

BY-LAW 261

**A BY-LAW OF THE MUNICIPALITY OF OROMOCTO
TO REGULATE TAXICAB OWNERS AND
TAXICAB OPERATORS IN THE TOWN OF OROMOCTO**

The Council of the Town of Oromocto under the authority vested in it by subsection (1) (e) of section 11 of the Municipalities Act, and amendments thereto, enacts as follows:

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) "Chief of Police means the person in charge of the Detachment of the Royal Canadian Mounted Police located in the Town of Oromocto, or the Chief of Police of the Town, and includes anyone designated by him to act on his behalf, whichever is applicable;
 - (2) "Taxicab" means a motor vehicle having a designed seating capacity of not more than seven (7) persons, exclusive of the driver and used for the transportation of passengers for gain;
 - (3) "Taxicab Owner" means the legal owner of a motor vehicle licensed for use as a taxicab, unless such motor vehicle is subject of a contract under the terms of which another person has possession and may acquire legal title thereto, in which even while that person has possession against the legal owner, "Taxicab Owner" means that other person;
 - (4) "Taxicab Operator" means any person who drives or is in actual physical control of a taxicab;
 - (5) "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;
 - (6) "License" means a license to conduct a taxicab business as a taxicab owner or a license to operate a taxicab as provided by this by-law;
 - (7) "Street" means a public square, avenue, road, alley, highway, lane, path or other public place commonly accessible by motor vehicle located in the Town designated and intended for use by the public for the passage of motor vehicles;
 - (8) "Town" means the Town of Oromocto;
 - (9) "Town Clerk" means the Town Clerk/Treasurer of the Town of Oromocto; and
 - (10) "Town Council" means the Town Council of the Town of Oromocto.

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3. (1) Any person issued a Taxicab Owner License under this by-law shall only exercise that license from an address, approved by the Planning Advisory Committee, within the Town of Oromocto.
- (2) No taxicab owner shall operate or permit the operation thereof a taxicab within the Town unless such owner holds a Taxicab Owner License for such vehicle and there is affixed to the vehicle the identification as required herein.
- (3) 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 License in the form provided in schedule "A" of this by-law.
- (4) The Town Clerk may issue, under his hand, a Taxicab Owner License to any applicant who satisfies the Town Clerk that he has:
 - a. Filed a written application for such license, in accordance with schedule "A" with the Town Clerk specifying:
 - i. the number of motor vehicles he intends to operate, and
 - ii. the make, model and registration number of each such vehicle;
 - b. Obtained the approval of the Town Council for the issue of such license;
 - c. Attained the full age of nineteen (19) years (if the applicant is an individual);
 - d. 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;
 - e. Produced evidence that the vehicle in respect of which the license is issued is registered for use as a taxicab for the current year under the provisions of the Motor Vehicle Act of New Brunswick and regulations thereunder;
 - f. 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 within the preceding one (1) month;
 - g. Obtained gummed licenses for each motor vehicle as provided for in Section 275 of the Motor Vehicle Act;
 - h. Not, within five (5) years prior to his application for a license hereunder been convicted of a violation of,
 - i. an indictable offence under the Criminal Code of Canada,

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- ii. the Narcotic Control Act of Canada with respect to trafficking a narcotic or possession for the purpose of trafficking a narcotic or importing a narcotic,
 - iii. the Food and Drug Act of Canada 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, being Chapter L-10, R.S.N.B. 1973 and amendments thereto;
- i. Not, within two (2) years prior to his application for a license hereunder been convicted of a violation of,
- i. A summary conviction offence under the Criminal Code of Canada or the Young Offenders Act,
 - ii. An offence under the Narcotic Control Act of Canada or the Food and Drug Act of Canada, other than those offences mentioned in paragraphs (ii) and (iii) of subsection (h) hereof,
 - iii. Any offence under the Liquor Control Act, being Chapter L-10, R.S.N.B. 1973 and amendments thereto, except that offence mentioned in paragraph (iv) of subsection (h) hereof;
- j. Received address approval from the Planning Advisory Committee;
- k. Paid the license required under Section 18 of this by-law.

DUTIES OF TAXICAB OWNERS

4. (1) The holder of the Taxicab Owner License shall produce, on demand, for inspection by any police officer in the Town of Oromocto, his Taxicab Owner License;
- (2) Every taxicab, while in operation, shall be kept clean and in good working order, and may be inspected at any time by any member of the Police Force of the Town of Oromocto while on duty, or by any mechanic designated by the Chief of Police;
- (3) Every taxicab owner shall cause his motor vehicle to be inspected every six (6) months and shall produce, on demand, to any Police 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
- (4) Each holder of a Taxicab Owners License shall keep the Chief of Police informed of the license number assigned by the Motor Vehicle Division of the Provincial Secretary-Treasurer of the Province of New Brunswick to each taxicab owned by him, and whenever he disposes of a taxicab, or acquires another one, shall inform the Chief of Police in writing, identifying each such vehicle by its license number;
- (5) Every holder of a Taxicab Owners License, under the provisions of this by-law shall inform and keep informed the Chief of Police of the names and addresses of all persons employed by him in such taxicab business and every owner shall notify the Chief of Police of any changes in his employees, and the cause thereof, within twenty-four (24) hours of the said change.

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- (6) All taxicab stands and premises used in connection therewith or in connection with the taxicab business, may be inspected by any member of the police force policing the Town of Oromocto in the course of his duty and it shall be a violation of this by-law for any person to loiter in or about said taxicab stand or premises unless such person is an employee of the proprietor thereof on duty or is a person there in the ordinary course of business.
- (7) Full and complete records shall be kept by the holder of any Taxicab Owners License, of all calls for taxicabs and such records of calls shall be open to inspection by the Chief of Police 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 Owners License as outlined in subsection (4) (d) of Section 3, hereof shall continue in full force and effect during the period for which a license is issued hereunder.

TAXICAB OPERATOR LICENSE

- 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 Operator License for such vehicle.
- (3) An individual desiring to operate a motor vehicle licensed as a taxicab by a Taxicab Owner shall make application in writing for a Taxicab Owners License 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 Operator License to any applicant who satisfies the Town Clerk that he has:
 - (a) Filed with the Town Clerk:
 - (i) a written application for such license, in accordance with Schedule "B",
 - (ii) a certified copy of his driving record from the Motor Vehicle Division of the Department of the Provincial Secretary-Treasurer of the Province of New Brunswick,
 - (iii) a full and complete record of his experience in the driving of the motor vehicles;
 - (iv) a certified copy of his police record from the Police Office or Offices 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
 - (v) a photograph taken within one (1) month of the time of presentation of the application,
 - (b) Attained at least nineteen (19) years of age;
 - (c) Been issued a valid operator license 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 and regulations thereunder;

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- (d) Not, within five (5) years prior to his application for a license hereunder been convicted of a violation of;
 - (i) an indictable offence under the Criminal Code of Canada,
 - (ii) the Narcotic Control Act of Canada with respect to trafficking in a narcotic or possession for the purpose of trafficking a narcotic or importing a narcotic,
 - (iii) the Food and Drug Act of Canada 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 being Chapter L-10, R.S.N.B. 1973 and amendments thereto;
- (e) Not within two (2) years prior to his application for a license hereunder been convicted of a violation of,
 - (i) a summary conviction offence under the Criminal Code of Canada or the Young Offenders Act,
 - (ii) an offence under the Narcotic Control Act of Canada or the Food and Drug Act of Canada, other than those offences mentioned in paragraphs (ii) and (iii) of subsection (d) hereof,
 - (iii) any offence under the Liquor Control Act, being Chapter L-10, R.S.N.B. 1973 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, (or the equivalent act of another province) which, in the opinion of the Town Clerk or Town Council, would place passengers at undue risk;
- (f) Paid the fee required under the section 8 of this by-law.

DUTIES OF A TAXICAB OPERATOR

- 6. (1) A person who has been issued a Taxicab Operator License hereunder shall place such license in a holder located in the taxicab in a place where it is visible and shall produce, on demand, for inspection by any passenger or police Officer in the Town of Oromocto, his Taxicab Operator License;
- (2) A Taxicab Operator, 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,

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- (d) not carry more than five (5) passengers in a six(6) passenger car, driver not included, and no such operator 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.
- (3) Every Taxicab Operator shall ensure that the conditions for the issuance of a Taxicab Operator License as outlines in subsection (3) (c) through (e) inclusive of Section (5) hereof, shall continue in full force and effect during the period for which a license is issued hereunder.

RIGHT TO REFUSE PASSENGERS

7. The holder of a Taxicab Owner License or Taxicab Operator 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.
8. A Taxicab Operator 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;
 - (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 – LICENSE DENIAL/ APPEAL/ REAPPLICATION

9. (1) The Town Clerk shall deny a license 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 3 or 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 license 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 LICENSE

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 operator, upon conviction for any offences listed under the acts listed as Section 5 of this by-law or upon cancellation or suspension of his license by the Town Clerk under Section 11 of this by-law, shall immediately surrender his license 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 operator to voluntarily surrender his license 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 license renewal in accordance with Section 11 below.

SUSPENSION OR CANCELLATION

11. (1) (a) the period of license 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 operator license for the minimum ninety (90) day period upon verification of conviction with the Oromocto R.C.M.P. Detachment Commander. Suspension of a taxicab operator license for periods greater than 90 days or cancellation of such a license must be approved by Council.
- (c) Town Council only is empowered to suspend or cancel a taxicab owner license and direct it's surrendered to the Town Clerk.
- (2) Council may suspend or cancel any Taxicab Owners License where it is determined:
 - (a) That the holder of the Taxicab Owner License no longer meets the requirements for the issuance of a Taxicab Owners License as outlined in section 3 of this by-law;
 - (b) That the holder of a taxicab Owners License has violated any provisions of this by-law;

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- (c) That the holder of a Taxicab Owners License 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;
- (d) That the holder of a Taxicab Owners License allows a person who is not the holder of a valid subsisting license to operate a taxicab.
- (3) The Town Clerk may suspend or Council may suspend or cancel any Taxicab Operators License where it is determined:
 - (a) That the holder of the Taxicab Operators License no longer meets the requirements for the issuance of a Taxicab Operators License as outlined in Section 5 of this by-law;
 - (b) That the holder of the Taxicab Operators License has violated any provisions of this by-law;
 - (c) That the holder of a Taxicab Operators License 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 license or, on behalf of council, suspends or cancels a license, he shall give written notice of such suspension or cancellation to the holder of the license 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 License it may be made to apply to one or more taxicabs owned by such owner. Any suspension or cancellation of a Taxicab Operators License will apply to that operator only.

APPEALS

- 12. (1) Any such person who has been refused a license 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 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.

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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 license 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 license 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 License 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 Operators License issued pursuant to Section 5 of this by-law.
15. Every license issued hereunder shall expire one year after the date on which it was issued.
16. No license 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 license under this by-law:
- (a) for a Taxicab Owner License twenty-five dollars (\$25) per car,
 - (b) for a taxicab Operator License fifteen dollars (\$15).
19. 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 five (\$5) dollars obtain a duplicate thereof.
20. Every person who violates any provisions of this by-law is guilty of an offence and is liable on summary conviction to a fine of not less than fifty dollars (\$50) and not more than two hundred dollars (\$200).

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21. (1) By-law No. 259, "A By-Law to Regulate taxicab Owners and Operators of the Town of Oromocto", is hereby repealed.
- (2) The repeal of By-Law No. 259 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.
- (3) Any existing and valid license for Taxicab Owner or Operators taken under the provisions of By-Law No. 259 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 No. 261, "A By-Law to Regulate Taxicab Owners and Taxicab Operators in the Town of Oromocto".
- (4) Any pending application on behalf of any Taxicab Owner or Operator shall come within the provisions of this By-Law.

READ FIRST TIME: January 21,
1988

READ SECOND TIME: February 15, 1988

**READ THIRD TIME
AND ENACTED:** March 17, 1988

ADMINISTRATOR/CLERK

MAYOR