Taxi Regulations

The following Regulations have been made by the Council of Grand Falls-Windsor by the authority granted by Section 414 of the Municipalities Act, 1999, Chapter M-24 and amendments.

Taxi Regulations

1. These regulations may be cited as "The Taxi Regulations" of the Town of Grand Falls-Windsor.

Interpretation

2. For the purpose of these Regulations, unless the context otherwise requires:

(a) "Act" shall mean the Municipalities Act, 1999, Chapter M-24.
(b) "Applicant" shall mean a person as herein defined presenting to or filing with the Council, an application for a license pursuant to these Regulations or causing such application to be presented or filed on their behalf.
(c) "Council" shall mean the Town Council of the Town of Grand Falls-Windsor.
(d) "Cruise" or "Cruising" shall mean the driving of a taxicab on, over or along the streets, highways or public places of the Town soliciting prospective passengers for transportation in a taxicab for compensation.
(e) "Driver" shall be held to include all persons holding a taxicab driving license in charge of the operation or driving of a taxicab as owner, agent, licenses, servant or employee of the owner.
(f) "Holder" shall mean an owner or driver who presently holds a license.
(g) "Hire" or "Compensation" shall mean and include any money, thing of value, payment, consideration, reward, tip, profit, donation or gratuity, paid to, accepted or received by the owner or driver of any vehicle in exchange for transportation of a person or persons whether paid upon solicitation, demand or contract or voluntarily, or intended as a gratuity or donation.
(g(1)) Immediate family member means – husband, wife, mother, father, son, daughter, brother, sister.
(h) "Inspector" shall mean the person or persons appointed by the Council to supervise all vehicles and persons licensed under these Regulations and to enforce compliance with the provisions of these Regulations.
(i) "License" shall mean a Taxicab Operating License or a Taxicab Driving License issued pursuant to these Regulations.
(j) "Owner" shall be held to include all persons holding a Taxicab Operating License such that such person has direction, maintenance and benefit of the collection of revenue derived from the operation of any taxicab whether as owner, lessee, licensee or bailee or in possession under any conditional sale or hire purchase agreement.

(k) "Person" shall mean and include a person, a firm, partnership, corporation or company.

(l) "Suburban Taxicab" shall mean a taxicab used or employed in the transportation of passengers to or from a point in the Town, to or from any place situated outside the limits of the Town.

(m) “Taxicab” means a motor vehicle other than a bus or a school bus, within the meaning of the Highway Traffic Act, used to transport passengers for compensation.

(n) "Taxicab Operating License" means a license issued by the Council to operate a taxicab which shall be in the form of Form A, hereto annexed, which Form A is to be taken as part and parcel of these Regulations or in such other form as the council may from time to time prescribe.

(o) "Taximeter" or "Meter" shall mean and include a mechanical instrument or device attached to a Taxicab by which the charge for hire of the Taxicab is mechanically calculated, either for distance travelled or for waiting or for both, and upon which such charge is plainly registered by means of figures indicating dollars and cents and having attached thereto a flag which will show if the Taxicab is or is not hired.

(p) "Transfer" shall mean any sale, assignment, transfer, mortgage or other charge of alienation whatsoever of any license.

(q) "Transferee" shall mean the person to whom any transfer of any Taxicab Operating License or a Taxicab Driving License is made or is proposed to be made.

(r) "Town Clerk" means the Town Clerk of Grand Falls-Windsor.

(s) "Town" shall mean the Town of Grand Falls-Windsor as defined by the act.

(t) "Waiting Time" shall mean:

(i) the time during which the Taxicab is stopped while under engagement through traffic interruptions or for delays,

(ii) the time consumed while the Taxicab is not in motion at the direction of a passenger.

(iii) the time consumed while the Taxicab is under engagement and travelling at five miles per hour, or less,

(iv) the time consumed while waiting for a passenger after having responded to a call provided that no charge shall be made for the time consumed by the premature response to a call for the first three minutes following timely arrival at any locality in response to a call nor for time consumed or lost through traffic interruptions or delays caused by the inefficiency of the Taxicab or its Driver, or

(v) the time consumed while the Taxicab is under engagement and stopped temporarily as a result of traffic, weather or other road conditions.

(u) Taxi Dispatch Centre shall mean any place that is approved by Council from which a taxi may be radio dispatched.

(v) Taxi Stand shall mean a place, approved by Council, in a commercial area where more than one (1) taxi cab may be parked on the property at any given time.

3. The provision of the Regulations shall apply to all Taxicabs plying for hire, used or operated within the Town and to owners and drivers of all such taxicabs.

4. The Owner of any Taxicab shall not play for hire therewith or use or operate the same or cause or allow the same to be used or operated within the Town without a Taxicab Operating License.

   (a) A vehicle designed for an used to transport disabled persons, shall be exempt from these regulations.

5.(1) Every application for a License shall be made in writing to the Council on Form "A"(1) and shall
   (a) comply with these Regulations in all respects;
   (b) set forth the name, age and address of the applicant, or, if a corporation, its name, date and place of business and the names of its officers, together with their respective addresses, or if a partnership, association or unincorporated company, then the names of the partners comprising the partnership, association or company together with their respective ages and addresses, and also state the trade name or style, if any, under which the Applicant proposes to operate; full information pertaining to the extent, character, and quality of the proposed operations are to be conducted, the type, model, capacity and condition of the Taxicab or Taxicabs proposed to be operated;
   (c) contain such other information as the Council may require to enable it to form an opinion as to the fitness of the Applicant for the License for which the application is made or to ensure compliance with these Regulations;
   (d) be accompanied by the fees prescribed by these Regulations for the License for which the application is made; and

   (2) Where such application does not contain sufficient information to enable Council to make a decision or fails to comply with these Regulations, the Council shall notify the Applicant in writing of such defects, which may be corrected, and submitted to Council within ten (10) days after notification, if such corrections are as deemed necessary have not been submitted within (10) days after notification, the application shall be refused.

   (3) If any application is refused the Council shall return to the Applicant the fees forwarded therewith.

6. No transfer of any License shall be made without the written consent of Council.

7. Where a Holder abandons or discontinues the carrying on of a or the business of owning or operating or driving of a Taxicab or all of them the License issued to him in respect of the business abandoned or discontinued shall forthwith lapse, be invalid and of no force or effect.

8. Every Owner of more than one Taxicab required to be licensed under these Regulations shall take out a separate license for each Taxicab by making application on form "B" 1990.

9. No License shall be granted to any Applicant who is not, in the opinion of Council, a fit and proper Person to hold the License for which application is made

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

10. Any License is automatically cancelled:
    (a) upon suspension or cancellation of the license or certificate issued pursuant to the Highway Traffic Act or regulations thereunder;
    (b) upon the Holder thereof being prohibited from driving a motor vehicle under and by virtue of the Criminal Code of Canada and amendments thereto;

11. (a) No License shall be issued to any person unless the location of the public or private Taxicab stand from which the Taxicab in respect of which the license is applied for is to be operated is approved as a Taxicab stand by the Council, and such stand shall be maintained within the Town;
    (b) Every application for a License shall specify in detail the location of the Taxicab stand from which the Taxicab in respect of which the License is applied for will be operated.

12. An owner operating a Taxicab business from an approved stand, shall be permitted to operate Taxicabs whose licensed drivers are not solely occupied in the driving of a Taxicab (commonly referred to as part-time drivers).

13. The Council may from time to time fix and alter the total number of Taxicabs which may be Licensed under the Regulations.

14. The prescribed fees to be issued under these Regulations shall be as follows:

    Annual Taxicab Operating License.....$120.00
    Decal for Operating Taxicab.....$ 20.00
    Replacement Decals for Operating Taxi.....$ 10.00
    Transfer Fee for Annual Taxicab Operating License.....$ 10.00

15. (1) Every License issued shall run from the first day of April following or date of issue of the License in one year and expire on the thirty-first day of March.

    (2) Notwithstanding anything to the contrary herein contained all Licenses issued under the Provision of these Regulations shall be cancelled upon thirty (30) days written notice if the permits are not being utilized.

    (3) Every taxi cab license shall remain the property of Council, not withstanding Regulation 16 (4) a license may be transferred to an immediate family member.

    (4) Council shall not issue any more than seven (7) taxi cab operating licenses. If any license in effect as of April 1, 2004 is discontinued by the Holder, Council shall cancel that license and no other taxi cab operating license shall be issued, until the maximum number of licenses issued is five (5).

TAXIMETERS

16. (a) It shall be unlawful for any Owner or Driver to ply for hire with, or use or operate or cause to be used or operated any Taxicab (other than a suburban taxicab) in the Town unless and until such Taxicab shall be operated with a taximeter of a type approved by the Council or the Inspector. The taximeter shall be adjusted in accordance with the tariff prescribed in Schedule "A" of these Regulations, which is to be taken as part hereof and it shall be the duty of every Owner operating such Taxicab and also the Driver thereof to keep the taximeter installed therein operating at all times within such standard of accuracy as may be prescribed from time to time by the Council. On any trip to which the tariff of fares provided by these Regulations applies, no passenger shall be in any such Taxicab, unless the taximeter shall be kept operating continually during the entire time that the Taxicab is engaged in the transportation of passengers for hire on such trip;

(b) Every Taximeter used in the operation of a Taxicab shall be attached to that Taxicab in a location and manner approved by the Inspector and shall be placed so that the reading dial showing the amount to be charged, shall be well lighted and readily discernible at all times between dusk and dawn that the Taxicab is in operation;

(c) Every Taximeter used in the operation of Taxicabs, shall be subject to inspection at any time by the Council or its agents or employees or any police officer. Upon discovery of any inaccuracies in such Taximeter, the Owner or Driver of the Taxicab in which it is installed, shall remove or cause to be removed, the said Taxicab from service until such Taximeter shall have been repaired and accurately adjusted. Every Taximeter shall be inspected and tested for accuracy by the Owner at least once every six (6) months. Upon completion of such inspection and of any adjustments necessary to cause such taximeter to operate within the standard of accuracy approved by the Council.

(d) It shall be unlawful for any Driver of a Taxicab while carrying passengers to display the flag attached to the Taximeter in such a position as to denote that such Taxicab is not employed or to show the Taxicab is not actually employed, or to fail to show the said flag in a non-recording position at the termination of each and every service.

17. All charges for Taxicab service to which the tariff of fares, provided by these Regulations, applies, shall be calculated and indicated by a Taximeter in accordance with the tariff of fares prescribed in Schedule "A" and all times which the Taxicab is engaged on such service the flag of the Taximeter shall be thrown into a position to register charges for mileage and no Taximeter shall be so operated as to cause any charge to be registered thereon except during the time when the Taxicab is engaged by a passenger or passengers.

Equipment and Operation

18. (1) Every Taxicab shall at all times be equipped with all equipment as required under the Highway Traffic Act.
(a) with an identity light attached to the top of such Taxicab which light shall be constructed in one unit consisting of an illuminated plate or cylinder upon which is printed the name of the taxi stand and or telephone number of such taxi stand, or shall have the name of the taxi stand and telephone number printed on the sides of the vehicle in letters of not less than six (6) inches in height. The overall dimension of such identity light shall not exceed six (6) inches in height by twenty (20) inches in length.

19. (1) Each taxicab authorized to operate within the Town of Grand Falls-Windsor shall display on the rear of the vehicle, an identification decal issued by the Town Clerk.

(2) No Holder shall exhibit on or about his Taxicab, any advertisement, number, plate, sign or card, other than those approved by or obtained from the Council or the Inspector, except his motor vehicle plates.

20. (1) Every Holder is responsible for the maintenance of his Taxicab such that the interior and exterior of said Taxicab be thoroughly cleaned at least once every seven (7) days and to be clean, sanitary and dry and in good repair; where the owner or driver of said Taxicab receives notice signed by the Inspector, that the Taxicab is not in a fit or proper condition for use, briefly stating said complaints, then the owner shall, within the time provided in the notice, put the same in fit and proper condition.

(2) Council shall approve a fleet colour for each holder of a taxi cab operating license.

(3) No Holder shall operate a taxi cab that is not of a colour approved by Council.

(4) The Taxi Inspector may grant a grace period, as he sees fit, to allow a reasonable period of time for a Holder to change the colour of a taxi cab to that approved by Council.

21. Every Holder shall, when required, submit his Taxicab for examination by an Inspector or any person authorized by him, and shall not at any time, when such Taxicab is not employed, prevent or hinder the Inspector, or any person authorized by him, from entering his garage or other building for the purpose of inspecting the same.

22. (1) Every Taxicab operated under these Regulations is required to be submitted to a mechanical inspection at intervals of not more than four months at an approved Motor Vehicle Inspection Station, and a copy of the certificate of mechanical fitness shall be filed with the Town Clerk within three (3) days of said inspection.

(2) Taxis with special equipment such as ramps or power lifts, are required to submit to a Commercial Motor Vehicle inspection at intervals of not more than four (4) months, at an approved Motor Vehicle Inspection Station, a copy of the certificate of mechanical fitness shall be filed with the Town Manager/Clerk within three (3) days of said inspection.

23. Any applications to add a vehicle eight (8) model years old or older may be approved subject to the discretion of the inspection.

24. When an owner discontinues the use of, sells or otherwise disposes of his Taxicab, he shall forthwith remove there from the Taximeter, the identify light, the tariff card, the permit card, the Taxicab Operating License, the identification plate and all other items required solely by these Regulations. Thereafter no person shall drive or use or require that vehicle to be driven or used as a Taxicab until a new license has been issued in respect thereof unless the sale is made to the Transferee. In the event the owner acquires another Taxicab in place of the one sold or otherwise disposed of (for use as a Taxicab) he shall submit the later Taxicab to the Inspector for approval and certification before using the same and if such approval and certification is given, he shall attach and install the items mentioned herein before.

25. No Holder shall employ any person other than a Driver who holds a license issued pursuant to The Highway Traffic Act as the Driver of his Taxicab or permit such Taxicab to be driven by or placed upon any stand in charge of a person who does not hold such license.

26. Every Holder shall be of the full age of nineteen (19) years.

27. No Driver shall smoke while driving any passenger or passengers, unless the passenger or passengers consent thereto.

28. All Holders shall at all times obey the orders of any member of the Royal Newfoundland Constabulary or any member of the Royal Canadian Mounted Police or Municipal Enforcement Officer appointed by the Council or the Inspector.

29. No Holder shall seek compensation or apply for hire by driving the Taxicab upon any street in such a manner as to interfere with the normal flow of traffic or to interfere with the proper and orderly access to or from any place of public gathering, or to cruise in front of any place of public gathering, or to cruise in front of any place of public gathering except where said holder is accepting passengers at the building or place of public gathering.

30. No Driver shall carry any person other than the passenger and his or her party first engaging his Taxicab, unless by consent of the first passenger.

31. No Driver shall take, consume or have in his possession any liquor while he is in charge of a Taxicab, nor shall the use of liquor by him be apparent while he is in charge of any Taxicab. Provided, however, that nothing herein contained shall prevent a driver from purchasing and delivering liquor during the hours that stores of the Newfoundland Liquor Corporation are open for business and one

(1) hour immediately following the closing of such stores, to a person nineteen (19) years of age or over to his own residence.

32. (1) Every Driver shall be properly dressed, neat and clean in his person.

(2) Every Driver shall be civil, courteous and well behaved at all times when driving a Taxicab.

33. An Owner or Driver may refuse to provide or continue transportation to any person who is in an intoxicated or unfit condition or who is conducting himself in a boisterous or disorderly manner or is using profane or obscene language, and if such person is then in the Taxicab, the Driver may drive his Taxicab to the nearest policeman or police station and deliver the said person to such policeman or at such police station, anything herein contained to the contrary notwithstanding.

34. Where the Inspector issues a notice of violation of these Regulations or some provision thereof, a copy of such notice shall be forwarded to the Taxicab stand, operator, or manager who shall refuse further operation of a Taxicab by the offending holder until such time that the license is made to comply with the Regulations herein and verification has been given by the Inspector that the holder has so complied.

RATES AND FARES

35. The rates or fares to be charged by the Owners or Drivers of Taxicabs for the transportation or any passenger or passengers on any trip which commences and terminates within the Town or within one mile outside the limits of the Town, shall be exactly in accordance with the tariff of fare shown in Schedule "A" and no rates or fares higher or lower that are contained in the said Schedule shall be charged or payable.

(a) An Owner may enter into an agreement to transport passengers, for or on behalf of an agency, business or Government Department, on a regular daily basis and at a rate not approved in Schedule “A”. A copy of such an agreement shall be filed with the Town Manager/Clerk.

(b) A vehicle used for purposes described in Regulation 35(a) shall be exempt for using a taxi meter.

36. When operating on a meter basis, the rate of fare charged shall be exactly as shown by The Taximeter together with any additional charges authorized in Schedule "A".

37. No Owner or Driver shall be entitled to recover or receive any fare or charge from any person or persons from whom he shall have demanded any fare or charge greater or less than those authorized by these Regulations, or to whom he has refused to show his card of tariff as provided in these Regulations.

38. No person who engages any Taxicab shall fail or refuse, upon demand, to pay the fare or charge authorized by these Regulations, the reasonable fare or charge demanded for any service provided to such person.

39. The tariff rates herein authorized shall be computed from the time or place when or at which the passenger or passengers first enter the cab, to the time or place when or at which the passenger or passengers finally discharge the taxicab.

40. As many passengers up to the seating capacity of the Taxicab shall be transported for the one fare within the tariff of maximum rates fixed by Schedule "A" where the passenger paying the fare gives full consent and approval, but no Driver or Owner shall carry or permit to be carried in any Taxicab at any one time more passengers than the designated seating capacity of the Taxicab will accommodate and in no case more than six seated adults or equivalent including the driver.

41. No Holder shall use any tariff card, other than that obtained from the Council, or remove, exchange, lend or otherwise dispose of such tariff card.

STAND

42. (a) It shall be a violation of these Regulations for a person or persons operating a taxi stand to operate a greater number of Taxicabs than authorized by Council.

(b) Every Owner operating any Taxicab, shall maintain a fixed place of business or location approved by the Council and shall not stand or ply for hire or carry on his or its business from any other place.

(c) A Holder who operates a Taxi Dispatch Centre shall not have any more than one (1) taxi cab parked on that property at any given time.

43. (1) Any Holder or a License issued under the provisions of these Regulations if he desires to continue the business of owning, operating, driving or using a Taxicab shall, on or before the expiry date of every existing License held by him or issued in respect of a Taxicab of which he is the Owner, apply to the Council for a new License to operate or drive a Taxicab or to use a motor vehicle as a Taxicab in the manner and way as an original License is applied for an in accordance with the provisions of Section 5 of these Regulations.

(2) Suburban Taxicab - No person shall use or operate a suburban Taxicab for the transportation of passengers on any trip which commences and terminates within the Town.

(3) Except as otherwise prescribed in these regulations, a vehicle which is being operated by a licensed day care center or a pre-school is exempt from the provisions of these regulations, while transporting children who are entrusted to the care of that day care center or pre-school.

PENALTIES

44. (a) The Inspector shall have the power to suspend any or all Licenses for cause or when he shall have determined that any of the provisions hereof have been violated or that any Holder shall have failed to comply with the terms of such License or the rules and regulations of the Council pertaining to the operation, driving or use and to the extent, character and quality of the service or any of them of any Taxicab;

(b) The Holder whose license has been suspended under this section shall be entitled to a hearing of the suspension before the Administration Committee of Council as soon as reasonably practicable after the date of the suspension and the Holder shall be notified of such hearing;

(c) Upon the hearing of the matter, the Administration Committee of Council may recommend to Council the reinstatement of the License, the continuation of the suspension of the License for such time as it deems fit, or the revocation of the License;

(d) Notice of the hearing on such suspension shall be in writing and shall be served at least five (5) days prior to the date of hearing thereof, such service to be upon the Holder or his or its agent of manager, and such notice shall state the grounds of complaint against the Holder and shall also state the time when, and the place where, such hearing will be held. In the event the Holder cannot be found or service of such notice cannot be made upon him in the manner herein provided, then a copy of such notice shall be mailed, postage fully prepaid.

(e) Council shall refuse to renew a taxi operating license when the Holder of a taxi operating license has not paid fines assessed by Provincial Court for violations of the Taxi Regulations approved by the Town.

45. After the revocation, suspension or cancellation of any License, it shall be unlawful for any person to drive, ply for hire with, use, operate, cause to be used or operated within the Town, a Taxicab, until such revocation, suspension or cancellation has been lifted.

46. Pursuant to Section 420 of the Act, any person who contravenes these regulations is guilty of an offence and is liable on summary conviction.

(1) for a first offence to a fine of not less than $100 and not more than $500 or to a term of imprisonment of not more than one month or to both the fine and the imprisonment.

(2) for a subsequent offence to a fine of not less than $500 and not more than $1,000 or to a term of imprisonment of not more than three months or to both the fine and the imprisonment.

47. (1) The Inspector shall have supervision over all persons licensed under these Regulations and over all Taxicabs together with the equipment used by them and the following shall be the duties of the Inspector in connection with the provisions of these Regulations:

(a) To report to the Council, the performance of his duties under these Regulations, whenever he shall be required by the Council to do so;
(b) To make all necessary inquiries concerning applications for Licenses as may be requisite to secure a due observance of the Law, and of these Regulations;
(c) To submit to Council, applications for Licenses and recommendations for the revocation or cancellation of any License, together with necessary report;
(d) To keep a register of all Licenses granted by the Council which shall contain the name and address of the applicant, the date of the License and such further particulars and to keep such other books as the Council may order;
(e) To enter in the aforesaid register, all transfers to any License together with name and address of the transferee;
(f) To cause to be made out, all Licenses and to sign all Licenses issued under these Regulations, the fees payable therefore having first been paid to the Town Clerk;
(g) To furnish each person taking out a License with one (1) copy of these Regulations.
(h) To ascertain by inspection and inquiry at times, set forth by Council, whether the Holder continues to comply with the provisions of the law and of these Regulations.

(2) Any act or duty to be performed by the Inspector under these Regulations, may be performed by any person authorized by the Council or such Inspector to perform such act or duty.

48. Each section of these Regulations and each separate part of each section is hereby expressly declared to be separable and, if any section, sentence, portion or part of these Regulations shall be declared invalid, such invalidity shall affect only such section, sentence, portion or part so declared invalid.

Michael Pinsent

Michael Pinsent
Town Manager/Clerk

Approved by Council at Meeting #438
on November 18, 2014.

Schedule "A"

Tariff of Fares

Start-up Rate	$3.75
Tenth of a kilometer rate	$0.20