


PUBLISHED BY AUTHORITY

Pursuant to the authority conferred by the *Municipalities Act 1999*, R.S.N. 1999, c. M-24, Section 414(2)(ss) the following regulations have been made by the Town Council of the Town of Placentia and were approved on the 17th day of February 2015 by Motion #15-040.

Notice of Motion to adopt amendments to the regulations was given at the Town's regular Public Council meeting held on the 17th day of February 2015.



WAYNE D. POWER
Mayor



ED O'KEEFE, CAO

REGULATIONS

1. These Regulations may be cited as the Town of Placentia Taxi Regulations.
2. In these Regulations, unless the context otherwise requires:
 - (a) "Act" means the *Municipalities Act 1999*, R.S.N. 1999, c. M-24, as amended.
 - (b) "Applicant" shall mean a Person presenting to or filing with the Council an application for a licence pursuant to these Regulations or causing such Application to be presented or filed on their behalf.
 - (c) "Clerk" means the Town Clerk of the Town of Placentia.
 - (d) "Council" means the Town Council of the Town of Placentia.
 - (e) "Cruise" or "Cruising" means the driving of a Taxi, on, over, or along the streets or public places of the Town in search of or soliciting prospective passengers for transportation in a Taxi for compensation.
 - (f) "Driver" shall be held to include every Person in actual charge of the operation of a Taxi whether as Owner, agent, licensee, servant, or employee of the Owner.
 - (g) "Hire or Compensation" means and shall include any money, thing of value, payment, consideration, reward, tip, profit, donation, or gratuity paid

to, accepted or received by the Owner or Driver of any vehicle in exchange for transportation of a Person or Persons whether paid upon solicitation, demand, contract or voluntarily or intended as a gratuity or donation.

- (h) "Inspector" means a Municipal Enforcement Officer, Royal Newfoundland Constabulary, Royal Canadian Mounted Police, or other Peace Officer or any Person designated by Council to supervise all vehicles and Persons licensed under these regulations and to enforce these regulations.
 - (i) "Owner" shall include any Person, firm, or corporation who or which has the control, direction, maintenance and benefit of the collection of revenue derived from the operation of any Taxi or Taxis whether as Owner, licensee, or in possession under any conditional sale or hire purchase agreement.
 - (j) "Person" shall mean a person, firm, partnership, proprietorship, corporation or company;
 - (k) "Taxi" is defined as any vehicle so licensed by the Province of Newfoundland and Labrador with a defining provincially issued Taxi plate which:
 - (i) Is designed for the carriage of passengers;
 - (ii) Has four (4) passenger doors;
 - (iii) Is designated by national car rental agencies as "full size"; and
 - (iv) Has a capacity of not more than five (5) seated passengers in addition to the Driver;
 - (l) "Taxi Driving License" means a license to drive a Taxi.
 - (m) "Taxi Operating License" means a license to use and operate a Taxi.
 - (n) "Town" means the Town of Placentia as defined pursuant to the provisions of the Act; and
 - (o) "Waiting Time" means the time consumed while the Taxi is not in motion at the direction of a passenger and also the time consumed while waiting for a passenger after having responded to a call; but shall not include time consumed by the premature response to a call or the first three minutes following timely arrival at any locality in response to a call or time lost through traffic interruptions or delays caused by inefficiency of the Taxi or its Driver.
3. The provisions of these Regulations shall apply to all Taxis used or operated within the Town and to the Owners and Drivers of such Taxis.

4. The Owner of any Taxi shall not ply for hire therewith or use or operate the same or cause or allow the same to be used or operated within the Town without first having obtained from the Clerk a Taxi Operating License.
5. It shall be unlawful for any Person to drive, ply for hire with, use, operate, cause to be used or operated within the Town a Taxi that does not bear a roof mounted taxi sign. Such roof mounted signs shall not be permanently affixed to the Taxi and shall be removed from the Taxi when the Taxi is not available for hire.
6. No Taxi shall be affixed with permanent or otherwise non-removable forms of signage or other demarcations, other than a licence plate, that indicates the vehicle to be a Taxi.
7. A Taxi bearing signage or other demarcations, other than a licence plate, that indicates the vehicle to be a Taxi shall, for the purposes of these Regulations, be deemed to be for hire.
8. No Person shall drive or act as a Driver of any Taxi without first having obtained from the Clerk, or such Person as the Clerk shall designate, a Taxi Driving License.
9. An application for a Taxi Driving License and/or a Taxi Operating License shall be filed with the Town Clerk on forms provided by the Town and such applications shall be verified under oath and shall contain the following information:
 - (a) The experience of the applicant in the transportation of passengers;
 - (b) Concise history of his/her employment;
 - (c) If a corporation, its name, date and place of incorporation, address or its principal place of business and the names of its officers, together with their respective addresses, or if a partnership, association, or unincorporated company, then the names of the partners comprising the partnership, association or company, together with their respective ages and addresses.
 - (d) The application shall also state the trade name or style, if any, under which the applicant proposes to operate, full information pertaining to the extent, character, and quality of the proposed operation and the manner in which such proposed operations are to be conducted, the type, model, capacity, and condition of the Taxi or Taxis proposed to be operated.
 - (e) There shall be attached to such application a certificate from a certified mechanic or his/her agents certifying that the Taxi proposed to be licensed has been inspected and approved by him/her.
10. No Licence shall be granted to any Applicant who is not, in the opinion of Council, a fit and proper Person to hold the Licence for which application is made

and due enquiry as to the fitness of any Applicant shall be made by or on behalf of Council.

11. No Taxi Operating License granted under the provisions of these Regulations shall be assigned, transferred or alienated to any Person, firm or corporation, without the written consent of Council, provided however that if any holder of a Taxi Operating License dies or is declared insolvent or makes any assignment for the benefit of creditors or retires from business, the Taxi Operating License for the unexpired term of the original license may be transferred to the purchaser of his/her Taxi, provided such purchaser is in the opinion of Council a fit and proper Person to receive such a license. This Regulation applies only to the Taxi appearing on the original Taxi Operating License.
12. A holder of a Taxi Driver's License is required to hold at all times a valid Class 4, or better, province of Newfoundland and Labrador Driver's License; failure to do so will justify the Council denying, suspending or revoking any Taxi Driver's license.
13. Every Owner of more than one (1) Taxi required to be licensed under these Regulations shall apply for a separate Taxi Operating License for each Taxi.
14. A Taxi Operating Licence shall be tied to a specific Taxi and shall not be transferable. If a Taxi is taken out of service the Taxi Operating Licence associated with that Taxi shall be cancelled.
15. No Taxi Operating License shall be issued under these Regulations unless there is lodged with the Town Clerk a duly certified copy of passenger liability insurance issued by a reputable insurance company insuring the Taxi in a minimum amount of one million dollars (\$1,000,000) or that required by the Public Utilities Board for the Province of Newfoundland and Labrador, whichever is greater, against all public liability and property damage and bodily injury or the death of a passenger or passengers of the Taxi, in respect of which license is to be issued together with a receipt from the insurer indicating that the premium of such policy is paid for the year for which said license is to be issued.
16. Each License issued shall be an annual license and shall be effective on the 1st day of January and expire on the 31st day of December in any year.
17. Every Driver so licensed under these Regulations shall post his/her Taxi Driving License in such a place as to be in full view of all passengers while such Driver is driving a Taxi.
18. No Person licensed under these regulations shall smoke while transporting any passenger or passengers in a Taxi.
19. Smoking in a Taxi licensed under these regulations by a Person(s) hiring said Taxi is prohibited and a "No Smoking" sign shall be posted by the Owner/operator of the Taxi.

20. The Owner of every Taxi so licensed under these regulations:
- (a) Shall keep the interior and exterior of such Taxi clean, sanitary, and in good repair and whenever the Owner of any Taxi receives a notice signed by the Inspector that such Taxi is not in a fit or proper condition for use stating briefly the items complained of, such Owner shall within the timeframe mentioned in such notice, put the Taxi in a fit and proper condition.
 - (b) Shall when required, submit the Taxi for examination by the Inspector, or any Person so authorized by the Inspector and no Driver shall, at any time, when the Taxi is not employed, prevent or hinder the Inspector, or any Person authorized from entering the Taxi or at any time prevent or hinder Persons so authorized from entering a garage or other building for the purpose of inspecting the Taxi.
 - (c) Where any licensed Owner disposes of a Taxi and acquires another in its place, the Owner shall submit the latter Taxi to the Inspector for approval and shall submit an application for a Taxi Operating License for the latter Taxi.
21. Every Owner shall:
- (a) Maintain his/her Taxi(s) in good mechanical and structural condition and visual appearance.
 - (b) Prior to the issuance or the annual renewal of a Taxi Operating License, for each Taxi being operated, submit to the Inspector or such other Person as Council may designate a certificate from a certified mechanic or his/her agent that the subject Taxi has been inspected and approved.
 - (c) As required by Council on twenty-four (24) hours' notice, every licensed Taxi shall be submitted to the Inspector or such other Person as Council may designate for approval with respect to the exterior and interior visual condition and integrity of the vehicle.
22. The Inspector is hereby given the authority to suspend any License issued under these regulations:
- (a) For failure to comply with the provisions of these Regulations.
 - (b) Where in the opinion of the Inspector, the vehicle does not meet an appropriate standard with respect to cleanliness or visual condition; or
 - (c) Where in the opinion of the Inspector, the Driver of the Taxi for hire or compensation is not properly dressed, is not neat and clean in his/her appearance, or is not civil and well behaved in the conduct of his/her work.

- (d) A license suspension shall be in effect until it has been proven to the satisfaction of the Inspector that the basis for suspension has been rectified.
 - (e) A license shall not be revoked unless and until the license holder has been given notice of non-compliance with the provisions of these Regulations and has had a reasonable opportunity to present evidence on his or her behalf.
23. The licensed Owner of any Taxi shall not employ any Person other than a Person so licensed under these Regulations as the Driver of his or her Taxi or permit such Taxi to be driven by or placed upon a Taxi stand, when any unlicensed Person is in charge of the vehicle.
 24. When any Owner employs a Driver he or she shall, within two (2) days thereafter, notify the Inspector that such Driver has been employed. Should any Driver(s) terminate, the Owner shall within two days thereof notify the Inspector, giving the reasons therefore. The onus shall be upon the Owner, operator, or manager of each Taxi stand or company to ensure that each Driver, regular or part time employed, has obtained a Taxi Operating License as required under these regulations.
 25. No Driver of a Taxi shall carry any Person other than the first passenger and his or her party that engaged the Taxi, unless by consent of the first passenger.
 26. No licensed Owner or Driver shall consume any alcoholic or engage in the use of any tobacco product, nor will the possession of any alcoholic product be apparent within or while in charge of the Taxi.
 27. No Person shall operate a Taxi bearing markings, signage, advertisements or other displays indicating it to be a Taxi or to be affiliated with a Taxi service, other than its licence plate, when it is not for hire as a Taxi.
 28. Every Person licensed under these regulations shall:
 - (a) Upon changing his or her address, notify the Inspector thereof within two days and give the new address; and,
 - (b) In writing inform the Inspector of the names and addresses of all Persons employed in such Taxi business.
 29. Every Driver shall drive the Taxi by the most direct travelled route to the point of destination, unless otherwise instructed by the passenger.
 30. The rates of fare charged by the Taxi Owners or Drivers shall be set and designed by the Taxi Owners themselves, so as to remain competitive with other Taxi Owners and their respective businesses, but shall remain comparable and fair in comparison.

31. No Person who engages any Taxi shall fail or refuse, upon demand, to pay the fare or charge set by the respective operator.
32. As many passengers up to the seating capacity of the Taxi shall be transported for a single fare. No Owner or Driver shall carry or permit to be carried in a Taxi at any one time more passengers than the designated seating capacity of the Taxi, and in no case more than five passengers.
33. Every Driver shall have the right to demand payment of the regular fare in advance for a destination that lies outside the town, and may refuse services unless so paid; but no Driver shall otherwise refuse or neglect to convey any orderly Person or Persons upon request anywhere within the town unless previously engaged or is unable to do so.
34. Council shall have the power to suspend or revoke any or all licenses granted under the provisions of these regulations where Council determines that any of the provisions hereof have been violated or that the holder of such license or the rules and regulations of the town pertaining to operation, and to the extent, character and quality of service of any Taxi. Before revocation of such license the holder shall be entitled to a hearing thereon before the Council and shall be notified of such hearing.
 - (a) Notice of hearing on such suspension or revocation shall be in writing and shall be served at least five days prior to the date of hearing thereof. Such service shall be upon the licensee or his or her agent or manager. Such notice shall state the grounds of complaint against the holder of such license and shall also state time, when and where, such hearing shall be held. In the event that the holder of such license cannot be found, or service of such notice cannot be made upon the licensee in the manner provided herein, then a copy of such notice shall be mailed to the licensee at his or her last known address at least ten days prior to the date of such hearing.
 - (b) After the revocation, suspension or cancellation of such license, it shall be unlawful for any Person to ply for hire with or use or operate or cause to be used or operated within the town a Taxi in respect of which license has been revoked, suspended, or cancelled. After the revocation, suspension or cancellation of the holder's Taxi Driving License, it shall be unlawful for that holder to drive a Taxi within the town.
35. Notwithstanding any other provision of these Regulations, any Licence issued pursuant to these Regulations is automatically cancelled:
 - (a) upon the suspension or cancellation of any licence or certificate issued pursuant to the *Highway Traffic Act*, R.S.N.L. 1990, c. H-3, as amended; and/or,
 - (b) upon the Person holding a licence issued pursuant to these Regulations becoming subject to a prohibition under and by virtue of the *Criminal Code*

of Canada that prevents, circumscribes, limits or otherwise prohibits the ownership or operation of a motor vehicle.

36. It shall be the duty of the Inspector or any Person appointed by the Council to enforce these Regulations:
 - (a) To report the name and address of any Person observed or reliably reported to have violated any of the provisions of these Regulations.
 - (b) To report the time and nature of the violation of the Regulations and any circumstances being relevant to the violation.
 - (c) To serve upon the Person violating any provision of these Regulations a serially numbered notice that the Person concerned has violated a provision of the Regulations and instructing such Person to carry out any order in regard to such violation within a stated period of time.
 - (d) To furnish the Clerk a duplicate of each serially numbered notice of violation.
37. The Inspector shall have the rights of supervision over all Persons licensed under these regulations and over all Taxis together with the equipment used by them.
38. Any Person served with a notice of violation of any of these regulations may, within forty-eight hours thereafter, exclusive of weekends and public holidays, pay to the town a sum of money ("fine") set by Council as mitigated penalty for each violation. These fines are set out as Schedule A to these regulations.
39. Every Person who acts in contravention of or fails to comply with any provision of these Regulations, or neglects or refuses to do so:
 - (a) shall be liable to penalties as stipulated under the schedule of fines and penalties in these Regulations in accordance with section 414(2)(q) of the Act; or,
 - (b) where a violation notice has been issued pursuant to Section 421.1 of the Act, be liable to penalties as stipulated under the schedule of fines and penalties in these Regulations in accordance with Sections 421.2, 421.3 and 421.4 of said Act; or,
 - (c) shall be liable on summary conviction to a fine in accordance with Section 420 of the Act.
40. Notwithstanding any other provision of these Regulations, any Person who owes outstanding fines to the Town of Placentia for a by-law or regulatory violation for which he/she/it has been convicted shall not be entitled to a license issued pursuant to these Regulations until such time as all outstanding fines have been paid and proof of payment, in a form acceptable to the Inspector, has been provided to the Inspector.

41. After revocation, suspension or cancelation of any Licence issued pursuant to these Regulations, it shall be unlawful for any Person to drive, ply for hire with, use, operate, cause to be used or operated within the Town a Taxi, until such revocation, suspension or cancelation has been lifted or a reinstatement has occurred.
42. A determination of invalidity or unconstitutionality by a court of competent jurisdiction of any provision of these Regulations shall not affect the validity of the remaining parts of these Regulations.
43. Schedule "A" attached hereto shall form part of these Regulations.
44. These Regulations shall come into effect on the 17 day of Feb. , 2015.
45. These regulations were published in The Newfoundland & Labrador Gazette on the day of 2015.
46. A copy of these regulations was sent to the Minister and Provincial Affairs on the day of 24 Feb. 2015.
47. Prosecution under these regulations may be undertaken by a representative of Council, including a Municipal Enforcement Officer.
48. Previously adopted Taxi regulations are hereby rescinded.

**Schedule A
Summary of Fines**

1st Offense - \$50/individual offense

2nd Offense = \$75/individual offense

3rd and subsequent offense - \$100/individual offense