



**THE CORPORATION OF THE CITY OF MISSISSAUGA  
TRANSIT BY-LAW 425-03**

**(Amended by 373-05, 250-07, 380-07, 239-08, 285-09, 206-13, 239-13, 93-14, 171-14, 33-16, 281-16)**

**WHEREAS** Sections 8, 9 and 11(2) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, enable Council to pass by-laws to regulate and prohibit in respect of matters relating to bus passenger transportation systems;

**NOW THEREFORE** the Council of the Corporation of the City of Mississauga ENACTS as follows:

**Definitions**

1. In this by-law,

**“child”** means any person who is between 6 and 12 years of age; (33-16)

**“City”** means the City of Mississauga in the Regional Municipality of Peel;

**“Corporation”** means the Corporation of the City of Mississauga;

**“Enforcement Officer”** means any one of the Corporation's By-law Enforcement Officers, or an officer with the Mississauga Transit Enforcement Services, whose duty is to enforce the by-laws of the Corporation and all other applicable laws; (380-07, 206-13)

**“exact fare”** means the fare prescribed by the Corporation from time to time for a passenger's use of and transportation by the Corporation's public bus transportation system;

**“fare media”** means any valid ticket, pass, transfer and electronic fare card approved by and acceptable to the Corporation; (281-16)

**“Loyalty scheme”** means the Presto card program that rewards frequent MiWay users with zero cost travel after a set number of paid trips; (206-13)

**“Mississauga Transit”** means the division within the Transportation and Works Department of the Corporation which is responsible for the operation and control of the City's public bus transportation system;

**“Mississauga Transitway”** means the dedicated east-west Bus Rapid corridor located in the City of Mississauga between Renforth Drive and Winston Churchill Boulevard; (171-14)

**“Mississauga Transit Property”** means any property owned, leased, licensed, occupied or for which the Corporation has an easement over for the purpose of operating a public transportation system and includes any Mississauga Transit Vehicle and any bus shelter. (206-13, 171-14)

**“Mississauga Transit Vehicle”** means any vehicle which is used as part of the Corporation’s public bus transportation system and falls under the operation and control of Mississauga Transit.

**“MiWay”** means that division of the Corporation responsible for the operation and control of the Corporation’s public bus transportation system; (33-16)

**“pass”** means a pass voucher or a Presto card, valid for a specific time period, issued by Mississauga Transit together with appropriate identification verifying the validity thereof; (206-13)

**“person”** includes individuals, partnerships, corporations, associations, and any other entities to whom the context can apply according to law; (239-08, 281-16)

**“person with a disability”** means a person with a disability as defined in the *Ontarians with Disabilities Act, 2001*, S.O. 2001, c32, as amended; (33-16)

**“person with a vision loss”** means any person who is legally blind and in possession of a valid CNIB ID card; (33-16)

**“Post-Secondary student”** means a full-time student of a post-secondary institution established and authorized by an Act of the Assembly or by the Minister under the *Post-secondary Education Choice and Excellence Act, 2000*, S.O. 2000, c. 36, as amended, or the *Ontario Colleges of Applied Arts and Technology Act, 2002*, S.O. 2002, c. 8, as amended; or the *Private Career Colleges Act, 2005*, S.O.2005, c.28, as amended; (93-14)

**“pre-school child”** means any person who is 5 years of age or less; (33-16, 281-16)

**“PRESTO card”** means the smart card issued by Metrolinx that can be loaded with money or a pass to pay for fares; (206-13, 33-16, 281-16)

**“Presto concessions”** means the various concessions and programs that can be configured into a Presto card; (206-13)

**“Presto transfer”** means a time stamp inserted on a Presto card after its owner pays into a Presto device, and which entitles its owner to travel for up to two hours on any GTA and Hamilton fixed route transit service provider; (206-13)

**“senior”** means any person who is 65 years of age or more; (380-07)

**“senior’s pass”** means a pass issued to a senior;

**“service animal”** means any animal that provides essential assistance to a person with a visible or invisible disability; (281-16)

**“support person”** means any person whose presence is essential to provide care and assistance to a person with a disability; (33-16, 281-16)

**“ticket”** means a voucher sold to a passenger which will permit the passenger to use and be transported by one bus on one particular and specific route only at any one time;

**“transfer”** means a voucher issued to a passenger after the payment of the applicable exact fare which will permit the passenger to use and be transported by a bus of another route without payment of an additional fare, subject to the conditions of use found on the reverse side of the voucher;

**“Transit Supervisor”** means a Transit Supervisor or an Acting Transit Supervisor of Mississauga Transit, or any person appointed by Mississauga Transit from time to time to carry out the duties of a Transit Supervisor;

**“U-Pass”** means a pass issued to a full-time or part-time student of the University of Toronto at Mississauga, which shall be comprised of two (2) parts: (250-07, 33-16, 281-16)

**“youth”** means any person who is between 13 and 19 years of age; (281-16)

### **Administration of By-Law**

2. Mississauga Transit shall be responsible for the administration of this by-law.

### **Exclusivity**

- 2.1 (1) No person other than the City shall establish, operate, or maintain a passenger transportation system in the City except for other public transit agencies or entities as authorized by the Director of Mississauga Transit to operate within the City. (239-08)
- (2) Subsection (1) does not apply to the GO Transit, a division of Metrolinx, the Regional Municipality of Peel for its Transhelp Service, or any other persons who establishes, operates or maintains a passenger transportation system that is exempted from the application of this by-law under section 69 of the *Municipal Act, 2001*, as may be amended from time to time, or other applicable legislation. (239-08, 171-14)
- (3) No person other than the Corporation or GO Transit (a division of Metrolinx) shall establish, operate or maintain a passenger transportation system over the Mississauga Transitway unless written approval is given by the Commissioner of Transportation and Works. (171-14)

### **Regulation of Fares and Transfers**

3. (1) No person shall board, ride upon or otherwise use or be transported on a bus operated and controlled by Mississauga Transit unless:

- (a) he or she has tendered the applicable fare for payment; (206-13)
  - (b) he or she produces an applicable pass, valid ticket, valid transfer, valid Mississauga Transit employee security pass, or other documentation approved by the Corporation.
  - (c) a PRESTO card with sufficient fare amount on the PRESTO card for deduction to pay for the fare, or with a valid PRESTO transfer, PRESTO pass or in the case of a PRESTO registered user, overdraft capacity for one trip. (206-13, 281-16)
- (2) Notwithstanding subsection 3(1), no Police Officer, Enforcement Officer, or Mississauga Transit employee while on duty or in the performance of their duties, or a person with vision loss, or a pre-school child, or a support person while accompanying a fare paying person other than a person with a vision loss, shall be required to pay for boarding, riding upon or otherwise using or being transported by a bus operated and controlled by Mississauga Transit (380-07, 33-16)
- (3) Notwithstanding subsection 3(1)(a), a person may tender for payment of a fare an amount greater than the applicable exact fare and, when such an amount is tendered, the tenderer will provide identification to the bus operator and the bus operator will submit an incident report to his or her manager about any such overpayment.
- (4) Mississauga Transit will refund an overpayment referred to in subsection 3(3) by mailing to the customer either the overpayment value in MiWay fare media (tickets), PRESTO card, or by cheque. (206-13, 33-16, 281-16)
4. Any person who refuses either to tender payment of the applicable fare as provided in subsection 3(1), tender payment with a Presto card, or to tender a greater amount as provided in subsection 3(3), or, to produce either a valid pass, ticket, transfer, or other documentation approved by the Corporation, shall be deemed to have refused to pay the required fare and shall not be allowed to use the Corporation's public bus transportation system. (206-13)
5. No person shall:
- (a) use or produce a revoked, expired, fictitious, invalid or altered pass, ticket or transfer; or
  - (b) lend, give or sell a transfer issued to him or her by Mississauga Transit or an agent of Mississauga Transit; or
  - (c) use or produce, as his or her own, a pass, ticket or transfer which was issued to someone else by Mississauga Transit or an agent of Mississauga Transit; or use a pass or ticket that is being used by another person at the same time.

## **Conditions Governing Issuance of Tickets and Passes**

6. The issuance of every pass and ticket is subject to the following conditions; (33-16)
  - (a) the ticket and pass is valid on regular scheduled Mississauga Transit service, and for the period of time shown on the pass voucher or from the 1<sup>st</sup> to the last day of each month on a Presto card;
  - (b) if lost, a replacement ticket or pass will not be issued, except in respect of a U-Pass as provided in section 6.1;
  - (c) the ticket shall be sold by authorized vendors only and shall not be reproduced or tempered with in any fashion;
  - (d) the ticket and pass is not refundable;
  - (e) the holder of the ticket or pass shall comply with all terms and conditions and as set out in Section 7;
- 6.1 If a student requires a replacement of a U-Pass, the student may be issued a replacement U-Pass Card by the University of Toronto at Mississauga upon payment of the appropriate replacement fee as provided in the applicable MiWay Fares By-law and any University administrative fee. (250-07, 285-09, 33-16)

## **Use of a Pass**

7. (1) The holder of a pass shall comply with all of the following terms and conditions in order to retain the use of the holder's pass: (33-16)
  - (a) the pass holder shall show the entire pass voucher to the operator;(33-16)
  - (b) the pass voucher shall be retained by the pass holder as proof of payment on all Mississauga Transit vehicles;(33-16)
  - (c) the pass holder shall have the pass voucher ready for inspection at all times and upon request the pass must be shown to a Transit Supervisor or an Enforcement Officer; (206-13, 33-16)
  - (d) the pass holder of a Presto card shall present the card to the Presto device reader upon boarding the transit vehicle; and (33-16)
  - (e) the pass holder shall comply with the conditions set out on the pass, all provisions of this by-law and all other applicable rules. (33-16)
- (2) In addition to complying with all the requirements in subsection 7(1), the holder of PRESTO senior's pass with a senior fare rate shall provide documentary proof or a Mississauga Transit photo identification card for inspection upon request by the bus operator, a Transit Supervisor, or an Enforcement Officer that the pass holder is a senior.(250-07, 33-16, 281-16)

- (3) THIS SECTION REPEALED (206-13, 33-16)
- (4) THIS SECTION REPEALED (250-07, 206-13, 93-14, 33-16)
- (5) THIS SECTION REPEALED (93-14, 33-16)

**Ownership and Confiscation of Passes**

- 8. Every ticket and pass voucher remains at all times the property of the Corporation and, as such, an Enforcement Officer or a Mississauga Transit employee may seize, confiscate or retain a ticket or pass from any person whom the Mississauga Transit employee believes on reasonable grounds has used the ticket or pass in contravention of this by-law. (33-16)

**Operation by Unauthorized Persons**

- 9. Only an employee or agent of Mississauga Transit or a person authorized by Mississauga Transit shall handle or operate any bus or any part of the mechanism or equipment of a bus or any other equipment or devices used in connection with the Corporation's public bus transportation system except such equipment and devices which are designated and intended for passenger use, provided that such equipment and devices are used by passengers in accordance with the applicable rules.

**Boarding and Leaving Transit Vehicles**

- 10. (1) No person shall ride on, stand on, or hold on to the exterior of any Mississauga Transit Vehicle.(281-16)
- (2) No person shall lean out of or otherwise project any part of his or her body beyond the edge of any Mississauga Transit Vehicle or beyond the perimeter of any Mississauga Transit platform except to enter or leave the bus by the designated doors.(281-16)
- (3) Other than in an emergency, no person shall board or leave a Mississauga Transit Vehicle except through the designated doors. (281-16)
- (4) A person who boards a transit vehicle using a mobility aid device (wheelchair or scooter) will be required to back into the designated area as designed. (281-16)
- (5) No person shall board or leave, or attempt to board or leave a Mississauga Transit Vehicle contrary to instruction provided by the Mississauga Transit Vehicle operator, a Transit Supervisor, or the Corporation's By-law Enforcement Officer. (281-16)
- (6) A person accompanying a passenger as a support person on a transit vehicle boards and alights the transit vehicle at the same time and location as the person being accompanied. (281-16)

- (7) Persons with disabilities have priority seating at the front of the transit vehicle. An employee or agent of Mississauga Transit may request that an occupied seat be vacated for persons with disabilities, however seating is not guaranteed. (281-16)

**Damage to Corporation Property**

11. No person shall cause or attempt to cause any damage to a bus, a bus shelter or other vehicle or property which is owned, leased, occupied or used by the Corporation that constitutes any part of the passenger transportation system. (171-14)

**Conduct in, on or about Corporation Property**

- 12 (1) No person shall do any of the following in, on or about property owned, leased, occupied or used by the Corporation that constitutes any part of the public transportation system including a Mississauga Transit Vehicle, Mississauga Transitway, bus shelter or other vehicle: (380-07, 171-14)
- (a) litter;
  - (b) activate any emergency alarm or device, or use any emergency telephone, except in an emergency;
  - (c) cause a disturbance to the public, or engage in any other conduct or activity that is contrary to the *Criminal Code*, R.S.C. 1985, c. C-46, or any other applicable law; (206-13)
  - (d) smoke, or carry a lighted cigar, cigarillo, cigarette, e-cigarette, waterpipe, or pipe;(206-13, 281-16)
  - (d.1) consume alcoholic beverages or carry an open container of alcohol that is not properly contained or in a re-sealable container; (206-13)
  - (e) sell or attempt to sell any newspaper, magazine, merchandise or any other article or thing, distribute any pamphlet or literature, or solicit members of the public for any purpose whatsoever, except with the prior written permission of Mississauga Transit;
  - (f) wear and/or use roller blades, in line skates, roller skates, ice skates or skateboards;
  - (g) bring a bicycle on a Mississauga Transit Vehicle, except if the transit vehicle is equipped with a bicycle rack, contrary to instructions of the Mississauga Transit operator; (380-07, 281-16)
  - (g.1) occupy a position that interferes or likely to interfere with the safety of the Mississauga Transit operator or the safe operation of the Mississauga Transit Vehicle; (380-07)

- (g.2) act in any way that interferes or likely to interfere with the operation of any part of a Mississauga Transit Vehicle; (380-07)
  - (g.3) fail to comply with any sign or signal on Mississauga Transit property; (281-16)
  - (h) bring an article of any kind aboard a Mississauga Transit Vehicle that could obstruct the aisle or that prevents a seat from being used by a passenger or that in any way hinders the safety of other passengers, unless permission to do so is first received from the operator of the Mississauga Transit Vehicle;
  - (i) bring any explosive, flammable or toxic material or any dangerous weapon of any kind;
  - (j) subject to subsection 12(2), bring any dog that is not leashed and muzzled or contained in a cage, or any other animal that could cause a disturbance or a nuisance or threaten the safety of any other person; (373-05)
  - (k) play, except with the prior written permission of Mississauga Transit, a musical instrument or operate any radio, transmitting or receiving device, tape recorder, or similar device, unless the sound therefrom is conveyed to that person by an earphone;
  - (l) fail to be fully clothed at all times; and (206-13)
  - (l.1) fail to wear shoes at all times; (206-13)
  - (m) spit; or
  - (n) conduct himself/herself in a manner that creates public indecency;
  - (o) fail to comply with an order given by an Enforcement Officer; and (206-13)
  - (p) use profane, abusive, indecent, foul, insulting or obscene language while upon Mississauga Transit Property. (206-13)
  - (q) enter an unauthorized portion of the Mississauga Transitway. (171-14)
- (2) subsection 12(1)(j) shall not apply to a service animal, including a guide dog identifiable by a collar, leash, vest or harness, or other trained service animal when accompanied by official documentation from a regulated health professional confirming the animal is required for reasons relating to a person's disability provided that the owner of any such animal is solely responsible for the behavior of that animal and that it does not cause a disturbance or a nuisance, or threaten the safety of any other persons. (281-16)



- (3) Any person wishing to seek an exemption under subsection 12(1)(j) to have their animal muzzled shall apply for a hearing before the Appeal Committee in accordance with the Animal Care and Control By-law 98-04, as amended, in the same manner as a person wishing to apply for a hearing before the Appeal Committee where a muzzle order has been issued. The sections in the Animal Care and Control By-law 98-04, as amended, with respect to the rights and obligations of the appellant and the Corporation at a hearing appealing a muzzle order shall apply with any necessary modifications. (373-05)

### **Lost Property**

13. The Corporation assumes no responsibility for the passengers' personal belongings, which shall remain at all times the responsibility of passengers.
14. No person shall remove any article left in or on Mississauga Transit Property, or any other property or premises of the Corporation, by a person as a result of inadvertence or otherwise. This section does not apply to a Mississauga Transit employee or an Enforcement Officer engaged in their duties. Any article so removed shall be kept for a period of 14 days from the date it was removed subject to the following exceptions: (206-13)
  - (a) The owner of the article may retrieve the article within this 14-day period;
  - (b) Any perishable item may be disposed of immediately;
  - (c) The police shall be contacted immediately to pick-up any item that creates a safety hazard or may be evidence of a crime; and
  - (d) Any animals removed shall be kept, treated, or otherwise disposed of pursuant to the Corporation's applicable by-laws regarding animal control and care.
15. Any person seeking to retrieve an article left in or on a Mississauga Transit Vehicle, or any other property or premises of the Corporation, and that has been removed from the said vehicle, property or premises, may retrieve the article within 14 days of its removal if:
  - (a) the article has not been disposed of pursuant to section 14; and
  - (b) the person provides proper identification to demonstrate that s/he is the owner of the article or that s/he has written consent from the property owner to redeem the article.
  - (c) the item has not been handed over to the local Police Department. (281-16)
16. Any article that is not retrieved by the owner within 14 days is the property of the Corporation and may be used, sold, or otherwise disposed of, by Mississauga Transit.

### **Unauthorized Vehicles**

17. Only those vehicles authorized as part of the Corporation's public transportation system shall operate on the Mississauga Transit Property. (206-13, 171-14)

### **Vendors**

- 17.1 No person shall sell tickets, transit passes or any fare media unless authorized by the Corporation. (206-13, 239-13, 171-14)

### **Compliance**

18. Any person who fails to comply with the provisions of this By-law may be ordered by an Enforcement Officer to immediately desist from the activity constituting or contribution to such contravention; or to immediately remove from Mississauga Transit Property any animal or thing owned by or in the control of such person which is involved in such contravention; or to leave forthwith from any vehicle, property, or premises that forms part of Mississauga Transit Property. Failure to comply with any such order shall be deemed to be an offence. (380-07, 206-13)

### **Compliance with other By-laws and Regulations**

- 18.1 (1) This By-law shall not be construed to reduce or mitigate any restrictions or regulations lawfully imposed by the City or by any governmental authority having jurisdiction to make such restrictions or regulations. (206-13)
- (2) If there is a conflict between a provision in this By-law and a provision of any other City By-law, the provision that establishes the highest standard to protect the health, safety and welfare of the general public shall apply. (206-13)

### **Penalty**

19. Any person who contravenes any provision of this by-law, including an order made under this By-law, is guilty of an offence and on conviction is liable to a fine and such other penalties as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P-33 and the *Municipal Act, 2001*, as each may be amended from time to time. (206-13)

### **Interpretation**

20. In this by-law, unless the context otherwise requires, words importing the single number shall include the plural and words importing gender shall include the masculine, feminine and neuter genders.

### **Repeal of By-Law**

21. By-law 261-90 is hereby repealed.

**Effective Date**

22. This By-law takes effect on the day of its enactment by Council.

**ENACTED and PASSED this 22<sup>nd</sup> day of October 2003.**

**Signed by: Acting Mayor, Pat Saito and City Clerk, Crystal Greer**