



## The Corporation of the City of Peterborough

### By-Law Number 24-061

Being a by-law to establish a Transit System

Recitals .....	1
Short Title .....	1
Interpretation .....	2
Establishment of Transit Authority .....	3
Administrative Penalties .....	3
Offences .....	3
General .....	4

#### Recitals

1. Section 69(2) of the Municipal Act authorizes municipalities to establish, operate and maintain an exclusive type of passenger transportation system within all of the municipality or such area of the municipality designated by By-law.
2. Section 69(7) of the Municipal Act authorizes a municipality with a bus passenger system to operate outside that municipalities boundary in connecting points within the municipality and any point outside of the municipality.
3. Schedule B of By-law 21-071 regulates the licensing of vehicles for hire having a seating capacity of not more than nine (9) individuals, exclusive of the driver Council.
4. By-law 1978-168 established an exclusive public bus transportation system within the City, with such by-law having not been amended since 1978.
5. It is Council's desire to update and modernize the By-law authorizing an exclusive public bus transportation system and to authorize the operation of such bus transportation system outside of the territorial jurisdiction of the City.

**Now therefore,** The Corporation of the City of Peterborough by the Council thereof hereby enacts as follows:

#### Short Title

1. This By-law may be referred to as the "Peterborough Transit By-law".

## Interpretation

2. Unless otherwise stated:
  - a) a reference to any statute or regulation refers to a statute or regulation of Ontario as it may be amended or replaced from time to time;
  - b) a reference to a by-law refers to a by-law of the City as it may be amended or replaced from time to time; and
  - c) a reference to a section, paragraph, clause or schedule is a reference to this By-law's section, paragraph, clause or schedule.
3. The table of contents and headings in this By-law are for convenience only and do not form part of this By-law.
4. If any part of this By-law is determined to be invalid by a court of competent jurisdiction, the invalid part is severed and the remainder continues to be valid.
5. In the event of any inconsistency between a provision of this By-law and of any other City by-law, the provision that, in the opinion of the City Clerk, more restrictively regulates prevails to the extent of the inconsistency.
6. The requirements of each schedule to this By-law are in addition to the requirements of the body of this By-law.
7. This By-law applies within the territorial limits of the City and provides authorization for operation of a public transportation system connecting to points outside of the territorial limits of the City, such operation being subject to the applicable law in such extra-territorial operations.
8. This By-Law does not apply to the GO Transit, a division of Metrolinx, or to buses used to transport pupils, including buses owned or operated by or for a school board, private school, or charitable organization.
9. In this By-law:
  - a) "Bus" means a motor vehicle as defined in the Highway Traffic Act having a seating capacity of greater than nine (9) individuals, exclusive of the driver, that is used to offer, facilitate or provide transportation of one or more individuals for a Fare.
  - b) "By-law" means this By-law including its schedules.
  - c) "City" means The Corporation of the City of Peterborough or the geographic area of the City of Peterborough as the context requires.
  - d) "City Clerk" means the City's Clerk and includes the City's Deputy City Clerk.
  - e) "Commissioner" means the City's Commissioner of Municipal Operations.
  - f) "Council" means the City's Council.
  - g) "Director" means the Director of Transit Services.
  - h) "Fare" means the total consideration to be given or paid for a Trip, without limitation including the fares set out from time to time in the City's User Fee By-Law.
  - i) "Inter-City Transit" means the operation of a Bus to convey passengers from within the territorial limits of the City to any point outside the territorial limits of the City and vice versa.

- j) "Intra-City Transit" means the operation of a Bus to convey passengers from any point within the territorial limits of the City to any other point within the territorial limits of the City.
- k) "Passenger" means each individual in a Bus other than the Driver.
- l) "Person" includes an individual, corporation or partnership.
- m) "Trip" means the route, distance and time travelled from the time and location at which a Passenger enters the Bus until the time that the Passenger exits the Bus at the final destination.

### **Establishment of Transit Authority**

- 10. The City will operate and maintain Intra-City Transit.
- 11. No Person other than the City may operate an Intra-City Transit.
- 12. The City may operate Inter-City Transit.
- 13. Each of the Commissioner and Director may, subject to direction from Council, make such decisions relating to Peterborough Transit's operations of the Intra-City Transit and Inter-City Transit as in their opinion best serves the needs of the City in delivering an effective Bus service. This authority includes the establishment and implementation of rules of conduct, and schedules. It is Council's opinion that the powers delegated pursuant to this By-law are of a minor nature having regard to the number of people, the size of geographic area and the time period affected by an exercise of the power.

### **Administrative Penalties**

- 14. AMP System By-law 20-073 applies to each administrative penalty issued pursuant to this By-law.
- 15. Each person that contravenes this By-law is, upon issuance of a penalty notice in accordance with AMP System By-law 20-073, liable to pay to the City an administrative penalty of:
  - a) \$1,000.00 for the remainder of the first day on which the contravention occurs; and
  - b) \$1,000.00 for each subsequent day on which the contravention continues.

### **Offences**

- 16. Each Person that contravenes this By-law is guilty of an offence and, upon conviction, is liable to a fine for each day or part of a day on which the offence occurs or continues of:
  - a) not less than \$1,000 and not more than \$10,000 for a first conviction of an offence;
  - b) not less than \$2,000 and not more than \$25,000 for a second conviction of the same offence; and
  - c) not less than \$5,000 and not more than \$50,000 for a third or subsequent conviction of the same offence.
- 17. A Person is not guilty of an offence for which a penalty notice has been issued pursuant to sections 15 or 16.

**General**

- 18. No proceeding for damages or otherwise may be commenced against the City, a member of Council, or an officer, employee or agent of the City or a Person acting under the instructions of the officer, employee or agent for any act done in good faith in the performance or intended performance of a duty or authority under this By-law or for any alleged neglect or default in the performance in good faith of the duty or authority.
- 19. This By-law is in effect when it is passed.
- 20. That by-law 1978-168 is hereby repealed.

By-law passed this 12<sup>th</sup> day of August, 2024.

---

Jeff Leal, Mayor

---

John Kennedy, City Clerk