

TAXICAB OWNERS AND TAXICAB OPERATORS BY-LAW

BY-LAW # 1050-16

PAGE 1/14

The Town of Sussex under authority vested in it by the Municipalities Act, R.S.N.B., 1973, and amendments thereto hereby enacts as follows:

1. TITLE

This by-law may be cited as Taxicab Owners and Taxicab Operators By-Law.

2. PURPOSE

The purpose of this by-law is to regulate the owners and operators of taxicabs within the Town of Sussex.

3. DEFINITIONS

In this by-law, unless the context otherwise requires, the words hereinafter defined shall have such meaning:

- (a) "***Bus***" means any motor vehicle designed for carrying ten or more passengers and used for the transportation of persons.
- (b) "***By-Law Enforcement Officer***" means any person authorized by Council to enforce provisions of this By-Law of the Town;
- (c) "***Council***" means the Town Council of the Town of Sussex;
- (d) "***Commercial vehicle***" means a motor vehicle designed or adapted for the carrying of freight,
- (e) "***Development Officer***" means the Development Officer of the Town of Sussex;

- (f) ***“License”*** means a license to conduct a taxicab business as a taxicab owner or a license to operate a taxicab as provided by this by-law;
- (g) ***“Manifest”*** shall mean a daily record prepared by a taxicab operator of all trips made by said operator showing time and place or origin, destination and number of passengers;
- (h) ***“Motor Vehicle”*** means every vehicle that is self-propelled and every vehicle that is self-propelled by electric power obtained from overhead trolley wires, and not operated upon rails, but does not include a farm tractor.
- (i) ***“Owner”*** means the legal owner of a vehicle unless the vehicle is subject to a contract under terms of which another person has possession and may acquire the legal title thereto, in which event that person has possession against the legal owner, “owner” means that other person;
- (j) ***“Police Officer”*** means a member of the Royal Canadian Mounted Police, a person employed or appointed pursuant to the Royal Canadian Mounted Police Act, chapter R-9 of the revised statutes of Canada, 1970 and amendments thereto. For the purposes of the administration and enforcement of this by-law a member may include an auxiliary member under the supervision of a “Police Officer”;
- (k) ***“Private Passenger Vehicle”*** means a motor vehicle designed and used primarily for the transportation of persons without remuneration and does not include a bus or taxicab.
- (l) ***“Street”*** means a public road, alley, highway, lane, path or other public place located in the Town, designated and intended for or used by the general public for the passage of vehicles;
- (m) ***“Taxi Stand”*** means the office or other authorized place of business used by the licensed owners and licensed operators of taxicabs in the ordinary course of their business;

- (n) ***“Taxicab”*** means a motor vehicle, other than a bus, during any period in which the vehicle is being used to transport a person for remuneration, including the period in which the person who is to be, is being or has been transported for remuneration embarks or disembarks and the period in which the luggage of such a person is being loaded or unloaded includes a cab, limousine, or bus and means a motor vehicle used for the transport of passengers for hire but does not include
 - (i) a carrier licensed under the Motor Carrier Act or
 - (ii) a bus, including the operator thereof;
- (o) ***“Taxicab Operator”*** means any person who drives or is in actual physical control of a taxicab;
- (p) ***“Taxicab Owner”*** means the owner of a taxicab business who in the course of business engages motor vehicles as taxicabs under contract and/or owns a motor vehicle operating as a taxicab.
- (q) ***“Town”*** means Town of Sussex; and
- (r) ***“Town Clerk”*** means the Town Clerk / Treasurer of the Town of Sussex.

4. TAXI CAB OWNER’S, GENERAL REQUIREMENTS:

No person shall:

- 1) Operate or permit to be operated in the Town of Sussex as a taxicab, a vehicle owned by them, within the limits of the Town of Sussex without having a valid Taxicab Owner’s License issued under the hand of the Town Clerk of the Town of Sussex for that vehicle.
- 2) Operate or permit to be operated a taxicab within the limits of the Town of Sussex unless the driver thereof has a valid Taxicab Operators Licence issued under the hand of the Town Clerk of the Town of Sussex for that driver.

5. TAXI CAB OWNER'S and DRIVERS LICENSES:

1) Application Taxicab Owners Licence:

An application for a Taxicab Owners Licence for each taxicab shall be made in writing to the Town Clerk and shall include the following:

- (a). Be submitted on an application form approved by the Town of Sussex hereto attached as Schedule "A";
- (b). Include the name and address of the applicant;
- (c). The place of business shall be located in a zone under the Town of Sussex Zoning By-Law that permits a taxi operation.
- (d). The name and address of the insurer of the vehicle with proof of insurance in the minimum amount of one million dollars (\$1,000,000) in respect of bodily injury to or death of a passenger, and against all public liability and property damage arising out of the operation of the taxicab, as well as a policy endorsement containing a rider or endorsement thereon indicating that the Town of Sussex shall be given fifteen days notice in writing of any intention to cancel the coverage;
- (e). A copy of the current vehicle registration;
- (f). An application fee in the amount as prescribed in this by-law attached hereto as Schedule "C", Schedule of Fees.

2) Application Taxicab Drivers Licence:

An application for a Taxicab Drivers Licence shall be made in writing to the Town Clerk and shall include the following:

- (a). Be submitted on an application form approved by the Town of Sussex hereto attached as Schedule "B" of this By-law;
- (b). Include the name and address of the applicant;

- (c). Include a copy of the applicant's current Driver's license issued under the Motor Vehicles Act, R.S.N.B. 1973, c- M-17 authorizing the applicant to drive a taxicab;
- (d). A declaration by the applicant that they are not ineligible for a taxicab driver's license as set out in subsections 8 (d), 8 (e), 8 (f) and / or 8 (g).
- (e). A valid abstract of their driving record from the Registrar of Motor Vehicles showing the applicant has not lost more than six (6) points within the twelve (12) months immediately preceding the filing of the application.
- (f). A signed consent for disclosure of criminal records information and a Criminal Record Check completed by the Sussex Detachment of the R.C.M.P., including a Vulnerable Sector Search;
- (g). An application fee in the amount as prescribed in this by-law attached hereto as Schedule "C", Schedule of Fees.

3) Issuance of License:

- (a). Upon receipt of a complete application pursuant to the By-law, and upon being satisfied that the applicant is not ineligible for a license pursuant to Section 5 (1) or 5 (2) herein, the Town of Sussex shall issue a license to the applicant. Such license shall expire at 11:59 p.m. on the 31st day of March of the year following the year it was issued, and is not transferable.
- (b). Any licenses issued prior to the enactment of subsection (a) shall be deemed to have been issued pursuant to subsection (a), and shall expire on 31st day of March of the year following the year it was issued.

- (c). Notwithstanding subsection (a), where a vehicle for which a taxicab owner's license has been issued is no longer being operated as a taxicab, and where the owner has requested that the license be transferred to another vehicle, the Town Clerk may upon the payment of a twenty dollar (\$20) administration fee, and upon being satisfied that the requirements of subsections 3 (c) and 3 (d) of this Section have been met, transfer the license to the new vehicle, for the duration of the term of the original license. Replacement of lost licenses shall be subject to the fees set out in Schedule "C" at the time of processing the replacement.
 - (d). Notwithstanding subsection (a), the Town Clerk shall not issue a taxicab owner's license after April 30th 2014 to a vehicle with a model year more than ten (10) years.
 - (e). Where the Town Clerk issues a taxicab license, the Town Clerk shall also issue identification decals for every vehicle licensed hereunder.
 - (f). The decals referred to in this section shall not be transferred or affixed to any vehicle other than the vehicle for which it was issued.
 - (g). Replacement decals for lost, mutilated or illegible decals shall be subject to the twenty dollar fee to supply and issue substitute identification decals for that vehicle.
- 4) Display of License:
- (a). Every taxicab owner shall display the taxicab owner's license in full view of all passengers in the taxicab for which the license was issued. The displayed information shall include only the incorporated name of the Taxicab Business, the issued license number, the date of expiration of the license and the Town of Sussex contact information.
 - (b). Every taxicab owner shall permanently affix the identification decals issued herein to the outside rear window and outside rear side windows of the vehicle in such a location as to be visible from both rear doors and the rear of the vehicle.

- (c). Every taxicab driver shall display their license in every taxicab they operate in such a location so that it is fully visible to all passengers. The displayed information shall include only the licensed driver's last name, the issued license number, the date of expiration of the license and the Town of Sussex contact information.

6. DUTIES OF A TAXICAB OWNER;

- (a). Every owner shall keep their taxicab in a clean condition and without limiting the generality of the forgoing, shall ensure that there is no accumulation of food, food wrappers, beverage containers, packages or wrappers in the passenger compartment of the taxicab.
- (b). Upon request of the Town Clerk file a photocopy of the report of the Motor Vehicle Inspection of each taxicab owned by them with the Town Clerk.
- (c). Upon request of the Town Clerk, file in writing with the Town Clerk, the name, address and telephone number of each taxicab driver employed by the owner, or the names, addresses and telephone numbers of every taxicab driver who has left or has been terminated from such employment since the last renewal of their license.
- (d). When required to do so by a By-law Enforcement Officer or a Police Officer, forthwith submit the vehicle for inspection to determine compliance with the Motor Vehicle Act requirements under Section 6 (1) of Regulation 83-185 of the Motor Vehicle Act.
- (e). Upon request of the Town Clerk, file proof of valid insurance as required under Section 5 (3) of the by-law.

7. DUTIES OF A TAXICAB DRIVER:

- (a). Be neat and clean in appearance while engaged in the operation of a taxicab and, shall wear a shirt, ankle length trousers or dress shorts, socks and appropriate foot wear. Every female driver may, in place of ankle length trousers wear a skirt.
- (b). Keep their taxicab in a clean condition and without limiting the generality of the forgoing, shall ensure that there is no accumulation of food, food wrappers, beverage containers, packages or wrappers in the passenger compartment of the taxicab; and
- (c). Upon request of the Town Clerk, file updated Criminal Record Check completed by the Sussex Detachment of the R.C.M.P. with the Town Clerk.

8. SUSPENSION AND REVOCATION OF LICENSE:

- (a) A taxicab owner's license shall be suspended by the Town of Sussex if it is determined that a taxicab operated under such license is no longer insured. The suspension shall remain in effect until proof of insurance is provided to the office of the Town Clerk.
- (b) A taxicab driver's license shall be:
 - i. Suspended by the Town Clerk, if the holder thereof is charged with an offence under:
 - 1. The Liquor Control Act, R.S.N.B, 1973 c. L-10, while operating a taxicab;
 - 2. The Controlled Drugs and Substances Act, S.C. 1996, c 19;
 - 3. The Food and Drug Act, R.S.C. 1985, c. F-27; or
 - 4. The Criminal Code of Canada, R.S.C 1985, c. C-46.

The suspension shall remain in effect until the final disposition of the charge mentioned herein.

- ii. revoked by the Town Clerk, if the holder thereof is convicted of an offence under the statutes enumerated in subsection (b) or if it is subsequently determined that information provided in or accompanied with the application is false.
- (c) Notwithstanding any other provision herein, the Town Clerk shall suspend any license issued pursuant to Section 5 (3) herein where:
 - i. The holder of the license no longer meets the requirements for the insurance of a license herein; or
 - ii. The holder of the license has violated any provision of this bylaw.
- (d) Any person who has been charged with an offence under the statutes enumerated in paragraph 8 (b) shall be ineligible for a license until final disposition of the charge mentioned herein.
- (e) Any person who has had a license issued hereunder revoked to paragraph 4 (2), or, not having a license, has been convicted under a statute enumerated in paragraph 8 (b), shall be ineligible for a license for a period of two (2) years, in the case of a summary conviction offence or an offence under the Provincial Offences Procedure Act, S. N. B. 1987, c. P-22.1 and five years in the case of an indictable offence, from the date of conviction.
- (f) Notwithstanding any other provisions herein, any person found to be a dangerous offender under part XXIV of the Criminal Code of Canada, or who has been convicted of any of the offenses listed in Schedule 2 of the Criminal Records Act, R.S.C., 1985, c. C-47, including any convictions in respect of which a pardon has been granted, shall be ineligible for a license hereunder.
- (g) Where the Town Clerk suspends or revokes a license hereunder, the Town Clerk shall give written notice of such suspension or revocation of such license to the holder thereof, the reason for such suspension or revocation and the time period of any suspension or revocation.

- (h) When any license issued hereunder has been suspended or revoked, the holder of such license shall forthwith surrender such license to the office of the Town Clerk,
- (i) Where a person has been issued a license following an appeal hereunder, the provisions of this section only apply to that person for matters which arise following the issuing of the license.
- (j) Notwithstanding any other provision herein, any taxicab owner who is convicted of having permitted their taxicab to be operated by a driver who does not hold a valid taxicab drivers license while in the commission collecting fares for transportation of passengers, or their luggage, shall be ineligible for a taxicab owners license for a period of two (2) years from the date of conviction.

9. RIGHT TO REFUSE PASSENGERS

1) A taxicab operator may refuse taxi service to a person where:

- (a) the person is drunk or disorderly;
- (b) the person is indebted to the taxicab operator or taxicab owner for taxi service;
- (c) the person is apparently unable to pay for taxi service; and/or
- (d) the person requests that an animal or baggage be carried, which in the taxi operator's opinion, may be detrimental to the repair, cleanliness or sanitary condition of the taxicab.

10. DUTIES OF POLICING SERVICES

In support of each application received by the Town, the Clerk shall request information necessary for the Clerk's Office to administer any application for licensing under this by-law from Policing Services. Town of Sussex shall appoint a person or persons as the Town's Taxi Inspector.

- (1) A Police Officer shall be designated from the members of the Sussex Detachment of the R.C.M.P. a duly qualified officer to support in the assessment of an application for license under this by-law and such person, so designated, shall:
 - (a) complete a Criminal Records Check including a Vulnerable Sector Search and report to the Clerk its findings of all applications forwarded for review under this by-law;
 - (b) make or cause inquiries to police authorities and motor vehicle authorities to confirm that a person is not disqualified from obtaining or holding a license under this by-law;
 - (c) make or cause inquiries to police authorities and motor vehicle authorities to confirm that a vehicle is not disqualified from obtaining or holding a license under this by-law
 - (d) make all necessary inquiries concerning application for licenses as may be required to secure a due observation of the law and of this by-law;
 - (e) recommend to examine, a vehicle for which a license is requested under this by-law and where it is deemed reasonable by the Police Officer that an motor vehicle inspection is necessary prior to the Clerk issuing a license;
 - (f) submit to the Town Clerk, his reasons for his recommendation of not granting a license, or, for cancelling or suspending any license under this by-law;
 - (g) ascertain by inquiry, from time to time, and as often as may be required by the Town, or, by a Police Officer, whether persons holding licenses under this by-law continue to comply with the provisions of the law and of this by-law.

11. DUTIES OF THE TOWN

The Town shall furnish every person receiving a license under this by-law with a copy of the by-law; and inform each licensed taxicab owner of changes in the inspection requirements and the designated inspector under the terms of this by-law and keep a register of all licenses, granted, which shall contain the name or names of the applicants and the number of taxicabs kept by each applicant for a license with full description thereof, including make, model, year and colour, the amount paid for the license and such further particulars and such other books as may be necessary.

12. APPEALS

- (1) Any person who has been refused a license hereunder may appeal such refusal to the Council of the Town of Sussex by giving written notice of such appeal to the Town Clerk within ten (10) days of receipt of such notice.
- (2) Any person who has received a notice of suspension or cancellation may appeal such suspension or cancellation to the Council of the Town of Sussex by giving written notice of such appeal to the Town Clerk within ten (10) days of receipt of such notice.
- (3) Upon hearing the appeal, the Council of the Town of Sussex shall confirm, alter or remove such refusal, suspension or cancellation and shall notify the appellant in writing of its decision within ten (10) days of hearing the appeal. Said appeal to be heard at the next regularly scheduled meeting of the Town Council.

13. OFFENCES AND PENALTIES

- (1) Every person who violates the licensing provision of this by-law is guilty of an offence and is liable on conviction to a minimum fine of two-hundred and fifty dollars (\$250.00), and a maximum fine of one thousand and seventy dollars (\$1,070.00).
- (2) A person who violates any other provision of this by-law is guilty of an offense and is liable upon conviction to a minimum fine of one hundred Dollars (\$100.00), and a maximum fine of one hundred and seventy dollars (\$170.00).

14. PLURAL OR FEMININE TERMS

Plural or feminine terms may apply whenever the singular, masculine or feminine is used by this by-law. It shall be considered as if the plural, feminine or masculine has been used where the context of the party or parties hereto so requires.

15. VALIDITY

The invalidity of any section, clause, sentence or provision of this by-law shall not affect the validity of any other part of this by-law, which can be given effect without such invalid part or parts.

16. TRANSITIONAL PROVISION

All licences issued under a by-law entitled "A By-Law To Regulate Taxicab Owners and Taxicab Operators in The Town of Sussex", being By-Law # 1050-09, and in force immediately before the commencement of this by-law continue in force and shall be considered as licences issued under this by-law until they expire or until they are suspended or revoked under this by-law.

17. REPEAL

- (1) The by-law entitled "A By-Law To Regulate Taxicab Owners and Taxicab Operators in The Town of Sussex, By-Law # 1050-09", enacted on the 27th day of April, 2009, and all amendments thereto are hereby repealed.

- (2) The repeal of "A By-Law to Regulate Taxicab owners and Taxicab Operators in the Town of Sussex, By-Law #1050-09", shall not affect any penalty, forfeiture or liability incurred before such repeal or any proceeding for enforcing the same completed or pending at the time of repeal, nor shall it repeal, defeat, disturb, invalidate or prejudicially affect any matter or thing whatsoever completed, existing or pending at the time of repeal.

READ FIRST TIME BY TITLE: March 21, 2016

READ SECOND TIME BY TITLE: March 21, 2016

READ IN ENTIRETY: April 18, 2016

READ THIRD TIME BY TITLE
AND ENACTED: April 18, 2016

Paul I. Maguire
TOWN CLERK

Marc. Thorne
MAYOR

SCHEDULE "A"
APPLICATION FOR TAXICAB OWNER'S LICENSE

TO BE COMPLETED BY APPLICANT

I, _____, BEING THE OWNER OF A MOTOR VEHICLE DESCRIBED AS FOLLOWS MAKE APPLICATION TO POLICING SERVICES FOR A TAXICAB OWNER LICENSE:

VEHICLE IDENTIFICATION NO.	
MAKE	
MODEL	
YEAR	
CURRENT YEAR'S PROVINCE LICENSE NO.	
MOTOR VEHICLE INSPECTION NO.	
DATE OF LAST INSPECTION (WITHIN ONE (1) MONTH)	
INSURANCE POLICY NO.	
AMOUNT OF INSURANCE POLICY	
INSURANCE AGENT	

MY TAXICAB WILL BE OPERATED FROM THE FOLLOWING ADDRESS:

SIGNATURE OF APPLICANT _____

TO BE COMPLETED BY OFFICER IN COMMAND

THIS CERTIFIES THAT THE ABOVE MENTIONED MOTOR VEHICLE IS SUITABLE FOR USE AS A TAXICAB AND RECOMMENDS THIS APPLICANT FOR A TAXICAB OWNER'S LICENSE.

SIGNATURE OF OFFICER IN COMMAND _____

TO BE COMPLETED BY BUILDING INSPECTOR

THIS CERTIFIES THAT THE ADDRESS FROM WHICH IT IS STATED THAT THE TAXI BUSINESS WILL BE OPERATED IS IN THE ZONE ALLOWED BY THE ZONING BY-LAW.

SIGNATURE OF BUILDING INSPECTOR _____

TO BE COMPLETED BY TOWN CLERK

DATE OF ISSUE _____ FEE COLLECTED _____

TERM OF LICENSE _____

SIGNATURE OF TOWN CLERK _____

SCHEDULE "B"
APPLICATION FOR TAXICAB OPERATOR'S LICENSE

TO BE COMPLETED BY APPLICANT

SOCIAL INSURANCE NO.	
NAME IN FULL	
DATE OF BIRTH	
PLACE OF BIRTH	
PRESENT RESIDENCE	
PRESENT LICENCE NUMBER	
DRIVER'S LICENSE NO.	
CLASS OF LICENSE	
DRIVING EXPERIENCE	
OCCUPATION	
NAME OF PRESENT EMPLOYER	
ADDRESS OF PRESENT EMPLOYER	
NAME OF EMPLOYERS (PAST 5 YEARS)	<hr/> <hr/> <hr/> <hr/>
ADDRESS OF EMPLOYERS (PAST 5 YEARS)	<hr/> <hr/> <hr/> <hr/>

SIGNATURE OF APPLICANT _____

TO BE COMPLETED BY OFFICER IN COMMAND

THIS CERTIFIES THAT THE ABOVE MENTIONED APPLICANT IS FIT AND PROPER TO BE A TAXICAB OPERATOR AND RECOMMENDS THIS APPLICANT FOR A TAXICAB OPERATOR'S LICENSE.

SIGNATURE OF OFFICER IN COMMAND _____

TO BE COMPLETED BY TOWN CLERK

DATE OF ISSUE _____ **FEE COLLECTED** _____
TERM OF LICENSE _____
BADGE NO _____

SIGNATURE OF TOWN CLERK _____

SCHEDULE "C"
SCHEDULE OF FEES

The following fees shall be paid to the Town Clerk upon application for a license under this by-law:

TAXICAB OWNERS WHO ARE RESIDENTS OF THE TOWN OF SUSSEX

- ◆ \$45.00 PER YEAR FOR THE FIRST VEHICLE
- ◆ \$30.00 PER YEAR FOR EACH ADDITIONAL VEHICLE

**TAXICAB OWNERS WHO ARE NOT RESIDENTS OF
THE TOWN OF SUSSEX**

- ◆ \$60.00 PER YEAR FOR THE FIRST VEHICLE
- ◆ \$45.00 PER YEAR FOR EACH ADDITIONAL VEHICLE

**TAXICAB OPERATORS WHO ARE RESIDENTS OF
THE TOWN OF SUSSEX**

- ◆ \$25.00 PER YEAR

**TAXICAB OPERATORS WHO ARE NOT RESIDENTS OF
THE TOWN OF SUSSEX**

- ◆ \$35.00 PER YEAR

A FEE OF TWENTY DOLLARS (\$20.00) SHALL BE CHARGED FOR THE ADMINISTRATION OF TRANSFERING OF A LICENCE, THE REPLACEMENT OF A LOST IDENTIFICATION DRIVER'S LICENCE, OR REPLACEMENT DECALS.