid safety inspection report not more than sixty days old.
- (d) The Licensing Authority may not issue a Taxi Owners License if the applicant does not meet the following requirements:
 - (1) The application must be completed;
 - (2) The applicant must file with the Licensing Authority a complete list of all vehicles operated by him/her as a taxi or limousine;
 - (3) The vehicle must be a four door sedan, station wagon or limousine;
 - (4) The applicant must provide a copy of a valid insurance policy which must include public liability insurance in the amount not less than \$2,000,000 and an endorsement on the policy to indicate that the motor vehicle is insured to operate as a taxi;
 - (5) The Taxi Owners License Fee has been paid in full;
 - (6) The applicant must provide a valid Nova Scotia Motor Vehicle Permit registered in the name of the applicant for the motor vehicle sought to be licensed.
- (e) Every Taxi Owners License shall be for one motor vehicle only, but the applicant may be issued an unlimited number of Taxi Owners licenses for separate motor vehicles.
- (f) Every holder of a Taxi Owners License shall report to the Licensing Authority the particulars of any new or additional vehicles operated by him/her as a taxi or limousine which he/she has acquired or disposed of,

within ten (10) days of the acquisition or disposal of such vehicle. If the holder of a Taxi Owner License wishes to discontinue the use of a vehicle and substitute another, such holder must submit a new application form with the new information but need not repay the fee for the same licensing year.

- (g) Every owner licensed under this By-law shall, at all times, keep his/her vehicles clean and in a sanitary condition and in good repair.
- (h) The Taxi Owners License shall not be transferable from one licensee to another;
- (i) The holder of a Taxi Owner License shall cause every taxi or limousine when licensed at all times to have a plate attached either above or below its rear Provincial license plate and said attachment shall be clearly visible showing the license number and year for which the Taxi License was issued. Such Taxi License plate is to be supplied by the Licensing Authority, and in case of loss or disfigurement, a duplicate shall be obtained from the Licensing Authority.
- (j) The holder of every Taxi Owners License issued under this By-law shall cause to have permanently displayed on the exterior of every taxi so licensed a sign bearing the word "Taxi" which sign shall be lighted after dark and which sign shall be clearly visible at all times from a distance of two hundred (200) feet.

3. TAXI DRIVERS LICENSE

- (a) No person shall drive a taxi within the Municipality of the County of Kings unless that person has obtained a Taxi Drivers License from the Licensing Authority;
- (b) Taxi Drivers should be neat and clean at all times;
- (c) Every Taxi Driver's License shall be conspicuously displayed, along with the Taxi Owners License, on the inside door post or on the rear portion of the front seat of the taxi while the taxi is being operated;
- (d) Every driver shall provide to the licensing authority two (2) copies of a new photograph of themselves, being one and one-half inches square in size which shall not be retouched, one to be filed with the application and the other to be fixed to the license if and when granted.
- (e) The applicant for a Taxi Drivers License shall truthfully and fully disclose on his application any conviction that he or she has had for:
 - (1) An indictable offence under the Criminal Code of Canada;

- (2) An offence under the Narcotics Control Act of Canada with respect to trafficking of a narcotic, possession for the purpose of trafficking a narcotic or importing a narcotic;
 - (3) An offence under the Food and Drug Act of Canada with respect to trafficking in a controlled or restricted drug or possession for the purpose of trafficking in a controlled or restricted drug; and
 - (4) An offence under the Liquor Control Act; and
 - (5) An offence under the Young Offenders Act.
- (f) Every applicant for a Taxi Drivers License shall submit to the Licensing Authority a written application form containing the following information:
- (1) A valid Class 4 license issued to the applicant under the Motor Vehicles Act;
 - (2) Number of years the applicant has been driving;
 - (3) Abstract of driving record from the Registry of Motor Vehicles dated not more than thirty days prior to the date of the application;
- (g) The applicant must submit payment in full of the Taxi Drivers License annual fee.
- (h) No Taxi Drivers License shall be transferred from one person to another.
- (i) A Taxi Drivers License shall not be issued to a person who is judged, by the Licensing Authority, to be not a fit and proper person to hold such a license and the grounds of such judgement shall be based on information obtained pursuant to parts (e) and (f) of Section 3 of this By-law. Any person who is refused a Taxi Drivers License under the foregoing sections may appeal to the Municipal Council.

4. GENERAL CONDITIONS

- (a) Every License, be it Taxi Owners or Taxi Drivers, issued under this By-law shall expire on the 31st day of March of each year.
- (b) The owner of a taxi shall not allow such taxi to be operated by a person who does not hold a valid Taxi Drivers License under this By-law.
- (c) A license may be issued for a part year on a pro-rated basis.
- (d) A driver shall not, while in control of a taxi or limousine and transporting a passenger smoke except with consent of the passenger.

- (e) A driver shall not while in control of a taxi use abusive or insulting language, and shall conduct himself or herself in an orderly manner at all times.
- (f) The Licensing Authority may replace any Taxi Drivers License or Taxi Owner License upon the payment of a prescribed fee, if the Licensing Authority is satisfied that the license was lost, stolen or destroyed.
- (g) Where it appears to the Licensing Authority that it is in the public interest to do so, the Licensing Authority may cancel any license issued under this By-law;
- (h) Before cancelling a license, the Licensing Authority shall notify the license holder of the proposed cancellation and the reasons therefore by letter mailed to the license holder's last known place of operation and by providing a date and time and opportunity for the license holder to hear the reasons for the proposed cancellation and to respond to those reasons;
- (i) After the date and time of the opportunity for the hearing has passed, a license may be cancelled by the Licensing Authority pursuant to this section by mailing a certified formal notice of cancellation to the license holder at the license holder's last known place of operation and any license cancelled hereunder shall be valid for only two (2) clear days after the date of mailing of the notice of cancellation;
- (j) Any person whose license has been cancelled pursuant to this Section may appeal the decision of the Licensing Authority at the next regular meeting of the Municipal Council.
- (k) Every holder of a Taxi Owners License shall provide the Licensing Authority with an updated and current fee schedule for each motor vehicle which he or she owns and has licensed; and further the holder of a Taxi Owners License shall prominently display such fee schedule on the rear of the drivers seat.
- (l) No operator of a taxi or limousine shall charge fares higher than those stated in the fee schedule so provided and displayed.

5. CONDITION OF VEHICLE AND INSPECTION

- (a) The owner or driver of a taxi or limousine shall not operate or permit to be operated any taxi or limousine that does not meet the following standards of repair and cleanliness:
 - (1) The body of the taxi or limousine shall not be damaged or unsightly, and shall be clean and in good repair as to its exterior;
 - (2) The interior of the taxi or limousine shall be clean and sanitary and shall not contain any refuse;

- (3) The upholstery shall be clean, free from holes, cuts and tears and shall not show excessive wear;
 - (4) The side windows in a vehicle which are intended to open and close shall be in good repair and in good working order;
 - (5) The taxi or limousine shall be equipped with a front and back bumper, both of which shall be securely mounted;
 - (6) No portion of the exterior of the taxi or limousine shall be bent or broken and no such portion shall protrude as to be a hazard to persons or vehicles;
 - (7) No fender, grill, hubcaps or bumper of a taxi or limousine shall be removed or missing;
 - (8) Every door and trunk lid on a taxi or limousine shall close securely;
 - (9) All door handles and catches on a taxi or limousine shall be in good working order;
 - (10) Every seat in a taxi or limousine shall be equipped with a seat belt which shall be securely mounted and shall maintain its position and its adjustments; and
 - (11) Every taxi or limousine shall have an interior dome light which shall be in good working order and which shall operate when any of the doors of the taxi or limousine are opened or shall be operated by a light switch.
- (b) For the purposes of inspection every owner or driver shall, upon receipt of a complaint by the Licensing Authority, submit his or her vehicle(s) for examination by the Licensing Authority or his designate, and neither the owner nor the driver shall at any time prevent or hinder the Licensing Authority or his designate from entering the vehicle for the purpose of inspection. The Licensing Authority or his designate shall report on the condition of the vehicle so inspected on the Taxi Inspection form which is Schedule "C" to this By-law.

Should a taxi or a limousine fail to meet the requirements of the inspection, as noted above, the Licensing Authority may notify the owner or driver of the vehicle to cease operation until the vehicle complies and repairs such faults as noted on the inspectors report. A vehicle may not re-enter service until it has been approved for operation by the Licensing Authority or his/her designate.

- (c) The owner of any taxi or limousine which has been involved in an accident or collision shall forthwith notify the Licensing Authority of such accident or collision and shall, not later than three o'clock in the afternoon of the following weekday advise the Licensing Authority, who shall determine whether the taxi or limousine continues to meet the requirements of this By-law. The licensing authority shall suspend the Taxi Owner's License for the operation of said vehicle in the event that it is considered unsafe for public transportation.
- (d) Every owner shall file with the Licensing Authority the name and address of each driver employed by him/her, and shall notify the Licensing Authority within seven (7) days of any new appointment, dismissal or other change in employment of such drivers.

6. OFFENCES AND PENALTIES

Any person who violates any of the provisions of this By-law shall be guilty of an offence and shall be liable for the first offence to a penalty of not less than fifteen dollars and in default of payment, to imprisonment for a term of not more than thirty days; for the second offence to a penalty of not more than twenty-five dollars and in default of payment to imprisonment for a term not less than thirty days nor more than sixty days; for a third offence or any subsequent offence to a penalty of not less than fifty dollars and in default of payment, to imprisonment for a term of not less thirty days or more than sixty days or both.

7. FEES

The fees payable for licenses, etc., under this By-law are set out in the Policy for Fees.

8. TAXI OPERATORS LICENSE

An application for a Taxi Operators License is set forth in Schedule "B" to this By-law.

9. SUMMARY CONVICTION

The levying and payments of any fine or the imprisonment for any period provided in this By-law shall not relieve a person from the necessity of paying any fee, charge or cost for which they are liable under the provisions of this By-law.

10. RESTRICTIONS

- (a) This By-law shall not apply to persons transporting for hire passengers or goods brought into the Municipality from outside the Municipality.

- (b) This By-law shall not apply to persons transporting for hire passengers or goods taken on within the limits of the Municipality to be discharged or unloaded outside the limits of the Municipality.

11. EFFECTIVE DATE AND REPEAL OF BY-LAW

All previous Taxi By-laws passed by the Council of the Municipality of the County of Kings will be repealed, when this By-law receives ministerial consent.

History of this By-law

Enacted - October 5, 1982

Amended - July 2, 1991
June 7, 2005
May 1, 2007