

**BY-LAW # L-6**

**A BY-LAW TO LICENSE AND REGULATE TAXI CAB OWNERS AND OPERATORS  
IN THE TOWN OF NACKAWIC**

BE IT ENACTED by the Council of the Town of Nackawic as follows:

**1. Definitions**

In this by-law,

"Chief administrative officer" means the Chief Administrative Officer of the Town of Nackawic and includes anyone designated to act on his or her behalf by the Town Council,

"Council" means the Mayor and Councillors of the Town of Nackawic,

"License" means a license issued by the Chief Administrative Officer, or his or her designate, under the provisions of this by-law,

"Street" means all roads or paths located in the Town and includes highway, road, lane, alley, avenue, drive, bridge, way of public nature, sidewalk, boulevard, court, courtyard, common, public square, park and any other public place in the Town,

"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,

"Taxicab owner" means the legal owner of a motor vehicle used as a taxicab, unless such motor vehicle is the subject of a contract under the terms of which another person has possession and may acquire legal title thereto, in which event while that person has possession against the legal owner, "taxicab owner" means that other person,

"Taxicab operator" means any person who drives or is in actual physical control of a taxicab,

"Taxicab business" means and includes any person, corporation, association or partnership operating independently or together under a common name, the business of transporting passengers for hire or gain in a taxicab.

**2. Duties of the Chief Administrative Officer**

The Chief Administrative Officer shall be charged with the enforcement of this by-law and shall,

- (a) make all necessary enquiries 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) submit to the Town Council reasons for not granting a license or for cancelling or suspending any license under this by-law,
- (d) 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 colour, the amount paid for the license, and
  - iii such further particulars as the Chief Administrative Officer may consider appropriate from time to time,
- (e) cause to be made out, and signed, 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,
- (f) furnish every taxicab owner receiving a license under this by-law with a copy of the by-law,
- (g) 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.

### **3. Licensing of Owners and Operators**

3.01 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 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 operators license".

3.02 A taxicab owner's license shall be valid until the 31st day of December of the year in which it is issued.

3.03 A taxicab operator's license shall be valid until the 31st day of December of the year in which it is issued.

3.04 No person shall be issued a taxicab license or a taxicab operator's license that has been found guilty of an offence under the *Criminal Code of Canada*, the *Controlled Substance Drug Act (CSDA)*, or the *New Brunswick Liquor Control Act (NBLCA)* until the Chief Administrative Officer is satisfied that the applicant is a suitable person to be granted a license.

3.05 An applicant for a license hereunder who is dissatisfied after applying to the Chief Administrative Officer may appeal to the Town Council whose decision shall be final.

3.06 A license issued under the provisions of this by-law is not transferable unless approved by the Chief Administrative Officer.

3.07 In the event that a license issued under the provisions of this by-law is lost or destroyed, the person to whom such license was issued may upon payment of Ten Dollars (\$10.00) obtain a duplicate thereof.

#### **4. Application for Taxicab Owner's License**

4.01 An application for a taxicab owner's license shall be made to the Chief Administrative Officer in the form prescribed in schedule "A" hereto, or on the said form as amended from time to time by resolution of Council.

4.02 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 of Fifty Dollars (\$50.00) for each vehicle,

(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 One Million Dollars (\$1,000,000.00), and

(d) unless all vehicles to be licensed, and each additional vehicle acquired thereafter, are presented for inspection to the Chief Administrative Officer, or his or 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.

4.03 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 shall have plainly displayed in the interior of each taxicab proper identification displaying a photo ID and the operator's name.

#### **5. Application for Taxicab Operator's License**

5.01 An application for a taxicab operator's license shall be made to the Chief Administrative Officer in the form prescribed in schedule "B" hereto, or on such form as amended from time to time by resolution of Council.

5.02 No person shall be issued a taxicab operator's license

(a) unless the applicant is in possession of a valid Class 4 drivers license from the Province of New Brunswick, and

(b) unless the applicant pays a taxicab operator's license fee of Twenty-Five Dollars (\$25.00), and

(c) unless security clearance by the Nackawic RCMP Detachment is received.

## **6. Duties and Responsibilities of Taxicab Owners**

6.01 The holder of a taxicab owner's license shall file with the Chief Administrative Officer the name, address and telephone number of each taxicab driver employed by the owner and the driver who has left or been terminated from such employment.

6.02 The holder of a taxicab owner's license shall ensure that the license issued hereunder is kept with the vehicle for which it was issued, and shall produce that license, on demand, for inspection by the Chief Administrative Officer, or his or her designate, or any member of the Nackawic RCMP Detachment.

6.03 Every taxicab owner shall keep all taxicab(s) in clean condition and, without limiting the generality of the foregoing, shall ensure that there is no accumulation of food, food wrappers, beverage containers, cigarette butts, ashes, packages or wrappers in the passenger compartment of the vehicle(s).

6.04 Whenever the holder of a taxicab owner's license disposes of a taxicab and substitutes another in its place, or acquires additional taxicabs, the owner shall inform the Chief Administrative Officer, in writing, and comply with the provisions of section 4.

6.05 No taxicab owner shall permit his or her driver's or the general public to smoke in a taxicab.

## **7. Duties and Responsibilities of Taxicab Drivers**

7.01 The holder of 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.

7.02 Every taxicab driver shall ensure that the conditions for the issuance of taxicab driver's license shall continue in full force and effect during the period for which a license is issued

hereunder.

7.03 A taxicab driver, while engaged in the operation of a taxicab, shall be neat and clean in appearance.

## **8. Cancellations or Suspension of License**

8.01 The Chief Administrative Officer is authorized to suspend, by notice in writing, a taxicab owner's license or a taxicab operator's license if,

- (a) the holder of the license no longer meets the requirements for the issuance of a license under this by-law,
- (b) the holder of a license has violated any provision of this by-law or has violated any of the duties prescribed in this by-law,
- (c) the holder of a license is convicted of an offence under the *Controlled Substance Drug Act (CSDA)*, the *New Brunswick Liquor Control Act (NBLCA)*, or a driving offence under the *Criminal Code of Canada*,
- (d) the holder's driving privileges has been suspended or revoked in the Province of New Brunswick.

8.02 A notice under this by-law shall be in writing, be signed by the Chief Administrative Officer, state the grounds upon which the license is cancelled or suspended, and state the period during which the license is to be cancelled or suspended.

8.03 A notice under this by-law shall be served personally, or by mailing the notice by registered mail addressed to the person named at his or her address of residence.

8.04 The Chief Administrative Officer shall report all cancellations and/or suspensions forthwith to the Council.

## **9. Appeals**

9.01 A person who is served notice pursuant to Section 8 shall have the right of appeal and hearing before the Council and Council shall dispose of the appeal as it shall see fit and in accordance with this by-law.

9.02 Notice of Council's decision shall be served on the appellant in writing and provided within a reasonable time after the hearing before Council.

## **10. Fees**

10.01 The following fees shall be paid to the Town of Nackawic upon application for a license

under this by-law:

- (a) for a Taxicab Owner's License, \$50.00 per vehicle, per year
- (b) for a Taxicab Driver's License, \$25.00 per driver, per year.

10.02 This by-law shall apply to all taxicabs owned and operated in the Town except those duly licensed by other municipalities that do not pick up passengers in the Town or otherwise initiate the fare within the Town.

## **11. Renewals**

The provisions of this by-law apply to the renewal of any license issued hereunder.

## **12. Penalty Provision**

12.01 Every person who violates any provision of this by-law is guilty of an offence.

12.02 Every person charged with an offence under this by-law may, on or before the date a charge pertaining to the offence has been laid in Provincial Court, make a voluntary payment of Fifty Dollars (\$50.00) to the Town of Nackawic at which time the ticket or ticket number shall be surrendered to the Town of Nackawic and such payment shall be deemed payment in full.

12.03 If the voluntary payment set out in section 12.02 has not been received on or before the hearing scheduled for entering of a plea before the Provincial Court, the person charged with the offence is liable on conviction to a fine of not less than One Hundred Dollars (\$100.00) and not more than Two Hundred Dollars (\$200.00).

## **13. Repeal Provision**

13.01 By-Law No. 44, Operation of Taxicabs, passed by Town Council on April 24, 1978, and amendments thereto, are hereby repealed.

13.02 The repeal of By-Law No. 44, Operation of Taxicabs, and amendments thereto, 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.

DULY PASSED AND ENACTED BY THE COUNCIL OF THE TOWN OF NACKAWIC ON  
OCTOBER 18, 2004.

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Robert G. Connors, Mayor

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Nancy Cronkhite, Chief Administrative Officer

First Reading: September 7, 2004  
Second Reading: October 18, 2004  
Third Reading: October 18, 2004

**APPLICATION FOR A TAXI CAB OWNER'S LICENSE**

Company:

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Address:

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Phone Number:

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**VEHICLES:**

<b>Make</b>	<b>Model</b>	<b>Year</b>	<b>Colour</b>	<b>License #</b>	<b>Fleet #</b>

**INSURANCE:** The taxicab owner is required to provide a letter from their insurance company indicating that all vehicles being operated by the company as taxi cabs are covered by a policy of insurance, providing public liability and property damage coverage in an amount not less than One Million Dollars (\$1,000,000.00). The letter shall indicate the name of the insurance company, agent, and policy number and policy expiration date.



**DRIVERS:**

Please provide the names of all persons presently employed by the company as drivers. Include both full and part-time drivers.

<b>Name</b>	<b>Birth Date</b>	<b>Driver's License #</b>	<b>Class</b>

**I hereby declare the above information to be true and correct to the best of my knowledge and belief. I authorize the Insurer of my vehicles to notify the Town of Nackawic of any changes or cancellation of my policy.**

Signature: \_\_\_\_\_

**APPLICATION FOR A TAXI CAB OPERATOR'S LICENSE**

Name: \_\_\_\_\_  
(Family) (Given Name) (Middle Name)

Date of Birth: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
Year Month Day

Address: \_\_\_\_\_  
\_\_\_\_\_

Phone Number: \_\_\_\_\_  
\_\_\_\_\_

**Please answer the following questions:**

Do you hold a valid New Brunswick, Class 4 driver's license? \_\_\_\_\_  
Please provide license number: \_\_\_\_\_. Class: \_\_\_\_\_  
Expiry date of license: \_\_\_\_\_

Have you ever been convicted of an offence under the:  
→ Criminal Code of Canada (CCC)? \_\_\_\_\_  
→ Controlled Substance Drug Act (CSDA)? \_\_\_\_\_  
→ New Brunswick Liquor Control Act (NBLCA)? \_\_\_\_\_  
→ Motor Vehicle 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? \_\_\_\_\_

**I, the undersigned, do hereby consent to the disclosure of information concerning my police record to the Chief Administrative Officer, Town Council, Protective Services Committee, of the Town of Nackawic, or any person authorized to act on its behalf. This information shall be used for a security clearance in regard to this application for a taxi operator's license.**

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

**FOR DEPARTMENT USE ONLY  
DO NOT COMPLETE**

Checks conducted:

CPIC: \_\_\_\_\_ PORS: \_\_\_\_\_ MVB: \_\_\_\_\_

License #: \_\_\_\_\_ Fee Collected: \_\_\_\_\_

Approved: \_\_\_\_\_  
Chief Administrative Officer