

PUBLISHED BY AUTHORITY

The Town Council of the Town of Gander hereby adopts the following regulations under the provisions of Section 205 and any other section found enabling, of the *Municipalities Act, 1990* as amended.

Adopted by the Town Council of the Town of Gander on the 28th day of June, 1995.

Sandra Kelly
MAYOR

James Butler
TOWN CLERK

BUS REGULATIONS

1. These regulations may be cited as the Town of Gander Bus Regulations:
2. In these regulations, unless the context otherwise requires:
 - a. “Act” means the Municipalities Act, 1990, as amended;
 - b. “Bus” means a passenger vehicle having a capacity of not less than fifteen (15) passengers;
 - c. “Council” means the Town Council of the Town of Gander;
 - d. “Driver” means any person who is in actual charge of the operation of a bus, whether as owner or agent, licensee, servant or employee of the owner;
 - e. “Inspector” means any person appointed by Council to supervise all vehicles and persons licenses under these regulations and to enforce these regulations;
 - f. “Owner” means any person, firm or corporation who has control, direction, maintenance and benefit of the collection of revenue derived from the operation of any bus whether as owner, licensee, o bailee, or in possession under any condition of hire/purchase agreement;
 - g. “Town” means the Town of Gander as defined in paragraph 2 of Order-in-Council dated the 24th day of September, A.D. 1957, and continued as a Town under the said Act;
 - h. “Town Clerk” means the Town Clerk of the Town of Gander;

- i. “Annual Bus Driving Licence” means a licence to drive a bus and being in Form “B” to these regulations annexed on such other forms as Council may, from time to time, prescribe;
 - j. “Annual Bus Operating Licence” means a licence to use and operate a bus and being in Form “A” to these regulations annexed or such other form as Council may, from time to time prescribe;
 - k. If a corporation, its name and date of incorporation.
3. These regulations shall apply to all buses applying for hire, used or operated within the Town of Gander, and to the owners and drivers of all such buses but shall not apply to:
 - a. A bus or buses used or employed solely in the transportation of passengers from a point within the Town to a destination situated outside the limits of the Town or to any destination within the Town from any place situated outside the limits of the Town;
 - b. A school bus or buses used as such; and
 - c. A bus chartered on an occasional basis.
4. The Council may enter into an agreement with any person, for a period not exceeding ten (10) years, granting to that person an exclusive right to establish and operate a public transportation system within the Town, subject to such rates for fares and other conditions as may be set out in the agreement.
5.
 - a. No person, firm, partnership, association or corporation other than a person, firm, partnership, association or corporation with whom Council has entered into an agreement to maintain and operate buses for the conveyance of passengers within the limits of the Town shall operate a bus, except as subject to the provision in Section 3 within the limits of the Town;
 - b. The owner of any bus shall not ply for hire therewith or use or operate the same or cause or allow the same to be used or operate within the Town without first having obtained from Council an Annual Bus Operating Licence and such owner shall, prior to obtaining the licence, pay such fee to the Town Clerk;
 - c. No person shall drive or act as a driver of any bus without first having obtained from the Council an Annual Bus Driving Licence. This licence shall be in a form prescribed

by Council and such person shall, prior to obtaining the licence, pay such fee to the Town Clerk.

6. An application for an Annual Bus Drivers Licence and/or an Annual Bus Operating Licence shall be filed with the Town Clerk on forms provided by the Town.
 - a. If a corporation, its name, date and place of incorporation, address of its principal place of business and the names of its officers, together with their respective addresses, or if a partnership, association of unincorporated company, then the names of the partners comprising the partnership, association or company, together with their respective addresses;
 - b. The application shall 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 operation and the manner in which such proposed operations are to be conducted, the type, model, capacity, and conditions of the bus or buses proposed to be operated;
 - c. There shall be attached to such applications a certificate from a certified mechanic or his agents certifying that the bus proposed to be licensed has been inspected and approved by him;
 - d. The company so licensed under these regulations shall conform to a colour code, approved by Council. The name of the company shall be affixed to the side of the bus;
 - e. The application for the Bus Operating Licence shall be accompanied by copy of an insurance policy issued by a company authorized to assume risk in the province of Newfoundland, insuring the owner of the bus for which a licence is sought, against liability to third parties for bodily injury or death and damage to property of others by reason of the operation of the vehicle by himself, his servants, or agents, of persons under his control and Council shall not issue a licence to operate any bus until such policy has been deposited. The insurance policy so issued shall insure in all respects in a manner identical to the requirements of the Highway Traffic Act (Bus Insurance) Regulations of the Province of Newfoundland, as amended or as may be amended from time to time. The insurance policy shall be kept in force during the whole period of the licence, otherwise the licence shall be null and void.
7.
 - a. No licence under these regulations shall be granted to any applicant who is not, in the opinion of Council, a fit and proper person to hold such licence 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;

- b. No Annual Bus Operating Licence granted under the provisions of these regulations shall be assigned, transferred or alienated to any person, firm or corporation without the written consent of the Council.
8. All applicants for an Annual Bus Drivers Licence will produce a valid Class 2, Province of Newfoundland and Labrador Drivers Licence. All licences issued under these regulations shall comply with all Town, Provincial and Federal laws. Failure to do so will justify the Council in suspending or revoking any licence.
9. The inspector is hereby given the authority to suspend any licence issued under these regulations for failure or refusal to comply with the provisions of these regulations. Such suspension shall last for a period of, but not more than, seven (7) days. However, a licence may not be revoked unless the licensee has been given written notice of non-compliance with the provisions of these regulations and has had an opportunity to present evidence on his or her behalf.
10. Every owner of more than one (1) bus required to be licensed under these regulations shall apply for a separated Annual Bus Operating Licence for each bus.
11. The Council may, from time to time, affix or alter the total number of buses which may be licensed under these regulations and thereafter no licence in excess of the number so fixed shall be issued by Council unless circumstances so warrant.
12. The prescribed fees for licences to be issued under these regulations shall be determined by Council and may be altered from time to time.
13. Each licence issued shall be an annual licence and shall run from the first day of January of one year and expire on the thirty-first day of December in the succeeding year.
14. Every driver so licensed under these regulations shall post his Annual Bus Driver Licence in such a place as to be in full view of all passengers while such driver is driving a bus.
15. Every owner or driver so licensed under these regulations shall be of the full age of eighteen (18) years and must be in possession of a Class 2 Province of Newfoundland and Labrador Drivers licence.
16.
 - a. No person so licensed under these regulations shall smoke while driving a bus; and
 - b. Owners must post in their buses “NO SMOKING” signs.

17.
 - a. Any bus operating under these regulations shall be periodically inspected by the Inspector at such intervals as shall be determined by the Council, to ensure the continued maintenance of safe operating conditions;
 - b. The owner or driver of every bus so licensed under these regulations shall keep the interior and exterior of such bus clean, sanitary and in good repair.
 - c. The owner of every bus in respect of which a licence has been issued under these regulations, shall when required, submit the bus for examination by the Inspector or any person so authorized by the Inspector and no owner or driver shall, at any time, when the bus is not employed, prevent or hinder the Inspector, or any authorized person from entering the bus or at any time prevent or hinder persons so authorized from entering a garage or other building for the purpose of inspecting the bus; and
 - d. Where any licensed owner disposes of a bus and acquires another in its place, they shall submit the latter bus to the Inspector for approval and submit an application for an Annual Bus Operating Licence for the latter bus.
18. The licensed owner of any bus shall not employ any person other than a person so licensed under these regulations as the driver of that bus.
19. When any person employs a driver they shall within two (2) days thereafter, notify the Inspector that they have employed such driver, and should such driver quit, the owner shall, within the said period, notify the Inspector to such effect. The onus shall be upon the owner to ensure that each driver, regular or part-time employed, has obtained an Annual Driving Licence as required under these regulations.
20. No licensed owner or driver shall consume any liquor or alcoholic beverage while in charge of a bus.
21. Every driver licensed under these regulations and the owner if driving his or her own bus, shall be properly dressed, neat and clean in his or her appearance, and be civil and well behaved.
22. Every person so licensed under these regulations shall, upon changing his or her address, notify the Inspector thereof within two (2) days and give the new address.
23. Every bus operating under these regulations shall have a rate card setting forth the authorized rates of fare displayed in such a place as to be in the view of all passengers. The rates of fare to be charged shall be exactly in accordance with the tariff of fares approved by Council and no rates or fares higher or lower than the approved rates of fare shall be charge or payable.

24. No owner or driver licensed under these regulations shall publish or use a tariff or demand or receive any rate or charge which is not in accord with these regulations.
25. Every driver of a bus so licensed under these regulations shall have the right to demand payment of the regular fare in advance, and may refuse transportation unless so paid.
26. Notwithstanding anything contained in these regulations, all rights to licences issued under these regulations which remain inoperative for a period of ninety (90) days may be revoked.
27.
 - a. The Council shall have the power to suspend or revoke any or all licences granted under the provisions of these regulations when it shall have been violated. Before revocation of such licences the holder shall be entitled to a hearing thereon before the Council and shall be notified of such hearing;
 - b. Notice of hearing on such suspension or revocation shall be in writing and shall be served at least five (5) days prior to the date of hearing thereof. Such notice shall state the grounds of complaint against the holder of such licence and shall also state the time, date and place where such hearing will be held. In the event that the holder of a licence cannot be made upon the licensee in the manner herein provided, then a copy of such notice shall be mailed postage fully prepaid, addressed to the licensee at his or her last known address at least ten (10) days prior to the date of such hearing; and
 - c. After the revocation, suspension or cancellation of such licence, it shall be unlawful for any person to use or operate, or cause to be used or operate within the Town a bus in respect of which a licence has been revoked, suspended or cancelled. After the revocation, suspension or cancellation of a holder's Annual Bus Driving Licence, it shall be unlawful for that holder to drive a bus within the Town, except for the provisions contained in Regulation (3).
28. All bus routes shall be approved by council and no person, whether as owner or driver, shall operate any vehicle as a bus except on routes previously approved by Council. Council reserves the right to alter these routes if conditions become necessary.
29. Buses shall stop only at points approved by Council.
30. No bus shall remain stationary at any one stop for a period exceeding three (3) minutes.
31. No person shall operate a vehicle as a bus without displaying a distinctive sign indicating that it is a bus and no vehicles, other than buses licensed by Council under these regulations, shall use the stops established by Council.

32. The Inspector shall have supervision over all persons so licensed under these regulations and over all buses together with the equipment used by them.
33. Any act or duty to be performed by the Inspector under these regulations may be performed by any person authorized by the Council or Inspector to do so.
34. 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.
35. Any company or individual that operates a bus service in Town must provide an accessible bus to service its regular bus route and at regular bus operating times as determined by Council and as per all existing accessibility regulations and codes.
36. Every person who fails to comply with or otherwise contravenes any of the provisions of these regulations is guilty of an offence and is liable upon conviction to the penalty as set in the said Act.
37. These regulations shall come into effect on the 28th day of June, A.D., 1995.

Adopted at the Council meeting on the 28th day of June 1995.

Section 35 was Amended by Council on the 4th day of June 1997.