

BYLAW 25-2021 TRANSIT BYLAW

Strathcona County operates a public transportation system, including vehicles and facilities, which is known as Strathcona Transit; and

Section 7 of the *Municipal Government Act*, RSA 2000, c M-26, permits a Council to pass bylaws for municipal purposes in relation to public transportation systems and public utilities, and to create offences and impose fines and penalties; and

A public transportation system operated by or on behalf of a municipality is a public utility; and

Section 8 of the *Municipal Government Act*, RSA 2000, c M-26, permits a Council to regulate or prohibit particular activities, industries, businesses, or other things; and

Therefore Council enacts:

PART I –INTERPRETATION

Definitions

1 In this bylaw:

- (a) "bicycle" means a vehicle consisting of two wheels propelled by human power but does not include motor powered bicycles, mopeds, recumbent bicycles, tandem bicycles, or bicycles with training wheels;
- (b) "bylaw enforcement officer" means an individual appointed or authorized by the Chief Commissioner to enforce County bylaws, and includes a peace officer and a police officer;
- (c) "Chief Commissioner" means the chief administrative officer of the County, or delegate;
- (d) "County" means the municipal corporation of Strathcona County, a specialized municipality established under the authority of the *Municipal Government Act*, RSA 2000, c M-26 and Order in Council 761/95, or, as the context requires, the geographical boundaries of Strathcona County;
- (e) "fare" means:
 - (i) the fee set out in the Fees, Rates, and Charges Bylaw for use of the County's public transportation services; or
 - (ii) in the case of a transit vehicle belonging to another municipality or a regional transit commission, the fee required by that municipality or regional transit commission for the use of its public transportation services;
- (f) "fare media" means an instrument or document that demonstrates pre-payment of a fare, and may include:
 - (i) a monthly or annual pass;

- (ii) a pre-paid ticket;
 - (iii) a transfer, issued by an operator, that includes an expiry date and time; or
 - (iv) any type or fare media that is accepted pursuant to an agreement between the County and another municipality or a regional transit commission;
- (g) "fare validation device" means a device that indicates whether a payment card has been used to provide the required fare;
- (h) "mobility aid" means a device designed to assist in walking or to otherwise improve the mobility of a person with a mobility impairment, and includes a wheelchair and a mobility scooter;
- (i) "motor vehicle" has the same meaning as it does in the Traffic Safety Act, RSA 2000, T-6;
- (j) "Municipal Government Act" means the *Municipal Government Act*, RSA 2000, c M-26; and
- (k) "payment card" means a:
 - (i) credit card;
 - (ii) debit card; or
 - (iii) smart card, or other similar regional or County-only card that is approved by the Chief Commissioner as a payment card;
- (l) "peace officer" has the same meaning as defined in the *Provincial Offences Procedure Act*, RSA 2000, c P-34;
- (m) "proof of payment" means evidence that the required fare has been paid, as demonstrated by:
 - (i) a valid, unexpired, and unaltered fare media; or
 - (ii) a payment card that, when used or contacted with a fare validation device, produces confirmation that the appropriate fare has been paid;
- (n) "proof of payment area" means:
 - (i) a transit vehicle; and
 - (ii) any portion of transit property that is identified as a proof of payment area;
- (o) "Provincial Offences Procedure Act" means the *Provincial Offences Procedure Act*, RSA 2000, c P-24;
- (p) "service dog" has the same meaning as in the Service Dogs Act, SA 2007, c S-7.5;
- (q) "transit property" means any property identified in Schedule B, including all roads, driveways, sidewalks, buildings, structures,

parking areas, and any other associated lands or equipment;
and

- (r) "transit vehicle" means a vehicle offered for public transportation and operated as part of a municipal transit service or a regional transit commission, and includes buses, vans, contract vehicles, transit support vehicles, and light rail transit vehicles.

- Interpretation 2 The following rules apply to interpretation of this bylaw:
- (a) The word "including" means "including, but not limited to";
 - (b) Headings and margin notes in this bylaw are for ease of reference only;
 - (c) References to one gender include all genders, and the singular includes the plural as the context requires;
 - (d) Every provision of this bylaw is independent of all other provisions and if any provision of this bylaw is declared invalid by a Court, all other provisions of this bylaw remain valid and enforceable; and
 - (e) References to bylaws and enactments in this bylaw include amendments and replacement bylaws and enactments, and regulations and orders thereunder.

PART II – PROHIBITING OTHER PUBLIC TRANSIT SYSTEMS

- Prohibition 3 No person other than the County may provide public transportation within the geographical boundaries of the County, except:
- (a) through agreement between the County and:
 - (i) another municipality; or
 - (ii) a regional transit commission;
 - (b) as authorized by the Chief Commissioner; and
 - (c) as permitted in the County's *Vehicle for Hire Bylaw*, 30-2016.

PART III - FARES

- Fare Required 4 (1) A person must pay the required fare prior to entering, or immediately upon entry to, a proof of payment area.
- (2) A person carrying a valid, unexpired, and unaltered fare media is deemed to have paid the required fare.
- Proof Required 5 A person in a proof of payment area must present proof of payment when requested to do so by a bylaw enforcement officer.

Proof of
Payment
Requirements

- 6 A person may not present a proof of payment for a fare that is subject to restrictions if the person does not qualify for that fare.
- 7 (1) Fare media and proof of payment is not transferrable unless it expressly states so on its face.

(2) Proof of payment may not be shared with or transferred to another person while in a proof of payment area, even if the proof of payment states on its face that it is transferrable.
- 8 Fare media and proof of payment is subject to any restriction on its face, including:
 - (a) a limit on the number of persons the fare media or proof of payment applies to; and
 - (b) an expiry date and time.

PART IV – PASSENGER CONDUCT

Rules of
Conduct

- 9 A person shall not spit on transit vehicles or transit property.
- 10 A person shall not interfere with the comfort or convenience of any other person on a transit vehicle or transit property.
- 11 A person shall not climb, damage, or interfere with transit vehicles or transit property.
- 12 A person shall not loiter in a transit vehicle or on transit property for longer than required to reach that person's destination.
- 13 On transit vehicles or transit property, a person shall not sell or display for sale any goods or services unless written authorization has been provided by the Chief Commissioner.
- 14 A person shall not distribute any printed material or other goods on a transit vehicle or transit property unless written authorization has been provided by the Chief Commissioner.
- 15 A person shall not offer or stage a live musical performance on a transit vehicle or transit property unless written authorization has been provided by the Chief Commissioner.
- 16 (1) A person shall not consume food or drink while aboard a transit vehicle unless the food or drink is in a container that prevents spills, and the food or drink is under control.

(2) A person shall not spill, or permit to be spilled, any food or drink in a transit vehicle.
- 17 A person shall not place their feet upon any seat in a transit vehicle.

- 18 A person shall not place, or permit to be placed, any item in the aisle of a transit vehicle.
- 19 A person shall not bring any animal on a transit vehicle except:
 - (a) a service dog; or
 - (b) animals confined within a device such as a cage or kennel.
- 20 A person shall not enter or leave, or attempt to enter or leave, a transit vehicle while the transit vehicle is in motion, or when the operator of the transit vehicle has declared it is unsafe to do so.
- 21 A person shall not cross the safety line near the edge of a platform on transit property except for the purpose of entering or leaving a transit vehicle, or leaving the platform area at a designated crosswalk.
- 22 A person shall not enter into or on any area in a transit vehicle or on transit property that has been signed as "closed", "employee only", or otherwise restricted in any way, except as authorized by the Chief Commissioner.
- 23 A person shall not operate any professional video or audio recording equipment on a transit vehicle unless written authorization has been provided by the Chief Commissioner.
- 24 A person shall not project any thing, or any part of that person's body, through any window, closed door, or door in the process of closing on a transit vehicle.
- 25 A person shall not bring a motor vehicle into any location where a motor vehicle is prohibited, except as authorized has been issued by the Chief Commissioner.
- 26 A person shall not activate an alarm device located on transit property or in a transit vehicle, except for the alarm's stated purpose.
- 27 A person shall not bring a bicycle inside a transit vehicle, except as permitted by the operator of the transit vehicle.

PART V – ENFORCEMENT

- | | |
|---------------------|---|
| Offences | 28 A person who fails to comply with a provision of this bylaw is guilty of an offence. |
| Continuing Offences | 29 If an offence is of a continuing nature, each day or part thereof that a person fails to comply with the requirements of this bylaw constitutes a new offence. |

- | | |
|----------------------|--|
| Obstruction | 30 Any person who interferes with or obstructs a bylaw enforcement officer in the execution of the bylaw enforcement officer's duties under this bylaw is guilty of an offence. |
| False Documents | 31 It is an offence to present an altered, fraudulent, or stolen proof of payment to a bylaw enforcement officer. |
| False Information | 32 Any person who provides false information to a bylaw enforcement officer is guilty of an offence. |
| Enforcement Measures | 33 Nothing in this bylaw precludes a bylaw enforcement officer from taking any enforcement measure available in another bylaw or enactment, in addition to any enforcement measure provided for in this bylaw. 34 A bylaw enforcement officer is a designated officer of the municipality with the power to conduct inspections, take enforcement action, and order any person to remedy a contravention, pursuant to the Municipal Government Act, or as provided for and in accordance with any other enactment or bylaw. |
| Municipal Tag | 35 A bylaw enforcement officer may issue and serve a municipal tag on any person the officer has reasonable and probable grounds to believe has contravened a provision of this bylaw by: (a) personally serving the municipal tag on the person; or (b) mailing a copy of the municipal tag by pre-paid post to the person's last known postal address. 36 A municipal tag shall be in a form approved by the Chief Commissioner and shall state: (a) the name of the person to whom the municipal tag is issued; (b) the particulars of the contravention of the bylaw; (c) the specified penalty for the offence as set out in Schedule A; (d) that the specified penalty shall be paid within thirty (30) days of the issuance of the municipal tag in order to avoid prosecution; and (e) any other information as may be required by the Chief Commissioner. |
| Violation Ticket | 37 If a municipal tag has been issued and the specified penalty on the municipal tag has not been paid within the prescribed time, a peace officer may issue a violation ticket to the person to whom the municipal tag was issued. 38 A peace officer may, in the officer's sole discretion, elect to issue and serve a violation ticket without first issuing a municipal tag. |

39 A peace officer is authorized to issue a violation ticket to any person the peace officer believes, on reasonable and probable grounds, has committed an offence under this bylaw, under Part 2 or Part 3 of the Provincial Offences Procedure Act.

40 If a violation ticket is issued it must be in the prescribed form and must:

(a) state the specified penalty for the offence as set out in Schedule A of this bylaw; or

(b) require the person to appear in Provincial Court with or without the alternative of making a voluntary payment.

Penalties

41 Any person guilty of an offence under this bylaw is liable on conviction to a penalty in an amount not less than the amount specified in Schedule A of this bylaw, or if not prescribed in Schedule A, not more than \$10,000, and any other penalties as may be prescribed in default of payment in relation to proceedings taken under Part 2 or Part 3 of the Provincial Offences Procedure Act.

PART VI – CHIEF COMMISSIONER’S AUTHORITY

Chief
Commissioner’s
Powers

42 Without restricting any other power, duty, or function granted to the Chief Commissioner by this or another bylaw or enactment, the Chief Commissioner may:

(a) carry out any inspections to determine compliance with this bylaw;

(b) take any steps or carry out any action required to enforce this bylaw;

(c) establish regulations regarding persons bringing bicycles onto transit vehicles;

(d) establish areas where activities restricted by this bylaw are permitted;

(e) establish the forms required for this bylaw;

(f) prohibit a person from using the County’s public transportation system;

(g) determine the location of safety lines and barricades;

(h) determine the location of restricted areas, including:

(i) areas for transit-vehicles-only; and

(ii) areas for County-employees-only;

- (i) approve fare validation devices; and
- (j) certify a record of the County as a true copy of the original.

PART VII – GENERAL

- Certified Records 43 A copy of a record of the County, certified by the Chief Commissioner or delegate as a true copy of the original, shall be admitted in evidence as *prima facie* proof of the facts stated in the record without proof of the appointment or signature of the person signing it.
- Presumption 44 In a prosecution under this bylaw, where a certified copy of a record of the County containing a list of fare media or proof of payment provided as payment of a fare on or about the date and time of the alleged offence is tendered;
- (a) the Court may conclude that, in the absence of a fare media or proof of payment being found in the record, the required fare has not been paid; and
 - (b) where the fare media or proof of payment is absent from the certified record, the onus of proving that a person has paid the required fare is on the person alleging the required fare has been paid, on a balance of probabilities.

PART VIII – REPEAL

- Repeal 45 Bylaw 44-88 is repealed.

FIRST READING: _____

SECOND READING: _____

THIRD READING: _____

SIGNED THIS ____ day of _____, 20____.

MAYOR

DIRECTOR, LEGISLATIVE AND LEGAL
SERVICES

**SCHEDULE A
BYLAW 25-2021
TRANSIT BYLAW
SPECIFIED PENALTIES**

| Section | Offence | Municipal Tag | Violation Ticket | | |
|--------------|--|---------------|------------------|---------------------------------------|---|
| | | | First Offence | Second Offence Within two year period | Third or more Offences Within two year period |
| 4(1) | Fail to pay fare | \$150 | \$200 | \$400 | \$800 |
| 5 | Fail to present proof of payment | \$100 | \$150 | \$300 | \$600 |
| 6 | Present a restricted proof of payment without meeting the conditions | \$150 | \$200 | \$400 | \$800 |
| 7(2) | Transferring a proof of payment | \$100 | \$150 | \$300 | \$300 |
| 9 | Spit on a transit vehicle or transit property | \$75 | \$100 | \$200 | \$400 |
| 10 | Interfere with the comfort or convenience of another person on a transit vehicle or transit property | \$100 | \$150 | \$300 | \$600 |
| 11 | Climb on, damage, or interfere with a transit vehicle or transit property | \$150 | \$200 | \$400 | \$800 |
| 12 | Loiter on a transit vehicle or transit property | \$75 | \$100 | \$200 | \$400 |
| 13 | Sell or display goods for sale on a transit vehicle or transit property | \$100 | \$150 | \$300 | \$600 |
| 14 | Distribute printed material or goods on a transit vehicle or transit property | \$100 | \$150 | \$300 | \$600 |
| 15 | Perform live music on a transit vehicle or transit property | \$75 | \$100 | \$200 | \$400 |
| 16(1) | Consume food or drink on a transit vehicle | \$50 | \$100 | \$200 | \$400 |
| 16(2) | Spill food or drink on a transit vehicle | \$50 | \$100 | \$200 | \$400 |
| 17 | Place feet on seat in a transit vehicle | \$50 | \$100 | \$200 | \$400 |
| 18 | Place an item in the aisle of a transit vehicle | \$75 | \$100 | \$200 | \$400 |

| Section | Offence | Municipal Tag | Violation Ticket | | |
|-----------|---|---------------|------------------|---------------------------------------|---|
| | | | First Offence | Second Offence Within two year period | Third or more Offences Within two year period |
| 19 | Bring an animal onto a transit vehicle | \$75 | \$100 | \$200 | \$400 |
| 20 | Exiting a transit vehicle while it is in motion | \$150 | \$200 | \$400 | \$800 |
| 21 | Crossing the safety line on transit property | \$100 | \$150 | \$300 | \$600 |
| 22 | Entering a restricted area | \$150 | \$200 | \$400 | \$800 |
| 23 | Operating professional recording equipment on a transit vehicle or transit property | \$100 | \$150 | \$300 | \$600 |
| 24 | Projecting a thing or body part from a transit vehicle | \$150 | \$200 | \$400 | \$800 |
| 25 | Bringing a motor vehicle into a restricted area | \$200 | \$250 | \$500 | \$1,000 |
| 26 | Improperly activating an alarm on a transit vehicle | \$50 | \$100 | \$200 | \$400 |
| 27 | Bringing a bicycle into a transit vehicle | \$50 | \$100 | \$200 | \$400 |
| 30 | Obstruct a bylaw enforcement officer in the performance of that officer's duties | \$500 | \$500 | \$1,000 | \$2,000 |
| 31 | Presenting an altered, fraudulent, or stolen proof of payment | \$200 | \$250 | \$500 | \$1,000 |
| 32 | Providing false information to a bylaw enforcement officer | \$500 | \$500 | \$1,000 | \$1,000 |

**SCHEDULE B
BYLAW 25-2021
TRANSIT BYLAW
TRANSIT PROPERTY**

1. The following are transit property:

- (a) Bethel Transit Terminal
650 Bethel Drive, T8H 2N4
 - 1,090 sq. m. customer service and waiting area building
 - 1,200 stall parking area
- (b) Ordze Transit Centre
970 Ordze Road, T8A 4L7
 - 520 sq. m. customer service and waiting area building
 - 200 stall parking area
- (c) Transit Operations Building
200 Streambank Avenue, T8H 1N1
 - Bus storage and service facility
 - Offices