

1. Title

This bylaw shall be known as Bylaw Chapter 40 and may be cited as the Taxi Bylaw.

2. References

- 2.1 Nova Scotia Municipal Government Act (NS MGA)
- 2.2 Municipal Fee Policy, Policy 140-015

3. Definitions

In this bylaw:

- **Disqualifying Condition** means:
 - an order prohibiting the possession of any firearm, ammunition, or explosive substance pursuant to the Criminal Code of Canada,
 - a conviction for any offence in which violence was used, threatened, or attempted, within the past three (3) years,
 - a conviction for an offence pursuant to the Controlled Drug and Substance Act of Canada, within the past three (3) years,
 - a conviction for an offence involving the illegal sale of liquor or the illegal possession of liquor pursuant to the Liquor Control Act of Nova Scotia within the past three (3) years,
 - a conviction for an offence involving the illegal sale of cannabis or the illegal possession of cannabis pursuant to the Cannabis Control Act of Nova Scotia, within the past three (3) years,
 - convictions for three or more driving offences, or two or more convictions for driving offences in the past 12 months, pursuant to the Motor Vehicle Act unless, in the opinion of the Licensing Authority, the convictions were for offences unrelated to the possible safety of passengers or other persons using the street or highways,
 - a conviction in another country, province, or jurisdiction similar in nature to those described in the preceding sections,
 - a concern raised from the information received from a Vulnerable Sector or Child Abuse Registry check, in the reasonable opinion of the Licensing Authority.
- **Driver** means a person, to whom a taxi driver's license has been issued, who is operating or driving or has care and control of a taxi.
- **Licensing Authority** means a person appointed by the Chief Administrative Officer (CAO) by authorization of Town Council of Wolfville for the purposes of this bylaw.
- **Owner** means any one or more persons or entities which the records of the Registrar of Motor Vehicles disclose as the owner of a vehicle or, in the case of a vehicle for which registration is either not required or not possible, the one or more persons or entities which, on their own or together with others, have the authority, whether exercised or not, to control the use of the vehicle or the authority, whether exercised or not, to dispose of the vehicle.
- **Pedicab or Rickshaw Bike** means a three-wheeled vehicle having a seat, pedals, and handlebars for the operator which is capable of transportation of 3 or fewer passengers and may be assisted

with an electric motor under 500W as set out by the Pedicab Operation Regulations under the Motor Vehicle Act of Nova Scotia.

- **Proof of Financial Responsibility** means a written document from an insurance broker or an authorized insurer that it has issued or caused to be issued to or for the benefit of the person named in the document, a vehicle liability policy which, at the date of the document, is in full force and effect and which certifies that the person named in the document has at least insurance coverage required by this bylaw, or such other proof as the licensing authority may require.
- **Taxi** means:
 - a motor vehicle as defined in the Motor Vehicle Act used to transport passengers or goods for compensation but does not include either a motor vehicle owned or operated by a public utility as defined in the Public Utilities Act, or a motor carrier required to be licensed under the Motor Carrier Act;
 - a pedicab or rickshaw bike used to transport passengers or goods for compensation;
 - any other device that is used to transport passengers or goods for compensation.
- **Taxi Stand** means off-street parking as defined in the Land Use Bylaw for a taxi or taxis within the town.
- **Town** means the town of Wolfville.
- **Vehicle** means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, including pedicabs or rickshaw bikes ~~for hire~~ except a motorized wheelchair or scooter.

4. Licensing

4.1 Taxi Owner's License

- a) Every applicant for a taxi owner's license shall submit an application in the form prescribed by the Licensing Authority to the Licensing Authority.
- b) An application under Schedule "A" will include, where applicable:
 - i. Full name and address of the applicant.
 - ii. Company name and address.
 - iii. The year, make, and model of each vehicle to which the application applies.
 - iv. Proof of registration of the license plate number for each vehicle to which the application applies.
 - v. Proof of ownership of each vehicle to which the application applies.
 - vi. Serial number or attached identification number for non-registerable vehicles.
 - vii. Valid Nova Scotia Safety Inspection Report for each vehicle to which the application applies, dated not more than 60 days immediately preceding the date of the application.
 - viii. Proof of financial responsibility certifying that each of the vehicles to which the application applies has in place the following:

- Public liability of not less than \$2,000,000;
 - Passenger and cargo insurance of not less than \$1,000,000;
 - Accident and uninsured motorist coverage as required by the Motor Vehicle Act or any other Provincial Statute;
 - Insurance endorsement for permission to carry passengers for compensation.
- ix. payment or proof of payment of taxi owner's licensing fee set out in the Municipal Fee Policy.
- c) The Licensing Authority shall issue a taxi owner's license for each vehicle for which a complete application has been submitted.
- d) A taxi owner's license is issued in the name of the owner of a vehicle and is not transferable by that owner.
- e) All taxi owner's licenses expire on March 31 of each year. A taxi owner's license may be renewed upon submission of a new application and payment of the taxi owner's licensing fee provided that all of the requirements for a taxi owner's license continue to be met.
- f) A taxi owner's license can be issued for part of a year and the fees payable to the Town will be prorated accordingly.
- g) The holder of a taxi owner's license may, during the duration of the license, be required by the Licensing Authority to establish and maintain a taxi stand suitable to accommodate all vehicles licensed to that taxi license holder.

4.2 Taxi Owner's License Responsibilities

- a) No owner of a vehicle shall operate that vehicle or permit that vehicle to be operated as a taxi unless there is a valid and current taxi owner's license issued for that vehicle.
- b) A taxi owner's license holder shall supply documents in each taxi to certify proof of financial responsibility for each taxi as follows:
- i. Public liability of not less than \$2,000,000.
 - ii. Passenger and cargo coverage of not less than one \$1,000,000.
 - iii. Accident benefits and uninsured motorist coverage as required by the Motor Vehicle Act or other Provincial Statute.
 - iv. Insurance endorsement for permission to carry passengers for compensation.
- c) Every holder of a taxi owner's license shall report to the Licensing Authority any collision involving any one or more taxis owned or operated by that taxi owner no later than the first weekday immediately following the collision.
- d) A taxi owner shall not permit a taxi to be operated by any person who does not hold a valid taxi driver's license.
- e) Every taxi owner shall report to the Licensing Authority, within two (2) business days:
- i. the name and address of a person who will or has been hired to operate any one or more taxis owned by that taxi owner;
 - ii. the name of any person who previously had been permitted to operate a taxi owned by the taxi owner and who is no longer permitted, for any reason, by the taxi owner to operate any one or more taxis owned by the taxi owner.
- f) Every taxi owner shall immediately report any new additions or disposals of operational taxis to the Licensing Authority.

- g) Every taxi owner shall, on replacement of a taxi with another vehicle, submit a new application for a taxi owner's license for the replacement vehicle, without added fee for the replacement vehicle for the licensing year.

4.3 Taxi Driver's License

- a) Every person who operates a taxi in the Town shall have a taxi driver's license issued by the Licensing Authority.
- b) A taxi driver's license shall not be issued to any person to whom a disqualifying condition applies.
- c) Every applicant for a taxi driver's license shall submit an application in the form prescribed by the Licensing Authority with the following:
 - i. Full name and other nicknames or other names by which the applicant has been known in the past.
 - ii. Two (2) photographs taken no more than 30 days prior to the date of the application, in an untouched format measuring 70mm (2¾") by 50mm (2") and having a certification as to the date of the photograph.
 - iii. Results of a Criminal Records Check, Vulnerable Sector Check and Child Abuse Registry Check, each dated no more than 30 days prior to the date of the application.
 - iv. Copy of the applicant's Nova Scotia Driver's License, which allows the applicant to operate a taxi (minimum Class 4).
 - v. A Driver Abstract for the applicant issued by the Nova Scotia Registry of Motor Vehicles and dated no more than 30 days prior to the date of the application.
 - vi. Copy of the applicant's birth certificate or other proof of birth.
 - vii. Medical Certificate from a licensed physician stating that the applicant is physically and mentally fit to operate a taxi, dated no more than 60 days prior to the date of the application.
 - viii. Payment or proof of payment of the taxi driver's license fee set out in the Municipal Fee Policy.
- d) The Licensing Authority shall issue a taxi driver's license to an applicant who has submitted a complete application and who does not have a disqualifying condition.
- e) Every taxi driver's license expires on March 31 of each year. A taxi driver's license may be renewed upon submission of a new application and payment of the taxi driver's licensing fee provided that all of the requirements for a taxi driver's license continue to be met.
- f) A taxi driver's license can be issued for part of a year and the fees applicable to any such application will be prorated accordingly.

5 Conditions of Vehicle and Inspection

- a) No taxi owner or taxi driver shall operate or permit to be operated any taxi that **does not** meet the following applicable standards:

- i. The vehicle must have a valid Nova Scotia Registry of Motor Vehicles Safety Inspection Report for a motor vehicle, issued not more than sixty (60) days prior to the application.
 - ii. The interior shall be clean and sanitary.
 - iii. The upholstery shall be clean, free from holes, cuts, and tears, and shall not show excessive wear.
 - iv. Every seat shall be equipped with a properly functioning seat belt for passengers or possible passengers which shall be securely mounted and shall maintain its position and its adjustments.
 - v. The side windows are designed to open and close and shall be in good repair and in good working order.
 - vi. The exterior shall be clean and in good repair, not damaged or unsightly with no protrusions as to be a hazard to persons or vehicles.
 - vii. Every door and trunk lid shall open and close securely.
 - viii. Interior dome lights shall be in good working order and shall operate when any door is opened, or the light switch is turned on.
 - ix. A securely affixed sign bearing the word "Taxi" on the exterior of the taxi, lit after dark, and visible at all times from a distance of at least two hundred (200) feet.
 - x. A copy of the taxi owner's license shall be conspicuously displayed at the taxi stand and made available for viewing at the request of any passenger, and shall be conspicuously displayed on the rear of the front seat of the taxi during operation for view by the passengers.
 - xi. A copy of the taxi driver's license shall be conspicuously displayed within the driver's compartment of the taxi during operation for view by passengers.
- b) No taxi owner or taxi driver shall operate or permit to be operated any pedicab or rickshaw bike as a taxi that does not also comply with all laws regarding the operation, use of helmets and equipment applicable to pedicabs and rickshaw bikes, including the Pedicab Operation Regulations and the Pedicab Helmet and Equipment Regulations made pursuant to the Motor Vehicle Act, and any successor legislation.
- c) Every taxi owner shall submit a taxi for examination by the Licensing Authority on twenty-four (24) hour notice and shall not prevent or hinder the Licensing Authority from carrying out the inspection.
- d) When a taxi fails to meet the required standards set out in Section 5(a) or 5(b), the owner must not operate the vehicle or permit it to be operated as a taxi until approved by the Licensing Authority.

6 General Conditions and Exemptions

- a) Every taxi driver shall be polite and respectful to passengers.
- b) A taxi driver must not smoke any tobacco or e-cigarettes in a taxi and must not permit any passengers to do so.
- c) A taxi driver transporting passengers or goods brought into the Town from outside the Town is not regulated by this bylaw.
- d) A taxi driver transporting passengers or goods taken on within the Town to be discharged or unloaded outside the Town is not regulated by this bylaw.

- e) No taxi shall be parked or left standing on any highway or street in the town for a period longer than ten (10) minutes or for the purpose of soliciting business or passengers, unless in a taxi stand or in a parking space designated by the Traffic Authority as, "Taxi Only Parking".
- f) If a taxi owner's or taxi driver's license is lost, stolen, or destroyed the Licensing Authority, on receipt of a replacement fee, may issue a replacement license.
- g) Every holder of a taxi owner's license shall file with the Licensing Authority the current fee schedule in use for each taxi, and the holder of the taxi owner's license must display or cause to be displayed conspicuously the fee schedule on the rear of the driver's seat of the taxi.
- h) No owner or driver shall charge a higher fare than set out in the fee schedule filed with the Licensing Authority by approval of the Licensing Authority and displayed in the taxi.
- i) All fees payable for licenses are outlined in Policy 140-015, the Municipal Fees Policy.
- j) Drivers must provide a print or electronic receipt to the passenger(s) at the end of the trip or shortly thereafter that includes information confirming:
 - i. The rate and surcharge, if any, charged for the trip
 - ii. The total amount paid for the trip
 - iii. The date and time of the trip.

7 Duties of the Licensing Authority

- a) The Licensing Authority shall decline to issue a taxi driver's license to an applicant if the applicant has a disqualifying condition.
- b) If the Licensing Authority declines to issue any license, the applicant may appeal that decision of the Licensing Authority to the Town Council at its next regular meeting.
- c) If a license holder breaches this bylaw, fails to meet the qualifications to hold a license, or if the Licensing Authority has reason to believe that it is in the public interest to suspend or revoke any license under this bylaw, the Licensing Authority shall provide to the taxi owner and /or driver written notice of:
 - i. the proposed revocation,
 - ii. the reasons for the proposed revocation, and
 - iii. a twenty-four (24) hour notice of the date, time, and place for a hearing with the Licensing Authority to hear the reasons for the proposed revocation.
- d) The written notice shall be hand-delivered to the address given in the license application or a current address provided by the license holder.
- e) If the Licensing Authority is satisfied after the hearing, or if there is a non-appearance by the license holder at the hearing, that the license holder has breached this bylaw or failed to meet the qualifications to hold a license, or that it is in the public interest, the Licensing Authority may suspend or revoke the license.
- f) The Licensing Authority shall provide written notice of the revocation or suspension of a license to the license holder, effective twenty-four (24) hours after the date the notice is hand-delivered to the address given in the license application or a current address provided by the license holder.
- g) The Licensing Authority shall provide notice of the revocation or suspension of a taxi driver's license to the applicable holder of the taxi owner's license.
- h) Any taxi owner or driver whose license has been suspended or revoked under this section may appeal the decision of the Licensing Authority to the Town Council at its next regular meeting.

8 Penalties



- a) Any person who contravenes or fails to comply with any of the provisions of this bylaw shall be liable to a penalty of not less than two hundred dollars (\$200.00) for the first offense, not less than four hundred dollars (\$400.00) for the second offense, and not more than nine hundred dollars (\$900.00) for the third and any subsequent offenses.
- b) Any fines provided in this bylaw shall not relieve a license holder from the necessity of paying any fee, charge, or cost for which they are liable under the provisions of this bylaw.

9 Repeal

Any previous Taxi Bylaws and amendments are repealed upon passage of this bylaw.

Clerk's Annotation for Official Bylaw Book

Date of first reading: 2022-09-29

Date of advertisement of Notice of Intent to Consider: 2022-10-25

Date of second reading: 2022-11-15

Date of advertisement of Passage of By-law: 2022-11-29

Date of mailing to Minister a certified copy of By-law: 2022-11-30

I certify that this Taxi **Bylaw Chapter 40** was adopted by Council and published as indicated above.

A handwritten signature in black ink, appearing to read 'R. Merton', written over a white rectangular background.

November 30, 2022

Town Clerk

Date