

**SCHEDULE B**  
**Niagara-on-the-Lake**  
**Caleche Operating Terms of Reference (OTR)**  
**~~June 2022~~ May 2023**

The Town of Niagara-on-the-Lake (“NOTL”) has agreed to grant a licence to the Licencee over the Lands, as shown on Schedule “I”, via a Licence to Occupy Land Owned by The Corporation Of The Town Of Niagara-On-The-Lake (the “Agreement”).

The purpose of this Caleche OTR is to outline requirements and expectations about how the Caleche will operate within NOTL. This guiding document will outline the general principles and provide a framework for the Agreement.

~~All terms & conditions were defined in collaboration with the two caleche owners currently in operation (Sentineal Carriages, owned by Fred and Laura Sentineal; and Queens Royal Tours, owned by Jeff Sentineal). In some cases, NOTL’s by laws or Council requirements superseded any opportunity for negotiation.~~

~~It was agreed by all parties that these terms would set out how the caleche operations will operate in NOTL for the length of the licence.~~

**RELATIONSHIP TO THE REGIONAL MUNICIPALITY OF NIAGARA**

The Regional Municipality of Niagara (“Niagara Region”) regulates and governs businesses carried on within the Region, and provides for a system of licences for said businesses. Niagara Region provides licences for vehicles used for hire (including caleches) for the purposes of ensuring the health and safety of passengers, drivers, and animals, for the protection of persons, property, and animals, and to ensure consumer protection and efficient vehicle-for-hire services within the Region.

The licences issued by Niagara Region provide authorization under the Region’s By-law No. 2021-58 to carry on a business specified therein; and the document, certificate, or card issued, shall provide evidence of such authority as the content may allow. This By-law contains provisions regards the licensing, regulating, and governing of various businesses, with additional general provisions for Caleche owners in section 49.

The licences issued by NOTL provides authorization to occupy the Lands in NOTL for the purposes detailed in the Agreement, such as a parking space for the loading and unloading of passengers as required.

At this time, the ability for NOTL to issue a licence to Caleche owners/operators is directly dependent on said owner/operator having a current and valid licence from Niagara Region to carry on business. The terms and conditions of the NOTL licence, and this corresponding OTR, relate to the occupation of lands, not the general ability to carry on business.

## **TOWN REQUIREMENTS & EXPECTATIONS (LEGISLATED, BYLAW, SAFETY ETC.)**

### **1. PROFESSIONAL CONDUCT**

Caleche drivers, footmen and owners are expected at all times to conduct themselves with professionalism and dignity. Operators are required to treat other drivers, tourists and customers with the utmost respect, courtesy and consideration.

### **2. CALECHE OWNERS/OPERATORS SHALL AT ALL TIMES OBEY THE REGIONAL LICENSING REQUIREMENTS**

The Regional Municipality of Niagara (“Niagara Region”) requires that the owner of a caleche business obtain a licence to operate as per the Niagara Regional Business Licencing By-law No. 2021-58 in order to be able to charge patrons a fee. In order for a caleche business to obtain a licence from Niagara Region, one of the conditions is that the caleche business obtains permission from the municipality in which they are intending to operate, which in this case, is the Town of Niagara-on-the-Lake (“NOTL”).

All requirements of the caleche licence as granted by The Regional Municipality of Niagara must be followed and a copy of the licence shall be provided to the Town of Niagara-on-the-Lake.

### **3. CALECHE OWNERS/OPERATORS SHALL AT ALL TIMES OBEY OTHER LEGISLATED REQUIREMENTS**

- i. Operators must follow all requirements of the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as may be amended, and obey all applicable traffic laws.
- ii. Operators must operate in accordance with all municipal by-laws with respect to the use of Town roads, parking spaces, noise, signage etc.
- iii. Operators must operate in accordance with all Niagara Regional by-laws with respect to the use of Regional roads, parking spaces, noise, signage, etc.
- iv. Road or lane closures are not permitted at any time, unless prior authorization has been provided by the Town.
- v. Caleche drivers must have a valid caleche licence.
- vi. Slow moving vehicle sign has to be mounted on rear of Caleche.

### **4. DISPLAY OF COMPANY NAME ON EACH CARRIAGE.**

Each caleche must have visibly painted on the carriage the Company Name for identification purposes. Names and/or company logos should be tastefully presented and identifiable from a distance. It was agreed that appropriate locations on the carriage would be up on the drivers perch, on each side and on the rear.

## **5. DISPLAY OF LICENCE PLATES**

The Niagara Region issues licence plates annually.

All carriages will have valid licence plates clearly mounted in a fixed and visible location on the rear of the vehicle. Licence plates may be mounted in such a way as to be removed and transferred from one vehicle to another.

Operating without an approved licence plate displayed may be cause for the permission to be revoked by the Niagara Region/Town of Niagara-on-the-Lake.

## **6. DISPLAY OF CALECHE DRIVING LICENCE**

All drivers must possess a valid licence to drive a caleche as issued by the Niagara Region. Drivers must carry any/all licences with them at all times and be prepared to show them if asked.

At the beginning of each season, each Caleche owner is to provide the Town with a complete list of all driver names and licences. If drivers change throughout the season the Owner is to advise the Town of the addition/deletion.

Name tags must be worn by drivers showing at least their 1<sup>st</sup> name and company name.

## **7. CALECHES OPERATORS SHALL REMAIN ALERT AND YIELD TO ALL MOVING TRAFFIC**

Owners are expected to provide driver training to all drivers prior to the beginning of each season. Drivers must remain aware of vehicles behind the carriage. To ensure a continuous flow of traffic in the Old Town, drivers are expected to allow vehicles to pass by keeping to one side (where possible).

Drivers should not interfere with moving traffic and should avoid all contact (including whipping vehicles)

A Caleche is different from a car in that it does not have access to a horn. In the past, cars have driven dangerously close to a Caleche causing the drivers to use the whip to reach out, or to motion towards a car getting too close. The driver is always responsible for knowing what is around them at all times. The driver is also expected to ensure the safety of their passengers and the horse. Using the whip against passing vehicles is strongly discouraged and to only be used in extreme situations where there is a safety concern.

## **8. CALECHE EMPLOYEES ACTIVELY SOLICITING CUSTOMERS FROM TOWN PROPERTY**

The Town's zoning by-law prevents hawkers and peddlers from soliciting business on the sidewalk or street. Drivers are not permitted call out, to pass out flyers or business cards in an effort to actively solicit business. Guests should approach the caleche first, at which point the drivers may talk about the services they offer.

## **9. CALECHE DRIVERS MUST OBEY THE TOWN'S PARKING REGULATIONS AT ALL TIMES (THE SAME AS ANY OTHER VEHICLE)**

Caleche operates as a motor vehicle at it relates to abiding by the rules of the road and therefore must obey the Town's parking regulations at all time. Examples include:

- i. No stopping or parking on corners or intersections (unless to temporarily let traffic through)
- ii. No stopping or parking in handicapped spaces
- iii. No stopping signs mean that stopping is not permitted. Drivers should find another location to let passengers on/off
- iv. Carriages are not permitted to block driveways to homes, businesses etc.

Defined parking spaces in the Old Town are general intended for the use of tourist and customers. Use of a defined parking space by a Caleche is strongly discouraged.

If there is a pressing reason, other than for drop-off/loading of passengers, to use a defined parking space then the driver is expected to purchase a Pay & Display ticket, or to put money in the meter.

If a driver is temporarily loading/unloading passengers at a street location other than the main staging area on King Street, then they may use some form of signage that reads "pick-up/drop-off in progress".

Drivers may use the curb cut-out space in front of St. Vincent de Paul church for brief pick-ups/drop-offs, or if privately hired for weddings held at the church. This area is not to be used as a regular staging area.

## **10. LIMITS AROUND CALECHE ACCESS/USE OF TOWN PARKING LOTS**

Caleche should avoid all parking lots. Parking lots are not designed to accommodate the size of a Caleche. Often, there is limited space available to navigate around parked vehicles. The caleche may also create a pedestrian safety risk. The Community Shuttle route (behind the Courthouse) must remain open and unblocked. The Court House lot in particular should not be used as a short-cut.

## **11. LIMITS AROUND CALECHE PERMISSION TO ACCESS/USE FORT GEORGE BUS PARKING LOT**

Horses are not allowed in the bus parking lot at Fort George. There are too many people, buses are too big and may put the horses, passengers or pedestrians at risk. Drivers may use the car park side for pick-ups/drop-offs of passengers who arrived by bus. Drivers are generally discouraged from using the Queen's Parade however may pause, if it is safe to do so, along the gravel boulevard in order to allow the horse to relieve itself.

## **12. ADVERTISING ON THE CARRIAGES**

No paid advertising is allowed on or about the Caleche during regular tours through Town. Only the company name may be visibly painted on both sides of the carriage for identification purposes. The exception to this is when the Caleche is participating in a Parade, or has been hired for weddings or private functions.

### **13. ADVERTISING AND AVAILABILITY OF BROCHURES FOR OTHER BUSINESSES WITHIN THE CARRIAGES**

As noted before, drivers are not to actively solicit business. However, it may be appropriate for drivers and footmen to distribute tour info when requested. Brochures, maps, business cards etc. should be discretely stored in the carriages.

### **14. ADVERTISING VIA A-FRAME SIGNS THROUGHOUT THE OLD TOWN**

A-Frame signs advertising on the sidewalks are not allowed under the Town's Sign bylaw.

### **15. RELOCATION IF REQUESTED BY THE TOWN**

Caleche owners could be asked by the Town to temporarily relocate elsewhere within the Old Town. While this could be for a special event or to control the crowds (i.e.; protestors). If the Town requests the operations to relocate it will be to the location (North side Byron Street – shoulder) set out in Schedule I. The Town will provide a water service for the operation from a hydrant. The Town will also ensure that a discussion with both caleche operators will occur before the requested relocation along with the estimated time of relocation.

## **OPERATING ROUTES/DISTRICTS**

### **16. STANDING AREA**

The current standing area is located on the east side of King Street, south of Picton, next to the Prince of Wales hotel. See Schedule II.

Current regulations require that vehicles may not be parked within 10 meters from the corner. Lines will be painted on the road to identify the beginning and end of the standing area and the line at the corner that horses shall not pass (to ensure pedestrian safety). A maximum of 3-4 carriages at any given time is preferred.

Any standing area, and any required on-street parking, must be available. The location must be acceptable to the Town and to any of the adjacent resident/business directly affected.

### **17. AREAS OF OPERATION**

The general service area of Caleche operations is the Queen-Picton Heritage District. Caleche may however operate within the Heritage Expansion Area when responding to reservation pickups (e.g. B&B's), weddings, Vintage Inns, Heritage Tours, special events etc.

The *Highway Traffic Act* regulates the overall vehicular safety requirements of horse drawn vehicles for use on public roads.

Travel routes will not be permitted on Town roads where staff has determined poor driver visibility exists or where there are steep hills, sharp curves, etc.

For instance, Carriages are to avoid Picton Street wherever possible. Exceptions would be when doing pick-ups/drop-offs at the Prince of Wales or Moffat Inn.

As long as large draft horses are being used, then the Melville Street hill may be traveled with caution. The area should be avoided where possible. Any horses less than 1,000 lbs should avoid this are entirely for their own safety and for the safety of the passengers.

Carriages should avoid the corner of Front & Simcoe (by the golf course) where ever possible due to the narrow streets and blind corners.

Should a travel route include a Regional Road, the caleche owner must provide the Town with a copy of the Niagara Region's approval to operate on the specific Regional road(s).

Caleche may be transported by truck & trailer to/from locations. Any Caleche operation on private property, such as a winery, is doing so outside of the requirements of this OTR.

## **OTHER OPERATING SPECIFICATIONS**

Niagara Region sets out operating specifications based on the permitting regarding animal welfare under their Bylaw 2021-58 – as amended. The Niagara Region requirements for carrying on a business take precedence over the specifications in this OTR, if a conflict arises.

### **18. MAXIMUM NUMBER OF PASSENGERS PER CARRIAGE**

This condition is limited already in large part by the seating capacity of the Caleche. Carriages should not be overloaded beyond the normal seating capacity of the vehicle. Generally, capacity is limited to 4 adults and 2 small children or equivalent. Larger carriages are only used for reservations and have set limits.

### **19. STYLE AND SIZE OF THE CARRIAGE AND HORSE**

Regional requirements supersede the Town's authority on this matter. Please refer to the Region's website and by-laws for additional guidance.

The vision for the King Street caleche is to be using a 6 passenger Vis a Vie style of carriage (see pictures attached). Surry style carriages may be used to accommodate special events or corporate functions. 9, 12, 22 passenger carriages and hay wagons may be rented out for special reservations but are not to be used for regular in-town tours.

The Regional licensing requirement requires that the Owner demonstrates and ensures that every horse utilized in the Caleche business is free of any disease or sores, in good health, and fit to pull a Caleche in an urban setting without posing a danger to the public or itself, as certified by a veterinarian. A Caleche may not be operated with an unhealthy horse. A Caleche operator must conform to all the Regional requirements ensuring the health of the horse. This can be found under Regional Bylaw 20221-58- as amended.

It is recommended that the horse receive gradual stable training for at least one year before being used on the road with paying passengers.

## **20. MINIMUM TRAINING REQUIREMENTS FOR CARRIAGE DRIVERS**

Regional requirements supersede the Town's authority on this matter.

Owners are strongly encouraged to provide a minimum of 40 hours on the carriage with a licenced driver before allowing the new driver on the road with paying passengers. Drivers must have a valid caleche drivers licence. Drivers should be tastefully uniformed.

## **21. FUTURE TRAINING OPPORTUNITIES**

The Town supports any partnership between caleche operators and Fort George, the Museum or Historical Society, the Chamber of Commerce etc. that helps educate drivers about the Town's history, gather stories etc. to promote the uniqueness and heritage of Niagara-on-the-Lake.

## **22. ANIMAL WASTE**

For the purposes of this OTR, "droppings" mean either manure or urine.

It is the responsibility of the driver to immediately clean up any droppings. Roadways are to be kept clean at all times. If the driver is not able to do so directly, they are to contact the Owners who will respond promptly to remove the droppings from the street.

Emission Control devices (aka diapers) are also required for the horses at all times. The Emission Control devices should be emptied regularly at the designated disposal bin located near the standing area. Disposal bins should be bagged and emptied as soon as they are full.

Horses should be discouraged from urinating in the streets or over storm sewer grates wherever possible. In the event of a urine spill, the affected area should be washed down promptly. Products such as bleach could be used to clean the area and minimize odor. Other products like Stall Dry (similar to a kitty litter) can be used to absorb any liquid and keep the odors down. These products should be shoveled off the road once the liquid has been soaked up. The main thing to remember about urinating on the street is to always remain respectful and rotate locations where an offence is likely to happen.

Complaints procedure: If complaints are made to the Owner or a Town bylaw officer, the complaint will be shared directly with both operators so that they may stay sufficiently informed. Unless the droppings were specifically identified as belonging to a particular company, operators will take turns responding to the clean up request. Operators will respond promptly to the request and have the area cleaned within one hour of the complaint being made.

## **23. DROP OFF LOCATION FOR HORSES**

Transporting horses into the Old Town is not permitted. Horses should be delivered off any main roads and outside of residential neighborhoods, otherwise on private property. In certain circumstances (i.e. ill horse, broken down carriages etc.) it would be acceptable to bring trailers into the Old Town.

## **NOTL LICENSING REQUIREMENTS**

### **24. NUMBER OF CALECHE ALLOWED IN TOWN AT ANY GIVEN TIME**

The Town Council has repeatedly stated its intent to limit the number of permissions to five (5). Outside of the busy season, five (5) Caleche aren't necessary to handle the existing volume of customers. **Council shall cap the number of Caleche permissions at five (5). Those permissions shall be allocated to the following businesses:**

**Three (3) permissions – Sentineal Carriages**

**Two (2) permissions – Queens Royal Tours**

~~Staff still advocate for a limit of five (5) Caleche permissions and the current limit is able to accommodate the demand without causing an excessive impact on traffic, safety concerns etc. Having said that, there have been times when the volume of caleche has been problematic.~~

Should portions of the caleche business operation rely on the use of other private properties for: a staging area, parking, travel route, turn around, etc., then the caleche owner shall provide the Town with a copy of a letter from the applicable private property owner confirming no objection and applicable timelines / terms (if any).

### **25. LICENCING:**

Only five (5) Licences will be granted. Currently, the two caleche services provided with "Licences" to operate are Queens Royal Tours and Sentineal Carriages Inc. Queens Royal Tours has 2 licences and Sentineal Carriages Inc. has 3 licences.

The Licence shall remain "owned" by the Town and may not be bought, transferred, assigned, or sold. Licences have no transferability. ~~Only Council, or their staff designate, may authorize a transfer. For example, licences expire upon bankruptcy of the company. If the business is sold, the Town needs to be notified of new ownership details immediately. The new operator will be expected to apply for their own licence within five (5) days of the ownership change and agree to abide by these Operating Terms of Reference.~~

#### **Sunset Clause**

**Licences will be revoked if:**

- i. the current operator(s), closes or sells their business, declares bankruptcy;**
- ii. Effective 2024 season, if there is a break in service or service is discontinued for a short period of time (i.e; one full season).**

Applications for renewal should be submitted and approved prior to the Regional caleche licence renewal date.

Any requests received by the Town of Niagara-on-the-Lake from a caleche owner must be in writing providing sufficient detail of the proposal, including but not limited to:

- i. references,
- ii. fares,
- iii. travel,
- iv. routes (with map),

- v. parking area,
- vi. evidence of permission to operate on Region of Niagara roads, if part of the route,
- vii. written permission to use/operate from property owned by another party whether public or private,
- viii. location of the livery site, etc.

Formal requests are received and assessed by Town of Niagara-on-the-Lake staff. Staff then prepare a report with a recommendation report for Council's consideration.

In order for a caleche business to be granted permission by NOTL, the following criteria must be satisfied:

A. Quality of the Service

- The application must demonstrate a favourable quality of service proposed. If applicable, other municipalities will be contacted as a reference to confirm their satisfaction and experiences with the caleche business operations.

B. Rates

- The fee rates to be charged should be comparable to the industry average.

C. Travel Route

- The Caleche operation must specify the route(s) intended for the service, providing a map(s) of the same.

D. Traffic Safety

- The proposed travel route must not create adverse impacts and/or conflicts with the traffic flow along the roadway.

E. Liability Insurance

- Liability insurance in the amount of FIVE (5) million dollars must be provided by the caleche owner naming the Town of Niagara-on-the-Lake as additional insured.
- A Liability Insurance Certificate must be presented at the time of issuance of the Caleche Permission. The liability insurance is required for the duration of the caleche operation and cannot be cancelled without advance written notification to the Town of Niagara-on-the-Lake.
- Confirmation must be provided by the caleche owner that all required documentation and approvals have been obtained from Niagara Region, and that all Regional liability insurance requirements have been met.

The caleche owner shall indemnify and save harmless Niagara Region and the Town of Niagara-on-the-Lake of any claim that may arise resulting from the caleche operation.

A licence fee will be charged to the caleche owner in accordance with the Town of Niagara-on-the-Lake Rates & Fees schedule, based on the estimated amount of staff time required to review and process the Caleche Licence request. The fee will be payable to the Town of Niagara-on-the-Lake at the time of application. The Rates & Fees schedule is submitted annually for Council approval. Upon approval the rates and fees can be found on the Town's website at [www.notl.com](http://www.notl.com)

Permission for the caleche operation will be subject to the licence agreement approved by Council. Annually the Town of Niagara-on-the-Lake will review the caleche business operation to determine if permission for the following year of operation should be granted.

Should an infraction of any standard operating conditions or requirements of this OTR occur, the Town has the right, in addition to applying Administrative Penalties, to rescind the permission for the caleche business to operate within Niagara-on-the-Lake.

## **26. NEW LICENCES:**

~~In the event that Council decides to increase the number of Licences available, the existing operators will be given preference when applying for the new Licence. Council may grant the Licence to either of the existing operators, or to another applicant, at their discretion. The onus is on the new operator to demonstrate that they will operate within these OTR and provide sustainable value to the community.~~

~~Preference will also be given to caleche operators who provide a livery site within the municipality.~~

Request for new licences will be denied. The Town is looking to phase-out the horse-drawn carriage within the Town of Niagara-on-the-Lake.

## **ENFORCEMENT**

Niagara Region has their own respective enforcement requirements and processes. Should non-compliance and/or complaints occur, Niagara Region shall determine the best recourse.

## **27. ROLE OF ENFORCEMENT:**

The primary objective is to seek compliance. Town will take a “we trust you to comply” approach until such time as a violation occurs.

## **28. WHO IS AUTHORIZED TO ENFORCE:**

By-law and Parking Enforcement personnel will be empowered to enforce OTR violations. Each Owner is responsible for the actions of all of its personnel. Therefore violations by a driver will be deemed to be a violation by the Owner (company).

## **29. COMPLAINTS PROCEDURE:**

When a complaint is made to a by-law officer about the operations of a particular company, the officer will advise the complainant that “Owner X or Y are very approachable and willing to respond to all concerns. They have invited you to call them directly so that they may resolve the matter promptly” and then provide the appropriate phone numbers.

The complainant will be encouraged to call the Town back if there is no resolution after speaking with Owners. The by-law officer will then mediate a solution, formally request compliance with the conditions of this Operating Terms of Reference, or impose fees and penalties as may be appropriate.

Staff will make every effort to prevent or minimize frivolous or malicious claims.

### **30. PENALTIES/BUSINESS LICENCE**

Punishment will be assessed against the Town's effort to enforce (i.e. the fines will be tied to the amount of time staff require to spend based on the work we are required to do to monitor, check etc.). Penalties will be incremental for repeat violations. A number of violations may result in a suspension of the Licence, and/or a revoking of the Licence in the following year.

The ability for a municipality to apply Administrative Penalties under the *Municipal Act, 2001*, S.O. 2001, c. 25, as may be amended, is dependent on Caleche Owners having a current and valid Business Licence from The Regional Municipality of Niagara.

### **GUIDING PRINCIPLES BEHIND THE OTR**

- Compliance with Niagara Region licensing requirements in By-law No. 2021-58
- Compliance with Town expectations - Caleche will at all times abide by all Town bylaws: past, present & future.
- Safety to pedestrians, vehicles & horses
- Owner may operate to make a profit
- Operations should not diminish tourism
- Operations may promote tourism
- Respect for residents
- Fairness
- Consistency
- Best interest of the horse
- Health of the horse

### **FUNCTIONS OF THE CALECHE**

- Tours
- History lesson
- Lost & found
- Ambassadors/host
- Good will
- Eco-friendly transportation
- Marketing/economic development
- Real estate
- Public awareness/education re. horses
- Limits the speed on roads
- Community surveillance
- Community ambiance – branding