

REVISED October 2005

RESOLVED by the Town Council of the Town of Antigonish that the following bylaw be and the same is hereby enacted, and that the Town Clerk be and is hereby instructed to forward same to the Minister of Municipal Affairs.

TOWN OF ANTIGONISH TAXICAB BYLAW

1. This bylaw may be cited as the “Town of Antigonish Taxicab Bylaw”.
2. In this Bylaw unless the context otherwise requires:
 - (a) “Town” means the Town of Antigonish;
 - (b) “Committee” means the Police and Licensing Committee of the Town Council;
 - (c) “Taxicab” means a motor vehicle other than a bus or truck, used for the transportation of passengers for compensation;
 - (d) “Taxicab License” means a license issued for a taxicab which is being operated by a bonafide taxi company;
 - (e) “Taxicab Driver’s License” means a license issued to a qualified person to drive a taxicab in accordance with Section 10 of this bylaw.
 - (f) “Vehicle” has the meaning given to it by the Motor Vehicle Act of Nova Scotia;
 - (g) “Bonafide Taxi Company” means a registered company that provides:
 - (A) Proof of a Business Number supplied through Revenue Canada;
 - (B) Proof of Registration of Joint Stock Companies supplied through the Province of Nova Scotia; this registration must be valid and current;
 - (C) Certificate of Registration for Radio Broadcast supplied through CRTC.
 - (h) “Town Constable” shall refer to the Bylaw Enforcement Officer for the Town of Antigonish.

3. No Taxi Company shall engage in the business of transporting passengers for compensation within the Town unless such Company is the holder of a valid Taxicab License granted by the Town under this bylaw.
4. (1) The number of Taxicab Licenses shall not be restricted. New applications for Taxicab Licenses shall be submitted to the Town Constable and he will either approve or reject each such application.
(2) No vehicle shall be used as a taxicab unless a Taxicab License has been issued for it.
5. No person shall drive a taxicab to transport passengers for compensation within the Town unless such person has been granted and continues to hold, a valid Taxicab Driver's License under this bylaw.
6. Every application for a Taxicab License or Taxicab Driver's License shall be made in writing on forms provided by the Town and signed by the applicant.
7. It shall be the responsibility of the individual applicant to ensure that their application for a license is completed properly, that the required documentation accompanies each application, and that the full amount of license fees required under this Bylaw are remitted with said application.
8. The application for a Taxicab License shall contain:
 - (a) the name and current address of the applicant;
 - (b) the taxi company name under which the applicant is to carry on business;
 - (c) the location from which the business is to be carried out;
 - (d) a description of each vehicle to be used;
 - (e) a photostatic copy of the applicant's insurance policy and Nova Scotia Vehicle permit for each vehicle to be used in the business.
 - (f) a copy of the Town's Taxicab Bylaw.
9. All Taxicab Companies shall supply an up to date listing of Taxicab Drivers employed by the Company and licensed under this bylaw within five (5) days of a request by the Town;
10. (1) The application for a Taxicab Driver's License shall contain:

- (a) the name and current address of the applicant;
 - (b) the taxi company name under which the license is to be used;
 - (c) a photostatic copy of the applicant's Class 4 or better driver's license.
 - (d) a copy of the Town's Taxicab Bylaw.
- (2) The applicant shall file with his application the following documents:
- (i) the results of a criminal record check;
 - (ii) an abstract of his driving record issued by the Registry of Motor Vehicles.
11. The Clerk of the Town shall refer all applications for a Taxicab License and for a Taxicab Driver's License to the Town Constable for his review. The Town Constable may interview the applicant or a representative of the Taxicab company if he so desires but in all cases a decision will be relayed to the applicant by the Town Constable not later than forty-five (45) days from the date of the application.
12. No Taxicab License and no Taxicab Driver's License shall be granted when:
- (a) The applicant has been convicted of an offence involving the illegal sale of or transportation of liquor or drugs for a period of two years immediately preceding the date of application for such Licenses.
 - (b) The applicant has been convicted of an offence involving violence, assault, harm or attempted harm to the body of another person or an offence involving possession or use of an offensive weapon.
 - (c) The applicant has made a false statement of fact in the application under this bylaw.
 - (d) The applicant has been convicted of an offence within the past two years under the Criminal Code of Canada, The Nova Scotia Liquor Control Act, The Controlled Drugs and Substances Act, the Food and Drug Act or the Narcotic Control Act. A Taxicab Company

shall advise the Town immediately when it becomes aware of any such conviction against any Taxi operator.

- (e) The Constable, for valid reasons, does not believe it to be appropriate to issue the license.
- (f) Any person or company convicted of any offence as outlined in Section 12 (a), (b) (c) or (d) shall have their license immediately revoked.

13. Every person whose application for a Taxicab License or a Taxicab Driver's License has been refused under Section 12 shall be given:

- (a) notification of the refusal;
- (b) an opportunity to be heard by the Police & License Committee;
- (c) reasons for the refusal.

14. Every license granted under this Bylaw shall be valid until the 31st day of March next following the date of such license.

15. Taxicab Licenses and Taxicab Driver's Licenses are not transferable by the holder of the license.

16. The License fees payable each year shall be as follows:

- (a) For a Taxicab License - \$25.00 per vehicle.
- (b) For a Taxicab Driver's License - \$25.00.

These fees shall accompany the application but shall be returned to applicants when applications are refused.

17. Holders of Taxicab Licenses shall be required to:

- (a) Ensure that the Taxicab License is valid for a particular vehicle.
- (b) Keep all vehicles in a clean and sanitary condition.
- (c) Have in force at all times on each vehicle covered by such Taxicab License a public liability, property damage and passenger hazard insurance policy in the amount of \$1,000,000.00 for each Claimant for each occurrence for loss of damage resulting from bodily injury to or the death of one or more persons and for loss of damage to property. The Holder of a Taxicab License shall exhibit a copy of

the insurance policy to the Town within ten (10) days of a request to do so by the Town.

- (d) Upon request of the Constable make a vehicle(s) available within seven (7) days of the request for a complete motor vehicle inspection. On request the said motor vehicle inspection will be carried out by a motor vehicle inspector for the Province of Nova Scotia or an approved inspection station, to be determined by the Constable. The holder of the Taxicab License shall pay for the cost of the inspection.
 - (e) Make each licensed vehicle available for inspection by the Constable of the Town at such times as the Constable shall direct to ensure compliance with 17 (b) and (d).
 - (f) Cause to be displayed on each licensed vehicle roof a sign bearing the word "Taxi" or the name of the Taxi company which shall be lighted after dark and be clearly visible at all times from a distance of two hundred feet.
 - (g) Ensure that every taxi driver of a vehicle covered by the Taxicab License is the holder of a valid Taxicab Driver's License.
18. If the holder of a Taxicab License desires to replace a taxicab operated thereunder with another taxicab such holder may do so upon written application to the Town Constable providing that all provisions of this bylaw have been complied with. No further license fee shall be payable with respect to the replacement taxicab for the year that Taxicab License was granted.
19. The rates to be charged by the holder of any Taxicab License or by the holder of any Taxicab Driver's License for transportation of passengers from any one place within the Town to another place within the Town shall be a maximum of:

The sum of six dollars (\$6.00) inclusive of all applicable taxes.

20. The Constable may give a warning or suspend a Taxicab License or shall revoke the Taxicab License granted under this bylaw for any of the following reasons:
- (i) That any of the requirements under Section 12 and 17 have not been complied with; and
 - (ii) Failure to comply with any other requirements of the Bylaw.
21. The Constable may give a warning or suspend a Taxicab Driver's License or shall revoke the Taxicab Driver's License granted under this bylaw for any of the following reasons:
- (A) That a holder of a Taxicab Driver's License has since the date of issue thereof been convicted of an offence as described in Section 12 of this Bylaw.
 - (B) Failure to comply with any other requirements of this bylaw.
22. The Constable shall not suspend or revoke any Taxicab License or Taxicab Driver's License granted under this bylaw without giving the holder thereof:
- (A) Notification of the proposed revocation or suspension.
 - (B) Reasons for the proposed revocation or suspension.
 - (C) An opportunity to be heard by the Committee.
23. Any person whose application for a Taxicab License or Taxicab Driver's License has been refused or whose Taxicab License or Taxicab Driver's License has been suspended or revoked may, within seven (7) days of receipt of the Notice appeal the suspension or revocation to Town Council which may:
- (A) approve of the action taken
 - (B) vary the action taken
 - (C) allow the appeal and order that the application be granted or the license reinstated.

The Taxicab License or Taxicab Driver's License, as the case may be, shall continue to be suspended or revoked until the Appeal is heard. Following

the appeal, the Town Council shall make a final decision, and that decision shall be in compliance with this bylaw and the principles of natural justice.

24. Any person or company who violates any of the provisions of this bylaw shall be guilty of an offence against this bylaw and shall be liable for the first offence to a penalty of not less than One Hundred Dollars (\$100.00) and in default of payment, to imprisonment for a term of not more than thirty (30) days; for the second offence to a penalty of not less than Two Hundred and Fifty Dollars (\$250.00) and in default of payment to imprisonment for a term not less than thirty (30) days nor more than sixty days (60); for a third offence or any subsequent offence to a penalty of not less than Five Hundred Dollars (\$500.00) and in default of payment, to imprisonment for a term of not less than thirty (30) days nor more than sixty (60) days or to both.

The Town of Antigonish Taxicab Bylaw and amendments thereto as now in effect, is repealed upon the coming into force of this bylaw. This Bylaw shall be effective September 1, 2002.

THIS IS TO CERTIFY that the foregoing Bylaw was duly passed at a duly called meeting of the Council of the Town of Antigonish held the
Day of A.D., 2002.

Brian R. MacNeil, Town Clerk & Treasurer

THIS IS TO CERTIFY that the foregoing Bylaw was duly amended at a duly called meeting of the Council of the Town of Antigonish held the
17th Day of October A.D., 2005.

Brian R. MacNeil, Town Clerk & Treasurer