

**BYLAW RESPECTING THE REGULATION OF THE
TRANSPORTING OF PASSENGERS FOR HIRE
CONSOLIDATION**

Be it enacted by the Council of the Town of Amherst, under the authority of Section 305 of Chapter 293 of the Revised Statutes of Nova Scotia, 1967, as amended, the Motor Vehicle Act, as follows:

SHORT TITLE

1. This bylaw shall be known as the Town of Amherst Taxi Bylaw

DEFINITIONS

2. In this bylaw, unless the context of it requires:
 1. **CAO** means the Chief Administrative Officer of the Town of Amherst
 2. **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:
 1. Glass partition separating the front of the rear seats;
 2. Top quality interior appointments, being either leather or plush upholstery
 3. Power windows
 4. One-way tinted glass
 5. Television
 6. Stereo system
 7. Cellular telephone
 8. Air conditioning; and
 - e. Which is one of the following makes:
 1. Cadillac
 2. Lincoln
 3. Rolls Royce
 4. Jaguar

5. Mercedes-Benz
 6. Bentley
 7. Royal Princess
 8. Any other vehicle approved by the Taxi Authority upon application by a prospective licensee as being of comparable limousine quality to the makes referred 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.
3. **Limousine Driver** means the driver of a limousine as defined by the bylaw.
 4. **Owner** means a person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the condition stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then the conditional vendee or lessee, or mortgagor shall be deemed the owner for the purpose of this bylaw.
 5. **Person** means a natural person or a body corporate and includes a partnership.
 6. **Registrar** means the Taxi Bylaw Registration Officer as appointed by the CAO.
 7. **Taxi Authority** means the Chief of Police of the Town of Amherst and includes any person designated by the Chief of Police as deputy or assistant or temporary Taxi Authority.
 8. **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.
 9. **Vehicle** has the meaning given to it under the Motor Vehicle Act and includes a Taxi or Limousine as defined under this bylaw.

CONTROL

3. Pursuant to the provisions of Section 305(1) of the Motor Vehicle Act, the Council shall have a general control, supervision and direction over all aspects of licensing and regulation pursuant to this bylaw and over any inspector or any other officer acting or carrying out the overall duties of this bylaw.

DUTIES OF TAXI AUTHORITY

4.

1. Subject to the provisions of the Motor Vehicle Act and to the provisions of Section 3 hereof and to any specific direction from time to time given or issued by the Council, the Taxi Authority shall have supervision over persons licensed under this bylaw and over vehicles to which the same applies and the following shall constitute his/her duties under this bylaw:

The Taxi Authority shall:

- a. Report to Council respecting the performance of his/her duties under this bylaw whenever required to by Council;
- b. Make all necessary inquiries concerning applications for the licenses or transfers thereof, as may be required to secure a due observation of the law and of this bylaw;
- c. Examine or cause to be examined every vehicle for which a license is requested under this bylaw;
- d. Carry out periodic inspections, without notice, of vehicles licenced under this bylaw;
- e. Issue, refuse to issue, or suspend, revoke, cancel licenses in accordance with the requirements of this bylaw;
- f. Advise the Registrar of the approval of applications for all licenses issued pursuant to this bylaw;
- g. Advise the Registrar when an application has been denied, and when a license has been revoked, suspended or cancelled;
- h. Ascertain by inspection, inquiry and investigation from time to time, and as often as may be required, whether persons holding licenses under this bylaw continue to comply with the provisions of this bylaw;
- i. Upon completion of an investigation to decide whether or not to proceed with prosecution;
- j. Take any other lawful steps in regards to the licensing and regulations of taxis as may be consistent with this bylaw.

2. Any act, authorized or directed by this bylaw to be done by the Taxi Authority may, in their absence or as circumstances require be performed by such other officer or any official as may be designated by the Council or the CAO. The power and authority of the officer or official so designated shall be the same as that of the Taxi Authority in the particular case except where prohibited by statutory conditions to the contrary.

DUTIES OF REGISTRAR

5. Subject to the provisions of the Motor Vehicle Act and to the provisions of Section 3 hereof and to any specific direction from time to time given or issued by the Council, the following shall constitute the duties of the Registrar under this bylaw.

The Registrar shall:

1. Maintain a register of all licenses issued, suspended, revoked, cancelled and of all applications refused under the authority of this bylaw. Such registrar shall contain the name or names of the applicants, the date of the license, and shall keep such other books and records as the Council may from time to time order.
2. Provide and receive all applications for licenses issued pursuant to this bylaw on behalf of the Taxi Authority.
3. Review insurance policies and confirm they meet all requirements.
4. Advise the Taxi Authority of any information that may require a suspension or cancellation of a license.
5. Shall cause to be made out, and to issue the license to the applicant, the fee as required under this bylaw first having been paid.
6. Keep a register of all payments made in relation to applications for all licenses pursuant to this bylaw.
7. Make available to every person receiving a license under this bylaw a copy of the bylaw and advising every such person of the availability of the bylaw.

TYPES OF LICENSES

6. Upon receiving notification from the Taxi Authority of an approved application the Registrar may issue the following licenses:
 1. Owner's License
 2. Driver's License

PERIOD OF LICENSE

7.

1. Every license issued under this bylaw shall relate to the period from the 1st of April of each year to the 31st of March of the succeeding year.
2. No license fee is refundable.

OWNER'S LICENSE

8.

1. No vehicle shall be used for the transport of passengers for hire within the town unless and until the owner of such vehicle has first obtained a license. The license to be granted an owner of a vehicle to be used to transport passengers for hire shall be in the form as set out in Schedule "A" to this bylaw and shall be posted in the vehicle for which it has been issued.
 2. The owner's license fee shall be paid for any part of the registration period as defined in Section 7 "Period of License." This section does not apply to common carriers licensed by the Province of Nova Scotia.
 3. Every application for a license to use a vehicle for the transport of passengers for hire shall make application to the Registrar in the form prescribed from time to time by the Taxi Authority. A copy of the prescribed form is attached as Schedule "A".
 4. An owner's license that has been destroyed, lost or stolen will be replaced upon receipt of sufficient proof of the destruction, loss or theft, and upon payment of the required fee.
 5. A license granted to an owner of a vehicle to be used to transport passengers for hire shall also be a license to transport parcels, packages, or other articles of whatsoever nature.
9. No taxi or limousine owner's license shall be granted for any vehicle unless and until:
1. The completed form of application shall be submitted to the Registrar. It shall be signed by the applicant and include information as follows:
 - a. The full name and address of the applicant;
 - b. Where the vehicle is owned by a corporation particulars of the registration of the corporation, names of the corporate officers of the corporation, and the head office of the said corporation;
 - c. Where the vehicle is owned by a partnership or is operating under a business name the full particulars under the Partnership and Business Name Registration Act, the names of the partners and their addresses, a copy of the

Certificate of Registration under the Partnership and business Name Registration Act;

- d. Names and addresses of all employees and their positions held in the business;
 - e. The business name under which the taxi or limousine will be operated on the street and postal and civic address of the place of business from which the taxi or limousine will be operated;
 - f. The motor vehicle registration number, motor vehicle license plate number, make, model, colour, year and serial number of the vehicle;
 - g. A criminal record/vulnerable sector check 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 Town of the annual fee for such license as stipulated in Schedule "E" to this bylaw.
 3. Proof of insurance that the vehicle carries on it an automobile insurance policy providing public liability insurance, passenger hazard insurance, and property coverage, in the minimum amount of \$1,000,000.00 without any limit or any particular claim up to the herein mentioned amount, regardless of the number of persons involved or the nature of the damage. For the purposes of this section, proof of insurance is a copy of the current policy for the vehicle.
 4. The applicant has provided permission for the insurance company to provide details on the insurance policy to the Taxi Authority or Registrar when requested.
 5. The applicant must also have directed the insurance company issuing the insurance policy required by this section to immediately advise the Registrar of any changes to the coverage and terms of the insurance policy during the term of the license and to notify the Registrar when the insurance policy is no longer in effect. Initial notification may be provided verbally, however a written notification confirming any changes must be provided to the Registrar. A notification by email will be accepted as a written notification.

VEHICLE REQUIREMENTS

10. In addition to the requirements of Section 9 of this bylaw, each applicant, in order to receive an owner's license, must establish that the vehicle meets the following requirements:
 1. Has been properly registered under the provisions of the Motor Vehicle Act as a vehicle for operation within the Province of Nova Scotia;

2. Shall have been inspected by the Taxi Authority;
3. Bears a valid Province of Nova Scotia motor vehicle safety sticker issued within 30 days of the application being filed with the Registrar;
4. In the case of a taxi, meets the following requirements:
 - a. Is a four door sedan, hard top or station wagon, SUV or mini van with four or more doors (such doors to be on the sides of the vehicle) with a design capacity of seven (7) passengers or less, excluding the driver;
 - b. Has a height from the top of the floor to the underneath side of the roof of at least 114 cm;
 - c. 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 cm;
 - d. Has a length from the dashboard, excluding extremities, to the front of the back seat of at least 160 cm;
 - e. Is equipped with a sign affixed upon the roof of such taxi capable of being illuminated electrically, and such sign shall conform to the layout and design specified from time to time by the Traffic Authority:
 1. Shall bear the business name of the taxi company under which the taxi is being operated on the front and back, and the owner's license number on each side, and such lettering shall not be less than 5 cm in height;
 2. Shall be removed from the roof or covered by opaque material when the vehicle is not in service as a taxi.
 - f. In addition to the roof sign requirements the Taxi may also be identified with a sign affixed to the driver's door and the passenger's door, and such sign:
 1. Shall be painted or attached to the door of driver and opposite passenger door;
 2. Shall be in legible print with each letter or number not less than 5 cm in height;
 3. Shall bear the business name of the taxi company under which the taxi is being operated;

5. In the case of a limousine, meets the requirements in the definition for a limousine contained in section 2 of this bylaw.
6. In the case of a taxi and a limousine, shall meet the following requirements:
 - a. The body of the vehicle shall not be damaged and shall be clean and in good repair. Paint shall be maintained in good condition and shall match.
 - b. The interior shall be clean and sanitary and shall not contain any refuse.
 - c. The upholstery shall be clean, free of holes, cuts and tears and shall not show excessive wear.
 - d. The side windows in a vehicle which are intended to open and close shall be in good repair and working order.
 - e. No portion of the exterior shall be bent or broken and no such portion shall protrude in such a way as to be a hazard to persons or vehicles.
 - f. No fender, grill hubcaps or bumpers on a taxi shall be removed or missing.
 - g. Every door and trunk lid shall close securely.
 - h. All door handles and catches on a taxi shall be in good working order.
 - i. Every seat shall be equipped with a seat belt, shall be securely mounted and shall maintain its position and its adjustments.
 - j. Shall have an interior dome light which shall be in good working order and shall operate when any of the doors are opened.

ADDITIONAL OWNER'S OBLIGATIONS

11. All owners shall comply with the following:
 1. Shall not permit any person to operate the vehicle to which the license relates as a vehicle for hire unless the person is in possession of both a valid provincially issued Nova Scotia minimum Class 4 license, or equivalent, to operate a passenger vehicle and a valid driver's license in accordance with this bylaw.
 2. Not permit smoking in the vehicle at any time, whether or not the vehicle is being operated at the time as a vehicle for hire.
 3. Neither the owner nor the driver of a licensed vehicle may represent that it is a non-smoking vehicle or a smoke free vehicle if it has been smoked in while owned by the current owner.

4. Notify the Registrar in writing not less than one week in advance of any change in the business name under which the vehicle is operated.
5. Notify the Registrar forthwith of any change in the Provincial Registration of the vehicle.
6. File with the Registrar, in writing, the names and addresses and telephone numbers of every driver who operates the owner's licensed vehicle or vehicles and shall notify the Registrar in writing within 72 hours of any new appointments and any dismissals, or other changes in employment of such drivers.
7. Not operate or permit the operation of a vehicle when the conditions described in subsections 1, 3, 4 and 6 of Section 10 are no longer met or the insurance policy of the vehicle no longer complies with the requirements of subsection 3 of Section 9.
8. Immediately advise the Registrar of any change in the insurance policy and shall provide the Registrar with a copy of the updated policy forthwith.
9. At least three days before making the change, the owner must notify the Registrar of any change in:
 - a. The business name under which the licensed vehicle is operated;
 - b. The business address from which the licensed vehicle is operated; or
 - c. The owner's residential address.

Saturday, Sunday and holidays are not to be included in calculating the three-day period.

10. Upon request, submit such vehicle for inspection by the Taxi Authority at the time and place directed.
11. Immediately notify the Registrar when they have become the subject to a court order, undertaking, charge or conviction.

VEHICLE INSPECTIONS

12.
 1. A vehicle licensed under this bylaw may, at any time, be inspected by the Taxi Authority, and/or a licensed mechanic selected by the Taxi Authority to determine that such vehicle complies with the requirements under this bylaw. There is no requirement for the Taxi Authority to provide advanced notice of the inspection. The costs of the licensed mechanic shall be paid by the owner.
 2. If the inspection determines the vehicle does not meet the requirements of this bylaw, it may result in the immediate suspension of the license until such requirements are met.

DRIVER'S LICENSE

13. No person shall transport passengers for hire within the town or be on any highway, street, road, lane, alley or other public place in the town in control of a motor vehicle for the purpose of transporting for hire or soliciting within the Town the transportation of passengers for hire unless they are in possession of a valid driver's license issued pursuant to this bylaw. Such license shall be conspicuously displayed in the vehicle and be readily visible to any passengers who may be in the vehicle.
14. No driver's license shall be granted unless and until:
 1. An application in the form prescribed by the Taxi Authority completed and signed by the applicant;
 2. The applicant is in possession of and submits to the Registrar for examination and for the purposes of photocopying, a valid, minimum Class 4 motor vehicle operator's license , or equivalent, issued under the provisions of the Motor Vehicle Act of the Province of Nova Scotia;
 3. A drivers abstract from the Registrar of Motor Vehicles completed within the past 30 days for the applicant is provided.
 4. A criminal record/vulnerable sector check and a duly executed consent sufficient to obtain verification of same from law enforcement agencies is provided;
 5. Two professionally taken passport style photographs of the applicant are provided to the Registrar, dated within 30 days of the date of application, which are neither heat sensitive nor subject to fading;
 6. The applicant pays to the Town the fee for a driver's license as set at the time of the application.
15. A driver's license that has been destroyed, lost or stolen will be replaced upon receipt of sufficient proof of the destruction, loss or theft, and upon payment of a \$10.00 fee.
16. A taxi driver's license shall not be transferrable

ADDITIONAL DRIVER OBLIGATIONS

17. All drivers shall comply with the following:
 1. Maintain a high standard of personal hygiene which will be reflected in a neat, clean and professional appearance and personal cleanliness at all times;
 2. Shall transport any personal luggage accompanying any passenger, not exceeding 25 kilograms per item, and shall place the luggage in or out of the vehicle for the passenger if requested to do so;

3. Must not smoke or permit smoking in the vehicle at any time, whether or not the vehicle is being operated at the time as a vehicle for hire;
4. Not use abusive or insulting language;
5. At all times while in the control of a vehicle, in any public place, conduct themselves in an orderly manner;
6. Not permit any additional passengers in the vehicle without the consent of the passenger who first engaged them;
7. Proceed to the destination indicated by his or her passenger by the quickest route; however, they may take another route if directed to do so by the passenger;
8. A driver may determine whether persons may eat or drink while passengers are in the vehicle, and may also determine where the passengers sit, except that passengers may decline to sit in the front seat;
9. Immediately notify the Registrar when they have become the subject to a court order, undertaking, charge or conviction.

REFUSE TO GRANT, SUSPENSION AND REVOCATION OF LICENSES

18.

1. The Taxi Authority may suspend or revoke the owner's or driver's license or both, of any license holder or refuse any applicant who:
 - a. Contravenes this bylaw;
 - b. Has been convicted of an offence against vulnerable persons, a sexual offence, illegal sale or possession of drugs, a violent offence or a breach of trust.
 - c. Is either charged or convicted pursuant to any municipal bylaw or provincial or federal legislation and in the opinion of the Taxi Authority, because of the charge or conviction it is in the public interest that the person not hold either an owner's license or driver's license.
 - d. Has a driving record, criminal or provincial offence record or outstanding criminal charges that in the opinion of the Taxi Authority makes them unfit to possess a license.
 - e. Has failed to immediately notify the Licensing Authority that they have become the subject to a court order, undertaking, charge or conviction.

- f. Fails to meet the requirements of this bylaw or, being an owner, their vehicle fails to meet the requirements of this bylaw;
 - g. Has committed any act or acts that, in the opinion of the Taxi Authority, it is in the public interest that the person not hold either an owner's license or driver's license;
 - h. Refuses to respond or cooperate with an investigation conducted by the Taxi Authority;
 - i. Where, in the opinion of the Taxi Authority, the license holder may be a danger to passengers or others if they possess a license.
- 2. In making a determination under subsection 1. g of this Section, the Taxi Authority shall consider any credible and relevant information as to whether the applicant:
 - a. Suffers from a mental illness or instability;
 - b. Abuses drugs or alcohol;
 - c. Has a propensity for violence or other objectionable behaviourthat could cause the applicant to be a danger to passengers or others.
- 3. At any time, a person holding a driver's license under this bylaw ceases to hold a valid minimum class 4 motor vehicle operator's license issued under the provisions of the Motor Vehicle Act of the Province of Nova Scotia, or equivalent, the driver's license shall be deemed suspended and shall be surrendered forthwith to the Registrar:
 - a. Any person whose driver's license or owner's license is suspended pursuant to this section may apply for reinstatement when:
 - 1. The period of suspension has expired; and
 - 2. The minimum class 4 license is renewed or reinstated as the case may be.
- 4. The Taxi Authority shall suspend an owner's license forthwith upon having reasonable and probable grounds to believe that such vehicle is not covered by insurance as required by this bylaw, and the suspension shall remain in force until:
 - a. The period of suspension has expired; and

- b. Proof of insurance is provided to the Registrar that the vehicle meets the requirements of this bylaw.

FALSE STATEMENTS

19. If an applicant or holder of a license makes a false statement in a statutory declaration made pursuant to this bylaw, the Taxi Authority may:
 1. Refuse to issue the license that is the subject of the application;
 2. Revoke any other owner's licenses and or any driver's licenses held by the applicant; and
 3. Direct that the applicant is ineligible to apply for or to be granted a license under this bylaw for a period of up to five (5) years.
20. No license fee is refundable upon suspension, revocation or termination for any reason for any license granted under this bylaw.

NOTICE OF SUSPENSION OR REVOCATION

21.
 1. With exception to suspension covered by subsection 4 of Section 18 of this bylaw, no license shall be revoked or suspended without giving notice of the suspension to the license holder, and the reasons for the suspension.
 2. A verbal notice of a suspension or revocation and the reasons for the suspension or revocation shall be deemed proper notification. A written notice with the reasons for the suspension or revocation shall be made available for the license holder at the Amherst Police Department within seven (7) days of the verbal notice.
 3. Notice of suspension may be given as per subsection 2. Above or upon delivery by registered mail to the address of the application on the license application form, a written notice. In the case of a driver, the notice may also be delivered to the owner, by registered mail to the address of the applicant on the owner's license application form.

APPEALS

22.
 1. A refusal to issue or renew or a revocation or suspension of the license by the Taxi Authority may be appealed to Council.
 2. Despite subsection 1 of this Section, 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.

3. No appeal shall be taken from any decision of the Taxi Authority except upon written notice of appeal being delivered to the CAO within 15 days from the date of the notice of the suspension.
4. Council shall hear the appellant in accordance with the rules of natural justice and may:
 - a. Confirm or vary the decision of the Taxi Authority;
 - b. Order that the license be revoked and surrendered; or
 - c. Order that a license be granted or reinstated.

23. In exercising its discretion in an appeal, Council shall consider:

1. The nature and severity of the violation of this bylaw or nature and severity of the disqualification of the appellant that led to the Taxi Authority's decision;
2. The protection of the public;
3. The circumstances of the appellant, including whether the appellant suffers from 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;
4. The likelihood of a recurrence of a violation of this bylaw;
5. All other circumstances that Council determines are relevant.

OFFENCES AND PENALTIES

24. Any person who violates or fails to comply with any provisions of this bylaw shall be guilty of an offence and shall be liable on conviction to a minimum fine of one hundred dollars (\$100.00) but of not more than five thousand dollars (\$5,000.00) and in wilful default of payment, shall be liable to imprisonment for a term of not exceeding 6 months.

REPEAL

25. All previous Town of Amherst Taxi Bylaws and amendments thereto now in force are hereby repealed.

TOWN OF AMHERST

TAXI LICENSE # AM:

NAME:

ADDRESS:

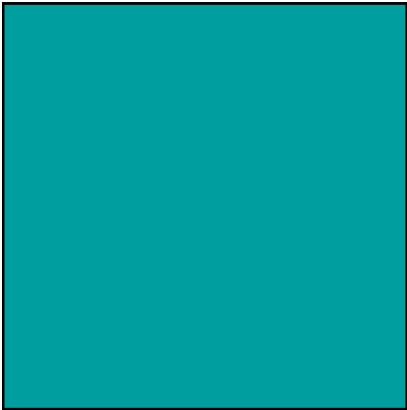
The owner of motor vehicle

N.S. License #

is licensed to operate the said vehicle as a taxi

TOWN OF AMHERST

TAXI DRIVER LICENSE



(Photo)

NAME

TOWN OF AMHERST
APPLICATION - TAXI OWNER'S LICENSE

To the Taxi Authority, Amherst, Nova Scotia

I hereby make application for an Owner's License in the Town of Amherst pursuant to the regulations and requirements as set out in the Town of Amherst Taxi By-Law.

My full name is*
My address is
My telephone number is
Name Operating Under
Address of Operations

INSURANCE PARTICULARS **

Insurance Company
Policy No. Agent
.Date of Policy Amount of Coverage

AUTOMOBILE PARTICULARS

Make Model
Year N.S. Plate Number
N.S. License No. Serial No.
Color M.V.I. Date ***

I further undertake to provide said vehicle(s) for purposes of inspection and enclose the appropriate application and license fee.

Signature of Applicant _____ Date

Received by Registrar _____ Date

.....
• If incorporated or under business name, please supply particulars of officers or partners
** Attach copy of insurance policy

TOWN OF AMHERST
APPLICATION - TAXI DRIVER'S LICENSE

To the Taxi Authority, Amherst, Nova Scotia

I hereby make application for a Driver's License in the Town of Amherst pursuant to the regulations and requirements as set out in the Town of Amherst Taxi By-Law.

My full name is

My address is

My telephone number is

My employer is

Address of Employer

I hold a valid, unexpired minimum Class 4 Drivers License issued by the Province of Nova Scotia bearing License Master Number*

I enclose \$20 for application and license fee together with two personal photographs**

.....
Date

.....
Signature of Applicant

.....
Date

.....
Signature of Owner

.....
Received by Registrar _____(Date)

* Attach copy of Minimum Class 4 License

** Photographs should measure 2 inches by 2 inches and have been taken within one month of the application

FEEES FOR LICENSES

1. OWNER'S LICENSE	\$25.00
2. OWNER'S LICENSE TRANSFER	\$10.00
3. DRIVER'S LICENSE	\$20.00
4. REPLACEMENT LICENSE	\$10.00

CONSOLIDATION NOTES

C-9 Approved by Council November 25, 2013.

C-9-1 Approved by Council December 22, 2014

The bylaw was amended to provide the Taxi Authority the ability to use discretion in decisions related to refusal, suspension or revocation of licenses, to accept drivers licenses issued by another province, to require license applicants to provide a driver's abstract, and to increase the license fee from \$5 to \$10. Overall, the proposed changes will enhance the safety of the users of the taxi and limousine services and will enhance the ability of the Taxi Authority to oversee and enforce the bylaw in an effective manner.