

TOWN OF IQALUIT

BY-LAW NO. 358

PUBLIC TRANSIT SYSTEM

BEING A BY-LAW of the Incorporated Town of Iqaluit in the Northwest Territories to provide for the regulation and the operation of a public transit system operated by other persons.

WHEREAS section 114 (a) (b) of the Cities, Towns and Villages Act, R.S.N.W.T. 1988 c. C-8 and amendments thereto, authorizes a council to pass by-laws to provide for the establishment of a public transit system and to regulate the operation of a public transit system operated by other persons;

AND WHEREAS the Council of the Municipal Corporation of the Town of Iqaluit deems it expedient to provide for the establishment and regulation of a public transit system operated by others;

NOW THEREFORE the Council of the Incorporated Municipality of the Town of Iqaluit, in regular session duly assembled, enacts as follows:

Short Title

1. This by-law may be cited as the "Public Transit By-Law".

Severability

2. If any provision of this by-law is declared invalid because of any word, phrase, clause, sentence, paragraph or section of this by-law, or an application thereof to any person or circumstance is declared invalid by a court of competent jurisdiction, the remaining provisions shall not be affected thereby but shall remain in force.

Definitions

3. In this by-law:
 - 3.1 "Applicant" shall mean any person making application to the Town for an agreement to operate a public transit service.
 - 3.2 "Bus" means a motor vehicle with a maximum seating capacity set by the manufacturer of more than 10 persons, including the driver's seat.
 - 3.3 "Chief By-Law Enforcement Officer" means the chief by-law enforcement officer, or his/her designate, of the Town of Iqaluit.
 - 3.4 "Committee" means a committee of council designated by Council by resolution as responsible for matters pertaining to public transit services.
 - 3.5 "Council" means the Council of the Incorporated Municipality of the Town of Iqaluit.
 - 3.6 "Operator" means a person approved pursuant to this by-law to operate a public transit service within the Town of Iqaluit and shall include the registered owner

- 3.7 "Person" shall mean an individual, proprietorship, partnership, body corporate, trustee, or legal representative.
- 3.8 "Public Transit Service Agreement (P.T.S.A.)" means a term agreement made between an applicant and the Town for the provision and operation of a public transit service.
- 3.9 "Public Transit Service" means a service provided by an operator pursuant to an approved public transit service agreement providing regularly scheduled bus transportation to the public along approved routes, or a route, upon payment of a prescribed fare or fares.
- 3.10 "Route" means a circuit travelled by a bus pursuant to a public transit service agreement upon which regular scheduled pick-up and delivery of fare paying passengers is provided by an operator.
- 3.11 "Senior Administrative Officer" means the Senior Administrative Officer, or his/her designate, appointed by the Town pursuant to the Cities, Town and Villages Act.
- 3.12 "Town" means the incorporated municipality of the Town of Iqaluit.

4. Establishment and Operation of Public Transit Services

- 4.1 The establishment and operation of a public transit service or services within the "Town of Iqaluit shall be accomplished by the execution of a public transit service agreement between the Town and an applicant or applicants approved by Council pursuant to this by-law.
- 4.2 A public transit service or services established by agreement or agreements pursuant to this by-law shall be operated by persons not directly affiliated with the Town or in the employ of the Town and such service shall not be and is not a service of the Town of Iqaluit or a service provided on behalf of the Town of Iqaluit.
- 4.3 Public transit service or services shall conform to all terms and provisions of this by-law and any further terms, provisions and/or conditions of a public transit services agreement executed pursuant to this by-law.
- 4.4 Council may approve through the execution of public transit service agreements one or more agreements with one or more operators for the provision and operation of public transit services upon specific transportation routes within the Town of Iqaluit.
- 4.5 In the circumstances where more than one distinct and separate applicant is authorized by Council operate a public transit service within the Town of Iqaluit by agreement in any one calendar year, the authorization for such public transit services shall be for separate and distinct routes for each operator.

- 5.2 The following information and supporting documentation shall be submitted by an applicant with or on the application form prior to such application being further processed:
- a) Full legal name and address of applicant operator
 - b) A map of the Town of Iqaluit clearly showing thereon by colored marker or ink each proposed route for the operation of a public transit service.
 - c) A text description of each proposed transit route describing in detail the start, end and intermediate points of each proposed route including principal bus stop points.
 - d) A time schedule for each proposed route showing the proposed time of operation and approximate frequency of service to any bus stop point located on that route.
 - e) A proposed fare schedule for each route for each of the following categories:
 - (i) Child (age 3 to 12)
 - (ii) Adult (age 13-64)
 - (iii) Senior Citizen (age 65 +)
 - f) Non-refundable application fee.
 - g) Other information as may be required and requested by the Town.

- 5.3 A complete public transit service agreement application shall be reviewed by the Chief By-Law Enforcement Officer and submitted in a report to the applicable committee of Council for consideration and recommendation to Council.

Application Approvals

- 5.4 Council, through committee, shall grant a hearing to the applicant or applicant's agent at the time of consideration of an application.
- 5.5 In deciding between two or more applications, Council is not compelled to give application approval to the first application received.
- 5.6 Council may grant application approval to two or more applicants where applications propose separate, distinct or complimentary public transit service route proposals.
- 5.7 Council may prescribe conditions to the approval of an application for the operation of a public transit service or services and such conditions shall form part of the public transit service agreement.

- 5.9(b) Prior to the commencement of the provision of any services pursuant to an approved public transit service agreement, the operator shall provide to the Chief By-law Enforcement Officer the following:
- (i) copy of a valid business licence issued by the Town of Iqaluit;
 - (ii) proof of third party liability and public damage insurance coverage in the minimum amount of \$2,000,000.00, as more particularly described within section 6 of this by-law;
 - (iii) a detailed listing and description, including motor vehicle serial and licence plate numbers, of all bus motor vehicles proposed to be utilized in the provision of public transit services.

5.10 The term of an approved public transit service agreement shall be for the calendar year, or part thereof, in which such agreement was executed and shall expire on 12 midnight on the 31st day of December in any calendar year.

5.11 An approved public transit service agreement may be renewed for subsequent terms upon application and payment of the prescribed renewal fee.

5.12 An approved public transit service agreement may be amended or revised from time to time upon mutual agreement of the parties and upon application for amendment and the payment of the prescribed amendment fee.

5.13 Notwithstanding section 5.12 above, a public transit agreement may be amended once by mutual agreement without payment of an amendment fee anytime during the period of 90 days immediately subsequent to the date of issuance or renewal of the agreement.

Termination of Agreement

5.14 A current public transit service agreement may be cancelled and terminated as follows:

- a) By mutual agreement of both parties to the agreement.
- b) By Council Where:
 - i) False or misleading information was provided by the operator on the public transit service agreement application.
 - ii) Failure to comply by the operator with any provisions of this by-law or with any terms and conditions of the public transit services

6. Insurance

- 6.1 A public transit service operator shall have and keep current public liability and public damage insurance to a value of not less than \$2,000,000.00.
- 6.2 Every operator shall provide to the Chief By-law Enforcement Officer on or prior to the first day of January in each calendar year proof of a valid insurance for bus motor vehicles operated pursuant to a public transit service agreement.
- 6.3 Proof of a valid insurance policy for the bus motor vehicles required in section 6.2 of this by-law shall be certified as correct by the issuing insurance company and must detail but not be limited to the following:
1. the amount of insurance coverage for public liability and public damage;
 2. the effective date and expiry date of the insurance policy;
 3. the motor vehicle serial numbers of vehicles covered under the insurance policy.
- 6.4 Non-compliance with the insurance provisions of sections 6.1 to 6.3 inclusive of this by-law shall result in the immediate cancellation and termination of the applicable public transit services agreement.
- 6.5. A public transit service operator shall agree and shall be solely responsible and liable for all damages and claims of damage arising from the operation of the public transit service and shall save the incorporated municipality of the Town of Iqaluit harmless from any such claim or claims.

7. Regulations

- 7.1 A Public transit service agreement shall not be transferable.
- 7.2 A public transit service operator shall ensure all vehicles utilized in the provision of public transit are in good working mechanical condition, are licensed as a bus for public transportation by the Government of the Northwest Territories in accordance with the Motor Vehicles Act, and that all drivers of motor vehicles utilized for public transit service hold a valid bus operator license in accordance with the Motor Vehicles Act.
- 7.3 The operator shall provide regular, scheduled transit service to the public in accordance with the approved schedule, route(s) and fares detailed within or attached to the applicable transit service agreement

- 7.5 The operator shall establish and utilize passenger pick-up and discharge bus stop points that are safe and convenient to the travelling public and utilizing existing marked bus stops wherever feasible.
- 7.6 Section 7.5 above shall be further subject to the approval of the relevant road authority, and in the circumstance of a bus stop located on private property, the property owner.
- 7.7 Separate route and time schedules may be implemented by the operator without requirement for agreement amendment during holiday and blizzard conditions.
- 7.8 An operator, or agent, may refuse passage upon the transit vehicle to any person who creates a disturbance, or endangers the safe operation of the vehicle, or refuses to comply with the reasonable direction of the transit vehicle driver, or who refuses to pay the prescribed transit fare, or who is in contravention of any provision of this by-law.
- 7.9 An operator shall not permit the transportation upon any bus or transit vehicle:
- i) Gasoline, diesel fuel or other similar flammable substance.
 - ii) Uncased firearms.
 - iii) Animals other than seeing eye dogs or caged pets.
 - iv) Alcohol
- 7.10 An operator shall not permit smoking within any transit vehicle or bus.
- 7.11 An operator shall not permit the consumption of food, beverages, or alcohol within any transit vehicle or bus.
- 7.12 No person shall smoke within a transit vehicle or bus.
- 7.13 A copy of the current public transit service agreement and attachments shall be carried within each transit vehicle or bus and be available for inspection by any officer of the Town.
- 7.14 This by-law shall be administered by the Chief By-Law Enforcement Officer or his/her designate.

8. Fares

- 8.1 Each passenger shall pay to the operator or his/her agent at the time of entry upon a transit vehicle or bus a fare in accordance with the approved fare schedule for that route as provided for in the public transit service agreement for that operator.

SCHEDULE "A"

Application Fees

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| 1. | Issuance or renewal of Public Transit Service Agreement | \$100.00 |
| 2. | Amendment of Public Transit Service Agreement | \$50.00 |