

BY-LAW NO. 274

A BY-LAW TO REGULATE AND LICENSE THE OWNERS AND OPERATOR'S OF TAXICABS WITHIN THE TOWN OF SACKVILLE

Council of the Town of Sackville, under authority vested in it by the
Local Governance Act, S.N.B. 2017, c. 18,
hereby enacts as follows:

DEFINITIONS

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

“By-Law Enforcement Officer” means the By-Law Enforcement Officer of the Town of Sackville and includes anyone designated by the Council to act on their behalf. This also includes any RCMP Officer.

“Council” means the Mayor and Councilors of a local government.

“License” means a license issued by the By-Law Enforcement Officer, or his/her designate under the provisions of this By-law;

“Street” means a public square, avenue, road, alley, highway, lane, path or other public place located in the Town designated and intended for use by the public for the passage of motor vehicles;

“Taxicab” means a motor vehicle used for the transport of passengers for hire, but does not include,

- (a) a public carrier licensed under the Motor Carrier Act, or
- (b) a motor vehicle having seating capacity of more than eight persons including the operator thereof;

“Taxi stand” means the office, garage or other place of business used by the licensed owners and licensed operators of taxicabs in the ordinary course of their business.

“Taxi driver” means every person who drives or is in actual physical control of a taxicab, or a person actually employed at driving a taxicab.

DUTIES OF THE BY-LAW ENFORCEMENT OFFICE

2. The By-Law Enforcement Officer shall be charged with the enforcement of this By-law, and shall:
 - (a) make all necessary inquiries concerning applications for licenses as may be required to secure a due observation of the law, and this By-law;
 - (b) examine, or cause to be examined, every vehicle for which a license is required under this By-law;
 - (c) keep a register of all licenses granted which shall contain;
 - (i) the name of the applicant,
 - (ii) the number of taxicabs kept by each applicant with a full description thereof including make, model, year and color, the amount paid for the license, and
 - (iii) such further particulars as the By-Law Enforcement Officer or the Council may consider appropriate from time to time;
 - (d) cause to be made out, all licenses issued under this By-law, the fees as required hereunder first having been paid and such fees shall be remitted to the Town Treasurer and a receipt therefore issued;
 - (e) furnish every taxicab owner receiving a license under this By-law with a copy of the By-law;
 - (f) ascertain by inspection and inquiry from time to time, and as often as may be required, whether persons holding a license issued hereunder continue to comply with the provisions of this By-law.

OWNERS AND OPERATOR'S LICENSE

- 3.(1) No person shall:
 - (a) own, lease or otherwise keep a taxicab for hire without having a current valid license for such vehicle issued under the provisions of this By-law and referred to herein as a taxicab owners license;

- (b) operate a taxicab without having a current valid license issued under the provisions of this By-law and referred to herein as a taxicab operator's license.
 - (c) furnish and display at all times the valid owner's license and operator's license on or in the vehicle that has been provided by the Town of Sackville.
- 3.(2) A taxicab owners license shall be valid until the 31st day of January of the following year in which it is issued.
- 3.(3) A taxicab operator's license shall be valid until the 31st day of January of the following year in which it is issued.
- 3.(4) No person shall be issued a taxicab owners license or a taxicab operator's license:
- (a) who has been convicted of an offense under the Criminal Code of Canada, the Controlled Drugs and Substances Act, the Food and Drug Act or the New Brunswick Liquor Control Act until the By-Law Enforcement Officer has reviewed the facts pertaining thereto and is satisfied that the applicant is a suitable person to be granted a license.
 - (b) Unless Criminal Record Checks are provided within the time frame of the date the license is issued to the Town of Sackville.
 - a. Criminal Record Checks are valid for a period of 24 months.
- 3.(5) A license issued under the provision of this By-law is not transferable.
- 3.(6) In the event that a license issued under the provisions of this By-law is lost or destroyed, the person to whom same was issued may upon payment of \$20.00 obtain a duplicate thereof.
- 3.(7) The By-Law Enforcement Officer may suspend or terminate any license issued under this By-Law for any reason they deem necessary.

APPLICATION FOR A TAXICAB OWNERS LICENSE

- 4.(1) An application for a taxicab owners license shall be made to the By-Law Enforcement Officer in the form prescribed in Schedule "A" attached hereto, or in the said form as amended from time to time by resolution of Council. Application for the next year must be completed and delivered to Town Hall by November 30th of the present year. If the application is not delivered by the above said date, the application process could be delayed causing licenses not being issued for the beginning of the next year.

- 4.(2) No person shall be issued a taxicab owners license:
- (a) unless the vehicle(s) in respect of which the application is made is registered for the current year under the provisions of the Motor Vehicle Act,
 - (b) unless the applicant pays a license fee,
 - (1) \$150.00 for up to three vehicles per year,
 - (2) \$300 for 4-6 vehicles per year, or
 - (3) \$450 for 7 or more vehicles per year.
 - (c) unless the applicant produces and maintains an insurance policy issued by a bona fide insurance company providing public liability and property damage insurance coverage in an amount not less than \$1,000,000 and,
 - (d) unless all vehicles to be licensed, and each additional vehicle acquired thereafter, are presented for inspection to the By-Law Enforcement Officer, or his/her designate, and such vehicles shall display a current valid safety inspection as required under the Motor Vehicle Act of the Province of New Brunswick or by regulations.
- 4.(3) No taxicab owner shall operate, or permit to be operated, a taxicab unless it is equipped on its rooftop with a sign indicating that the vehicle is a taxicab, and the said sign shall be illuminated at all times during the night while the said vehicle is being operated as a taxicab.
- 4.(4) The holder of a taxicab owners license shall ensure each taxicab operated under a taxicab owners license has displayed on both sides of the vehicle, the license number of said vehicle as issued by the Town of Sackville and each vehicle shall have signs bearing the name of the owner, or the company it represents.

APPLICATION FOR TAXICAB OPERATOR'S LICENSE

- 5.(1) An application for a taxicab operator's license shall be made to the By-Law Enforcement Officer in the form prescribed in Schedule "B" attached hereto or on such form as amended from time to time by resolution of Council. Application for the next year must be completed and delivered to Town Hall by November 30th of the present year. If the application is not delivered by the above said date, the application process could be delayed causing licenses not being issued for the beginning of the next year.
- 5.(2) No person shall be issued a taxicab operator's license:

- (a) unless the applicant is in possession of a valid Class 4 driver's license for the Province of New Brunswick or equivalent class of license from another Province, and
 - (b) unless the applicant pays a taxicab operator's license fee, when applying of \$40.00.
 - (c) if a license is issued within three (3) months of January 31st, the license shall be valid for the next succeeding year.
- 5.(3) The license for a taxicab operator shall be provided in ID format issued by the By-Law Enforcement Officer and be on display at all times while in said taxicab.

DUTIES AND RESPONSIBILITIES OF LICENSEES

- 6.(1) A person who has been issued a taxicab owners license shall file with the By-Law Enforcement Officer the name, address of each operator employed by the licensee and shall supply the By-Law Enforcement Officer with the name of any operator who has left such employment.
- 6.(2) All taxicabs shall be subject to an inspection at any time by the By-Law Enforcement Officer or his/her designate.
- 6.(3) Whenever the holder of a taxicab owners license disposes of a taxicab or acquires additional taxicabs, he/she shall inform the By-Law Enforcement Officer in writing and comply with the provisions of Section 4 hereof.
- 6.(4) The holder of a taxicab owners license or a taxicab operator's license shall not refuse nor neglect to convey in the Town any orderly person upon request, unless previously engaged, or unable, or prohibited by the provisions of this By-law.
- 6.(5) A taxicab shall proceed by the most direct traveled route to the point of destination unless otherwise directed by the passenger.
- 6.(6) The operator of a licensed taxicab shall convey only the person, or persons engaging his/her services, and shall not pick up other passengers unless consented to by the person, or persons who engaged his/her services.
- 6.(7) The operator shall 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.
- 6.(8) Every taxicab shall be kept in a clean condition and without limiting the generality of the foregoing, shall ensure that there is no accumulation of food, food wrappers,

beverage containers, packages or wrappers in the passenger compartments of the taxicab.

SUSPENSION OR TERMINATION OF LICENSE

- 7.(1) The By-Law Enforcement Officer is authorized to suspend or terminate by notice a taxicab owners license or a taxicab operator's license if the person named therein:
- (a) is convicted of an offense under the Controlled Drugs and Substances Act, the Food and Drug Act, the New Brunswick Liquor Control Act or a driving offense under the Criminal Code,
 - (b) has his/her driving privileges suspended or revoked in the Province of New Brunswick or another Province in Canada, or
 - (c) fails to comply with a direction of the By-Law Enforcement Officer to comply with a provision of this By-law.
- 7.(2) A notice under this By-law shall:
- (a) be in writing,
 - (b) be signed by the By-Law Enforcement Officer,
 - (d) state the grounds upon which the license is suspended or terminated, and
 - (e) state the period during which the license is to be suspended.
- 7.(3) Notice under this Section shall be served:
- (a) personally, or
 - (b) by mailing the notice by registered mail addressed to the person named at his address of residence.

LICENSE FEES

8. This By-law shall apply to all taxicabs owned and operated in the Town except:
- (a) those duly licensed by other Municipalities. and
 - (b) those that are granted special permission by the By-Law Enforcement Officer, upon request, where passengers are picked up in the Town and unloaded outside thereof.

- (c) Rural Rides Tantramar owned and operated as a non-profit provided, they do not pick up and deliver the same passengers in one trip within the Town boundaries.
9. Except as authorized in Section 8 hereof, no owner or operator of a taxicab shall pick up or unload passengers within the Town unless he is the holder of a valid license pursuant to the provisions of this By-law.

PENALTY

- 10.(1) Any person who violates the provisions of Section 3(1) of this by-law is liable on conviction to:
- (a) a fine of two hundred and fifty dollars (\$250.00) for the first offence. All such fines shall be recoverable under the *Provincial Offences Procedures Act*, S.N.B 1987, c.P-22.1.
 - (b) a fine of five hundred dollars (\$500.00) for the second offence and any subsequent offences. All such fines shall be recoverable under the *Provincial Offences Procedures Act*, S.N.B 1987, c.P-22.1.
- 10.(2) Any person who violates any other provision of this by-law is liable on conviction to:
- (a) a fine of one hundred dollars (\$100) for the first offence. All such fines shall be recoverable under the *Provincial Offences Procedures Act*, S.N.B 1987, c.P-22.1.
 - (b) a fine of two hundred and fifty dollars (\$250) for the second offence. All such fines shall be recoverable under the *Provincial Offences Procedures Act*, S.N.B 1987, c.P-22.1.
 - (c) a fine of five hundred dollars (\$500.00) for any subsequent offence. All such fines shall be recoverable under the *Provincial Offences Procedures Act*, S.N.B 1987, c.P-22.1.

TRANSITIONAL PROVISIONS

11. All licenses issued under a by-law entitled “A By-Law to Regulate and License the Owners and Operators of taxicabs Within the Town of Sackville”, being By-Law No. 188, and in force immediately before the commencement of this by-law

continue in force and shall be considered as licenses issued under this By-Law until they expire or until they are suspended or revoked under this by-law.

REPEAL

12. By-law No. 188, A By-Law to Regulate and License the Owners and Operators of Taxicabs Within the Town of Sackville ordained and passed on January 12, 2004, and all amendments thereto, is hereby repealed.

Read a first time the 8th day of June, 2020.

Read a second time the 10th day of August, 2020.

Read a third time and passed the 10th day of August, 2020.

MAYOR

CLERK

TOWN OF SACKVILLE

APPLICATION FOR A TAXICAB OWNERS LICENSE

BY-LAW NO. 274

Section 4.(1)

Schedule "A"

Company: _____

Address: _____

Manager or Chief Executive: _____

Phone: _____

Email: _____

VEHICLES:

MAKE	MODEL	YEAR	COLOUR	LIC. #	FLEET #

INSURANCE:

The applicant company is required to have their insurer provide a copy of the insurance policy directly to the By-Law Enforcement Officer indicating that all vehicles being operated by the company as taxicabs are covered by a policy of insurance, providing public liability and property damage in an amount not less than \$1,000,000.

DRIVERS:

Please provide the names of all persons presently employed by the company as drivers. Include either full or part-time employees.

NAME	BIRTHDATE	DRIVER'S LIC. #	CLASS

**FOR DEPARTMENT USE ONLY
DO NOT COMPLETE**

Vehicles presented for inspection: _____ . Failed: _____ .

Insurance confirmed: _____ .

Fees Collected: _____ .

TOWN OF SACKVILLE

APPLICATION FOR A TAXICAB OPERATOR'S LICENSE

By-Law No. 274, Section 5.(1)

Schedule "B"

Application is hereby made for a license to operate a taxicab in the Town of Sackville by:

Name: _____
(Family) (Given 1) Given (2)

Date of Birth: _____ / _____ / _____
(Year) (Month) (Day)

Address: _____

Phone: _____

Email: _____

Please answer the following questions:

Do you hold a valid New Brunswick, Class 4, driver's license? _____

Do you intend to pick up passengers for fare? _____

*If no, License may be issued with not valid for passengers.

Please provide license number: _____ Class: _____

Have you ever been convicted of an offense under:

The Criminal Code of Canada? _____

The Controlled Drugs and Substances Act? _____

The Food and Drug Act? _____

Any other Federal Statute? _____

If so, provide details _____

Has your license to drive ever been suspended or revoked? _____
If so, provide details _____

Have you previously driven taxicabs or vehicles for hire? _____

If so, when and where? _____

For which taxi company do you intend to drive? _____

Applicant signature: _____

Date: _____

**FOR DEPARTMENT USE ONLY
DO NOT COMPLETE**

Checks conducted:

CPIC: _____

PORS: _____

MVB: _____

Approved: _____

Initials: _____

License #: _____

Fee collected: _____

