

BY-LAW NO. 4-B
A BY-LAW TO REGULATE TAXI
OWNERS AND OPERATORS OF THE TOWN OF WOODSTOCK

THE TOWN OF WOODSTOCK
Under the authority vested in it by
The Local Governance Act, SNB 2017 and Amendments thereto
HEREBY ENACT THE FOLLOWING

1. DEFINITIONS

In this by-law

- (a) **“Chief of Police”** means the Chief of Police for the Town of Woodstock, and includes anyone designated by him or her to act on his or her behalf;
- (b) **“Taxicab”** means a motor vehicle having a designed seating capacity of not more than nine (9) persons exclusive of the driver and used in the transportation of passengers for gain;
- (c) **“Taxicab Owner”** means the legal owner of a motor vehicle used 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 event while that person has possession against the legal owner, “Taxicab Owner” means that other person.

2. TAXICAB OWNER LICENCE

- (1) No owner of a motor vehicle shall operate or permit the operation thereof a taxicab within the Town unless such owner holds a taxicab owner’s 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 Chief of Police for a Taxicab Owner Licence in the form provided in Schedule “A” of this by-law.

- (3) The Chief of Police may issue a Taxicab Owner Licence where:
 - (a) the applicant, if an individual, has attained the full age of eighteen (18) years;
 - (b) the applicant produces 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 the vehicle as a taxicab in an amount not less than \$1,000,000.00;
 - (ii) containing a rider or endorsement thereon indicating that the Chief of Police shall be given fifteen (15) days notice in writing of any intention to cancel;
 - (c) the applicant produces evidence that the 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 and regulation thereunder;
 - (d) the applicant produces 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;
 - (e) the applicant pays the licence fee required under Section 11 of this by-law;
- (4) The Chief of Police may decline any taxi licence application (original or renewal) and/or revoke an existing taxi licence if reasonable belief exists that by not doing so, would be contrary to the public interest and / or pose a threat to public safety.

3. DUTIES OF TAXICAB OWNERS

(1) The holder of a Taxicab Owner Licence shall produce, on demand, for inspection by any police officer in the Town of Woodstock, his or her Taxicab Owner License;

(2) Every taxicab owner shall keep his or her taxicab in a clean and operable condition;

(3) Every taxicab owner shall cause his or her 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 of the Motor Vehicle Act, and regulations thereunder within the preceding six (6) months;

(4) Every taxicab owner shall ensure that the conditions for the issuance of the Taxicab Owner Licence as outlined in subsection (3) of Section 2. Hereof, shall continue in full force an effect during the period for which a licence is issued hereunder.

4. TAXICAB OPERATOR LICENSE

(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 operators licence for such vehicle.

(2) An individual desiring to operate or permit the operation of a motor vehicle as a taxicab shall make application in writing for a Taxicab Operator Licence to the Chief of Police in the form provided in Schedule "B" to this by-law.

(3) The Chief of Police may issue a Taxicab Operator Licence to an applicant where,

(a) The applicant has attained the full age of eighteen (18) years;

(b) The applicant has been issued a valid operator licence for the 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;

(c) The applicant has not, within five (5) years prior to his or her application for a licence 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;

(d) The applicant has not, within two (2) years prior to his or her application for a licence 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 paragraph (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 paragraph (iv) of subsection (d) hereof;

(e) The applicant has paid the fee required under Section 11 of this by-law.

(4) A Taxicab Operator Licence may be issued to a qualified applicant by the Chief of Police;

(5) A person who has been issued a Taxicab Operator Licence hereunder shall place such licence in a holder located in the Taxicab in a place where it is visible.

5. DUTIES OF A TAXICAB OPERATOR

(1) The holder of a Taxicab Operator Licence shall produce, on demand, for inspection by any Police Officer in the Town of Woodstock, his or her Taxicab Operator License;

(2) A Taxi Operator, while engaged in the operation of a taxicab,

(a) Shall be neat and clean in appearance;

(b) Shall not use abusive, insulting or obscene language.

(3) Every Taxicab Operator shall ensure that the conditions for the issuance of a Taxicab Operator Licence as outlined in subsection (3) of Section 4 hereof, shall continue in full force and effect during the period for which a licence is issued hereunder.

(4) Every Taxicab Operator shall levy taxi fares in accordance with the following:

(a) For carriage withing the Town of Woodstock, there shall be a minimum charge of \$5.50 each time a taxi is hired.

6. RIGHT TO REFUSE PASSENGERS

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 stand operator 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 the taxi operator's opinion, may be detrimental to the repair, cleanliness or sanitary condition of the taxicab.

7. CANCELLATION OR SUSPENSION

(1) The Chief of Police shall cancel or suspend any Taxicab Owner Licence where he or she finds:

- (a) that the holder of the Taxicab Owner Licence no longer meets the requirements for the issuance of a Taxicab Owner Licence as outlined in Section 2 of this by-law;
- (b) that the holder of a Taxicab Owner Licence has violated any provision of this by-law;
- (c) that the holder of a Taxicab Owner Licence has failed to comply with a direction of the Chief of Police requiring such person to comply with any provision of this by-law within the time stated in such direction.

(2) The Chief of Police shall suspend or cancel any Taxicab Operator Licence where he finds:

- (a) that the holder of the Taxicab Operator Licence no longer meets the requirements for the issuance of a Taxicab Operator Licence as outlined in Section 4 of this by-law;
- (b) that the holder of the Taxicab Operator Licence has violated any provision of this by-law;

(c) that the holder of a Taxicab Operator Licence has failed to comply with a direction of the Chief of Police requiring such person to comply with any provision of this by-law within the time stated in such direction.

(3) Where the Chief of Police suspends or cancels a licence issued hereunder, he shall give written notice of suspension or cancellation of such licence to the holder of the licence the reason or reasons for such suspension or cancellation and the time period of any such suspension or cancellation.

(4) When any licence issued hereunder has been suspended or cancelled, the holder of such licence shall forthwith surrender the same to the Chief of Police.

8. APPEALS

(1) Any such person who has been refused a licence hereunder may appeal such refusal to the Council of the Town of Woodstock 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 Woodstock by signing written notice of such appeal to the Town Clerk within ten (10) days of receipt of such notice.

(3) Upon hearing the appeal, the Council of the Town of Woodstock shall confirm, alter or remove such refusal, suspension or cancellation and shall notify the appellant in writing of its decision within ten (10) days of hearing the appeal. Said appeal to be heard at the next regular scheduled meeting of the Town Council.

9. GENERAL

(1) No taxicab owner shall operate or permit a motor vehicle owned by him or her to be operated as a taxicab unless such owner is the holder of a Taxicab Owner Licence issued pursuant to Section 2 of this by-law;

(2) No person shall operate a taxicab unless such person is the holder of a Taxicab Operator Licence issued pursuant to Section 4 of this By-Law;

10. Every licence issued hereunder shall expire one year after date on which it was issued.

11. The following fees shall be paid to the Town Clerk upon application for a Licence under this by-law:

(a) for a Taxicab Owner Licence \$25.00 per vehicle per year.

(b) for a Taxicab Operator Licence \$25.00 per year.

12. OFFENCE

Every person who violates any provision of this by-law is guilty of an offence and is liable on summary conviction to a fine of not less than twenty-five dollars (\$25.00) and not more than two hundred dollars (\$200.00).

13. REPEAL AND TRANSITION

(1) By-Law No. 4-A, a By-Law to Regulate Taxi Owners and Operators of the Town of Woodstock, and amendments thereto, is hereby repealed;

(2) The repeal of By-Law No. 4-A, a By-Law to Regulate Taxi Owners and Operators of the Town of Woodstock, 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 licence for Taxi Owners or Operators taken under the provision of By-Law No. 4-A, a by-Law to Regulate Taxi Owners and Operators of the Town of Woodstock, shall continue in full force and effect until the natural expiration, suspension, or cancellation thereof and proceedings arising

thereunder; thereafter all licences shall be governed by the provisions of this By-Law No. 4-B “A By-Law to Regulate Taxi Owners & Operators of the Town of Woodstock”.

(4) Any pending application on behalf of any Taxi Owners or Operators shall come within the provisions of this By-Law No. 4-A.

Read a first time on the 26th day of October , 2020.

Read a second time on the 26th day of October , 2020.

Read a third time and enacted the 9th day of November , 2020.

Arthur Slipp, Mayor

Ann Marie Voutour
Director of Administrative Services