

**Cape Breton Regional Municipality**  
**By-Law Number P-500**  
**Passenger Vehicle for Hire By-law**

A BY-LAW TO LICENSE AND REGULATE PERSONS TRANSPORTING PASSENGERS FOR HIRE BY MEANS OF ANY VEHICLE

NOW THEREFORE the Municipal Council of the Cape Breton Regional Municipality (CBRM), under the authority of Section 305 of the *Motor Vehicle Act*, Chapter 293, R.S.N.S. 1989 and amendments thereto, hereby adopts the following By-law:

This Bylaw shall be known as the “Passenger Vehicle for Hire By-law” and may be cited as the “Passenger Vehicle for Hire By-law, No. P-500, 2022”.

**WHEREAS** the *Motor Vehicle Act* of the Province of Nova Scotia enables a municipality to adopt a by-law regulating and licensing persons transporting passengers for hire by means of any vehicle; and

**WHEREAS** the Cape Breton Regional Municipality intends to regulate the transporting passengers for hire by means of any vehicle in the Regional Municipality to ensure:

- vehicles are adequately maintained;
- vehicles and operators are adequately insured;
- vehicles are easily identifiable;
- operators are legitimately qualified to operate a vehicle;
- the high profile business becomes an exemplary ambassador for the Regional Municipality;
- passengers receive a high degree of service; and
- a fair and equitable schedule of rates is imposed.

The Council of the Cape Breton Regional Municipality hereby adopts this By-law

Where a provision of this By-law conflicts with the provisions of another By-law in force within the Municipality, the more stringent provision prevails.

## **1 Definitions**

**By-law Enforcement Officer** means an employee of the Cape Breton Regional Municipality under the direction of the Manager responsible for this By-law who is sworn in under the *Police Act* as a Special Constable with authority to administer and enforce this By-law.

**Bus** for the purposes of this By-law means a motor vehicle used to transport up to 14 passengers.

**Business Operator’s Licence** mean the licence issued to the person operating a Passenger Vehicle for Hire Business in the Cape Breton Regional Municipality.

**Driver’s Licence** means a license issued by the Province of Nova Scotia to a person permitting that person to operate a vehicle in the Province of Nova Scotia.

**Local Shuttle Service** means a van, Luxury Vehicle, or bus used to transport individuals or organizational groups of people collected at a given point, such as the Government Wharf, and dropped off at pre-determined destinations within CBRM. If a fee is charged to the individual being transported, then the owner of the service will require a licence; otherwise, the service provided will be a courtesy service.

**Local Tour Service** means a predetermined service commencing in CBRM with designated locations along the route. Fees applicable within CBRM.

**Local Tours Vehicles** shall include vans, Luxury Vehicles, and Taxis.

**Luxury Car** means a vehicle that has high-end features that provides increased levels of comfort, equipment, amenities, quality, and performance that go above and beyond the average necessities of a moderate vehicle.

**Municipality** means the Cape Breton Regional Municipality, in the County of Cape Breton, Province of Nova Scotia.

**Passenger Vehicle for Hire** means a motor vehicle that is used by a person to offer, facilitate or operate a transportation service of a passenger for compensation, and may include a Taxi, Luxury Vehicle, Local Shuttle Vehicle or Local Tour Vehicle.

**Passenger Vehicle for Hire Business** means a business or corporation offering Vehicles for Hire which can include a Taxi Business, Ridesharing Business, Luxury Vehicle Business, Local Shuttle Vehicle Business, or Local Tour Vehicle Business.

**Peace Officer** as defined in the Criminal Code of Canada, R.S.C. 1985, Chapter C-46.

**Ridesharing Business** is a business or corporation that offers passenger vehicles for hire (ie Uber/Lyft type operation) via a website or mobile app.

**Smoke** means smoke, inhale or exhale smoke from, burn, carry, hold or otherwise have control over a lit or heated cigarette, cigar, pipe, waterpipe, electronic cigarette or other device that burns or heats tobacco, cannabis or another substance that is intended to be smoked or inhaled;

**Taxi** means a motor vehicle this is operated or intended to be operated for the purposes of transporting passengers for compensation, which includes vehicles used by a Ridesharing Business, and

- a. is available for on demand service by members of the general public to travel to a destination requested by a customer;
- b. measures its fare or charge to its customers on the basis of distance traveled, or the amount of time for which the vehicle is hired, or a combination of the same; and
- c. does not include a vehicle whose manufactured seating capacity exceeds 6 adults, including the driver.

**Taxi Depot** means an established place of a transportation business utilized by Taxi Vehicle Owners and Taxi Operators which may include a business office, 24 hours dispatching services, and off-street parking from which request for Vehicles for Hire are received and dispatched.

**Traffic Authority** means the Chief of the Regional Police and/or the representative of the office of the Manager responsible for the By-Law delegated by the Chief of the Regional Police to administer and enforce this By-law, pursuant to Section 305 of the Motor Vehicle Act, Chapter 293 of the Revised Statutes of Nova Scotia, 1989.

**Van** for the purposes of this By-law means a motor vehicle used to transport 7 to 14 passengers.

**Vehicle** means a motor vehicle as defined in the interpretation provisions of the Motor Vehicle Act SNS 1989, c. 293;.

**Vehicle Operator's Licence** means the licence issued to a person pursuant to the By-law authorizing the person to drive a vehicle such as a Taxi, Luxury, Local Shuttle or Local Tour vehicle in the Cape Breton Regional Municipality

**Vehicle Owner's Licence** means a licence for a vehicle such as a Taxi, Luxury Vehicles, Local Shuttle or Local Tour issued pursuant to this By-law.

## **2 Licensing Control**

- (1) The Manager responsible for this By-law shall be responsible for the administration and enforcement of this By-law.
- (2) The By-law Enforcement Officers under the direction of the Manager responsible for this By-law and any Peace Officer shall have authority to enforce any and all provisions of this By-law.
- (3) Any By-law Enforcement Officers under the direction of the Manager responsible for this By-law and any Peace Officer shall have authority to stop any Licensed Passenger Vehicle for Hire or any unlicensed Vehicle that appears to be operating for hire, for the purpose of compliance with this By-law.

## **3 Areas of Jurisdiction**

- (1) The jurisdiction of the Passenger Vehicle for Hire By-law is the Cape Breton Regional Municipality.
- (2) Within the Municipality there shall be five service areas.
- (3) An Operator's Licence is valid throughout the Municipality, but a Taxi Vehicle Owner's Licence is only valid for one service area.
- (4) The boundaries of the service areas are as described in Schedule "A" of this By-law.
- (5) No Taxi Operator's Licence and/or Taxi Vehicle Owner's Licence shall be issued unless the business address of the taxi business to be hiring the applicant, or owning the Taxi, is in the service area intended to be served by the Operator or Taxi.

## **4 Requirements to Operate a Passenger Vehicle for Hire Business**

- (1) Every person engaged in the business of operating a Passenger Vehicle for Hire Business, must have a Business Operator's Licence issued under this By-law.
- (2) Individuals making an application for a Business Operator's Licence for a Passenger Vehicle for Hire Business shall:
  - a. provide the name of the business and phone number of business
  - b. be registered in good standing with the Nova Scotia Registry of Joint Stock companies
  - c. must have a fee schedule on file, if applicable

- d. must have a route schedule available, if applicable
  - e. if associated with transporting cruise ship passengers, provide confirmation of the completion of the general information course requirement for operators or written confirmation of approval by the Port of Sydney;
  - f. if the applicant is a Corporation, a copy of the incorporating document and a copy of the last annual information return which has been filed with the appropriate government department;
  - g. if the applicant is a Corporation, any of the directors, shareholders, or officers of the Corporation are obliged to comply with Subsection 9(g) and Subsection 9(i) this By-law.
- (3) In addition to Subsection (3), individuals making an application for a Business Operator's Licence for a Passenger Vehicle for Hire Business Hiring who intend on hiring out Taxis must:
- a. have a Development Permit for a Taxi Depot(s) which is in compliance with the provisions of the Land Use By-law of the Regional Municipality in effect for the property on which the Taxi Depot is located on, unless the Taxi Depot existed at the site prior to the coming into effect of this By-law;
  - b. operate a 24 hour service,
  - c. operate a dispatch-to-taxi communication system, which can be accessed by the By-law Enforcement Officer for compliance checks.
  - d. have a primarily operating a fleet of Taxis providing passengers with a one call - one direct route to the point of destination service. Specialized services such as a shuttle service within the Municipality may be permitted as a subsidiary use to the primary operation.
- (4) Incomplete applications refunded after seven days

## **5 Vehicle Owner's Licence Requirements**

### **5.1 Requirements for a Vehicle Owner's Licence – Taxi Vehicle Owners**

- (1) No person shall own and operate a Taxi for the purpose of transporting persons for hire in the Cape Breton Regional Municipality unless that person is in the employ of a Passenger Vehicle for Hire Business and has a valid Taxi Vehicle Owner's Licence and Taxi Operator's Licence in respect of the vehicle issued pursuant to this By-law.
- (2) A valid Taxi Vehicle Owner's Licence is required with respect to each Vehicle used as a Taxi in the Cape Breton Regional Municipality and to be presented on demand of a Peace Officer or By-law Enforcement Officer.
- (3) Every application for a Taxi Vehicle Owner's Licence shall be made in writing to the By-law Enforcement Office or Traffic Authority by the owner. An application for a Taxi Vehicle Owner's Licence shall contain:
  - a. the name, address and telephone number of the applicant;
  - b. the business address, business mailing address (if different from the business address) and business telephone number of the taxi business to be hiring, or owned by, the applicant;
  - c. a description of the Vehicle sufficient to identify it;
  - d. information regarding the insurance policy in effect for the vehicle to be used sufficient to ensure the vehicle is adequately insured in compliance with this By-law, and that the Cape Breton Regional Municipality will be notified by the insurance company if and when the insurance policy on the vehicle in effect with respect to the vehicle to be used has expired;

- e. proof the vehicle to be used has been inspected by the Motor Vehicle Branch of the Department of Public Works or someone delegated with the authority to inspect vehicles;
  - f. identification of the service area for which the licence is required (see Section 3); and
  - g. if the Taxi Vehicle Owner is not also applying for a Vehicle Operator's Licence, they are obliged to comply with Section 9 this By-law.
  - h. A letter of permission from a Taxi Business Owner granting vehicle owner permission to licence a vehicle with their company, signed and dated by approved agent.
- (4) After receiving a completed application for a Taxi Vehicle Owner's Licence, the By-law Enforcement Office or Traffic Authority shall refuse to issue a licence if:
- a. the amount of insurance required by this By-law is not in effect for the vehicle to be licenced;
  - b. the vehicle is not in good condition in accordance with Section 7 of this By-law;
  - c. the vehicle, if to be operated as a Taxi in the Sydney Service Area, is not equipped with a properly operating taximeter in accordance with Section 14 of this By-law;
  - d. the vehicle has not been issued a valid vehicle inspection certificate by, or on behalf of, the Motor Vehicle Branch of the Department of Public Works and the verification sticker issued by the Province is not displayed in the front windshield.
- (5) Notice of refusal by the By-law Enforcement Office or Traffic Authority to issue a Taxi Vehicle Owner's Licence shall be by letter sent by certified mail to the applicant. The letter shall state that the applicant has the right to appeal to the Appeals Standing Committee of the Municipality. The Appeals Standing Committee may confirm the decision of the By-law Enforcement Office or Traffic Authority or order that a licence be issued subject to compliance with the provisions of Subsection 5.1(4) of this By-law.
- (6) A Taxi Vehicle Owner's Licence issued under this By-law shall be valid until the last day of the Month of the following year., unless sooner revoked or suspended.
- (7) A Taxi Vehicle Owner's Licence shall be issued for one vehicle only and shall contain a description of the vehicle and signed by owner.
- (8) If a Taxi Vehicle Owner wishes to discontinue the use of a licensed vehicle and to substitute another, the By-law Enforcement Office or Traffic Authority may, authorize the use of a previously endorsed licence for another vehicle that complies with the By-law and endorse the licence accordingly.
- (9) A Taxi Vehicle Owner's Licence may be revoked at any time if it has been determined that the applicant has falsified any provision of the application by Peace Officer or By-law Enforcement Officer.
- (10) Incomplete application refunded after seven days.

#### 5.2 Requirements for a Vehicle Owner's Licence – Excluding Taxi Vehicle Owners

- (1) No person shall own and operate a Passenger Vehicle for Hire in the Cape Breton Regional Municipality unless that person has a Vehicle Owner's Licence in respect of the vehicle issued pursuant to this By-law.
- (2) A Vehicle Owner's Licence must be presented on demand of a Peace Officer or By-law Enforcement Officer.

- (3) A Vehicle Owner's Licence is required with respect to each vehicle used for the purpose of transporting persons for hire in the Cape Breton Regional Municipality.
- (4) Every application for a Vehicle Owner's Licence shall be made in writing to the By-law Enforcement Office or Traffic Authority by the owner. An application shall contain:
  - a. the name, address and telephone number of the applicant;
  - b. the business address, business mailing address (if different from the business address) and business telephone number of the shuttle business to be hiring, or owned by, the applicant;
  - c. a description of the Vehicle sufficient to identify it;
  - d. information regarding the insurance policy in effect for the vehicle to be used sufficient to ensure the vehicle is adequately insured in compliance with this By-law, and that the Cape Breton Regional Municipality will be notified by the insurance company if and when the insurance policy on the vehicle in effect with respect to the vehicle to be used has expired;
  - e. proof the vehicle to be used has been inspected by the Motor Vehicle Branch of the Department of Public Works or someone delegated with the authority to inspect vehicles;
  - f. if the Vehicle Owner is not also applying for an Operator's Licence, they are obliged to comply with Section 9 of this By-law.
- (5) After receiving a completed application for a Vehicle Owner's Licence, the By-law Enforcement Office or Traffic Authority shall refuse to issue a licence if:
  - a. the amount of insurance required by this By-law is not in effect for the vehicle to be licenced;
  - b. the vehicle is not in good condition in accordance with Section 7 of this By-law;
  - c. the vehicle has not been issued a valid vehicle inspection certificate by, or on behalf of, the Motor Vehicle Branch of the Department of Public Works and the verification sticker issued by the Province is not displayed in the front windshield.
- (6) Notice of refusal by the By-law Enforcement Office or Traffic Authority to issue a Vehicle Owner's Licence shall be by letter sent by certified mail to the applicant. The letter shall state that the applicant has the right to appeal to the Appeals Standing Committee of the Municipality. The Appeals Standing Committee may confirm the decision of the By-law Enforcement Office or Traffic Authority or order that a licence be issued subject to compliance with the provisions of Subsection 5.2 (5) of this By-law.
  - a. An Owner's Licence issued under this By-law shall be valid until the last day of April next following its issue, unless sooner revoked or suspended.
  - b. An Owner's Licence shall be issued for one vehicle only and shall contain a description of the vehicle.
  - c. If a Vehicle Owner wishes to discontinue the use of a licensed vehicle and to substitute another, the By-law Enforcement Office or Traffic Authority shall, authorize the use of a previously endorsed the licence for another vehicle that complies with the By-law and endorse the licence accordingly
  - d. A Vehicle Owner's Licence may be revoked at any time if it has been determined that the applicant has falsified any provision of the application.
- (7) Incomplete applications refunded after seven days.

## **6 Insurance**

- (1) At all times, Licences Owners must have a valid insurance policy that entitles permission to carry passengers for compensation or some comparable form of insurance approved by the Insurance Bureau of Canada in force and providing minimum coverage including:

1. public liability;
2. property damage; and
3. cargo or passenger hazard insurance

in the amount of \$2,000,000, including the Municipality as an additional named insured, without any limit on any particular claim up to the herein mentioned amount, regardless of the number of persons involved or the nature of the damage.

- (2) Upon expiration of the valid policy referenced in Subsection (1) a Licenced Owner must provide an updated copy of the their insurance policy to the By-law Enforcement Office upon request.

## **7 Condition of Vehicle and Inspections**

- (1) Every vehicle licenced under this By-law shall be kept in a clean, sanitary condition and in good repair at all times when in use and has no visible body fillers, rust, primer paint, accidental damage or similar defects.
- (2) Every vehicle shall have affixed appropriate tires for the season not exceeding tread wear of 2/32nds and no visible bulges or other defect.
- (3) The owner of every vehicle in respect of which:
  - a. an application is being made; or
  - b. a licence has been issued;

shall, on demand by a By-law Enforcement Officer or Peace Officer, forthwith submit the vehicle for examination to determine compliance with Subsection 7(1) of this By-law and the *Motor Vehicle Act*.

- (4) 2 vehicle inspections conducted by, or on behalf of, the Motor Vehicle Branch of the Department of Public Works of the Province of Nova Scotia shall be required for each vehicle licenced under this By-law. The inspections shall be coordinated to ensure no vehicle licenced under this By-law is operating without a valid vehicle inspection certificate issued by, or on behalf of, the Motor Vehicle Branch of the Department of Public Works with an inspection date older than 6 months.
- (5) Vehicle Owners shall be permitted to choose a mechanic of their choice in their local area. Additional vehicle inspections to be carried out at a CBRM designated location at the vehicle owner's expense.
- (6) Should the vehicle not meet the requirements of Section 7.a. or fail an inspection conducted under the *Motor Vehicle Act*, the By-law Enforcement Office or Traffic Authority may notify the owner of the vehicle to cease operating the same as a vehicle licenced under the authority of this By-law, until such time as the same has been put in a clean, sanitary condition and/or in good repair.
- (7) Every vehicle to be used as a Taxi shall be:
  - a. equipped with an engine of at least 4 cylinders, unless electric or hybrid;
  - b. 4-door sedan or a 4-door station wagon including hatchbacks
  - c. which has a height from the top of the floor to the underneath side of the roof of at least 44.5 inches; and
  - d. an interior width where passengers are to be seated of at least 51 inches with a capacity, determined by the number of seat belts, of not more than 6 passengers.

## **8 Taxi Identification**

- (1) Every Taxi licenced under this By-law shall have a sign affixed upon the roof of such vehicle which is illuminated at all times:
  - a. The roof light shall be removed or covered by opaque material when the vehicle is not in service as a Taxi.
  - b. If the word Taxi or Cab is painted or emblazed on the vehicle then it shall be deemed a Taxi.
  - c. Any vehicle displaying a taxi deck light illuminated or otherwise or displaying signage indicating a Passenger Vehicle for Hire shall be deemed a Taxi
- (2) The sign shall identify the name of the Taxi Business and the identification number of the vehicle.
- (3) The name of the Taxi Business shall be placed on the sign so that it can be read while standing to the front or rear of the vehicle.
- (4) The Identification number shall be affixed on the sign so that it can be viewed while standing to the front, rear and sides of the vehicle.
- (5) The sign shall be of such size, color, design, style and positioned in a manner which ensures the name of the Taxi Business and the identification number of the vehicle can be identified within 50 feet of the sign.
- (6) Deck light shall be kept in working and good repair

## **9 Vehicle Operator's Licence Requirements**

- (1) No person shall drive a Passenger Vehicle for Hire in the Cape Breton Regional Municipality unless the person has a valid Vehicle Operator's Licence issued pursuant to this By-law.
- (2) Everyone operating a Passenger Vehicle for Hire shall on demand of a By-law Enforcement Officer or Peace Officer present a valid Nova Scotia Drivers Licence Class 4 or better as well as a valid CBRM issued Vehicle Operator's Licence.
- (3) No person issued a valid Vehicle Operator's Licence shall drive a vehicle in the Cape Breton Regional Municipality other than a vehicle with a licence to be used as a Passenger Vehicle for Hire in the Municipality.
- (4) Every persons requesting a Vehicle Operator's Licence must have a letter of permission from a Passenger Vehicle for Hire Business granting the applicant permission to apply for an Operator's Licence with their company, signed and dated by approved agent.
- (5) Every application for a Vehicle Operator's Licence shall be made in writing to the By-law Enforcement Office or Traffic Authority. An application for a Vehicle Operator's Licence shall contain:
  - a. the name, address and telephone number of the applicant;
  - b. the residence address, residence mailing address (if different from the residence address) and home telephone number of the applicant;



- c. the business address, business mailing address (if different from the business address) and business telephone number of the taxi business to be hiring, or owned by, the applicant;
  - d. the age of the applicant;
  - e. the number and classification of the applicant's driver's licence then in force; and
  - f. for the first time applicant, a statement of record of any convictions against the applicant in the 5 years preceding the date of the application under the Criminal Code of Canada and the *Motor Vehicle Act*.
  - g. a Criminal Records Checks for the last five years will be reviewed and be in compliance with Schedule "D" of this By-law and must be:
    - i. conducted with new Operators and Vehicle Owners initially.
    - ii. conducted for any Licenced Operator upon the expiration of a Province of Nova Scotia driver's licence.
    - iii. conducted for any Licenced Operator if an Operator's Licence has been expired more than 90 days
    - iv. conducted at the request of a Peace Officer or By-law Enforcement Officer of this Bylaw
  - h. a Copy of completed Code of Conduct or Driver Training Checklist signed by both the applicant and Owner hiring Operator.
  - i. a Nova Scotia Child abuse registry check completed
  - j. a Nova Scotia Drivers Abstract Provided yearly
- (6) Incomplete applications will be refunded after seven days
- (7) After receiving a completed application for a Vehicle Operator's Licence, the By-law Enforcement Office or Traffic Authority shall refuse to issue a licence if:
- a. the applicant is not in possession of a Class 1, 2, 3, or 4 Drivers Licence issued by the Province of Nova Scotia;
  - b. the applicant does not hold a valid, current Motor Vehicle Licence from the Province of Nova Scotia required under the Motor Vehicle Act for a person operating a Passenger Vehicle for Hire;
  - c. in the judgment of the By-law Enforcement Office or Traffic Authority, the applicant is not a fit and proper person to hold such a licence.
- (8) Notice of refusal by the By-law Enforcement Office or Traffic Authority to issue an Operator's Licence shall be by letter sent by certified mail to the applicant. The letter shall state that the applicant has the right to appeal to the Appeals Standing Committee of the Municipality **within 30 days of the decision**. The Appeals Standing Committee may confirm the decision of the By-law Enforcement Office or Traffic Authority or order that a licence be issued subject to compliance with the provisions of Subsection 9(7) of this By-law.
- (9) A Vehicle Operator's Licence issued under this By-law shall be valid until the applicant's date of birth as indicated on their Nova Scotia Drivers Licence of the following year, unless sooner revoked or suspended.
- (10) No Operator's Licence under this By-law may be transferred from one person to another.

## **10 Vehicle Operator - Dress Code and Conduct**

- (1) When engaged in the operation of a Passenger Vehicle for Hire licenced under this By-law, every Operator issued a Licence under this By-law shall:
- a. have on footwear;

- b. maintain clothing in a neat and tidy condition;
  - c. conduct himself/herself in an orderly manner with no solicitation of any kind.
- (2) Every person licenced under this By-law shall notify the office of the Manager responsible for this By-law of a change of address within 7 days.
- (3) Shall keep a log of all fares for a period of six months and be made available to the By-law Officer upon request
- (4) Shall have their Operator's Licence on display at all times while operating any Passenger Vehicle for Hire covered in this bylaw.
- (5) No one is permitted to smoke or vape in a vehicle licensed under this By-law, evidence of smoking or vaping, will result in revocation of the Operator's Licence until remedied and shall be an offence under this By-law.

## **11 Customer Service**

- (1) Every Licenced Operator shall proceed by the most direct route to the point of destination, unless otherwise directed by the passenger.
- (2) A Licenced Operator shall only convey the person or persons engaging his vehicle and shall not pick up other passengers, unless agreed to by the person or persons who engaged the Licenced Operator's services.
- (3) The Owner or Operator of a licenced vehicle shall not refuse or neglect to convey any orderly, fare paying, person, or persons upon request, unless previously engaged, or unable to or prohibited by the provisions of this By-law. A Licenced Operator may refuse to drive a person whose conduct is disorderly or when such person's conduct may cause the Operator to fear for his/her safety. An Operator may request payment upfront.
- (4) Every Licenced Operator may offer assistance to the passenger:
- a. entering and exiting the taxi; and
  - b. carrying luggage or any goods to and from the taxi.

## **12 Taxi Fares**

- (1) The rates as set out in the Resolution of the Council of the Municipality as per Schedule "C" (Schedule of Taxi Fares) attached to this By-law will be those established annually by Resolution of Council, from time to time, at any regularly scheduled meeting thereof. The rates shall be charged for conveyance in a licenced vehicle used for transporting passengers for hire, from point to point within the Municipality.
- (2) A Taxi Operator may charge a service fee if total fare is not fully paid in cash subject to the following:
- a. The maximum service fee that may be charged is:
    - i. \$2.00 for total fare up to and including \$100;
    - ii. \$5.00 for total fare exceeding \$100;

- b. The total fare plus service charge must be charged on a single transaction and shall not be divided into more than one transaction with the intent to increase the overall service fee collected from the passenger;
  - c. A receipt must separately itemize total fare and service fee; and
  - d. The total fare for the purposes of this Subsection 12(1) is the amount, or aggregate of amounts as allowed, as defined in Schedule "C" (Schedule of Fares).
- (3) Copies of the Schedule of Taxi Fares shall be furnished by a By-law Enforcement Officer to every person issued a Taxi Operator's Licence or Taxi Vehicle Owner's Licence and a copy of such schedule shall be displayed in a manner that it is easily viewed by passenger in all vehicles for which an Owner's Licence has been issued. The fare schedule established by Committee shall be affixed.
- (4) Every Taxi Vehicle Owner or Taxi Operator who receives or demands a fare greater than or less than that required by the Schedule of Taxi Fares shall be guilty of an offence under this By-law. Unless a previous written agreement is arranged. Said agreement shall be made available to Bylaw officer on demand or as soon as reasonably possible. Written agreement will show terms of prearranged agreement, date and individuals covered under the agreement.

### **13. Exemptions**

This By-law does not apply to:

- i. Outside Tours that originate outside of the municipality and
- ii. Charter Buses – 15 persons or more.

### **14. Taximeters - Sydney Service Area**

- (1) Every owner of a vehicle used as a Taxi in the Sydney Service Area, as described in Schedule "A" of this By-law, shall provide such vehicle with a taximeter of a model approved by the Manager responsible for this By-law. Such taximeter shall:
- a. be at all times in full view of the passengers;
  - b. be kept sealed and intact;
  - c. be operated from one of the front wheels of the motor vehicle or from the transmission; and
  - d. illuminated by a suitable light while in operation after dark.
  - e. affixed to the vehicle in a secure manner
- (2) A By-law Enforcement Officer or Peace Officer of the Municipality may at any time inspect any taximeter which is installed in a motor vehicle, and no Taxi Vehicle Owner's Licence shall be issued or renewed unless the taximeter is in compliance with Subsection 14(1) of this By-law.
- (3) Every Owner or Operator of a Taxi Licenced in the Sydney Service Area who transports for hire passengers without causing the taximeter in such vehicle to operate shall be guilty of an offence against this By-law. Unless subject to written arrangement in compliance with Subsection 12(3).

## **15. Emergency Call Number**

No Taxi Vehicle Owner's Licence shall be issued with the number 13. This number shall be available to all taxi operator's when calling dispatch to notify of an emergency situation requiring immediate police help.

## **16. Penalties**

- (1) Every person who contravenes or fails to comply with any provisions of this By-law shall, for each offence, be liable to a penalty of not less than \$100.00 and not more than \$5,000.00; and, in default of payment, the Manager responsible for this By-law may cancel or suspend the licence of such person.
- (2) Every person who does not have a valid Owner's Licence or Operator's Licence in compliance with this By-law who contravenes or fails to comply with any provisions of this By-law shall, for each offence, be liable to a penalty of not less than \$200.00 and not more than \$5,000.00. Every proprietor of a Passenger Vehicle for Hire business who knowingly:

- a. hires an individual to operate a Passenger Vehicle for Hire who is not properly licenced in compliance with this By-law; and/or
- b. allows an independent Taxi Vehicle Owner to operate from their Taxi Depot using a vehicle which is not properly licenced in compliance with this By-law;

shall also be liable to a penalty of not less than \$200.00 and not more than \$5,000.00 per individual offence.

- (3) Any person whose Licence has been canceled or suspended may appeal to the Appeals Standing Committee of the Municipality which may confirm or disallow the action of the Manager responsible for this By-law.
- (4) Repeated contraventions or non-compliance with this By-law may result in a License being revoked or suspended.

## **17. Previous By-laws Repealed**

By-law No. T-100, cited as the Cape Breton Regional Municipality Taxi By-law and all amendments thereto are hereby repealed.

**PASSED AND ADOPTED by a majority of the whole Council at a duly called meeting of the Cape Breton Regional Municipality held on April 11<sup>th</sup>, 2023, and as amended April 23, 2024.**

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Mayor Amanda M. McDougall-Merrill

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Christa Dicks, Municipal Clerk

***THIS IS TO CERTIFY** that the attached is a true and correct copy of the Passenger Vehicle for Hire By-law of the Cape Breton Regional Municipality adopted on April 11<sup>th</sup>, 2023, and including amendments approved by Council on April 23, 2024.*

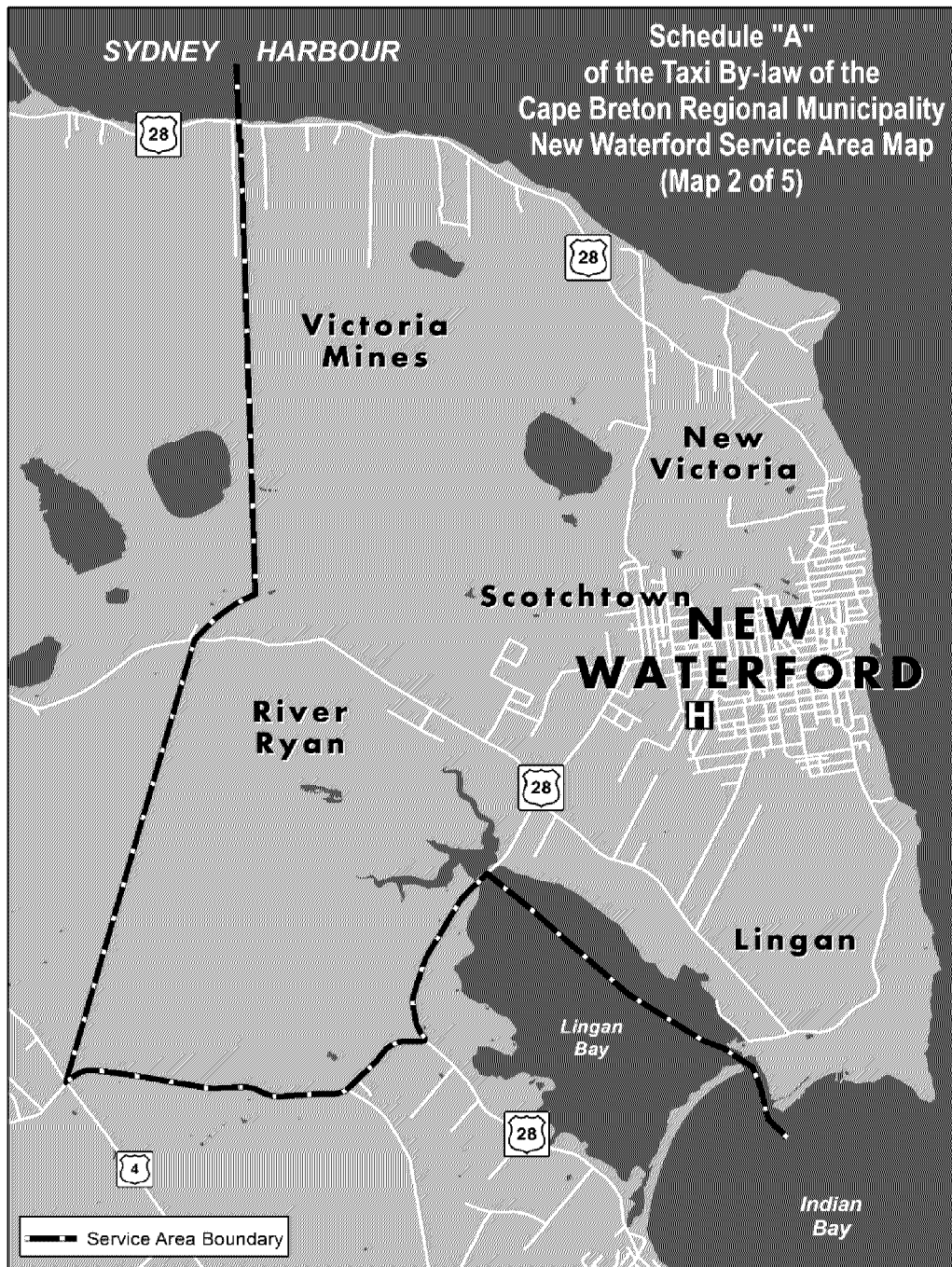
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Christa Dicks, Municipal Clerk

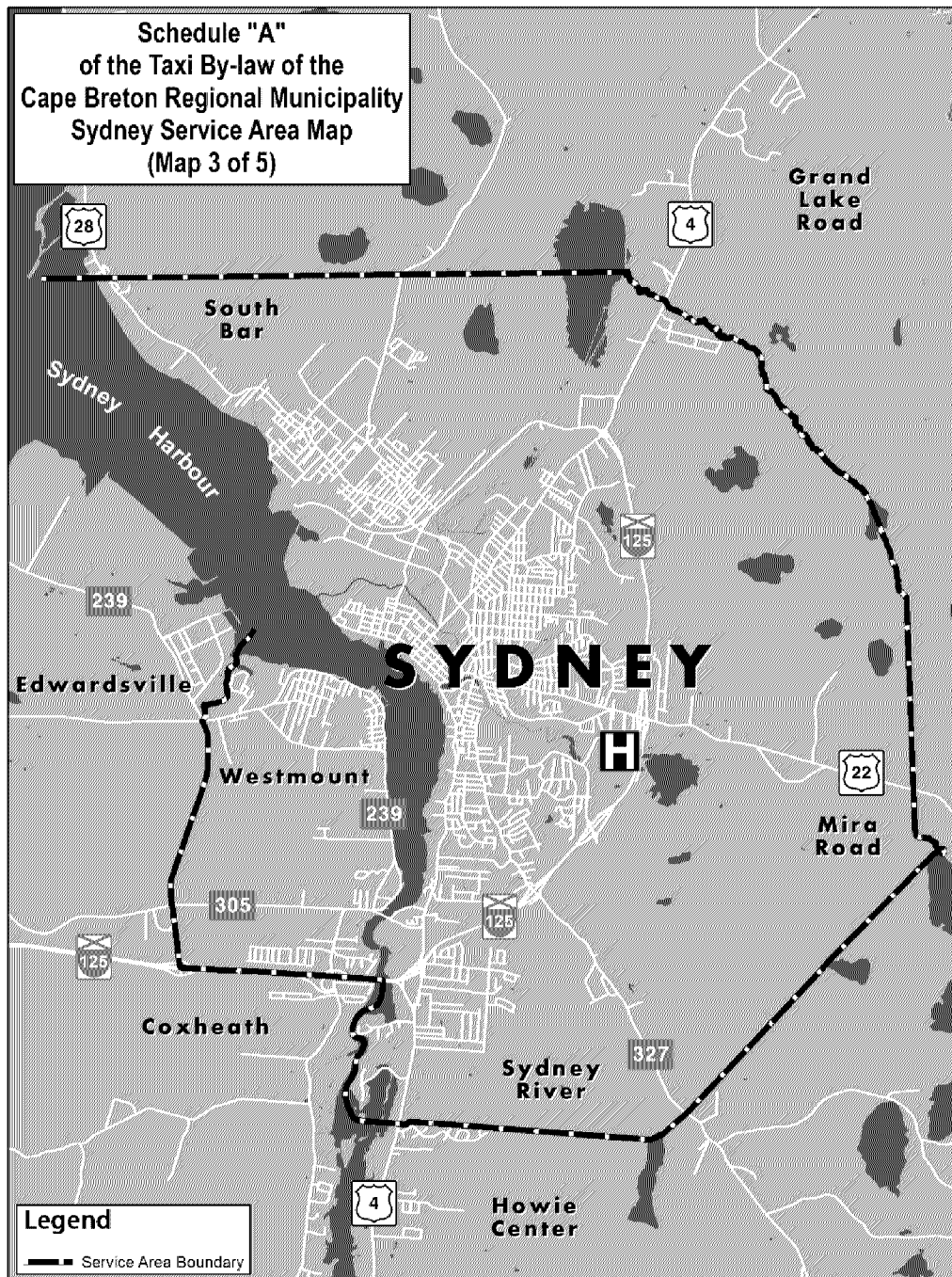
**Publication Date: April 27, 2024**

## Schedule “A” Service Areas

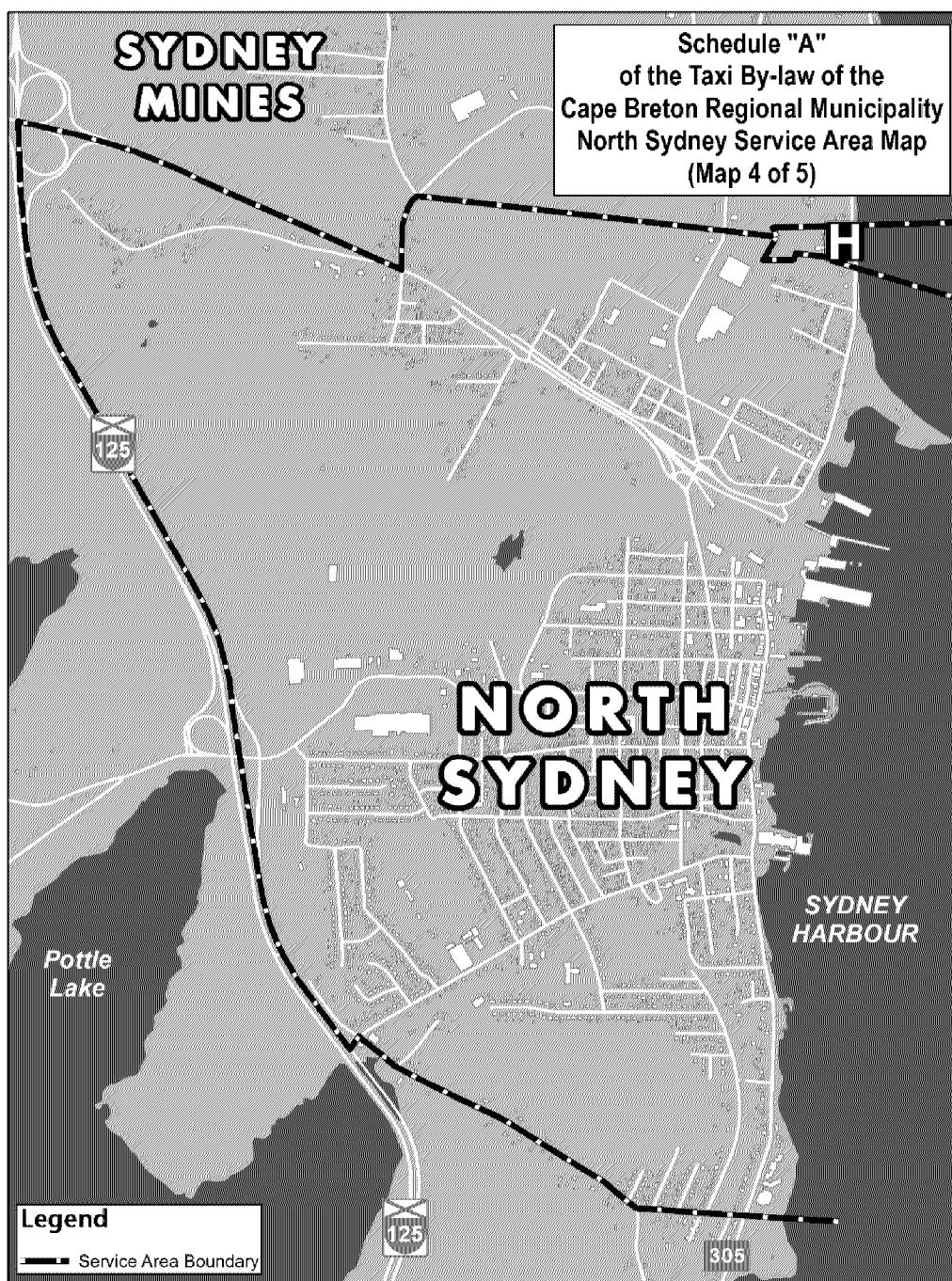
Schedule “A” includes the Glace Bay, New Waterford, Sydney, North Sydney, and the Sydney Mines Service Areas Maps.

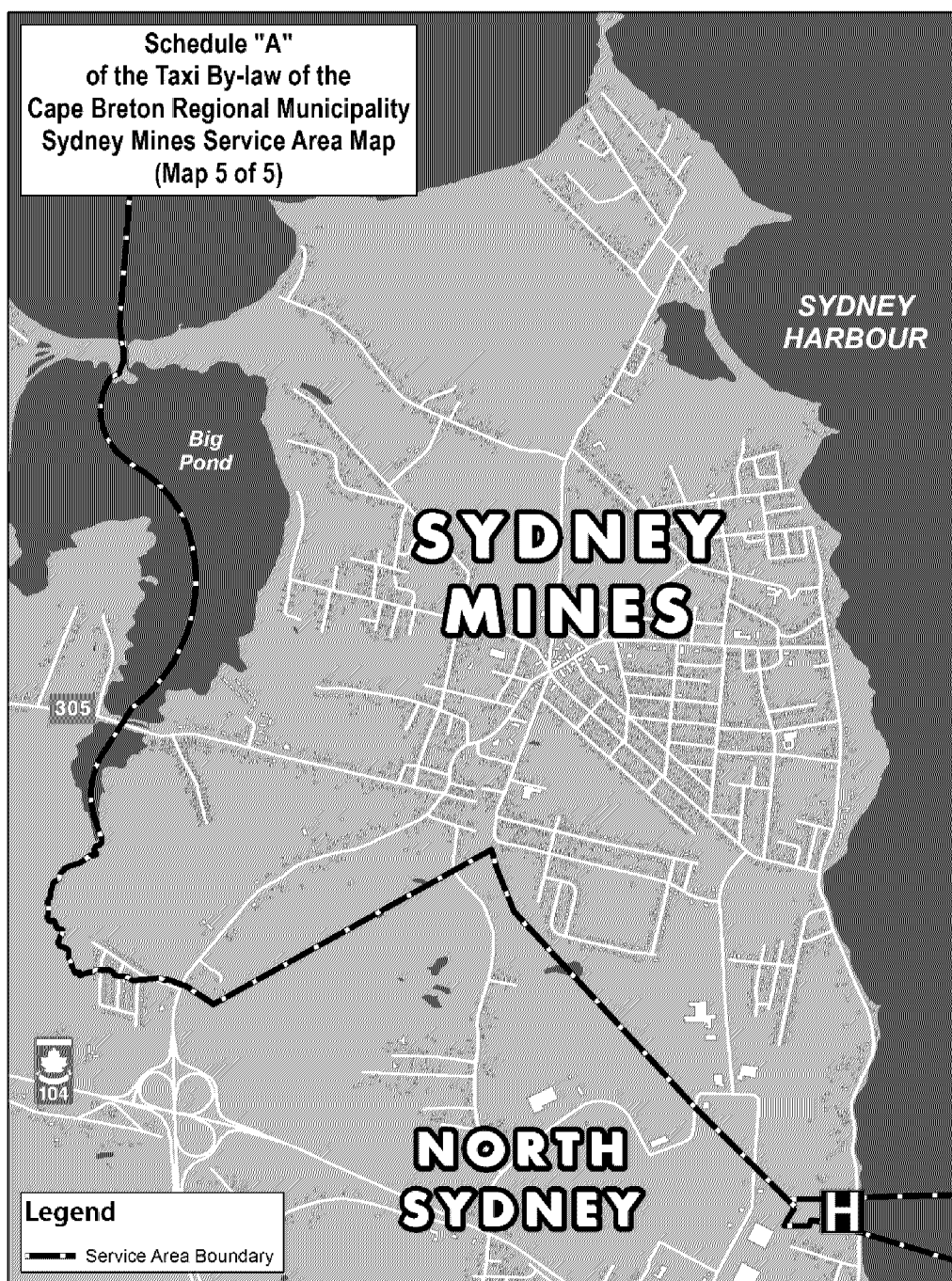












## Schedule “B” Licencing Fees

<b>ALL OPERATOR LICENCE FEES ARE PRO-RATED FOR CBRM FISCAL YEAR</b>	
<b><u>Vehicle Operator’s Licence</u></b> - Annual Licence	<b>\$45</b>
<b>Vehicle Owner's Licence (Taxi)</b> - Annual Licence	<b>\$45</b>
- Per Additional Service Area	<b>\$15</b>
<b>Luxury Vehicle Operator’s Licence</b> - Annual Licence	<b>\$45</b>
<b>Luxury Vehicle Owner’s Licence</b> - Annual Licence	<b>\$45</b>
<b>Local Shuttle Licence (Owner)</b> - Annual Licence	<b>\$45</b>
- An add on (e.g. Luxury Vehicle & Local Shuttle Licence – same vehicle)	<b>\$10</b>
<b>Local Tour Licence (Owner)</b> - Annual Licence	
- An add on (e.g. Taxi & Local Tour Licence – same vehicle)	

1. When a licenced vehicle is transferred from one owner to another within the same licencing year. Fee = \$45
2. Any vehicle that is replaced will be subjected to a fee.  
 Fee = \$15 outside a metered area - Taxi      Fee = \$30 within a metered area – Taxi
3. Fees can be amended from time to time via the Council.
4. If an application is either rejected or withdrawn, an administrative processing fee of 30% will be applied as part of the Refund Policy.
5. There shall be a fee of \$10 for the replacement Licence

## Schedule "C" Schedule of Taxi Fares

<b>All Fares include H.S.T.</b>	<b>Sydney (metered)</b>	<b>Sydney Mines (non-metered)</b>	<b>North Sydney (non-metered)</b>	<b>New Water. (non-metered)</b>	<b>Glace Bay (non-metered)</b>	<b>Florence (non-metered)</b>
Local Rate*  Additional charge: \$1.30 per passenger for outside service area  <b>Tendered Rates &amp; Special Rates for the conveyance of persons or groups may be made by private arrangement with the owner of the taxi business, owner of the vehicle, or operator of the vehicle in advance of call.</b>	<b>\$5.20 initial charge</b>  <b>(\$2.28 per mile or \$1.50 per kilom.)</b>  no extra charge  \$28.60 per hour on metered fares when meter is running.	<b>\$9.10 flat rate</b>  <b>\$0.65 cents (per 3<sup>rd</sup> person or more)</b>  <b>\$1.30 per person for outside Service area.</b>	<b>\$9.10 flat rate</b>  <b>\$0.65 cents (per 3<sup>rd</sup> person or more)</b>  <b>\$1.30 per person for outside Service area.</b>	<b>\$9.10 flat rate</b>  \$0.65 cents for each additional person;  <b>\$1.30 per person for outside Service area.</b>	<b>\$9.10 flat rate</b> within Glace Bay; within Dominion; or Reserve Mines as described below this table  <b>\$13.00 flat rate</b> between any two of the above communities  \$0.65 cents for each additional person  <b>\$1.30 per passenger for outside Service area</b>	<b>\$9.10 flat rate</b>
Rate for Fares outside the service area	\$1.50 per kilom.	\$1.50 per kilom.	\$1.50 per kilom.	\$1.50 per kilom.	\$1.50 per kilom.	\$1.50 per kilom.
Waiting Time	\$39.00 per hour	\$39.00 per hour	\$39.00 per hour	\$39.00 per hour	\$39.00 per hour	\$39.00 per hour
<b>Sydney</b>		<b>\$39.00</b>	<b>\$39.00</b>	<b>\$32.50</b>	<b>\$32.50</b>	<b>\$39.00</b>
<b>Glace Bay</b>	<b>\$32.50</b>	<b>\$71.50</b>	<b>\$71.50</b>	<b>\$26.00</b>	<b>\$ 9.10</b>	<b>\$71.50</b>
<b>New Waterford</b>	<b>\$32.50</b>	<b>\$71.50</b>	<b>\$71.50</b>	<b>\$ 9.10</b>	<b>\$26.00</b>	<b>\$71.50</b>
<b>North Syd.</b>	<b>\$39.00</b>	<b>\$13.00</b>	<b>\$ 9.10</b>	<b>\$71.50</b>	<b>\$71.50</b>	<b>\$ 13.00</b>
<b>Syd Mines</b>	<b>\$39.00</b>	<b>\$ 9.10</b>	<b>\$13.00</b>	<b>\$71.50</b>	<b>\$71.50</b>	<b>\$13.00</b>
<b>Florence</b>	<b>\$39.00</b>	<b>\$13.00</b>	<b>\$13.00</b>	<b>\$71.50</b>	<b>\$71.50</b>	<b>\$ 9.10</b>

Rates are current based on travel within and between communities noted above. Glace Bay and New Waterford - additional charges for extra passengers .65 cents per person; North Sydney and Sydney Mines additional charges for 3<sup>rd</sup> passenger or more .65 cents per person. Request for a van extra \$6.50 only if requested through dispatch (not on regular fares).

## **Schedule “D” Licensing Standards**

### **BASIC PRINCIPLES**

**THE FOLLOWING ARE GUIDELINES TO BE USED BY THE BY-LAW ENFORCEMENT OFFICER OR TRAFFIC AUTHORITY AND BY THE CAPE BRETON REGIONAL TAXI BY-LAW ENFORCEMENT OFFICERS WHILE EXERCISING THEIR AUTHORITY UNDER THE BY-LAW TO SUSPEND, REFUSE OR HEAR AN APPEAL REGARDING THE SUSPENSION, CANCELLATION OR REFUSAL OF A TAXI, LUXURY, LOCAL SHUTTLE, LOCAL TOUR OWNER’S OR OPERATOR’S LICENCE.**

- **It is acknowledged that each case must be reviewed to determine whether the application of the guidelines is appropriate in all of the circumstances. The ultimate decision continues to rest with the By-law Enforcement Office or Traffic Authority, subject to the applicant’s right of appeal to the Appeals Standing Committee of the Municipality.**
- **Repeated offences may result in greater suspension lengths, at the discretion of the Enforcement Officer. However, steps voluntarily taken by the individual to correct or improve their conduct (for example, completion of the Driver Education Course, regular attendance at Alcoholic Anonymous meetings, completion of a recognized defensive driving course) may result in a shorter suspension.**
- **In the case of criminal or ordinance charges, provided there is no potential risk to the public safety, suspensions are to commence upon conviction for the offence, regardless of the filing of an appeal.**
- **Where there has been a suspension prior to conviction, such suspension shall be reviewed by the Enforcement Officer upon a “not guilty” finding by the Courts.**
- **Where applicable, the suspension is to commence at the completion of any sentence or penalty, including probation, parole or the carrying out of a period of community service.**
- **In cases where no charges are laid, the suspension shall commence upon the Enforcement Officer notifying the operator or owner that he is satisfied that acts have been committed which render the operator or owner an unfit and improper person to hold a taxi license.**
- **Offences, which occur while a person is engaged in the operation of a taxi or limousine, may be treated with greater severity than other offences.**
- **The Enforcement Officer may, at their discretion and where circumstances warrant, suspend the operation of a suspension pending the outcome of an appeal before the Appeals Standing Committee of the Municipality.**



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## **REFUSED OR SUSPENSION WITHOUT RENEWAL**

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The following offences may result in the immediate refusal to grant or suspension of both the operator and owner's licenses. A license will not be renewed or issued where these offences have occurred. The operator's license will be suspended upon the operator being charged. The owner's license will be suspended upon conviction.

- **ABDUCTION**
- **ACTS OF TERRORISM** (i.e., hijacking, hostage taking, pirating)
- **ATTEMPTED MURDER**
- **MURDER**
- **IMPAIRED DRIVING** (second offence)
- **LIVING OFF THE AVAILS OF PROSTITUTION**
- **MANSLAUGHTER**
- **SEXUAL OFFENCES** (i.e., sexual assault, child molestation)
- **DRUG TRAFFICKING/ALCOHOL – BOOTLEGGING**
- **ORGANIZE CRIME**
- **OUTSTANDING CBRM RELATED MONIES \ FEES \ FINE**

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## **10 YEAR SUSPENSION**

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The following offences shall result in the suspension of the operator and owner's license for a period of ten (10) years or refusal to grant a licence for a (10) year period from the completion of any sentence or suspended sentence, including parole, probation, time spent performing community service, or the payment of any time.

Unless otherwise stated, the suspension of the operator's license is to commence upon the charge, the suspension of the owner's license upon conviction.

- **ASSAULT CAUSING BODILY HARM**
- **ROBBERY**



## **5 YEAR SUSPENSION**

The following offences shall result in the suspension of the owner's and operator's license for a period of five (5) years or refusal to grant a licence for (5) years from the completion of any sentence or suspended sentence, including parole, probation, time spent performing community service, or the payment of any fine.

Unless otherwise stated, the suspension shall take place upon conviction.

- **BREAK AND ENTER**
- **CRIMINAL NEGLIGENCE CAUSING DEATH**  
(Motor vehicle-related)
- **POSSESSION OF FIREARMS**

## **2 YEAR SUSPENSION**

The following offences shall result in the suspension of the operator's license for a period of two (2) years or refusal to grant a licence for a period of (2) years from the completion of any sentence or suspended sentence, including parole, probation, time spent performing community service, or the payment of any fine.

Unless otherwise stated, the suspension shall take place upon conviction.

- **INDECENT EXPOSURE**
- **POSSESSION OF WEAPONS (other than firearms)**
- **FRAUD**

## **1 YEAR SUSPENSION**

The following offences shall result in the suspension of the operator's license for a period of one (1) year or refusal to grant a licence for a period of (1) year from the completion of any sentence or suspended sentence, including parole, probation, time spent performing community service, or the payment of any fine.

Unless otherwise stated, the suspension shall take place upon conviction.

- **CARELESS AND IMPRUDENT DRIVING**
- **DANGEROUS DRIVING (Criminal Code Charges)**
- **IMPAIRED DRIVING (first offence)**
- **POSSESSION OF DRUGS**
- **THEFT UNDER \$1,000**
- **POSSESSION OF STOLEN GOODS**
- **PROSTITUTION**

### **4 WEEK SUSPENSION**

The following offences shall result in the suspension of the operator and/or owner's licenses for a period of four (4) weeks or refusal to grant a licence for a (4) week period from the completion of any sentence or suspended sentence, including parole, probation, time spent performing community service or the payment of any fine.

- **DRIVING WITHOUT INSURANCE AS REQUIRED IN THE BY-LAW** (suspension is to continue for four weeks Following proof of reinstatement of insurance)
- **DRIVING WHILE TAXI OPERATOR'S LICENSE IS SUSPENDED or EXPIRED** (suspension is to continue for four weeks after reinstatement of license)

## **APPEALS STANDING COMMITTEE**

**There will be an Appeals Standing Committee set up to review the by-law from time to time and to hear disputes between operators/ owners and enforcement officers.**

**This committee will have authority to rule on issues regarding suspensions and refusals.**

## **APPEAL PROCESS**

**All appeals to actions of the Enforcement Officer shall be in writing. Forms are to be made available at the office of the manager responsible for this by-law. Prescribed written form will be as developed by the Appeals Standing Committee from time to time and must be signed by both the Complainant and the Enforcement Officer.**

**A fee of \$25.00 will accompany all applications for appeal. No appeal will be heard with out both the prescribed form and fee submitted. Fees submitted with applications for appeal will be refunded should the applicants appeal be upheld.**

**The Appeals Standing Committee will develop a guideline for setting up and hearing such disputes that may arise and attached as Appendix A of the taxi by-law.**