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BY-LAW 418
A BY-LAW OF THE MUNICIPALITY OF OROMOCTO
TO REGULATE TAXICAB OWNERS AND DRIVERS IN THE TOWN OF OROMOCTO

The Council of the Town of Oromocto under the authority vested in it by the *Municipalities Act, R.S.N.B. 1973, c. M-22, s. 11(1)(e)* and amendments thereto, enacts as follows **THAT**:

ABBREVIATED TITLE

1. This by-law may be cited as the Taxicab By-Law of the Town of Oromocto.

DEFINITIONS

2. In this by-law, unless the context otherwise requires, the words hereinafter defined shall have such meaning:
 - (1) **“Enforcement Officer”** means a By-Law Enforcement Officer appointed by Oromocto Town Council to do any act or perform any duties under this by-law and includes a member of the Royal Canadian Mounted Police;
 - (2) **“Taxicab”** means a motor vehicle that is operated or intended to be operated for the purpose of carrying passengers for remuneration; and,
 - a. is available for on demand service by members of the general public to travel to a destination requested by a customer;
 - b. measures its fare or charge to its customers on the basis of distance traveled, or the amount of time for which the vehicle is hired, or a combination of the same; and
 - c. does not include a vehicle whose manufactured seating capacity exceeds 10 adults, including the driver.
 - (3) **“Taxicab Owner”** means the legal owner of a motor vehicle licenced for use 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;
 - (4) **“Taxicab Driver”** means any person who holds a valid and current Taxicab Driver’s Licence issued by the Town of Oromocto pursuant to this by-law;
 - (5) **“Taxicab Driver’s Licence”** means a licence that authorizes the person named therein to drive a Taxicab.
 - (6) **“Licence”** means a licence to conduct a taxicab business as a Taxicab Owner or a licence to drive a taxicab as provided by this by-law;

TAXICAB OWNER’S LICENCE

3. (1) No Taxicab Owner shall operate or permit the operation thereof of a taxicab within the Town unless such owner holds a Taxicab Owner Licence for such vehicle and there is affixed to the vehicle the identification as required herein.
- (2) The owner of a motor vehicle proposed to be operated as a taxicab shall make application in writing to the Town Clerk for a Taxicab Owner’s Licence in the form provided in schedule “A” of this by-law.

(3) The Town Clerk may issue, under his hand, a Taxicab Owner's Licence to any applicant who satisfies the Town Clerk that he has:

- a. attained the full age of nineteen (19) years (if the applicant is an individual);
- b. filed a written application for such licence with the Town Clerk, in accordance with schedule "A", specifying:
 - i. the number of motor vehicles he intends to operate, and
 - ii. the make, model and registration number of each such vehicle;
- c. produced an insurance policy issued by an insurance company licensed to carry on business in the Province of New Brunswick,
 - i. providing public liability and property damage insurance coverage for the operation of each vehicle as a taxicab in an amount not less than \$1,000,000,
 - ii. containing a rider or endorsement thereon indicating that the Town Clerk shall be given fifteen (15) days' notice in writing of any intention to cancel;
- d. produced evidence that each vehicle in respect of which the licence is issued is registered for use as a taxicab for the current year under the provisions of the *Motor Vehicle Act of New Brunswick (R.S.N.B. 1973, c.M-17)* and regulations thereunder;
- e. produced a current valid Certificate of Inspection indicating that the vehicle and equipment have been tested pursuant to the provisions of the *Motor Vehicle Act* and regulations thereunder;
- f. obtained gummed licences for each motor vehicle as provided for in Section 275 of the *Motor Vehicle Act (R.S.N.B. 1973, c.M-17)*;
- g. obtained the approval of the Town Council (through the Town Clerk) for the issue of such licence; and
- h. paid the licence fee required under Section 18 of this by-law.

DUTIES OF TAXICAB OWNERS

4. (1) The holder of the Taxicab Owner's Licence shall produce on demand, for inspection by any Enforcement Officer in the Town of Oromocto, his Taxicab Owner's Licence.
- (2) Every taxicab, while in operation, shall be kept clean and in good working order, and may be inspected at any time by any Enforcement Officer of the Town of Oromocto while on duty, or by any mechanic designated by same.
- (3) Every Taxicab Owner shall cause his motor vehicle to be inspected every six (6) months and shall produce on demand, to any Enforcement Officer, a Certificate of Inspection indicating that the vehicle and equipment have been tested at a licensed motor vehicle inspection station pursuant to the provisions of the *Motor Vehicle Act*, and regulations thereunder.
- (4) In the event that a vehicle used as a taxicab is ten (10) years of age or older, as determined by the registration of the vehicle, every Taxicab Owner of such vehicle shall cause his/her motor vehicle to be inspected every three (3) months and shall produce on demand, to any Enforcement Officer, a Certificate of Inspection indicating that the vehicle and equipment have been tested at an independent licensed motor vehicle inspection Station pursuant to the provisions of the *Motor Vehicle Act*, within the preceding three (3) months.

- (5) Each holder of a Taxicab Owner's Licence shall keep the Town Clerk informed of the licence number assigned by the Motor Vehicle Division to each taxicab owned by him, and whenever he disposes of a taxicab, or acquires another one, shall inform the Town Clerk in writing, identifying each such vehicle by its licence number;
- (6) Every holder of a Taxicab Owner's Licence, under the provisions of this by-law shall inform and keep informed the Town Clerk of the names and addresses of all persons employed by him in such taxicab business and every owner shall notify the Town Clerk of any changes in his employees, and the cause thereof, within twenty-four (24) hours of the said change.
- (7) Full and complete records shall be kept by the holder of any Taxicab Owner's Licence, of all calls for taxicabs and such records of calls shall be open to inspection by the Enforcement Officer or his authorized agent duly appointed in writing but this authority shall not extend to financial or personal records of any taxi business.
- (8) Every Taxicab Owner shall ensure that the conditions for the issuance of a Taxicab Owner's Licence as outlined in subsection (4) (d) of Section 3, hereof shall continue in full force and effect during the period for which a licence is issued hereunder.

TAXICAB DRIVER'S LICENCE

5. (1) No person shall operate a motor vehicle, or permit the operation thereof as a taxicab within the Town unless such person holds a Taxicab Driver's Licence for such vehicle.
- (2) An individual desiring to operate a motor vehicle licensed as a taxicab by a Taxicab Owner shall make application in writing for a Taxicab Driver's Licence to the Town Clerk in the form provided in Schedule "B" to this By-Law.
- (3) The Town Clerk may issue, under his hand, a Taxicab Driver's Licence to any applicant who satisfies the Town Clerk that he has:
 - a. attained at least nineteen (19) years of age;
 - b. been issued a valid driver's licence for operation of a motor vehicle as a taxicab for the current year pursuant to the terms of the *Motor Vehicle Act of New Brunswick (R.S.N.B. 1973, c.M-17)* and regulations thereunder;
 - c. not, within five (5) years prior to his application for a licence hereunder been convicted of a violation of;
 - (i) an indictable offence under the *Criminal Code of Canada*, R.S.C. 1985, C. C-46,
 - (ii) the *Controlled Drugs and Substances Act*, S.C. 1996, c.19,;
 - (iii) the *Food and Drug Act R.S.C. 1985, c.F-27*; with respect to trafficking in a controlled or restricted drug or possession for the purpose of trafficking in a controlled or restricted drug, and
 - (iv) Section 132 of the *Liquor Control Act (R.S.N.B. 1973, c.L-10)* and amendments thereto;
 - d. not within two (2) years prior to his application for a licence hereunder been convicted of an offence under:

- (i) the *Criminal Code of Canada, R.S.C. 1985, C.C-46.* or the *Youth Criminal Justice Act (S.C. 2002, c.1)*
 - (ii) an offence under the *Controlled Drugs and Substances Act, S.C. 1996, c.19;* or the *Food and Drug Act, R.S.C. 1985, c.F-27;* or other than those offences mentioned in paragraphs (ii) and (iii) of subsection (d) hereof,
 - (iii) any offence under the *Liquor Control Act (R.S.N.B. 1973, c.L-10)* and amendments thereto, except that offence mentioned in paragraphs (iv) of subsection (d) hereof,
 - (iv) any single offence, or series/pattern of offences, under the *Motor Vehicle Act of New Brunswick (R.S.N.B. 1973, c.M-17),* (or the equivalent act of another province) which, in the opinion of the Town Clerk or Town Council, would place passengers at undue risk;
- e. filed with the Town Clerk:
- (i) a written application for such licence, in accordance with Schedule "B",
 - (ii) a photograph taken within one (1) month of the time of presentation of the application,
 - (iii) a certified copy of his driving record from the Motor Vehicle Division of the Province of New Brunswick,
 - (iv) a full and complete record of his experience in the driving of the motor vehicles;
 - (v) confirmed in writing, that there are no outstanding criminal charges or other federal or provincial charges pending against him/her;
 - (vi) the application must include a criminal record check from the Royal Canadian Mounted Police or police force having jurisdiction in his place or places of residence during not less than five (5) years preceding the application or certificate from each such office or offices stating he has no police record; and
- f. paid the fee required under the section 8 of this by-law.

DUTIES OF A TAXICAB DRIVER

6. (1) A person who has been issued a Taxicab Driver's Licence hereunder shall place such licence in a holder located in the taxicab in a place where it is visible and shall produce, on demand, for inspection by any passenger, By-Law Enforcement Officer or RCMP member in the Town of Oromocto, his Taxicab Driver's Licence;
- (2) A Taxicab Driver, while engaged in the operation of a taxicab shall:
- a. be neat and clean in appearance,
 - b. not use abusive, insulting or obscene language,
 - c. display his name, address and photograph in a prominent place clearly visible to passenger(s) in the interior of the taxicab driven by him,

- d. not carry more than five (5) passengers in a six (6) passenger car, driver not included, and no such driver shall carry more than seven (7) passengers, driver not included, in a seven (7) passenger van,
 - e. not carry any passenger other than paying passengers while such vehicle is being used as a taxicab or while on duty subject to call,
 - f. not carry any passenger at any time who is under the influence of liquor or of any narcotic drug while said taxicab is occupied by other passengers, unless the other passengers consent thereto,
 - g. have the right to demand payment of the legal fare from the passengers in advance and refuse carriage to such passenger unless so prepaid, but no such driver shall otherwise refuse to convey an elderly person anywhere in the Town unless he is previously engaged or unable or forbidden by subsections (d) through (f) inclusive, above to do so, nor shall he carry any person other than the passenger who first hired him without the consent of the said first passenger,
 - h. proceed by the most direct traveled route to the point of destination unless otherwise directed by the passenger,
 - i. not park a taxicab on any street or portion thereof except at a taxi stand unless passengers are being loaded or unloaded.
 - j. Not smoke or permit any passengers to smoke.
- (3) Every Taxicab Driver shall ensure that the conditions for the issuance of a Taxicab Driver's Licence as outlined in subsection (3) (c) through (e) inclusive of Section (5) hereof, shall continue in full force and effect during the period for which a licence is issued hereunder.

RIGHT TO REFUSE PASSENGERS

7. The holder of a Taxicab Owner's Licence or Taxicab Driver's Licence 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.
8. A taxicab driver may refuse taxi service to a person where:
- (1) the person is drunk or disorderly;
 - (2) the person is indebted to the taxicab operator or Taxicab Owner for taxi service;
 - (3) the person is apparently unable to pay for taxi service; or
 - (4) the person requests that an animal or baggage be carried which, in Town Operator's opinion, may be detrimental to the repair, cleanliness or sanitary condition of the taxicab.

NEW APPLICANTS – LICENCE DENIAL/ APPEAL/ REAPPLICATION

9. (1) The Town Clerk shall deny a licence to any applicant who was not licensed in the previous calendar year and who is found to have a conviction, within the past year, for any offence under the acts listed in Section 5 of this by-law as appropriate. This denial shall be without appeal for a period of one year from the date of conviction, excepting an appeal based upon refutation of the conviction and that appeal shall be heard in accordance with Section 12.

- (2) An application for licence from any applicant who has been without conviction for an offence listed in Section 3 or Section 5 of this by-law as appropriate for a period in excess of one year, but less than the time limits prescribed in those sections, will be referred to Council by the Town Clerk. Council shall consider the application within ten (10) working days and may confirm, alter or remove such refusal. The results of Council's deliberations will be conveyed to the applicant in writing by the Town Clerk within a further ten (10) working days.

SURRENDER OF LICENCE

10. (1) Any Taxicab Owner, upon conviction for any offences under the acts listed at Section 3 of this by-law shall immediately report such convictions to the Town Clerk. The Town Clerk will refer the matter to Town Council for action in accordance with sections 11 (1), 11 (2) and 11 (6) below.
- (2) Any Taxicab Driver, upon conviction for any offences listed under the acts listed as Section 5 of this by-law or upon cancellation or suspension of his licence by the Town Clerk under Section 11 of this by-law, shall immediately surrender his licence to the Town Clerk.
- (3) The failure of a Taxicab Owner to notify the Town Clerk of a conviction as required by section 10 (1) above or a Taxicab Driver to voluntarily surrender his licence to the Clerk as detailed in Section 10 (2) above will result in an additional suspension or cancellation, being awarded at the time of his next application for licence renewal in accordance with Section 11 below.

SUSPENSION OR CANCELLATION

11. (1) a. The period of licence suspension will be from a minimum of 90 days to a maximum of two years from the date of conviction.
- b. The Town Clerk is empowered to suspend any Taxicab Driver licence for the minimum ninety (90) day period upon verification of conviction with the Oromocto R.C.M.P. Detachment Commander. Suspension of a taxicab driver licence for periods greater than 90 days or cancellation of such a licence must be approved by Council.
- c. Town Council only is empowered to suspend or cancel a Taxicab Owner licence and direct it's surrendered to the Town Clerk.
- (2) Council may suspend or cancel any Taxicab Owner's Licence where it is determined:
- a. that the holder of the Taxicab Owner's Licence no longer meets the requirements for the issuance of a Taxicab Owners Licence as outlined in section 3 of this by-law;
- b. that the holder of a Taxicab Owner's Licence has violated any provisions of this by-law;
- c. that the holder of a Taxicab Owner's Licence has failed to comply with a direction of the Town Clerk or Council requiring such person to comply with any provisions of this by-law within the time stated in such direction; and
- d. that the holder of a Taxicab Owner's Licence allows a person who is not the holder of a valid subsisting licence to operate a taxicab.
- (3) The Town Clerk may suspend or Council may suspend or cancel any Taxicab Driver's Licence where it is determined:

- a. that the holder of the Taxicab Driver's Licence no longer meets the requirements for the issuance of a Taxicab Driver's Licence as outlined in Section 5 of this by-law;
 - b. that the holder of the Taxicab Driver's Licence has violated any provisions of this by-law; and
 - c. that the holder of a Taxicab Driver's Licence has failed to comply with a direction of the Town Clerk requiring such person to comply with the provisions of this by-law within the time stated in such direction.
- (4) Where the Town Clerk suspends a licence or, on behalf of council, suspends or cancels a licence, he shall give written notice of such suspension or cancellation to the holder of the licence and detail the reason or reasons for such suspension or cancellation under this section shall be served:
- a. personally, or
 - b. by mailing the notice by registered mail to the person named at his address of residence.
- (5) The Town Clerk shall report any suspension which he imposes forthwith to the Council.
- (6) Where the Town Clerk, as directed by Council, suspends or cancels a Taxicab Owner's Licence it may be made to apply to one or more taxicabs owned by such owner. Any suspension or cancellation of a Taxicab Driver's Licence will apply to that driver only.

APPEALS

12. (1) Any such person who has been refused a licence hereunder may appeal such refusal to the Council of the Town of Oromocto by giving written notice to the Town Clerk within ten (10) days of such refusal.
- (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 Oromocto by signing written notice of such appeal to the Town Clerk within ten (10) working days of receipt of such notice. Said appeal is to be heard at any time of Council's choosing within ten (10) working days.
- (3) Upon hearing the appeal, the Council of the Town of Oromocto shall confirm, alter or remove such refusal, suspension, or cancellation and shall have the Town Clerk notify the appellant in writing of its decision within ten (10) working days of hearing the appeal.
13. (1) Any person whose appeal has been denied under Section 12 above may, following a minimum period of ninety (90) days from the date of appeal denial, re-appeal to Council.
- (2) Council may:
- a. grant the appeal and reissue a licence to an applicant where he:
 - i. has completed the minimum ninety (90) day period following appeal denial,
 - ii. has been without conviction for a period of one (1) year for any offence under the acts listed in Section 3 or 5 of this by-law as appropriate, and
 - iii. meets all other requirements for the issue of a licence under this by-law, or

b. deny the appeal.

- (3) The re-appeal shall be heard at any time of the Council's choosing within ten (10) working days. The applicant shall be notified, by the Town Clerk in writing of Council's decision within ten (10) working days of the appeal hearings.

GENERAL

14. (1) No Taxicab Owner shall operate or permit a motor vehicle owned by him to be operated as a taxicab unless such owner is the holder of a Taxicab Owner Licence issued pursuant to section 3 of this by-law.
- (2) No person shall operate a taxicab unless such person is the holder of a Taxicab Driver Taxicab Driver's Licence issued pursuant to Section 5 of this by-law.
15. Every licence issued hereunder shall expire one year after the date on which it was issued.
16. No licence issued under the authority of this by-law is transferable.
17. No person who is licensed to operate a taxicab for one employer shall operate a taxicab for any other employer without first obtaining the approval of the Town Clerk.
18. The following fees shall be paid annually to the Town Clerk upon application for a licence under this by-law:
- (1) For a Taxicab Owner Licence - one hundred dollars (\$100) per car,
- (2) For a Taxicab Driver's Licence – thirty dollars(\$30).
19. In the event that a licence issued under the provisions of this by-law is lost or destroyed, the person to whom same was issued, may, upon payment of five (\$5) dollars obtain a duplicate thereof.

OFFENCE

20. Every person who violates any provisions of this by-law commits an offence punishable under Part II of the Provincial Offences Procedure Act (S.N.B. 1987, c.P-22.1) as a category C offence and is liable on summary conviction to a fine of not less than one hundred and forty dollars (\$140.00), and a maximum fine of one thousand and one-hundred dollars (\$1,100.00).
21. (1) By-Law No. 261, "A By-Law to Regulate Taxicab Owners and Operators of the Town of Oromocto", is hereby repealed.
- (2) The repeal of By-Law No. 261 of the Town of Oromocto, "A By-Law to Regulate Taxicab Owners and Operators of the Town of Oromocto", 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.

I certify that this instrument
is registered or filed in the
DUNDAS
County Registry Office,
New Brunswick

J'atteste que cet instrument est
enregistré ou déposé au bureau
de l'enregistrement du comté de
Nouveau-Brunswick

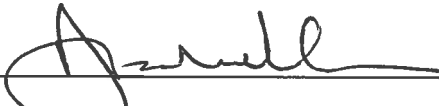
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SARILEE JONES
Registrar-Conservateur

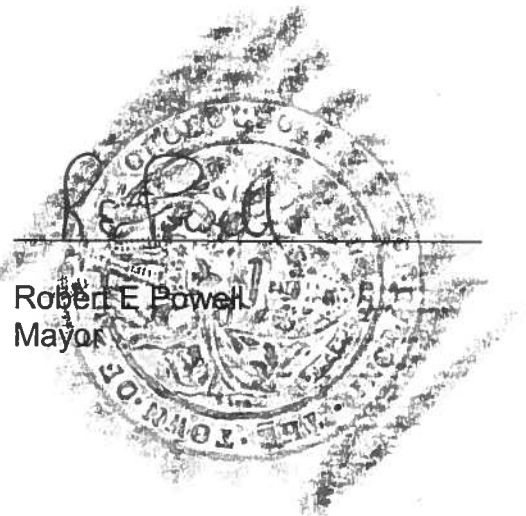
- (3) Any existing and valid licence for Taxicab Owner or Operators taken under the provisions of By-Law No. 261 of the Town of Oromocto, "A By-Law to Regulate Taxicab Owners and Operators of the Town of Oromocto", shall continue in full force and effect until the natural expiration, suspension or cancellation thereof and shall be governed by the provisions of this By-Law #418., "A By-Law to Regulate Taxicab Owners and Taxicab Drivers in the Town of Oromocto".
- (4) Any pending application on behalf of any Taxicab Owner or Driver shall come within the provisions of this By-Law.

READ FIRST TIME BY TITLE ONLY: 16 May 2013

READ SECOND TIME IN ITS ENTIRETY: 20 June 2013

**READ THIRD TIME BY TITLE
ONLY FOR ENACTMENT: 18 July 2013**


Richard E. Isabelle
CAO/Town Clerk


Robert E. Powell
Mayor

Application for Taxicab Owner License

I, _____ of _____,

make application to the Town Clerk for a Taxicab Owner License to operate _____ taxicabs.

- a) I certify that I am the owner of all such taxicab motor vehicle(s) with the following Vehicle Identification Numbers and each fully described in the attached Appendix A:

Vehicle Identification Number(s):

- b) I propose to operate my taxicab(s) from the following address:

- c) I understand that I am required to immediately report, to the Town Clerk, my conviction for any offence specified at Section 3 of this by-law.

Signature of Applicant

Date

This certifies that the above mentioned motor vehicle(s) are suitable for use as a taxicab, and that this applicant qualifies for a Taxicab Owner License under Section 3 (3) (d), (e) and (f) of this by-law.

Chief of Police

Date

Date of Issue _____ Fee Collected _____

Term of License – From _____ To _____

No. Assigned to Taxicab _____ No. of Taxicabs Approved _____

Town Clerk

Date

Vehicle Identification Number _____
 Make _____
 Model _____
 Year _____
 Current Year's License No. _____
 Motor Vehicle Inspection No. _____
 Date of Last Inspection _____ Within one month? _____
 Insurance Policy No. _____ Amount _____

Vehicle Identification Number _____
 Make _____
 Model _____
 Year _____
 Current Year's License No. _____
 Motor Vehicle Inspection No. _____
 Date of Last Inspection _____ Within one month? _____
 Insurance Policy No. _____ Amount _____

Vehicle Identification Number _____
 Make _____
 Model _____
 Year _____
 Current Year's License No. _____
 Motor Vehicle Inspection No. _____
 Date of Last Inspection _____ Within one month? _____
 Insurance Policy No. _____ Amount _____

Vehicle Identification Number _____
 Make _____
 Model _____
 Year _____
 Current Year's License No. _____
 Motor Vehicle Inspection No. _____
 Date of Last Inspection _____ Within one month? _____
 Insurance Policy No. _____ Amount _____

 Town Clerk

 Date

Application for Taxicab Operator's License

Social Insurance Number:

Date of Birth:

Name in Full:

Current Address:

Place of Birth:

Driver's License No.:

Class of License:

Driving Experience:

Occupation, Name and Address of Employers for the past FIVE years:

**Have you been convicted for any traffic or other offence in the past five years?
If answer is "YES", show nature of offence.**

Name and Address of Employer for whom you intend to work:

I understand that I am required to immediately surrender my license to the Town Clerk should I be convicted of any offence specified at Section 5 of by-Law 418.

Signature of Applicant:

This certifies that the applicant is fit and proper to be a taxicab driver in accordance with Section 5(c) and (d) of By-Law 418.

Date:

Signature of Chief of Police:

Date of Issue:

Fee Collected \$

Term of License – From

to

Signature of Town Clerk: