

**TAXI REGULATIONS**  
**Town of Happy Valley – Goose Bay**

## PUBLISHED BY AUTHORITY

The following Regulations have been made by the Town Council of the Town of Happy Valley – Goose Bay pursuant to the *Municipalities Act, 1999*, SNL 1999 c. M-24.

In accordance with the *Municipalities Act, 1999*, these Regulations were adopted by Council by a majority vote of Council at a meeting held on July 24, 2018



Wally Andersen

Mayor of the Town of Happy Valley – Goose Bay

## TAXI REGULATIONS

### Title

1. These Regulations may be cited as the Town of Happy Valley – Goose Bay Taxi Regulations.

### Interpretation

2. In these Regulations, unless the context otherwise requires:
  - (a) “**Act**” means the *Municipalities Act, 1999*, SNL 1999 c. M-24, as amended;
  - (b) “**Council**” means the Town Council of the Town of Happy Valley – Goose Bay;
  - (c) “**Dispatch Station**” means a place approved by Council from which a Taxi may be dispatched;
  - (d) “**Inspector**” means the person appointed by Council to supervise all vehicles and persons licenced under the Regulations, to consider all applications for Licences under the Regulations and to generally oversee and enforce compliance with the Regulations;
  - (e) “**Licence**” means a Taxi Driver Licence or a Taxi Operator Licence;
  - (f) “**Regulations**” means these Taxi Regulations;
  - (g) “**Suburban Taxi**” means a Taxi used or employed in the transportation of passengers from a point in the Town to a place outside of the Town or, alternatively, from a point outside of the Town to a place within the Town;
  - (h) “**Taxi**” means a motor vehicle used to transport passengers for compensation, as defined in the *Highway Traffic Act*, but does not include a bus or a school bus;
  - (i) “**Taxi Driver Licence**” means a Licence issued under these Regulations which authorizes a person to drive a Taxi;

- (j) **“Taxi Operator Licence”** means a Licence issued under these Regulations allowing for the ownership and operation of a Taxi;
- (k) **“Taximeter”** means a mechanical/electronic instrument or device attached to a Taxi by which the charge for hire is mechanically/electronically calculated, either for distance traveled or for Waiting Time or both, and upon which such charge is plainly registered by means of figures indicating dollars and cents and having attached thereto a flag showing if the Taxi is or is not presently hired;
- (l) **“Tariff of Fares”** means the Tariff of Fares as set out at Schedule “A” to these Regulations, which Schedule “A” shall form part and parcel of these Regulations;
- (m) **“Town”** means the Town of Happy Valley – Goose Bay; and,
- (n) **“Waiting Time”** means:
  - (i) The time during which a Taxi is stopped while under engagement through traffic interruptions or for delays;
  - (ii) The time consumed while a Taxi is not in motion at the direction of a passenger;
  - (iii) The time consumed while a Taxi is under engagement and traveling at eight (8) kilometres per hour, or less; and,
  - (iv) The time consumed while a Taxi is waiting for a passenger after having responded to a call, provided that no charge shall be made for the first three minutes following timely arrival.

### **General**

- 3. These Regulations apply to all Taxis plying for hire, used or operated within the Town and to the operators and drivers of all such Taxis.
- 4. No person shall drive a Taxi and ply for hire therewith unless they are the holder of a valid Taxi Driver Licence issued pursuant to these Regulations.
- 5. No person shall own a Taxi or allow a vehicle to be used as a Taxi unless they are the holder of a valid Taxi Operator Licence issued pursuant to these Regulations.

### **Taxi Driver Licence**

- 6. Taxi Driver Licences are to be issued to natural persons only.
- 7. A Taxi Driver Licence shall not be issued to an applicant who is not, in the opinion of the Council, a fit and proper person to hold a Taxi Driver Licence and after due enquiry as to their fitness has been made, keeping in mind the potential vulnerability of some Taxi passengers. Without limiting the generality of the foregoing, in considering whether an applicant is a fit and proper person, the Town will consider any and all criminal convictions under the Criminal Code of Canada, particularly any convictions involving physical or sexual violence, breach of trust, breach of fiduciary duty, fraud, trafficking in illegal drugs or driving while under the influence.

8. Every application for a Taxi Driver Licence shall be made in writing to the Town on the applicable forms and shall:
  - (a) Comply with these Regulations in all respects;
  - (b) Set forth the name, date of birth, residence and mailing address of the applicant;
  - (c) Include a letter of conduct from the RCMP which includes a vulnerable sector check;
  - (d) Include a photocopy of a valid Newfoundland and Labrador Driver's Licence that allows for the operation of Taxis, issued to the applicant pursuant to the *Highway Traffic Act*;
  - (e) Include a copy of the applicant's driver's abstract for the Province of Newfoundland and Labrador;
  - (f) Be accompanied by the applicable application fee as set out in the Town's Schedule of Fees;
  - (g) Be verified by an oath of the applicant; and,
  - (h) Contain such other information as the Inspector might reasonably require to ensure compliance with these Regulations and to assess the fitness of the applicant.
9. Where an application does not contain the information or materials required by these Regulations or where further information is nevertheless required by the Inspector in considering the application, the Inspector shall notify the applicant in writing of the defects and any additional information required and require that it be provided to the Inspector within a prescribed period of time. Absent receipt of the required information within the prescribed time, the application shall be refused without prejudicing the ability of the applicant to apply again upon submission of the requested additional information.
10. If an application is refused, reasons shall be provided and the Council shall return to the Applicant the fees provided with their application.
11. A Taxi Driver Licence shall not be issued to any person while the Provincial Driver's Licence issued to that person pursuant to the *Highway Traffic Act* is suspended or cancelled.
12. A Taxi Driver Licence shall be automatically and immediately cancelled upon:
  - (a) Suspension or cancellation of the holder's driver's licence issued pursuant to the *Highway Traffic Act*; or,
  - (b) The holder being prohibited from driving a motor vehicle under and by virtue of the Criminal Code of Canada and amendments thereto.

### **Taxi Operator Licence**

13. A Taxi Operator Licence is only applicable to one vehicle.
14. The issuance of a Taxi Operator Licence is within the discretion of the Council, upon consideration of the materials and information provided by the applicant.
15. If an application is refused, reasons shall be provided and the Council shall return to the applicant the fees provided with their application.
16. A Taxi Operator Licence may be issued to a natural person, firm, partnership, association, corporation, company, co-operator, club, society, or any other corporate body or organization of any kind.
17. Every application for a Taxi Operator Licence shall be made in writing to the Town on the applicable forms and shall:
  - (a) Comply with these Regulations in all respects;
  - (b) Set out the relevant information pertaining to the applicant, including:
    - (i) For an individual, the name, date of birth, residence and mailing address of the applicant;
    - (ii) if a corporation, its name, date and place of incorporation, address of its registered office, address of its principal place of business and the names of its directors together with their addresses; or,
    - (iii) 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, and also state the trade name or style under which the applicant proposes to operate.
  - (c) Contain full information pertaining to the extent, character, and quality of the proposed operations;
  - (d) For vehicles over one year old, include an authorized vehicle inspection completed in the preceding 12 months confirming, in the Inspector's sole discretion, that the vehicle is in satisfactory condition for use as a Taxi;
  - (e) Disclose the location of the Dispatch Station for the proposed operations, which is required to be contained within an appropriate land use zone within the Town;
  - (f) Include full information as to the type, model, capacity and condition of the Taxi proposed to be subject to the Taxi Operator Licence;
  - (g) Be verified by an oath of the applicant, if an individual or unincorporated body, or by oath of an officer or partner of the applicant, if a corporation, partnership, or association;
  - (h) Be accompanied by the applicable application fee as set out in the Town's Schedule of Fees; and,

- (i) Such other information as the Inspector might reasonably require.
18. Where an application does not contain the information or materials required by these Regulations or where further information is nevertheless required by the Inspector in considering the application, the Inspector shall notify the applicant in writing of the defects and any additional information required and require that it be provided to the Inspector within a prescribed period of time. Absent receipt of the required information within the prescribed time, the application shall be refused without prejudicing the ability of the applicant to apply again upon submission of the requested additional information.

### **Insurance – Taxi Operator Licence**

19. A Taxi Operator Licence shall not be issued until the applicant has provided the Inspector with:
- (a) a certified copy of a motor vehicle passenger liability insurance policy in a minimum amount of \$1,000,000.00 in respect of bodily injury or death of a passenger or passengers or loss or damage to property belonging to a passenger arising from any one accident involving a passenger of the Taxi in respect of which the Taxi Operator Licence is to be issued; and,
  - (b) a certified copy of a policy of insurance in the minimum amount of \$500,000 against all public liability and property damage covering the operation of the Taxi in respect of which the Taxi Operator Licence is to be issued.
20. Every copy of the policy or policies of insurance referred to in Section 19 shall, when lodged with the Inspector, be accompanied by proof of financial responsibility in the amounts of coverage stated in Section 19 against public liability, property damage and passenger hazard in the form of a written certificate from a reputable insurer that it has issued to or for the benefit of the person named therein a motor vehicle liability policy or policies which at the date of the certificate or certificates is in full force and effect and which designates therein by explicit description or by other adequate reference all motor vehicles to which the policy applies, and the certificate shall certify that the motor vehicle liability policy or policies therein mentioned shall not be cancelled or expire except upon ten (10) days prior written notice thereof to the Town and until such notice is duly given, the certificate or certificates are valid and sufficient to cover the term of any renewal of such motor vehicle liability policy by the insurer.

### **Dispatch Station**

21. A Taxi Operator License shall not be issued until the Dispatch Station applicable to the subject Taxi is approved by Council.
22. A Dispatch Station must be within the municipal boundaries of the Town.
23. A Dispatch Station must be within an appropriate land use zone of the Town.

### **Licences - General**

24. The Council may from time to time fix and alter the total number of Taxi Operator Licences issued under the Regulations.

25. Upon request, holders of a Licence shall provide the Inspector with such information as the Inspector might reasonably require in order to assess their continued compliance with these Regulations and the terms of any Licence.
26. Where the holder of a Licence abandons or discontinues the carrying on of the business of owning or operating or driving a Taxi, the License issued in respect of the business abandoned or discontinued shall forthwith lapse, be invalid and of no force or effect.
27. A Licence may be cancelled by a Licence Holder on written notice to the Town.
28. Every Taxi Operator Licence shall remain the property of the Town.
29. No transfer of any Licence shall be made without the written consent of the Inspector.

#### **Term of Licences and New Application on Expiration of Licence**

30. All Licences issued under these Regulations shall be effective from the date of issuance and shall expire on December 31 of the year in which they were issued.
31. Any holder of a License issued under the provisions of these Regulations, if so desired to continue exercising the rights conferred thereunder, shall, on or before the expiry date of that License, apply to the Council for a new License in the same manner as the original Licence was applied for and in accordance with the provisions of these Regulations.

#### **Taximeters**

32. It shall be unlawful for a Taxi to ply for hire (other than a Suburban Taxi) in the Town unless and until such Taxi is installed with a Taximeter of a type approved by the Inspector.
33. Taximeters shall be adjusted in accordance with the Tariff of Fares.
34. It shall be the duty of holder of the applicable Taxi Operator Licence to keep Taximeters operating according to the Tariff of Fares.
35. On any trip to which the Tariff of Fares applies, the Taximeter shall be kept operating continually during the entire time that the Taxi is engaged for hire.
36. Taximeters shall be attached to the Taxi in a location and manner approved by the Inspector and shall be placed so that the reading dial showing the amount to be charged shall be well lit and readily discernible at all times that the Taxi is in operation.
37. It shall be unlawful for any Driver of a Taxi while carrying passengers to display the flag attached to the Taximeter in such a position as to denote that the Taxi is not employed, or to fail to show the said flag in a non-recording position at the termination of each and every service.

## **Rates and Fares**

38. All charges for Taxi services to which the Tariff of Fares applies shall be calculated and indicated by a Taximeter in accordance with the Tariff of Fares.
39. No person who engages any Taxi shall fail or refuse, upon demand, to pay the fare or charge authorized by these Regulations.
40. The fees authorized by these Regulations shall be computed from the time the first passenger enters the Taxi to the time the last passenger discharges the Taxi.
41. As many passengers up to the seating capacity of the Taxi shall be transported for the one fare within the Tariff of Fares where the passenger paying the fare gives full consent and approval, but no driver shall carry or permit to be carried in any Taxi at any one time more passengers than the lawful seating capacity of the Taxi will accommodate.

## **Operation**

42. When a Taxi is no longer used as a Taxi, the owner of the vehicle shall forthwith remove therefrom the Taximeter, the identity light, the Taxi Operator Licence, the Taxi Driver Licence and all other items required solely by these Regulations to be affixed thereto or displayed therein and forward the Taxi Operator Licence to the Inspector and thereafter no person shall drive or use or require that vehicle to be driven or used as a Taxi.
43. The holder of a Taxi Operator Licence shall not employ, retain or engage any person to drive a Taxi other than a holder of a valid Taxi Driver Licence issued pursuant to these Regulations.
44. No smoking shall be permitted in a Taxi while passengers are in a Taxi.
45. The driver of a Taxi shall not seek employment or ply for hire by driving a Taxi in such a manner that it interferes with the normal flow or traffic, or by interfering with the proper and orderly access to or egress from any place of public gathering, or by cruising in front of any place of public gathering. Notwithstanding the foregoing, a Taxi may accept passengers at any place of public gathering so long as the Taxi is lawfully parked in the vicinity of the place or building where such public gathering is taking place.
46. A Taxi driver shall not carry any person other than the passenger first engaging the Taxi, unless by consent of the first passenger.
47. A Taxi driver shall not take, consume or have in his/her possession any liquor while in charge of a Taxi. Provided, however, that nothing herein contained shall prevent a Taxi driver from purchasing and delivering liquor during the hours that stores of the Newfoundland Liquor Corporation are open for business and one hour immediately following the closing of such stores, to a person of legal drinking age at their residence.
48. Every Taxi driver shall take due care of all property delivered or entrusted to him/her for conveyance or safekeeping.
49. In the event a Taxi driver or holder of a Taxi Operator Licence discovers property in a Taxi that is lost or otherwise left in the Taxi, they shall make best efforts to identify the owner and, in the event they are unable to identify or locate the owner, shall provide the goods



to the nearest local police station with all information in their possession regarding the same.

50. A Taxi driver shall not knowingly transport a passenger that is known to be engaged in an unlawful act and no Taxi driver, while driving a Taxi, shall visit any disorderly house or any place where liquor and/or drugs are illegally sold.
51. Notwithstanding anything to the contrary, a Taxi driver may refuse to provide or continue transportation to any person who is intoxicated or in an unfit condition or who is conducting themselves in a boisterous or disorderly manner or is using profane language, and if such person is then in the Taxi the Taxi driver may drive the Taxi to the nearest police officer or police station.
52. Every Taxi driver shall drive a Taxi in the most direct traveled route to the point of destination, unless otherwise directed by the passenger.
53. Every Taxi driver shall have the right to demand payment of the regular fare in advance and may refuse employment unless so paid.
54. A driver shall not refuse or neglect to convey an orderly person or persons upon request anywhere in the Town unless previously engaged or unable to do so.
55. Gifts, tokens, coupons and other forms of advertisement can be used to promote business provided there are no offers or reduction in fares as prescribed in the Tariff of Fares. All gifts certificates or tokens must display the actual monetary value of such coupons/tokens.
56. A Taxi driver shall not have anyone other than a paying passenger in the Taxi while plying for hire.
57. The Tariff of Fares shall be displayed in the Taxi on the front of the dashboard as well as on the back of the driver's seat.
58. Taxi drivers shall be appropriately attired, neat and clean and shall be civil and well-behaved while operating a Taxi.
59. The interior and exterior of a Taxi shall be kept clean and in good repair.

#### **Suburban Taxis**

60. No person shall use or operate a Suburban Taxi for the transportation of passengers on any trip which commences and terminates within the Town.

#### **Day Care Centres or Pre-Schools**

61. Except as otherwise prescribed in these Regulations, a vehicle which is being operated by a licenced day care centre or pre-school is exempt from the provisions of these Regulations but remains subject to any other Town, provincial or Federal statutes or regulations applicable to the transporting of children who are entrusted to the care of that day care centre or pre-school.

## **Equipment**

62. Every Taxi shall at all times be equipped and outfitted as required by the *Highway Traffic Act* and any other applicable legislation or regulations and shall also be equipped with the following:
  - (a) An identifying light attached to the top of the Taxi which shall be constructed in one unit consisting of an illuminated plate or cylinder upon which is printed the name of the operator and the telephone number of the operator; and
  - (b) A two-way radio suitable to reach the Dispatch Station from any area where the Taxi might reasonably travel.
63. Taxis shall have an automatic transmission.
64. The Taxi Driver Licence and Taxi Operator Licence shall be prominently displayed in the interior of the Taxicab.
65. Upon written consent of the Inspector, advertisements may be installed within a Taxi provided that the driver's view out of the Taxi is not impaired in any direction or under any condition, including the view by means of the rear-view mirror.

## **Inspection of Taxis**

66. On request of the Inspector, the holder of a Taxi Operator Licence shall submit the Taxi for examination by an Inspector or any person authorized by him/her and shall not, at any time, when such Taxi is not employed, prevent or hinder the Inspector, or any person authorized by Council, from entering the same or at any time prevent or hinder the Inspector or authorized official from entering his/her garage or other building for the purpose of inspecting the same.

## **Inspector**

67. The Inspector shall have supervision over the application of these Regulations, including the application process for Licences, over all Licence holders under these Regulations and over all Taxis, together with the equipment used by them. Without limitation, the Inspector shall:
  - (a) Make all necessary inquiries concerning applications for Licenses as may be requisite to secure a due observance of the law and of these Regulations;
  - (b) Submit to Council applications for Licenses and recommendations for the issuance, revocation or cancellation of any License, together with necessary reports;
  - (c) Keep a register of all Licences issued pursuant to these Regulations which shall contain the name and address of the holder, the date of the Licence and such further particulars as may be required for administration purposes and to keep such other books as the Council may require;
  - (d) Provide, upon request, a copy of these Regulations to anyone who requests same;

- (e) Ascertain by inspection and inquiry whether the holder of a Licence continues to comply with the provisions of the law and of these Regulations; and,
  - (f) Advise Council of any violations of these Regulations or violations of the terms of a Licence.
68. The Inspector shall have the power to suspend or revoke a Licence for cause or make such other orders as are considered appropriate upon having determined that any of the provisions of these Regulations or the Licence have been violated, including where the Council has determined that a person is no longer a fit and proper person to hold a Taxi Driver Licence as a result of having been convicted of a criminal offence or otherwise since issuance of the Licence.

**Offence**

69. Pursuant to section 420 of the *Act*, a person who contravenes these Regulations is guilty of an offence and is liable on summary conviction:
- (a) for a first offence to a fine of not less than \$100 and not more than \$500 or to a term of imprisonment of not more than one month or to both the fine and the imprisonment; and,
  - (b) for a subsequent offence to a fine of not less than \$500 and not more than \$1,000 or to a term of imprisonment of not more than three months or to both the fine and the imprisonment.

**Repeal**

70. All previous Town Taxi Regulations and amendments, as well as underlying motions of Council are repealed as of the effective date of these Regulations.

**Effective Date**

71. The Regulations come into force as of September 30, 2014.

**SCHEDULE "A"**

**TARIFF OF FARES**

1. The following rates and fares apply:
  - (a) For trips commencing within the Town and ending anywhere other than North West River or Sheshatshiu, a charge of \$4.00 plus \$2.50 per kilometer or part thereof; and,
  - (b) For trips commencing within the Town and ending within North West River or Sheshatshiu, or for trips commencing in North West River or Sheshatshiu and ending within the Town, a flat rate of \$100.00;
2. In addition to the per kilometer or flat rates prescribed by section 1 of the Tariff of Fares, there shall be the following:
  - (a) A charge of \$4.00 for any extra stop or pickup; and,
  - (b) A charge of \$32.00 per hour for waiting time.
3. The charge for any deliveries shall be identical to the charges as set out in sections 1 and 2 of the Tariff of Fares.
4. All rates and charges as set out herein are inclusive of HST.