

MUNICIPALITY OF NORMAN WELLS

BY-LAW NO. 09-27

BEING A BY-LAW OF THE TOWN OF NORMAN WELLS IN THE NORTHWEST TERRITORIES TO PROVIDE FOR THE SUPERVISION, LICENSING AND REGULATION OF THE VEHICLES CARRYING PASSENGERS FOR COMPENSATION WITHIN THE TOWN OF NORMAN WELLS IN THE NORTHWEST TERRITORIES PURSUANT TO THE CITIES, TOWNS, AND VILLAGES ACT, S.N.W.T., 2003; PART 4, C-70;

THE MUNICIPAL COUNCIL OF THE TOWN OF NORMAN WELLS, IN REGULAR SESSION DULY ASSEMBLED, ENACTS AS FOLLOWS:

SHORT TITLE

1. THIS BY-LAW MAY BE CITED AS THE TAXI BY-LAW.

INTERPRETATION

2. IN THIS BY-LAW:
 - A. "SENIOR ADMINISTRATIVE OFFICER" (SAO) MEANS THE SENIOR ADMINISTRATIVE OFFICER OF THE MUNICIPALITY,
 - B. "CONSTABLE: MEANS A PERSON WHO IS A MEMBER OF THE NORMAN WELLS R.C.M.P. DETACHMENT,
 - C. "COUNCIL" MEANS THE COUNCIL OF THE MUNICIPAL CORPORATION OF THE TOWN OF NORMAN WELLS,
 - D. "DISPATCH SERVICE" MEANS A RADIO EQUIPPED AND CONTROLLED SERVICE OPERATED UNDER A TAXI BUSINESS LICENCE USED FOR DISPATCHING TAXIS FROM BASE TO CUSTOMER,
 - E. "INDICTABLE OFFENCE" MEANS AN INDICTABLE OFFENCE OR A DUAL OFFENCE WHERE THE CROWN ELECTS TO PROCEED BY INDICTMENT,
 - F. "LICENCEE" MEANS THE OWNER AND OPERATOR OF A TAXI BUSINESS WHO HAS BEEN ISSUED A TAXI BUSINESS LICENCE OR THE MANAGER OF A TAXI BUSINESS WHERE THE OWNER IS ABSENT,
 - G. "TAXI BUSINESS" MEANS A BUSINESS LICENCED UNDER THIS BY-LAW,
 - H. "TAXI BUSINESS LICENCE" MEANS A BUSINESS LICENSE ISSUED PURSUANT TO THIS BY-LAW TO OPERATE A TAXI BUSINESS,
 - I. "OWNER" MEANS THE REGISTERED OWNER OF A VEHICLE LICENSED AS A TAXI,
 - J. "SUMMARY OFFENCE" MEANS A SUMMARY CONVICTION OFFENCE OR DUAL OFFENCE WHERE THE CROWN ELECTS TO PROCEED BY WAY OF SUMMARY CONVICTION,

- K. "TAXI" MEANS A FOUR (4 DOOR PASSENGER VEHICLE LICENSED TO CARRY PASSENGERS FOR COMPENSATION. ANY OTHER VEHICLE MAY BE DESIGNATED A TAXI AT THE DISCRETION OF THE SENIOR ADMINISTRATIVE OFFICER,
- L. "TAXI DRIVER" MEANS A DRIVER OF A VEHICLE LICENSED TO OPERATE AS A TAXI UNDER THIS BY-LAW,
- M. "TAXI DRIVER PERMIT" MEANS A PERMIT ISSUED UNDER THIS BY-LAW AUTHORIZING A DRIVER TO OPERATE A TAXI,
- N. "TAXI PERMIT" MEANS A PERMIT ISSUED UNDER THIS BY-LAW AUTHORIZING A LICENSEE AND OWNER TO OPERATE A TAXI,
- O. "TOWN" MEANS THE MUNICIPAL CORPORATION OF THE TOWN OF NORMAN WELLS IN THE NORTHWEST TERRITORIES.

TAXI BUSINESS

- 3. A. A TAXI BUSINESS LICENSE MAY BE OBTAINED UPON APPLICATION TO THE COUNCIL.
- B. NO PERSON, FIRM, PARTNERSHIP OR COMPANY SHALL OPERATE A TAXI BUSINESS WITHIN THE TOWN'S BOUNDARIES UNLESS A TAXI LICENSE HAS BEEN OBTAINED PURSUANT TO THIS BY-LAW AND ALL FEES AND CHARGES HAVE BEEN PAID.
- 4. A. NO LICENSEE SHALL OWN, POSSESS OR CONTROL MORE THAN ONE (1) TAXI BUSINESS LICENSE AT ANY ONE TIME.
- B. A TAXI BUSINESS SHALL NOT BE TRANSFERRED OR ASSIGNED WITHOUT THE WRITTEN APPROVAL OF COUNCIL.
- 5. A. EVERY TAXI OPERATING UNDER A TAXI BUSINESS LICENSE SHALL HAVE THE LICNESE DISPLAYED IN A PROMINENT PLACE WITHIN THE TAXI AT ALL TIMES.

TAXI PERMITS

- 6. A. EVERY TAXI PERMIT SHALL CONTAIN THE FOLLOWING:
 - I. THE NAME OF THE REGISTERED OWNER OF EACH TAXI;
 - II. THE SERIAL NUMBER OF EACH TAXI;
 - III. THE MOTOR VEHICLE LICENSE NUMBER OF EACH TAXI;
 - IV. THE NAME OF THE TAXI LICENSEE UNDER WHICH THE PERMIT IS ISSUED.
- B. A TAXI PERMIT SHALL NOT BE ALTERED OR TRANSFERRED WITHOUT PRIOR WRITTEN APPROVAL OF THE SENIOR ADMINISTRATIVE OFFICER AFTER PRIOR CONSULTATION WITH THE LICENSEE.
- C. A TAXI PERMIT MAY ONLY BE ISSUED UNDER THE FOLLOWING CONDITIONS:
 - I. UPON PRESENTATION OF A CERTIFICATE OF MECHANICAL FITNESS SIGNED BY A LICENSED MECHANIC WITH RESPECT TO THE TAXI FOR WHICH THE TAXI PERMIT IS BEING ISSUED. THE CERTIFICATE

OF MECHANICAL FITNESS SHALL HAVE BEEN ISSUED NO MORE THAN THIRTY (30) DAYS PRIOR TO THE APPLICATION FOR A TAXI PERMIT.

- II. UPON PROOF OF VALID REGISTRATION AND INSURANCE BY THE OWNER ON EACH VEHICLE BEING APPLIED FOR UNDER THE LICENSE.
- D. A TAXI PERMIT SHALL NOT BE TRANSFERRED TO ANOTHER TAXI UNLESS THE TAXI FOR WHICH A TAXI PERMIT WAS ISSUED AND IS BEING WITHDRAWN FROM USE AND IS BEING REPLACED BY ANOTHER TAXI.
- E. A TAXI PERMIT MAY ONLY BE ISSUED IN CONJUNCTION WITH A VALID TAXI LICENSE.

TAXI DRIVER PERMIT

- 7. A. NO PERSON SHALL OPERATE A TAXI WITHOUT A VALID DRIVER PERMIT.
- B. NO PERSON SHALL BE ISSUED A TAXI DRIVER PERMIT UNLESS THAT PERSON:
 - I. HAS OBTAINED THE FULL AGE OF NINETEEN (19) YEARS;
 - II. HAS A VALID CLASS 1, 2, 3, OR 4 LICENSE ISSUED UNDER THE VEHICLES ACT OF THE NORTHWEST TERRITORIES;
 - III. HAS A WRITTEN OFFER OF EMPLOYMENT FROM A LICENSEE;
 - IV. HAS A PAID FEE OF TWENTY-FIVE DOLLARS (\$25.00) PER ANNUM AND HAS OBTAINED A CERTIFIED COPY OF THIS BY-LAW;
 - V. HAS PROVIDED PROOF, AT TIME OF APPLICATION, THAT HE OR SHE HAS UNDERGONE AND PASSED A COMPLETE MEDICAL EXAMINATION WITHIN THE PREVIOUS YEAR;
 - VI. HAS COMPLETED AN APPLICATION, SIGNED BY THE APPLICANT AND THE LICENSEE (INDICATING OFFER OF EMPLOYMENT) AS SET OUT IN SCHEDULE "B" HERETO;
 - VII. HAS OBTAINED A CERTIFICATE OF CRIMINAL AND DRIVING CONVICTIONS SIGNED BY A MEMBER OF THE ROYAL CANADIAN MOUNTED POLICE.
- 8. NO TAXI DRIVER PERMIT SHALL BE ISSUED TO A PERSON WHO:
 - A. HAS BEEN CONVICTED, WITHIN THE PRECEDING ONE (1) YEAR, FOUR (4) OR MORE MOVING VIOLATIONS UNDER THE VEHICLES ACT OF THE NORTHWEST TERRITORIES, ANY REGULATION OR MUNICIPAL BY-LAW PASSED PURSUANT THERETO, OR ANY SIMILAR LEGISLATION IN FORCE IN ANY OTHER JURISDICTION;
 - B. HAS BEEN CONVICTED WITHIN THE PRECEDING TWO (2) YEARS, OF ANY SUMMARY OFFENCE OR INDICTABLE OFFENCE UNDER THE CRIMINAL CODE OF CANADA, THE

NARCOTIC CONTROL ACT OR THE FOOD AND DRUGS ACT
COMMITTED WHILE OPERATING A TAXI;

- C. HAS BEEN CONVICTED WITHIN THE PRECEDING ONE (1) YEAR, OF AN OFFENCE RELATING TO THE ILLEGAL SALE OF LIQUOR UNDER THE LIQUOR ACT OF THE NORTHWEST TERRITORIES OR ANY REGULATIONS PASSED PURSUANT THERETO.
9.
 - A. WHERE THE SENIOR ADMINISTRATIVE OFFICER REFUSED TO ISSUE A TAXI DRIVER PERMIT AND THE APPLICANT WISHES TO APPEAL THE DECISION OF THE SENIOR ADMINISTRATIVE OFFICER, THE APPLICANT SHALL NOTIFY THE SAO IN WRITING THAT HE WISHES TO APPEAL THE DECISION.
 - B. UPON RECEIPT OF A NOTICE, THE SENIOR ADMINISTRATIVE OFFICER SHALL SET THE APPEAL TO BE HEARD BY COUNCIL AND SO ADVISE THE APPLICANT.
 - C. UPON HEARING OF THE APPEAL, COUNCIL SHALL HEAR THE SUBMISSIONS OF THE SENIOR ADMINISTRATIVE OFFICER AND THE APPLICANT AND SHALL RENDER ITS DECISION AT THE REGULAR MEETING FOLLOWING THE APPEAL.
 10. THE SENIOR ADMINISTRATIVE OFFICER, UPON RECEIPT OF THE APPLICATION FOR A TAXI DRIVER'S PERMIT AND UPON BEING SATISFIED THAT THE CONDITIONS OF THE BY-LAW HAVE BEEN MET, SHALL ISSUE A TAXI DRIVER PERMIT.
 11. FALSE INFORMATION GIVEN BY AN APPLICANT ON THE APPLICATION OR WITH RESPECT TO ANY OTHER REQUIREMENTS OF THIS BY-LAW IS GROUNDS FOR REFUSAL TO ISSUE A TAXI PERMIT OR FOR IMMEDIATE CANCELLATION OF THE TAXI DRIVER PERMIT.
 12. EVERY TAXI DRIVER, WHILE ON DUTY, SHALL DISPLAY IN HIS VEHICLE, IN A PROMINENT PLACE, THE TAXI DRIVER PERMIT AND UPON REQUEST OF A CONSTABLE MUST PRESENT THE PERMIT FOR INSPECTION.
 13. EVERY LICENSEE, OWNER OR TAXI DRIVER, SHALL, UPON REQUEST, ASSIST ANY PEACE OFFICER OR MEMBER OF THE FIRE DEPARTMENT IN THE CONVEYANCE OF ANY PERSON TO ANY PLACE. THE TAXI DRIVER SHALL BE ENTITLED, AFTER PERFORMANCE OF SUCH SERVICE, TO RECEIVE THE FEE THEREOF FROM THE PERSON CONVEYED.
 14. A TAXI DRIVER, WHILE ON DUTY, SHALL NOT CONSUME ANY INTOXICATING LIQUOR, NARCOTICS, DRUGS OR OTHER ILLEGAL SUBSTANCE, OR UNLAWFULLY KEEP OR CARRY ANY INTOXICATING LIQUOR, DRUGS, OR OTHER ILLEGAL SUBSTANCE IN A TAXI.
 15.
 - A. NO LICENSEE, OWNER OR TAXI DRIVER SHALL REFUSE OR NEGLECT TO CONVEY AN ORDERLY PERSON UPON REQUEST UNLESS PREVIOUSLY ENGAGED OR PROHIBITED TO DO SO BY PROVISION OF THIS BY-LAW.
 - B. A LICENSEE, MAY BY WRITTEN NOTICE TO AN INDIVIDUAL OR COMPANY SUSPEND OR CANCEL SERVICE TO THAT INDIVIDUAL OR COMPANY. THE WRITTEN NOTICE MUST CONTAIN THE REASONS FOR SUSPENSION OR CANCELLATION AND A COPY OF THAT NOTICE SHALL BE FORWARDED IMMEDIATELY TO THE SENIOR ADMINISTRATIVE OFFICER.

16. EVERY LICENSEE, OWNER OR TAXI DRIVER SHALL TAKE DUE CARE OF ALL PROPERTY DELIVERED OR ENTRUSTED TO AND ACCEPTED BY HIM FOR CONVEYANCE OR SAFEKEEPING, BUT SHALL NOT BE HELD RESPONSIBLE FOR ANY ARTICLE LEFT IN THE TAXI, IF NOT ENTRUSTED PERSONALLY TO HIM.

CONDITIONS OF TAXIS

17. A. THE LICENSEE, OWNER OR TAXI DRIVER OR ANY TAXI SHALL UPON REQUEST SUBMIT TO THE TOWN OF NORMAN WELLS AS AUTHORIZED BY COUNCIL, EACH TAXI OWNED AND OPERATED BY THEM FOR SAFETY AND CLEANLINESS TEST, THE FULL COSTS OF WHICH WILL BE BORNE BY THE OWNER.

B. THE TAXI PERMIT MAY BE CANCELLED, WHEN, IN THE OPINION OF THE INSPECTING OFFICER, THE TAXI IS FOUND TO BE IN SUCH CONDITION AS TO BE CONSIDERED UNSAFE FOR THE CONVEYANCE OF PASSENGERS.
18. EVERY TAXI LICENSED UNDER THIS BY-LAW SHALL MAINTAIN A LIGHTED-TOP SIGN DURING THE HOURS OF DARKNESS BEARING THE COMPANY NAME OR LOGO.

REVOCAION OF TAXI DRIVER PERMIT

19. A. COUNCIL MAY, AFTER NOTICE TO SHOW CAUSE HAS BEEN GIVEN TO A TAXI DRIVER AND/OR LICENSEE AND UPON HEARING THE SAME:
 - I. SUSPEND A TAXI DRIVER PERMIT FOR A PERIOD NOT EXCEEDING ONE (1) MONTH, OR
 - II. CANCEL ANY SUCH PERMIT.B. NOTICE TO SHOW CAUSE MAY BE GIVEN BY REGISTERED MAIL, TO THE LAST KNOWN ADDRESS OF THE TAXI LICENSE HOLDER. NOTICE MUST BE POSTED AT LEAST FOURTEEN (14) DAYS PRIOR TO THE DATE OF THE SHOW CAUSE.
20. A TAXI DRIVER PERMIT MAY BE SUSPENDED OR CANCELLED WHERE A TAXI DRIVER:
 - A. IS CONVICTED, WITHIN A ONE (1) YEAR PERIOD, OF FOUR (4) OR MORE MOVING VIOLATIONS UNDER THE VEHICLES ACT OF THE NORTHWEST TERRITORIES, ANY REGULATION OR MUNICIPAL BY-LAW PASSED PURSUANT THERETO, OR ANY SIMILAR LEGISLATION IN FORCE IN ANY OTHER JURISDICTION;
 - B. IS CONVICTED OF ANY INDICTABLE OFFENCE OR SUMMARY OFFENCE UNDER THE CRIMINAL CODE OF CANADA, THE NARCOTIC CONTROL ACT OR THE FOOD AND DRUG ACT WHILE OPERATING A TAXI;
 - C. IS CONVICTED OF AN OFFENCE RELATING TO THE ILLEGAL SALE OF LIQUOR UNDER THE LIQUOR ACT OR THE NORTHWEST TERRITORIES OR ANY REGULATIONS PASSED PURSUANT THERETO.

REVOCATION OF A TAXI BUSINESS LICENCE

21. A TAXI BUSINESS LICENSE MAY BE CANCELLED UPON THE CONVICTION OF A LICENSEE OR OWNER FOR THE ILLEGAL SALE OF LIQUOR OR ANY RELATED OFFENCE UNDER THE LIQUOR ACT OF THE TERRITORIES AND AMENDMENTS THERETO.

OPERATION OF A TAXI

22. A TAXI WILL BE CONSIDERED AS OFF DUTY ONLY AT THOSE TIMES WHEN THE TAXI DISPLAYS A SIGN TO THAT EFFECT, AND A LIGHTED ROOF LIGHT WILL BE DISPLAYED WHILE ON DUTY DURING THE HOURS OF DARKNESS.
23. WHENEVER REQUESTED BY A PASSENGER, THE TAXI DRIVER SHALL ISSUE TO SUCH PASSENGER, A RECEIPT FOR THE AMOUNT OF THE TAXI FARE PAID BY SUCH PASSENGER TO THE TAXI DRIVER. THE TAXI DRIVER'S NAME AND TAXI PERMIT NUMBER SHALL BE CLEARLY PRINTED ON THE RECEIPT.
24. NO PERSON SHALL OPERATE OR ALLOW TO BE OPERATED, A TAXI CARRYING PERSONS WITHOUT CHARGE IF THERE ARE PAYING PASSENGERS IN THE TAXI.

PENALTY CLAUSE

25. A. EVERY PERSON WHO CONTRAVENES ANY OF THE PROVISIONS OF THIS BY-LAW IS GUILTY OF AN OFFENCE, PUNISHMENT ON SUMMARY CONVICTION AND IS LIABLE TO A FINE OF NOT MORE THAN FIVE HUNDRED DOLLARS (\$500.00) OR TO IMPRISONMENT FOR ONE MONTH OR BOTH; AND IN DEFAULT OF PAYMENT OF ANY FINE IMPOSED A PERIOD OF IMPRISONMENT NOT EXCEEDING ONE (1) MONTH.
- B. AN OFFICER WHO HAS REASONABLE OR PROBABLE GROUNDS TO BELIEVE THAT A PERSON IS VIOLATING ANY PROVISIONS OF THIS BY-LAW MAY GIVE SUCH PERSON WRITTEN NOTICE OF INTENTION TO PROSECUTE IN THE FORM OF A TICKET AS DEFINED IN THE SUMMARY CONVICTION PROCEDURES ACT, SETTING FORTH THE DATE, TIME AND PLACE OF THE OFFENCE; BRIEFLY STATING THE NATURE OF THE OFFENCE; STATING THAT PAYMENT MAY BE MADE UNDER SECTION 25 (C) OF THIS BY-LAW.
- C. A PERSON WHO HAS RECEIVED A TICKET PURSUANT TO SECTION 25(B) IN RESPECT OF AN ALLEGED OFFENCE UNDER THIS BY-LAW, MAY WITHIN THIRTY (30) DAYS AFTER RECEIPT OF SUCH TICKET, IN LIEU OF PROSECUTION UNDER THIS BY-LAW PAY TO THE CLERK OF THE TERRITORIAL COURT SUCH PENALTY AS IS SET OUT IN SCHEDULE "A" ATTACHED HERETO.
26. THAT BY-LAW NO. 88-07 IS HEREBY REPEALED.
27. THIS BY-LAW SHALL COME INTO EFFECT UPON THE DAY OF FINAL PASSING THEREOF.

READ A FIRST TIME THIS 28th DAY OF July, 2009, A.D.

Mayor

Town Manager S.A.O.

READ A SECOND TIME THIS 28th DAY OF July, 2009, A.D.

Mayor

Town Manager S.A.O.

READ A THIRD TIME AND FINALLY PASSED THIS 11th DAY OF August, 2009, A.D.

Mayor

Town Manager S.A.O.

It is hereby certified that this By-Law No. 09-27 has been made in accordance with the requirement of the Cities, Towns and Villages Act and the By-Laws of the Town of Norman Wells.

Town Manager/S.A.O.

TAXIS

REGULATION OF TAXIS:

A COUNCIL MAY, BY BY-LAW,

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| A. | PROHIBIT THE OPERATION OF A TAXI WITHOUT THE VEHICLE OR OPERATOR, OR BOTH, BEING LICENSED BY THE MUNICIPAL CORPORATION; | 5 |
| B. | REGULATE THE OPERATION OF TAXIS; | |
| C. | ESTABLISH QUOTAS FOR TAXI LICENCES; | |
| D. | ESTABLISH A TARIFF OF MINIMUM AND MAXIMUM FARES THAT MAY BE CHARGED BY TAXI OPERATORS; | 10 |
| E. | REGULATE THE TRANSFER OF TAXI LICENCES; | |
| F. | CLASSIFY TAXIS FOR THE PURPOSES OF THE BY-LAW; | |
| G. | REGULATE THE NATURE AND LOCATION OF TAXI STANDS; AND | 15 |
| H. | SUBJECT TO SECTIONS 179, 180 AND 181, PROVIDE FOR MATTERS RELATING TO THE ISSUANCE, SUSPENSION AND CANCELLATION OF TAXI LICENCES. | 20 |

SCHEDULE "A"

FINES

<u>SECTION</u>	<u>AMOUNT</u>
3(B) OPERATING WITHOUT A TAXI LICENSE	\$100.00
5 TAXI LICENSE VIOLATION	\$100.00
6 FAILURE TO DISPLAY TAXI PERMIT AND FARES	\$125.00
7 ALTERATION OF TAXI PERMIT	\$200.00
8 OPERATING A TAXI WITHOUT A TAXI DRIVER'S PERMIT	\$100.00
12 FAILURE TO DISPLAY OR PRODUCE TAXI DRIVER'S PERMIT ON REQUEST	\$ 25.00
13 REFUSAL OR FAILURE TO ASSIST PEACE OFFICER / FIRE DEPARTMENT	\$100.00
14 CONSUMING PROHIBITED SUBSTANCE WHILE ON DUTY	\$100.00
15 REFUSAL TO CONVEY PASSENGERS ON REQUEST	\$100.00
17 REFUSAL TO SUBMIT TAXI FOR INSPECTION	\$100.00
23 FAILURE TO ISSUE RECEIPT	\$ 25.00
24 CARRYING NON-PAYING PASSENGERS	\$ 25.00

SCHEDULE "B"

Application and Offer for Employment as Taxi Driver

I _____ am applying to _____ for employment as a taxi driver. Upon having provided the required documentation for a Taxi Driver Permit and upon having been offered employment with _____, I will accept an offer of employment.

_____ having provided all the necessary documents required for a Taxi Driver Permit is hereby offered an employment position with _____ to drive taxi.

Signature of Owner of Taxi Business

Date

I _____ accept the above employment offer.

Applicant's Signature

Date