

BY-LAW NO. 188

A BY-LAW TO REGULATE AND LICENSE THE OWNERS AND OPERATORS OF TAXI CABS WITHIN THE TOWN OF SACKVILLE

BE IT ENACTED by the Council of the Town of Sackville 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 Clerk to act on his/her behalf.

“Clerk” means the Clerk of the Town of Sackville, and includes anyone designated by him/her to act on his behalf;

“Council” means the Town Council of the Town of Sackville;

“license” means a license issued by the Clerk, 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;

“taxi-cab” 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 taxi cabs in the ordinary course of their business.

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

DUTIES OF THE CLERK

2. The Clerk 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) submit to the Town Council his/her reasons for not granting a license or for canceling, 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 taxi cabs 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 Clerk or the Council 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 Taxi Cab 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.

OWNERS AND OPERATORS LICENSE

- 3.(1) No person shall:
- (a) own, lease or otherwise keep a taxi cab 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 taxi cab owners license;

- (b) operate a taxi cab without having a current valid license issued under the provisions of this By-law and referred to herein as a taxi cab operators license.
- 3.(2) A taxi cab owners license shall be valid until the 31st day of December of the year in which it is issued.
- 3.(3) A taxi cab operators license shall be valid until the 31st day of December of the year in which it is issued.
- 3.(4) No person shall be issued a taxi cab owners license or a taxi cab operators license:
- (a) who has been convicted of an offense under the Criminal Code of Canada, the Narcotics Control Act, the Food and Drug Act or the New Brunswick Liquor Control Act until the Clerk has reviewed the facts pertaining thereto and is satisfied that the applicant is a suitable person to be granted a license.
- 3.(5) An applicant for a license hereunder who is dissatisfied after applying to the Clerk may appeal to the Town Council whose decision shall be final.
- 3.(6) A license issued under the provision of this By-law is not transferable unless approved by the Clerk.
- 3.(7) 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 \$10.00 obtain a duplicate thereof.

APPLICATION FOR A TAXI CAB OWNERS LICENSE

- 4.(1) An application for a taxi cab owners license shall be made to the Clerk in the form prescribed in Schedule "A" attached hereto, or in the said form as amended from time to time by resolution of Council.
- 4.(2) No person shall be issued a taxi cab 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 \$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 \$1,000,000 and,

- (d) unless all vehicles to be licensed, and each additional vehicle acquired thereafter, are presented for inspection to the Clerk, 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 taxi cab owner shall operate, or permit to be operated, a taxi cab unless it is equipped on its rooftop with a sign indicating that the vehicle is a taxi cab, and the said sign shall be illuminated at all times during the night while the said vehicle is being operated as a taxi cab.
 - 4.(4) The holder of a taxi cab owners license shall number each taxi cab as one of one or more taxi cabs operated under a taxi cab owners license and each vehicle shall have signs bearing the name of the owner, or the company it represents.
 - 4.(5) The license for a Taxi Cab Owner shall be in the form prescribed in Schedule "C" attached hereto, or in the said form as amended from time to time by resolution of Council.

APPLICATION FOR TAXI CAB OPERATORS LICENSE

- 5.(1) An application for a taxi cab operators license shall be made to the Clerk in the form prescribed in Schedule "B" attached hereto or on such form as amended from time to time by resolution of Council.
- 5.(2) No person shall be issued a taxi cab operators license:
 - (a) unless the applicant is in possession of a valid Class 4 drivers license for the Province of New Brunswick, and
 - (b) unless the applicant pays a taxi cab operators license fee of \$25.00.
- 5.(3) The license for a Taxi Cab Operator shall be in the form prescribed in Schedule "D" attached hereto, or in the said form as amended from time to time by resolution of Council.

DUTIES AND RESPONSIBILITIES OF LICENSEE

- 6.(1) A person who has been issued a taxi cab owners license shall file with the Clerk the name, address of each operator employed by the licensee and shall supply the Clerk with the name of any operator who has left such employment.

- 6.(2) All taxi cabs shall be subject to an inspection at any time by the Clerk or his/her designate.
- 6.(3) Whenever the holder of a taxi cab owners license disposes of the taxi cab and substitutes another for it, or acquires additional taxi cabs, he shall inform the Clerk in writing and comply with the provisions of Section 4 hereof.
- 7.(1) The holder of a taxi cab owners license or a taxi cab operators 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.(2) A taxi cab shall proceed by the most direct traveled route to the point of destination unless otherwise directed by the passenger.
- 7.(3) The operator of a licensed taxi cab shall convey only the person, or persons engaging his services, and shall not pick up other passengers unless consented to by the person, or persons who engaged his services.

SUSPENSION OF LICENSE

- 8.(1) The Clerk is authorized to suspend by notice a taxi cab owners license or a taxi cab operators license if the person named therein:
 - (a) is convicted of an offense under the Narcotics Control Act, the Food and Drug Act, the New Brunswick Liquor Control Act or a driving offense under the Criminal Code,
 - (b) has his driving privileges suspended or revoked in the Province of New Brunswick, or
 - (c) fails to comply with a direction by the Clerk to comply with a provision of this By-law.
- 8.(2) A notice under this By-law shall:
 - (a) be in writing,
 - (b) be signed by the Clerk,
 - (c) state the grounds upon which the license is suspended, and
 - (d) state the period during which the license is to be suspended.

- 8.(3) The Clerk shall report a suspension forthwith to the Council.
- 8.(4) A person who is served notice pursuant to the Section, on application, shall have the right of appeal and hearing before the Council at its next regular session and the Council shall dispose of the appeal as it shall see fit and in accordance with this By-law.
- 8.(5) Notice of Council's decision shall be served on the appellant in the manner herein provided within a reasonable time after the hearing before Council.
- 8.(6) 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

9. This By-law shall apply to all taxi cabs owned and operated in the Town except:
 - (a) those duly licensed by other municipalities that do not pick up passengers in the Town or otherwise initiate the fare within the Town, and
 - (b) those that are granted special permission by the Clerk, upon request, where passengers are picked up in the Town and unloaded outside thereof.
10. Except as authorized in Section 9 hereof, no owner or operator of a taxi cab 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

- 11.(1) Every person who violates the provisions of Section 3(1) of this by-law is guilty of an offense and liable to conviction to a minimum fine of not less than two hundred and fifty dollars (\$250.00), and a maximum fine of five hundred (\$500.00).
- 11.(2) Every person who violates any other provision of this by-law is guilty of an offence and is liable on a conviction to a minimum fine of fifty dollars (\$50.00), and a maximum fine of five hundred dollars (\$500.00).

TRANSITIONAL PROVISIONS

- 12. All licenses issued under a by-law entitled "A By-Law to Regulate and License the Owners and Operators of Taxi Cabs Within the Town of Sackville", being By-Law No. 151, 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.

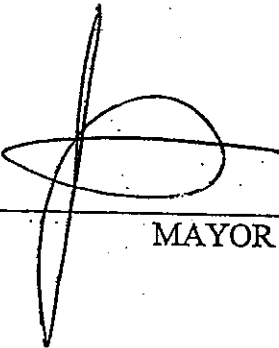
REPEAL

- 13. By-law No. 151, A By-Law to Regulate and License the Owners and Operators of Taxi Cabs Within the Town of Sackville ordained and passed on August 11, 1997, and all amendments thereto, is hereby repealed.

Read a first time the 12th day of January, 2004.

Read a second time the 12th day of January, 2004.

Read a third time and passed the 12th day of January, 2004.



 MAYOR



 CLERK

TOWN OF SACKVILLE POLICE SERVICE
APPLICATION FOR A TAXI CAB OWNERS LICENSE

BY-LAW NO. 188

Section 4.(1)

Schedule "A"

Company: _____

Address: _____

Manager or Chief Executive: _____

Phone: _____

VEHICLES:

MAKE	MODEL	YEAR	COLOUR	LIC. #	FLEET #

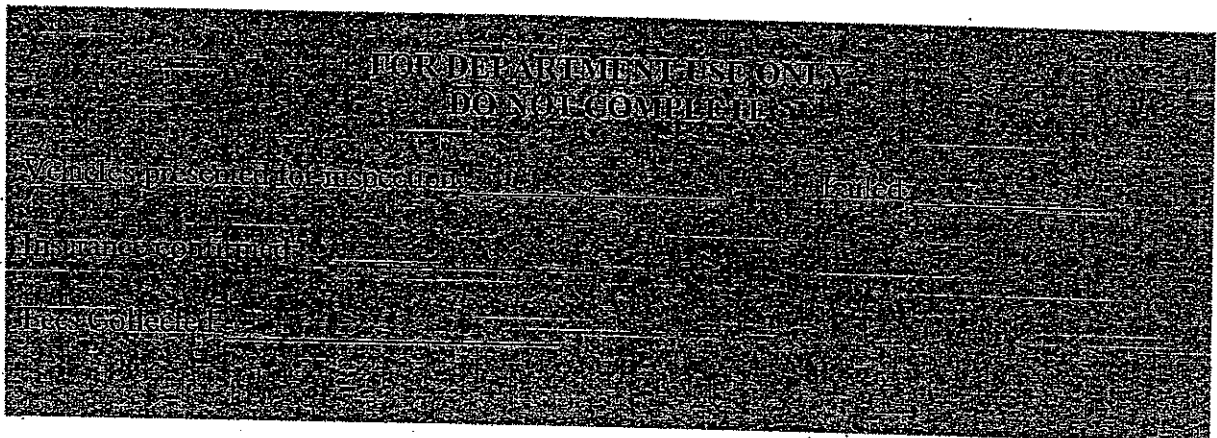
INSURANCE:

The applicant company is required to have their insurer provide a copy of the insurance policy directly to the Clerk 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 in an amount not less than \$1,000,000. The letter is required to indicate the company involved, agent, policy number and effective dates.

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



TOWN OF SACKVILLE

APPLICATION FOR A TAXI CAB OPERATORS LICENSE

By-Law No. 188, Section 5.(1)

Schedule "B"

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

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

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

Address: _____

Phone: _____

Please answer the following questions:

Do you hold a valid New Brunswick, Class 4 drivers license? _____
Please provide license number: _____ Class: _____

Have you ever been convicted of an offense under:

- The Criminal Code of Canada? _____
- The Narcotic Control Act? _____
- The Food and Drug Act? _____
- Any other Federal Statute? _____

If so, provide details _____

Has your license to drive ever been suspended or revoked? _____

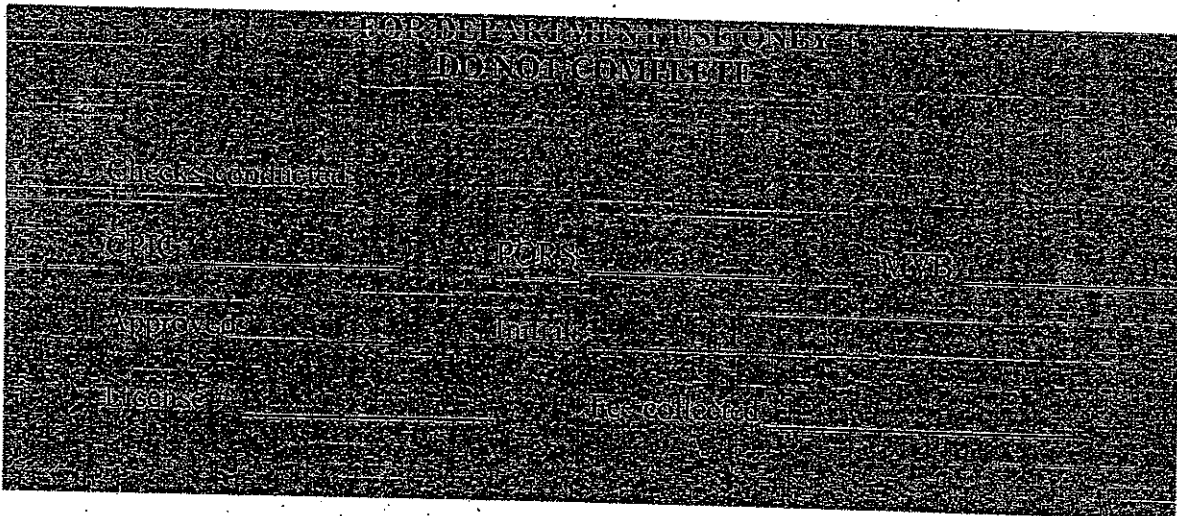
If so, provide details _____

Have you previously driven taxi cabs or vehicles for hire? _____
If so, when and where? _____

For which taxi company do you intend to drive? _____

Applicant signature: _____

Date: _____



Schedule "D"

TOWN OF SACKVILLE
OPERATOR LICENSE

No. 000

To.....

For.....

.....

.....

Amount \$.....

Date.....20.....

TOWN OF SACKVILLE
OPERATOR LICENSE

License is hereby given to

of.....to.....

.....

in the Town of Sackville until theday of

.....next, unless this license is sooner revoked.

Dated at Sackville, in the County of Westmorland, this.....

day of20.....

.....

Received from.....

for the above License the sum of

No. 000 Dollars, thisday of20.....

.....

Schedule "C"

TOWN OF SACKVILLE
OWNER LICENSE

TOWN OF SACKVILLE
OWNER LICENSE

License is hereby given to

of.....to.....

No. 000

in the Town of Sackville until theday of

.....next, unless this license is sooner revoked.

Dated at Sackville, in the County of Westmorland, this.....

day of20.....

Amount \$.....

Date.....20.....

Received from.....

for the above License the sum of

No. 000 Dollars, thisday of12.....

.....