

TOWN OF HAPPY VALLEY – GOOSE BAY VEHICLE FOR HIRE BY-LAW

PUBLISHED BY AUTHORITY

Whereas the *Towns and Local Service Districts Act*, SNL 2023, c T-6.2, Sections 8(1)(i) and 11, permits municipalities to pass by-laws controlling the licensing and use of taxicabs and other vehicles for hire within the municipality;

AND whereas the Town Council considers it advisable to pass such by-law;

THEREFORE, the Town Council of the Town of Happy Valley-Goose Bay enacts as follows:

1. SHORT TITLE

1.1. This By-law may be cited as the “**Vehicle for Hire By-law**”.

2. SCOPE AND INTERPRETATION

2.1. Where the provisions of this By-law conflict with the provision of any other By-law in force in the Town, the provision that establishes the higher standard to protect the health, safety and welfare of the general public shall prevail.

2.2. In the interpretation and application of the provisions of this By-law, unless otherwise stated to the contrary, the provisions shall be held to be the minimum requirements adopted for the promotion of public health, safety, comfort, convenience, general welfare, the control of nuisances, and consumer protection.

2.3. References in this By-law to any statute or statutory provision include references to that statute or statutory provision as it may from time to time be amended, extended or re-enacted.

2.4. In this By-law, unless the context otherwise requires words importing the singular shall include the plural and use of the masculine shall include the feminine, where applicable.

3. DEFINITIONS

3.1. “Accessible Taxicab” means a Taxicab originally constructed or subsequently modified to permit the loading, transportation and offloading of persons with disabilities and is used for that purpose, whether or not the vehicle is also used to transport persons without disabilities.

3.2. “Applicant” means any Person applying for a Licence, including a renewal of Licence, pursuant to this By-law;

3.3. “Application” means an application for a Licence pursuant to this By-law;

3.4. “Council” means the Council of the Town of Happy Valley-Goose Bay

3.5. “*Criminal Code*” means the *Criminal Code of Canada*, R.S.C. 1885 c. C-46, as amended;

3.6. “Designated Driver” means a Person who operates a Motor Vehicle owned by another Person for the purposes of providing Designated Driving Services;

3.7. “Designated Driving Services” means the transportation of a Motor Vehicle owned by another Person and that Person’s passengers, if any, by a Designated Driver from any

place in the Town to any other place for payment of a salary, fee, or for any other consideration;

- 3.8. "Director" means the Director of Protective Services of the Town, and includes their designate;
- 3.9. "Dispatch" or "Dispatching" means the communication given in any manner of an order or information to a Taxicab Driver;
- 3.10. "Driver" means any Person, including an Owner, who drives a Taxicab, including an Accessible Taxicab, a Limousine/Private Bus, or a Designated Driver Support Vehicle, who has been issued a Licence by the Town pursuant to this By-law,
- 3.11. "Driver's Abstract" means a Driver's Abstract issued by the Province of Newfoundland and Labrador, which contains driver identification details, and information related to a driver's driving record including total demerit points and active fine suspensions, *Highway Traffic Act* and *Criminal Code* convictions and suspensions and reinstatements for the past 3 years;
- 3.12. "Fare" means the amount charged to a Person as a result of a Trip, which may be calculated using a Taxicab Meter, or Application,
- 3.13. "*Highway Traffic Act*" means the *Highway Traffic Act*, RNSL 1890, c H-3, as amended;
- 3.14. "Licence" means an authorization under this By-law to carry on a business specified herein and the document, certificate, plate or card issued which provides evidence of such authority as the context may allow;
- 3.15. "Licensee" means any Person who holds a Licence under this By-law;
- 3.16. "Limousine/Private Bus" means a Motor Vehicle kept or used for hire for the conveyance of passengers by reservation only and solely on an hourly, daily, or weekly basis, which does not contain a Taxicab Meter or two-way radio or similar device, and does not include a Taxicab;
- 3.17. "Limousine/Private Bus Driver" means any Person who drives a Limousine/Private Bus;
- 3.18. "Limousine/Private Bus Owner" means any Person who is the Owner of a Limousine/Private Bus;
- 3.19. "Model Year" means the age of a Motor Vehicle as indicated on the registration documents of said Motor Vehicle with the Province of Newfoundland and Labrador;
- 3.20. "Motor Vehicle" includes an automobile, truck, trailer, motorcycle and any other vehicle propelled or driven otherwise than by muscular power;
- 3.21. "Municipal Enforcement Officer" means any person appointed by the Town to enforce its By-laws;
- 3.22. "Newfoundland and Labrador Driver's Licence" means a licence issued by the Province of Newfoundland and Labrador;

- 3.23. "Natural Person" means a physical person that is an individual human being, distinguished from the broader category of a Legal Person, which may be a private or public organization or business entity.
- 3.24. "Owner" means the Person shown to be the registered owner of a Motor Vehicle according to the records maintained by the Registrar of Motor Vehicles for the Province of Newfoundland and Labrador and includes a lessee of a Motor Vehicle pursuant to a written lease contract, and includes the Person having the possession or control of a Motor Vehicle under a conditional sale agreement, rental, leasing agreement or other arrangement;
- 3.25. "Ownership" means the Person endorsed under the vehicle portion of a provincial registration document according to the records maintained by the Registrar of Motor Vehicles for the Province of Newfoundland and Labrador;
- 3.26. "Passenger" means any Person other than a Driver who is seated or otherwise situated in a Vehicle-for-Hire;
- 3.27. "Person" includes a natural person and a company, corporation, cooperative, partnership, firm, sole proprietorship, trust, association, society, organization or other legal entity;
- 3.28. "Premises" means lands and structures, or either of them, and includes a Motor Vehicle;
- 3.29. "Private Bus" includes Tour Busses, Private Bussing, Contractors & Party Busses
- 3.30. "Provincial Licence Plate" means a number plate issued in accordance with the *Highway Traffic Act*.
- 3.31. "Public Authority" includes the Town of Happy Valley-Goose Bay, the Crown in Right of Newfoundland and Labrador, the Crown in Right of Canada or any of their ministries, agencies, boards or other Crown corporations;
- 3.32. "Street Hail" means any appeal, request or solicitation to pick up a potential Passenger by any Person using sounds, words, signs, or gestures, or any combination thereof;
- 3.33. "Tariff Card" means the notice of permitted Fares as established pursuant to this By-law;
- 3.34. "Tariff of Fares" means the Tariff of Fares as set out at Schedule "A" to this By-Law, which Schedule "A" shall form part of this By-Law; notice of permitted Fares as established pursuant to this By-law;
- 3.35. "Taxicab" means a Motor Vehicle used for hire in the conveyance of Persons from place to place within the Town to any point inside or outside that geographic area and includes an Accessible Taxicab, but does not include Bussing, an ambulance, a funeral hearse, a Limousine/Private Bus, or a Motor Vehicle operated by a Licensed Driver providing Designated Driving Services.
- 3.36. "Taxicab Meter" means a measuring device used to calculate the Fare payable for a transportation service;
- 3.37. "Taxicab Stand" means an area designated and approved by the Town for use by a Taxicab while waiting for or picking up of Passengers or goods;

- 3.38. "Town" means The Town of Happy Valley-Goose Bay;
- 3.39. "Trip" means the distance and time traveled or estimated to be travelled, measured from the time and location where the Passenger or goods first enter a Vehicle-for-Hire or when a Taxicab Meter is engaged, to the time and location where the Passenger or goods left the Vehicle-for-Hire or when a Taxicab Meter is disengaged;
- 3.40. "Trip Log" means the written record of the details of each Trip as recorded by the Driver and in a form specified by the Town;
- 3.41. "Vehicle-for-Hire" means a Taxicab, Accessible Taxicab, Limousine/Private Bus, Designated Driver Support Vehicle, but does not include a Motor Vehicle conveying Passengers as part of a Designated Driving Services;
- 3.42. "Development Regulations" means the applicable in force Development Regulations of the Town, as amended from time to time.

PART I – ADMINISTRATION

4. GENERAL ADMINISTRATION AND EXEMPTIONS

- 4.1 The administration of this By-law shall be the responsibility of the Director.
- 4.2 The Municipal Enforcement Officer is hereby authorized to issue, renew, revoke or suspend a Licence in accordance with this provision of this By-law, and shall keep records of all Licences issued pursuant to this By-law.
- 4.3 The Municipal Enforcement Officer is responsible for directing the enforcement of this By-law, including reviewing and responding to any complaints or non-compliance issues in respect of this By-law.
- 4.4 This By-law does not apply to and excludes the necessity for Licences for Trips by Taxicabs originating outside of the Town when delivering passengers to areas in the Town.

5. PROHIBITIONS

- 5.1. No Person shall fail to comply with any provision of this By-law.
- 5.2. No Person shall fail to comply with an order issued under this By-law.
- 5.3. No Person without a valid Licence shall own, operate or permit the operation of a
- a) Taxicab; or,
 - b) A Limousine/Private Bus.
- 5.4. No Person shall carry on business other than in the name that appears on a Licence.
- 5.5. No Person shall make a false or intentionally misleading recitals of fact, statement, or representation, orally or in any agreement, statutory declaration or application form required by this By-law, to the Town, Director, a Municipal Enforcement Officer, or a Public Authority. The making of such a false or intentionally misleading recital of fact, statement, or representation constitutes an offence under this By-law.
- 5.6. No Person shall represent to the public that the Person is Licenced under this By-law if the Person is not so Licenced.

- 5.7. No Taxicab Owner or Limousine/Private Bus Owner shall employ or engage the services of a Driver that does not meet the requirements of this By-law.
- 5.8. No Person shall own, operate or permit the operation of a Vehicle-for-Hire, other than in accordance with the terms and conditions of a Licence and this By-law.
- 5.9. No Person shall drive a Vehicle-for-Hire without evidence of the following in their possession:
- a) proof of Ownership of the Motor Vehicle;
 - b) a valid insurance card or slip;
 - c) a valid Newfoundland and Labrador Driver's Licence;
 - d) any other document as required by this By-law.
- 5.10. No Person shall operate or permit the operation of a Vehicle-for-Hire that requires mechanical or exterior repair.
- 5.11. No Person shall operate a Vehicle-for-Hire that is not deemed in good mechanical and structural shape.
- 5.12. No Person shall:
- a) have any device in any Vehicle-for-Hire that is capable of scanning two-way radio calls;
 - b) carry in any Vehicle-for-Hire a greater number of Passengers than available seats and seatbelts in the Vehicle;
 - c) take on any additional Passengers after the Vehicle-for-Hire has commenced a Trip except under the following circumstances:
 - i. when done at the request of the Passenger(s) already in the Vehicle-for-Hire;
 - ii. in an emergency situation;
 - iii. when the Vehicle-for-Hire is being used for the transportation of children to and from school or for the transportation of persons with disabilities.
 - d) engage in solicitation of Passengers for any purpose whatsoever including recommending hotels, restaurants or other like facilities unless requested to do so by the Passenger;
 - e) except for a Driver operating a Licensed Taxicab, accept a Street Hail or solicit business in a Taxicab stand.
- 5.13. No Driver shall:
- a) while waiting at a Taxicab Stand or any other public place:
 - i. obstruct or interfere in any way with the normal use of a Taxicab Stand or public place or interfere with the surrounding traffic patterns;
 - ii. make any loud noise or disturbance;
 - iii. be unable to observe the Taxicab at all times; or
 - iv. make repairs to the Taxicab unless the repairs are immediately necessary.

b) drive a Taxicab which does not have a Province of Newfoundland and Labrador Taxi Plate affixed thereto;

c) operate a Taxicab unless:

- i. it is free from any mechanical defect;
- ii. the interior is clean, dry, sanitary, free from debris and in good repair; or
- iii. the exterior is clean, in good repair and free from rust, exterior body damage and has a well-maintained exterior paint finish;

d) induce any Person to engage the Taxicab by any misleading or deceiving statement or representation to that person about the location or distance of any destination named by that Person; or

e) induce or permit any person to engage the Taxicab when the Driver is aware that another Vehicle-for-Hire has been dispatched to pick up the person. If the person exhibits a preference for that Taxicab the Driver shall immediately notify the other Vehicle-for-Hire who has been dispatched.

5.14. No Driver shall:

a) subject to the provisions of this By-law and except for a tip, gratuity or credit card charge, recover or receive any Fare from any Passenger which is greater than the Fare authorized by Council in the Tarriff of Fares;

b) recover or receive any Fare or compensation from any Passenger to whom the Driver has refused to show the Tariff Card;

c) recover or receive any Fare or Compensation from any Passenger for time lost through defects or inefficiencies of the Taxicab or inefficiency or incompetence of the Driver;

d) refuse or neglect to convey an orderly person or persons upon request anywhere in the Town unless previously engaged or unable to do so.

5.15. No Driver shall take, consume, or have in his/her possession any liquor while in charge of a Taxicab; however, nothing herein shall prevent a Driver from purchasing or 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.

5.16 No Driver shall knowingly transport a passenger that is known to be engaged in an unlawful act and no Driver, while driving a Vehicle for Hire, shall visit any disorderly house or any place where liquor and/or drugs are illegally sold.

PART II – LICENCES AND LICENCE APPLICATION PROCESS

6. LICENCE APPLICATIONS FOR ALL LICENCES

6.1. The following Licences are authorized and may be issued by the Town under this By-law:

- a) Accessible Taxicab Owner;
- b) Taxicab Owner;

- c) Limousine/Private Bus Owner; and,
- d) Vehicle-for-Hire Driver;

6.2. An application for a Licence or for the renewal of a Licence shall be completed and submitted to the Municipal Enforcement Officer on the prescribed forms together with the appropriate licence fee as per the Town's Miscellaneous Rates Policy Statement F0005, as amended, either on or before March 31st of each year or as required throughout the year for Motor Vehicles acquired or Drivers hired after March 31st.

6.3. An Applicant must:

- a) be a citizen of Canada, or be legally permitted to work in Canada;
- b) be at least 17 years of age;
- c) hold a valid current Class "4" Newfoundland & Labrador Driver's Licence, if the applicant is a natural person; and
- d) not otherwise be disentitled to hold a Licence under this By-law.

6.4. The Municipal Enforcement Officer may require an Applicant to provide any information which he or she believes is necessary for the purpose of processing the Application, including but not limited to the Applicant's name, address, telephone number, and e-mail address.

6.5. Proof of insurance required under this By-law shall be provided by the Applicant at the time of filing their Application, to the satisfaction of the Municipal Enforcement Officer, who may require additional types of insurance coverage or higher limits of insurance coverage.

6.6. On an Application by a partnership, the names and addresses of each partner shall be supplied with the Application, and any Licence issued shall be in the name under which business is carried on by the partnership.

6.7. A complete Application for a Licence shall be filed with the Municipal Enforcement Officer, and shall, in addition to any other applicable requirement of this By-law, include the following:

- a) the associated fee or fees are set out in the Town's Finance Policy "F005 – Miscellaneous Rates";
- b) an original copy of a Criminal Record and Judicial Matters Check ("C.R.J.M.C.");
- c) a Pardon if the Applicant has prior criminal convictions;
- d) if the Applicant is a natural person, the Applicant's Driver's Abstract, dated within 90 days of the Application, indicating any convictions and demerit points in the previous three years;
- e) if the Applicant is a corporation:
 - i. a copy of the corporation's articles of incorporation or other incorporating documents, and any Provincial Corporate Registration document if applicable;
 - ii. a certificate of status showing that the corporation is validly in existence at the time of the application;
 - iii. the name of every director and officer and their residential address;

iv. the name or names under which the corporation carries on or intends to carry on their business; and

v. the mailing address of the corporation.

f) if the Application is for a Taxicab Owner Licence or Limousine/Private Bus Owner Licence, proof of insurance.

6.8. All Applications made by an Applicant, who is a natural person, shall be accompanied by valid proof of identification, to the satisfaction of the Municipal Enforcement Officer.

6.9. All Applications made by an Applicant, who is a corporation, shall be filed by an officer or director of the corporation, and shall be accompanied by valid proof of identification of the officer or director, to the satisfaction of the Municipal Enforcement Officer.

6.10. The Municipal Enforcement Officer may, at their sole discretion, initiate an investigation or make such further inquiries in respect of the Application which the Municipal Enforcement Officer deems appropriate.

6.11. Acceptance of an Application and fee by the Municipal Enforcement Officer shall not be construed as an approval of the Application for the issuance of a Licence, nor shall it obligate the Municipal Enforcement Officer to issue a Licence.

6.12. Every Application for a renewal of any Licence issued pursuant to this By-law shall be delivered to the Municipal Enforcement Officer before the expiry date for such Licence.

7. APPROVAL AND REFUSAL OF APPLICATIONS

7.1. The Municipal Enforcement Officer shall receive, process and review all applications for all new Licences and renewals of Licences under this By-law, provided all the required information has been provided and all application fees have been paid.

7.2. The Municipal Enforcement Officer shall have the power and authority to:

- a) issue a new Licence;
- b) renew a Licence;
- c) deny the issuance or renewal of a Licence;
- d) revoke a Licence;
- e) suspend a Licence; and
- f) impose terms or conditions on a Licence, including a new Licence or a previously issued Licence.

7.3. The Municipal Enforcement Officer may refuse to issue a Licence to an Applicant, or may grant a Licence and impose any conditions on the Applicant that the Municipal Enforcement Officer sees fit as a condition of obtaining, continuing to hold, or renewing a Licence, if an investigation of the Applicant discloses the any of the following:

- a) the Applicant's premises or place of business is the subject of an order to comply made under any of the Town's by-laws and/or regulations, or does not comply with the Town's Development Regulations, as amended, including but not limited to any parking requirements;
- b) the Applicant's premises or place of business requires corrective action pursuant to an order of the Provincial Chief Medical Officer of Health to ensure the safety or health of the public;

- c) the Applicant's premises or place of business requires corrective action pursuant to an order of the Fire Chief to ensure fire safety;
- d) the Applicant engages in conduct in a manner that affects the safety, health and/or welfare of the public;
- e) the Applicant is indebted to the Town, in respect of any fines, administrative penalties, judgments and/or any other amounts owing, including awards of legal costs and disbursements, outstanding property taxes owing to the Town, late payment charges owing to the Town against all properties owned by the Applicant in any capacity (legally, beneficially or otherwise), and, where the Applicant is a corporation, against all properties owned by an officer of the Applicant,
- f) the Applicant is in breach of any municipal by-law and/or any applicable provincial or federal laws; or
- g) the Applicant has been convicted of a criminal offence other than those set out in Parts V (Sexual Offences, Public Morals and Disorderly Conduct), VIII (Offences Against the Person and Reputation), or IX (Offences Against Rights of Property) of the *Criminal Code*;

7.4. The Municipal Enforcement Officer shall refuse to issue or renew a Licence to an Applicant if:

- a) the Applicant has been convicted of an offence, for which a pardon has not been granted, pursuant to any one or more of Parts V (Sexual Offences, Public Morals and Disorderly Conduct), VIII (Offences Against the Person and Reputation), or IX (Offences Against Rights of Property) of the *Criminal Code*;
- b) the Applicant has submitted false information in support of a Licence or Licence renewal application;
- c) the issuance of the Licence or renewal of the Licence would contravene any of the provisions of this By-law;
- d) the Applicant is carrying on activities that are, or will be, if the Applicant becomes licensed, in contravention of this By-law; or,
- e) the Applicant fails to successfully complete any testing, training, educational or awareness program required by the Municipal Enforcement Officer.

7.5. When an Application for a new Licence or renewal of a Licence is made in accordance with this By-law and the Applicant meets all the requirements of this By-law, the Municipal Enforcement Officer shall issue a Licence.

7.6. Where an Applicant or Licensee changes their name, address or there is a change in any information required to be submitted to the Town in connection with an Application, the Applicant or Licensee shall notify the Town within forty-eight (48) hours of the change and shall return any Licence to the Town.

7.7. The Municipal Enforcement Officer may issue a replacement Licence if satisfied that the original has been lost or stolen, subject to the applicable fee as set out in the Town's Miscellaneous Rates Policy Statement F0005, as amended.

8. GENERAL LICENCE TERMS AND RENEWAL

- 8.1. Every Taxicab Owner Licence, and Limousine/Private Bus Owner Licence issued under this By-law shall be valid for a period of one (1) year.
- 8.2. Every Licence shall remain at all times the property of the Town and no person shall enjoy a vested right in a Licence or the continuance of a Licence.
- 8.3. No person may assign, modify, sell, or transfer any Licence issued under this By-law.
- 8.4. Upon revocation, surrender, and/or expiry of the term of a Licence, the Licence shall revert to the Town without any compensation to the Licensee.
- 8.5. Each Licensee shall be required to renew the said Licence prior to the expiry of the original Licence issued under this By-law, and failing such renewal, the Licensee must discontinue the operation of their business upon the expiry of the Licence.
- 8.6. A Person who has been issued a Licence under this By-law shall immediately return the Licence issued by the Town if the Motor Vehicle ceases to be used as a Taxicab.
- 8.7. Where a Licensee carries on business or trade from a fixed place of business, the Licensee shall post the Licence obtained under this By-law in a conspicuous place at such fixed place of business.
- 8.8. Where a Licensee travels from place to place to perform their trade in accordance with this By-law, they shall carry their Licence with them when engaged in the trade for which the Licence is issued.
- 8.9. Where a Licence is lost or damaged, the driver can apply to the Municipal Enforcement Officer for a new one at a cost of \$20.

9. REVOCATION, TERMINATION AND SUSPENSION

- 9.1. The Municipal Enforcement Officer may suspend, revoke, or terminate any Licence issued under this By-law, and/or may issue a Licence subject to conditions, in the Municipal Enforcement Officer's discretion.
- 9.2. The Municipal Enforcement Officer may exercise their discretion pursuant to subsection 9.1 on the basis of any of the following:
 - a) the breach by an Applicant or Licensee of any by-law of the Town, including this By-law, or any statute or regulation of the Province of Newfoundland & Labrador or any statute or regulation of Canada, including without limitation the *Criminal Code* and the *Controlled Drugs and Substances Act*, or outstanding charges existing under any of the foregoing;
 - b) the failure of an Applicant or Licensee to meet, at any time, any of the requirements of this By-law or any conditions imposed on a Licence;
 - c) the submission of false information filed in support of an Application for, or renewal of, a Licence;
 - d) the Applicant or Licensee engages in conduct in a manner that affects the safety, health or welfare of the public;
 - e) the protection of the health or safety of any Person;
 - f) the control or abatement of nuisance;

- g) the protection of consumers;
 - h) the issuance of the Licence or renewal of the Licence would be contrary to the public interest or would contravene any of the provisions of this By-law;
 - i) the Applicant or Licensee is carrying on activities that are, or will be, if the Applicant is Licensed, in contravention of this By-law;
 - j) the Applicant or Licensee fails to maintain the insurance as required by this By-law;
 - k) the Applicant or Licensee's Newfoundland & Labrador Driver's Licence expires, or is cancelled, suspended or revoked; or
 - l) upon the grounds that the conduct of any Person, including the officers, directors, employees or agents of a corporation, affords reasonable cause to believe that the Licensee will not carry on or engage in the business in accordance with the law or with honesty and integrity.
- 9.3. Where the Municipal Enforcement Officer is satisfied that the continuation of a business poses an immediate danger to the health or safety of any Person or to any property, the Municipal Enforcement Officer may suspend a Licence without a hearing subject to the following:
- a) before suspending the Licence, the Municipal Enforcement Officer shall provide the Licensee with the reasons for the suspension, either orally or in writing, and an opportunity to respond to them; and
 - b) the suspension shall not exceed fourteen (14) days.
- 9.4. Except with respect to a decision under subsection 9.3, after a decision is made by the Municipal Enforcement Officer to refuse, revoke, or suspend a Licence, written notice of that decision shall be given to the Applicant or Licensee advising the Applicant or Licensee of the Municipal Enforcement Officer's decision with respect to the Application or Licence.
- 9.5. The written notice to be given under subsection 9.4 shall:
- a) set out the grounds for the decision;
 - b) give reasonable particulars of the grounds;
 - c) be signed by the Municipal Enforcement Officer; and
 - d) state "the Applicant or Licensee is entitled to appeal the decision to the Director, by sending a request for an appeal hearing to the Director and the Municipal Enforcement Officer before 4:30 p.m. on the day that is ten (10) days of the date of the notice, and by paying the required \$25.00 fee, as amended from time to time;
- 9.6. Where a Licence has been suspended, the suspension shall remain in force until such time as the Licensee has satisfied the Licensing Officer as to the Licensee's compliance with this By-law and Licence conditions, and the public interest no longer requires the suspension of such Licence.
- 9.7. No Person shall re-apply to obtain or renew a Licence for a minimum of one (1) year from the later of,
- a) the date of the Municipal Enforcement Officer's decision to refuse to issue or renew a Licence or to revoke a Licence; or

b) where the decision of the Municipal Enforcement Officer is appealed, the date of the Director's decision if the Director upholds the decision to refuse to issue or renew a Licence or to revoke a Licence.

9.8. Where a Licence has been revoked, terminated or suspended, the Licensee shall return the Licence to the Town within twenty-four (24) hours of receiving service of written notice of the decision or other event causing the revocation, termination or suspension, or such other reasonable time as the Municipal Enforcement Officer may provide for in writing, failing which the Town may enter upon the business premises of the Licensee for the purpose receiving, taking and/or removing the Licence.

9.9. Where a Driver has had their Driver's Licence suspended, cancelled, revoked or expired, any Licence issued under this By-law shall be deemed to be revoked on as of the date of suspension, cancellation, revocation or expiry.

9.10. The Municipal Enforcement Officer is authorized to revoke a Licence if it was issued in error, or was issued based on false or incorrect information.

10. APPEAL TO THE DIRECTOR

10.1. The decision of the Municipal Enforcement Officer to refuse to issue or renew a Licence or to revoke a Licence may be appealed by the Applicant or Licensee to the Director by sending a request for an appeal hearing to the Municipal Enforcement Officer before 4:30 p.m. on the day that is ten (10) days of the date of the notice, as provided for in section 9.4. A request for a hearing shall contain the following information:

- a) the name of the appellant;
- b) the decision that is the subject of the appeal;
- c) the detailed grounds of the appeal; and
- d) payment of the required \$25.00 appeal fee.

10.2. Where the Municipal Enforcement Officer does not receive a request for an appeal hearing in accordance with section 10.1, the decision of the Municipal Enforcement Officer is final.

10.3. Where the Municipal Enforcement Officer receives notice from the Applicant or Licensee in accordance with section 10.1, the Municipal Enforcement Officer shall refer the matter to the Director and give the Applicant or Licensee no fewer than seven (7) days' notice of the date, time and place when the Applicant or Licensee will have the opportunity to be heard on the matter by the Director.

11. CONDUCT OF APPEALS

11.1. An appeal to the Director under section 10.1 is limited to the grounds articulated as part of the request for an appeal hearing.

11.2. The appellant bears the onus in an appeal.

11.3. For the purpose of an appeal pursuant to section 10.1, the Director shall have all the powers and duties of the Municipal Enforcement Officer under section 9 of this By-law.

11.4. At least seven (7) days in advance of the date set for the hearing of the appeal, the appellant and the Municipal Enforcement Officer shall provide the Director and each other:

a) a list and copies of any documents to be relied on; and

b) a list of any witnesses to be called.

11.5. Where a matter has been appealed to the Director, and the appellant fails to appear at the time and place scheduled for the hearing of the appeal, the appeal shall be deemed to be dismissed and the decision of the Municipal Enforcement Officer shall be final, and the appellant shall pay \$25.00 to the Town, an administrative fee. .

11.6. At any hearing conducted by the Director, the Director may consider evidence presented by the appellant, the Municipal Enforcement Officer, other Town staff, or any other Public Authority.

11.7. Subject to section 11.5, the Director shall not decide the appeal unless the Director has given the appellant and the Municipal Enforcement Officer an opportunity to be heard at the time and place scheduled for the hearing of the appeal.

11.8. Upon the conclusion of a hearing, the Director shall, as soon as reasonably practicable, prepare a written decision that includes:

a) a brief summary of the evidence and arguments presented by the parties;

b) the findings made by the Director; and

c) the decision of the Director.

11.9. The decision of the Director shall be final and binding and not subject to further review.

11.10. An appeal to the Director pursuant to this By-law does not operate as a stay of the decision being appealed.

PART III –STANDARDS APPLICABLE TO LICENSEES

12. VEHICLE REGISTRATION AND STANDARDS

12.1. In addition to any other applicable provisions of this By-law, in order to obtain a Taxicab Owner's Licence or a Limousine/Private Bus Owner's Licence, the Applicant must:

a) produce a copy of the current Provincial Motor Vehicle Ownership for the vehicle to be Licensed. The Vehicle Ownership must indicate that the vehicle is in the Applicant's name and that the vehicle is fit for safe operation; and

b) submit a Motor Vehicle Inspection issued under the *Highway Traffic Act*, attesting to the mechanical fitness of the vehicle at time of application or renewal of the Licence and at any subsequent interval as determined necessary by the Municipal Enforcement Officer thereafter.

12.2. Where the Taxicab Owner or Limousine/Private Bus Owner meets all the requirements of this By-law, the Municipal Enforcement Officer shall register the Motor Vehicle as a Taxicab or Limousine/Private Bus.

12.3. Where a Taxicab Owner or Limousine/Private Bus Owner wishes to change the Motor Vehicle which is registered as a Taxicab or Limousine/Private Bus, the Owner shall

provide the Municipal Enforcement Officer the information provided for in subsection 12.1 and, upon registration of the new Motor Vehicle, shall pay the applicable fees provided for under the Town's Fees and Charges By-law.

- 12.4. As discussed in Section 5.13, No Motor Vehicle deemed to be "Not in Suitable Shape," shall be used as a Taxicab or Limousine/Private Bus in the Town.

13. TAXICAB METERS

- 13.1. A Taxicab may be equipped with a Taxicab Meter mounted in a position that it is clearly visible to the Passengers in the front and rear seat of the Taxicab.
- 13.2. Notwithstanding Section 13.1, a Taxicab Driver may utilize an application that can be downloaded or accessed on a mobile phone, tablet, or other digital electronic device for the purpose of calculating a fare.

14. FARES AND TARIFFS

- 14.1. Passenger fares for Taxicabs shall be established by the Tariff of Fares.
- 14.2. A Taxicab Owner shall publish passenger fares by prominently displaying a fare rate card in every Taxicab, or by directly advising a Passenger of the estimated total fare and any surcharges prior to arranging a Trip and confirmation of the amount to be paid by the Passenger once the Trip is completed.
- 14.3 Every Taxicab Driver has the right to demand payment of the regular fare in advance of commencing the Trip and may refuse the Trip unless so paid.
- 14.4 Gift certificates, tokens, coupons or other forms of advertisements can be used to promote business provided there are no offers or reduction in fares as prescribed in the Tariff of Fares. All gift certificates or tokens must display the actual monetary value.

15. TAXICAB DRIVER OPERATING STANDARDS

- 15.1. In addition to all other applicable operating standards in this By-law, every Taxicab Driver shall comply with the standards contained within this section.
- 15.2. Every Taxicab Driver shall:
- a) before commencing operation of their Motor Vehicle, examine the Motor Vehicle for mechanical defects or interior or exterior damage, and shall report forthwith any defects or damage found to the Registered Owner of the Motor Vehicle, and keep a record of the date and to whom it was reported;
 - b) upon completion of the operation of their Motor Vehicle, examine the Motor Vehicle for mechanical defects or interior or exterior damage, and shall report all defects in the Motor Vehicle and all accidents to the Registered Owner of the Motor Vehicle, and keep a record of the date and to whom it was reported;
 - c) carry any Licence issued under this By-law and their Newfoundland and Labrador Drivers' Licence with them at all times when operating a Motor Vehicle;
 - d) at all times while operating the Motor Vehicle, display their Licence, where applicable, in a location and manner as the Municipal Enforcement Officer may from time to time direct;

e) give each Passenger a receipt, either physical or electronic, in a format approved by the Municipal Enforcement Officer, which includes the driver's name, the Plate number for the Taxicab, the date and time of the Trip, place of pick up, place of discharge and the fare charged, unless the Passenger instructs the driver that they do not wish to receive a receipt;

f) display the Tariff Card in a location and manner as the Municipal Enforcement Officer may from time to time direct, and provide to a Passenger forthwith upon the Passenger's request the original Tariff Card for the Passenger's inspection.

g) maintain a paper or electronic Trip Log made by the driver during each period of continuous operation (i.e., shift). The Trip Log shall be updated after each Trip and shall contain the following minimum information:

- i. the name of the driver;
- ii. the date;
- iii. the Owner Plate number (if applicable);
- iv. the time, origin, and destination of every Trip made; and
- v. the amount of Fare and any charges collected for each Trip;

h) retain all Trip Logs for at least three (3) months and make them available and produce them for inspection at the request of the Municipal Enforcement Officer; and

i) immediately produce for inspection their Licence and/or any such other documentation if requested by the Municipal Enforcement Officer;

j) ensure there is no smoking in the Taxicab while passengers are in the Taxicab;

k) ensure that property delivered and/or entrusted to the Driver for safekeeping or conveyance is treated with due care;

l) make best efforts to identify or locate the owner of any property that is lost or otherwise left in the Taxicab, and shall provide the property to the nearest police station with all information in their possession regarding the property;

m) operate the Taxicab in the most direct traveled route to the point of destination during the Trip, unless otherwise directed by the passenger;

n) ensure that the Driver is appropriately attired, neat, and clean and shall exhibit civil and well-mannered behavior while operating a Taxicab.

15.3. In addition to the requirements for a Taxicab set out in this By-law, a Motor Vehicle operated as an Accessible Taxicab shall comply with the following requirements:

a) Accessible Taxicabs shall be designed to permit the loading, transportation, and off-loading of persons using a wheelchair in compliance with all Federal and Provincial legislation governing the transportation of persons with disabilities;

b) when a Person requests an Accessible Taxicab, the Accessible Taxicab Owner shall:

- i. ensure the request receives priority over any other request for service to which the Accessible Taxicab has been dispatched; and
 - ii. ensure that another Taxicab is dispatched to respond to the person requesting services other than the Accessible Taxicab;
- d) a Taxicab Driver operating an Accessible Taxicab shall securely fasten all Passenger's wheelchairs and/or any other Passenger aids, including batteries, if applicable, so that they are prevented from moving while the Motor Vehicle is in motion.

16. TAXICAB OWNER OPERATING STANDARDS

16.1. In addition to all other applicable operating standards in this By-law, every Taxicab Owner shall comply with the standards contained within this section.

16.2. Every Taxicab Owner shall have in or on their Taxicab:

- a) affixed the current Tariff Card in a form and in a location approved by the Municipal Enforcement Officer;
- b) an electrically illuminated roof light which is securely attached to the top of the Taxicab in a manner approved by the Municipal Enforcement Officer; and

16.3. Every Taxicab Owner shall:

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 License is to be issued.

b) Certified copy of a policy of insurance in the minimum amount of \$500,000.00 against all public liability and property damage covering the operation of the Taxi in respect of which the Taxi Operator License is to be issued

i. shall clearly state that the Motor Vehicle is being used for the purposes of a Taxicab;

ii. shall include all necessary coverages as are reasonable for the conveyance of persons and/or property;

iii. shall be endorsed to provide that the policy shall not be altered, cancelled, or allowed to lapse without thirty (30) days written notice to the Town.

c) provide a valid certificate of insurance evidencing the insurance required under this By-law to the Municipal Enforcement Officer upon an Application for a new Licence or the renewal or a Licence, or forthwith upon demand of the Municipal Enforcement Officer;

d) provide all insurance renewal policies or new certificates of insurance to the Municipal Enforcement Officer at least five (5) days prior to the expiry date of the current insurance policy;

- e) employ or only use the services of drivers who are licensed by the Province of Newfoundland & Labrador for the particular class of the Motor Vehicle being operated as a Taxicab and who are Licensed under this By-law;
- f) repair any mechanical defect(s) in the Taxicab reported to them by a driver, or the Municipal Enforcement Officer;
- g) Upon receipt of a notice of inspection by the Municipal Enforcement Officer, shall attend, personally or by agent, with the Taxicab referred to in the said notice at the appointed time and place and shall bring an Inspection Certificate;
- h) maintain a current log of all maintenance records and repairs performed on the Taxicab within the immediately preceding six (6) months and provide such records within 48 hrs., of being requested by the Municipal Enforcement Officer;
- i) maintain the Taxicab in good condition at all times, and without limiting the generality of the foregoing, shall:
 - i. maintain all drive train components (including the engine, transmission, suspension, braking system, etc.); and
 - ii. maintain all factory and after-market parts (such as lamps, latches, seats, body parts, windows, heater/defroster systems, etc.) free of defects or damage and in complete operational order.
- j) make or cause to be made a daily inspection of all Taxicabs operated in affiliation with them on that day, prior to such operation, properly equipped and identified, as required by this By-law;
- k) keep a record of each Taxicab dispatched on a Trip, the time and date of receipt and dispatch of the Trip, and the pickup location, and shall retain the records for a period of at least twelve (12) months;
- l) promptly investigate any complaint brought to their attention by the Town against any Taxicab Driver and shall report their findings to the Municipal Enforcement Officer along with any action which they have taken;
- m) where a Taxicab is no longer used as a Taxicab, the owner of the vehicle shall forthwith remove therefrom the Tariff Card, Taxicab Meter, the identity light, the License, and all other items required solely by this By-Law to be affixed thereto or displayed therein;
- n) maintain a paper or electronic Trip Log of every service request received and filled for a period of not less than twelve (12) months following the conclusion of the service provided and which shall include:
 - i. the Taxicab Driver and Taxicab information;
 - ii. commencement and destination point of each Trip;
 - iii. the date and time of pick up and drop off;
 - iv. the fare charged; and
 - v. in addition to the requirements above, the total number of Trips requested and fulfilled for accessible services.

17. LIMOUSINE/PRIVATE BUS OWNER OPERATING STANDARDS

17.1. In addition to all other applicable operating standards in this By-law, every Limousine/Private Bus Owner shall comply with the standards contained within this section.

17.2. Every Limousine/Private Bus Owner shall:

- a) ensure that the Limousine/Private Bus Plate issued by the Province of NL is securely affixed to the rear bumper of the Limousine/Private Bus;
- b) display a current and valid Driver ID card on the interior of the Limousine/Private Bus in a manner that is visible to all Passengers;
- c) only operate under a business trade name that is registered; and
- d) provide a receipt to Passengers after every Trip.

17.3. Every Limousine/Private Bus Owner shall maintain a paper or electronic Trip Log for a period of not less than twelve (12) months following the conclusion of the service provided, which shall include:

- a) the information of the driver and Limousine/Private Bus;
- b) the pick-up and drop-off locations for each Trip;
- c) the date and time of pick-up and drop-off for each Trip;
- d) the fare charges; and
- e) in addition to the requirements above, in the case of request for accessible service, the total number of Trips requested and fulfilled.

17.4. All records of a Limousine/Private Bus Owner that are required to be maintained in accordance with this By-law shall be provided to the Town upon a request by the Municipal Enforcement Officer within forty-eight (48) hours following the request.

17.5. Every Limousine/Private Bus Owner shall:

- a) maintain and keep in full force during the term of their Licence a valid NL standard automobile liability insurance policy in the amount of not less than \$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 License is to be issued.
- b) Certified copy of a policy of insurance in the minimum amount of \$500,000.00 against all public liability and property damage covering the operation of the Taxi in respect of which the Taxi Operator License is to be issued
 - i. shall clearly state that the Motor Vehicle is being used for the purposes of a Limousine/Private Bus;
 - ii. shall include all necessary coverages as are reasonable for the conveyance of persons and/or property;
 - iii. shall be endorsed to provide that the policy shall not be altered, cancelled, or allowed to lapse without thirty (30) days written notice to the Town.
- c) provide a valid certificate of insurance evidencing the insurance required under this By-law to the Municipal Enforcement Officer upon an Application for a new

Licence or the renewal or a Licence, or forthwith upon demand of the Municipal Enforcement Officer;

d) provide all insurance renewal policies or new certificates of insurance to the Municipal Enforcement Officer at least five (5) days prior to the expiry date of the current insurance policy;

e) employ or only use the services of drivers who are licensed by the NL Government for the particular class of the Motor Vehicle being operated as a Limousine/Private Bus and who are Licensed under this By-law;

f) repair any mechanical defect(s) in the Limousine/Private Bus reported to them by a driver, the Municipal Enforcement Officer;

g) Upon receipt of a notice of inspection by the Municipal Enforcement Officer, shall attend, personally or by agent, with the Limousine/Private Bus referred to in the said notice at the appointed time and place and shall bring inspection documents issued under the *Highway Traffic Act*;

h) maintain a current log of all maintenance records and repairs performed on the Limousine/Private Bus within the immediately preceding six (6) months ; and provide such records within 48 hrs., of being requested by the Municipal Enforcement Officer;

i) maintain the Limousine/Private Bus in good condition at all times, and without limiting the generality of the foregoing, shall;

i. maintain all drive train components (including the engine, transmission, suspension, braking system, etc.); and

ii. maintain all factory and after-market parts (such as lamps, latches, seats, body parts, windows, heater/defroster systems, etc.) free of defects or damage and in complete operational order.

j) make or cause to be made a daily inspection of all Limousine/Private Buss operated in affiliation with them on that day, prior to such operation, properly equipped and identified, as required by this By-law

i. they act pursuant to the instructions provided by the Owner of the Motor Vehicle;

ii. they maintain a paper or electronic Trip Log respecting all Designated Driving Services for a minimum of three (3) months; and

PART IV – INSPECTION AND ENFORCEMENT

18. INSPECTIONS AND ORDERS

18.1. The Municipal Enforcement Officer may, at any reasonable time, enter upon and inspect the land of any Person to ensure that the provisions of this By-law are complied with, in accordance with the *Towns and Local Service Districts Act*, SNL 2023, c T-6.2. .

18.2. The Municipal Enforcement Officer may, at any time a Vehicle-for-Hire is not engaged in the actual transportation of Passengers, enter upon and inspect the Vehicle-for-Hire to ensure that the provisions of this By-law are being complied with.

18.3. For the purposes of conducting an inspection pursuant to this By-law, the Municipal Enforcement Officer may,

- a) require the production for inspection of documents or things relevant to the inspection;
- b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- c) require information from any Person concerning a matter related to the inspection; and
- d) alone, or in conjunction with a Person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

Without limiting the generality of the foregoing, the Municipal Enforcement Officer, in an inspection pursuant to this section, is entitled to request and have produced all relevant Licences and permits and to have access to any invoices, vouchers, appointment books, Trip Logs, maintenance logs, or like documents of the Licensee, including any documents required to be maintained under this By-law.

18.4. Every Registered Owner of a Vehicle-for-Hire and/or a Vehicle-for-Hire Driver shall submit or cause their Vehicle-for-Hire to be submitted for inspection when required to do so by the Municipal Enforcement Officer.

18.5. Where the Municipal Enforcement Officer has reason to believe that any provision of this By-law or any condition of a Licence has been contravened, the Municipal Enforcement Officer may make an order requiring the registered owner of the Motor Vehicle, the Licensee, or any other Person who contravened this By-law or causes or permitted the contravention to:

- a) discontinue the contravention; or
- b) do work or take action to correct the contravention.

18.6. An order made under section 18.5 shall set out:

- a) the Owner Plate number of the Taxicab or Limousine/Private Bus, if applicable;
- b) the location of the premises on which the contravention occurred, if applicable;
- c) reasonable particulars of the contravention;
- d) the remedial work, corrections or repairs which need to be made to correct the contravention; and
- e) the time for complying with the terms and conditions of the order and giving notice that, if the remedial work, corrections or repairs are not carried out within that time, the Licence which is registered to that Motor Vehicle shall be deemed to be suspended.

18.7. Every Person against whom an order is made pursuant to section 18.5 shall comply with the order.

18.8. An order made pursuant to section 18.5 shall be served in accordance with section 22.1 of this By-law.

18.9. If an order of the Municipal Enforcement Officer made under this section is not complied with in the time provided for in that order, the Licence of that Motor Vehicle shall be deemed to be suspended at 11:59 p.m. on the date on which compliance was required, and the said Licence shall only be reinstated on there being delivered to the Municipal Enforcement Officer satisfactory evidence of compliance within sixty (60) days from the date of the deemed suspension.

18.10. Where a Licence has been deemed to be suspended under this section, and where no satisfactory evidence of compliance with the order is filed with the Municipal Enforcement Officer within sixty (60) days from the date of the deemed suspension, that Licence shall be deemed to have been cancelled.

19. OFFENCES

19.1. A person who contravenes or fails to comply with these regulations is upon summary conviction guilty of an offence and is liable:

(a) for the first offence of a fine of not less than \$100.00 and not more than \$1,000.00, or to a term of imprisonment of not more than one month or to both the fine and imprisonment; and,

(b) for a subsequent offence a fine of not less than \$1,000.00 and not more than \$2,000.00, or to a term of imprisonment of not more than 3 months or to both the fine and imprisonment.

19.2 The Town may act in accordance with section 290 of the *Towns and Local Service Districts Act*, SNL 2023, c T-6.2, in the recovery of fines under this section.

PART V – GENERAL

20. NOTICE

20.1. Any notice or document respecting this By-law may be given in writing in any of the following ways and is effective:

a) on the date a copy is personally delivered to the Person to whom it is addressed;

b) on the third (3rd) day after a copy is sent by regular mail or by registered mail to the Person's last known address;

c) upon confirmation of the successful transmission of a copy by facsimile transmission to the Person's last known facsimile transmission number;

d) upon sending a copy by email transmission to the Person's last known email address;

e) upon a copy being posted on the door of any building or structure on the Person's last known Premises or, where no building or structure exists, on a stake erected by a Municipal Law Enforcement Officer on the Person's last known Premises; or

f) on the date a copy is placed on or affixed in any manner to a Person's motor vehicle.

21. SEVERABILITY

21.1. In the event that any provisions of this By-law are declared invalid, void, or inoperable, in whole or in part, by any court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

22. CONFLICT

22.1. In the event that any provisions of this By-law are in conflict with the provisions of another Town by-law, this By-law shall take precedence and shall override the other by-laws.

23. EFFECTIVE DATE

23.1. This By-law shall come into force and effect from the date of publication in *The Newfoundland and Labrador Gazette*.

23.2. All prior Town of Happy Valley-Goose Bay Vehicle for Hire Regulations including Taxi Regulations are hereby repealed.

23.3 Adopted by the Town Council of the Town of Happy Valley-Goose Bay on the 24th day of February, 2025.

In witness whereof the Seal of the Town of Happy Valley-Goose Bay has been affixed hereto and this By-Law has been signed by the Mayor and the CAO on behalf of Council on the 25th day of February, 2025.



George Andrews

Mayor



Nadine MacAulay

CAO/Town Clerk

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 pick up; 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.