

CITY OF ST. ALBERT

BYLAW 33/2021

TRANSIT BYLAW AMENDMENT

Being Amendment 1 to the Transit Bylaw 23/2017

The Council of the City of St. Albert, duly assembled, hereby ENACTS AS FOLLOWS:

1. Bylaw 23/2017 Transit Bylaw is hereby amended by this Bylaw.
2. A new Section 2(a.0) is added before section 2(a) as follows:
 2. (a.0) “Arc Card” means Edmonton Metropolitan Region’s smart fare product that is a secure and reloadable card, utilized by tapping on Transit Vehicles;
3. Section 2(d) is deleted and the following is added after section 2(b):
 - 2.(b.1) “Chief Administrative Officer” or “CAO” means the individual appointed by Council to the position of Chief Administrative Officer under section 205 of the Municipal Government Act and pursuant to the Chief Administrative Officer Bylaw;
4. Section 2(f) is deleted and replaced with the following:
 - 2.(f) “Fare” means the fee established on a Transit Vehicle in accordance with section 8 of this Bylaw;
5. The following is added after section 2(h):
 - 2.(h.1) “Payment Card” means a credit, debit or ARC card;
6. The following is added after section 2(i):
 - 2.(i.1) “Prepaid Fare Product” means proof of prepayment of a required Fare, and includes a Transit Pass, including a validated St. Albert Transit ticket, or other fare medium issued by St. Albert Transit;
 - 2.(i.2) “Proof of Payment” means proof of payment of a required Fare, as demonstrated by:

- (i) a valid, unexpired, and unaltered Prepaid Fare Product; or
- (ii) a Payment Card that, when used or contacted with a St. Albert Transit Fare validation device, produces confirmation that Fare has been paid;

2.(j.3) “Proof of Payment Area” means a Transit Vehicle;

7. Sections 8 to 13 are deleted and replaced with the following:

- 8. The current Fare payable by passengers of St. Albert Transit shall be set by the CAO in accordance with the principles described in City Council policy.
- 9. (a) A person must pay the Fare prior to entering, or immediately upon entry to, a Proof of Payment Area.

(b) A person in a Proof of Payment Area must present Proof of Payment when requested to do so by a Peace Officer.

(c) A person carrying a valid, unexpired, and unaltered Prepaid Fare Product is deemed to be in compliance with this section 9.
- 10. A person shall not present a Proof of Payment for a Fare that is subject to restrictions if the person does not qualify for that Fare.
- 11. A person shall not transfer or resell a Prepaid Fare Product to another person unless the Prepaid Fare Product indicates that it is transferable.
- 12. A person shall not possess or present an altered, fraudulent, or stolen Proof of Payment.

Conduct of Passengers

- 13. A person must comply with all rules and regulations which are posted on Transit Property as Proof of Payment, including Transit Passes and other Fare Products.
- 8. In section 16 and the heading before section 16, the term “City Manager” is deleted and replaced with “Chief Administrative Officer”.
- 9. Section 16(e) is deleted and replaced with the following:

16.(e) establish Fares, including any restrictions on classes of Fares, and set up the operation and accounting for the sale of Fares.

10. The following is added after section 23:

Payment Card Presumption

23.1 In a prosecution under this Bylaw, where a certified copy of a record of the City containing a list of Payment Cards 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 Payment Card being found in the record, the required Fare has not been paid; and

(b) where the Payment Card is absent from the record, the onus of proving a person has paid the required Fare is on the person alleging the required Fare has been paid on a balance of probabilities.

11. Schedule A is deleted and replaced in its entirety with the attached Schedule A: Offences and Penalties.

12. The Chief Administrative Officer is authorized to issue a consolidated version of Bylaw 23/2017 that incorporates the amendments made by this amending bylaw and otherwise conforms with the requirements of section 69 of the *Municipal Government Act*.

READ a First time this ____ day of _____ 20____.

READ a Second time this ____ day of _____ 20____.

READ a Third time this ____ day of _____ 20____.

SIGNED AND PASSED this ____ day of _____ 20____.

MAYOR

CHIEF LEGISLATIVE OFFICER

Schedule A: Offences and Penalties

| Offence | Section | Specified Penalty |
|--|---------|-------------------|
| Fail to pay transit Fare | 9 (a) | \$200 |
| Fail to provide transit fare Proof of Payment to a Peace Officer | 9(b) | \$200 |
| Present an ineligible transit Proof of Payment | 10 | \$200 |
| Transfer/resell a transit Fare when unauthorized | 11 | \$200 |
| Possess/present an altered, fraudulent, or stolen Proof of Payment | 12 | \$200 |
| Failure to comply with posted rules and regulations | 13 | \$200 |
| Failure to comply with the instructions of a Transit Operator. | 14 | \$200 |
| Misconduct, abusive language, menacing, interference with or other behavior offensive to others. | 15(a) | \$200 |
| Climbing, damaging, or interfering with Transit Property | 15(b) | \$200 |
| Spitting on Transit Property | 15(c) | \$100 |
| Littering | 15(d) | \$200 |
| Consuming alcoholic drink, or consuming non-alcoholic drink which is not sealed and under control aboard a Transit Vehicle | 15(e) | \$100 |
| Consuming food aboard a Transit Vehicle | 15(f) | \$100 |
| Spilling food or drink in a Transit Vehicle | 15(g) | \$100 |
| Unauthorized sale or display on Transit Property | 15(h) | \$200 |

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| Unauthorized distribution of printed materials or goods on Transit Property | 15(i) | \$200 |
| Operation of a mobile device or instrument in manner that disturbs other passengers | 15(j) | \$200 |
| Panhandling on Transit Property | 15(k) | \$100 |
| Unauthorized animal on Transit Property | 15(l) | \$100 |
| Unauthorized placement of item in aisle of Transit Vehicle | 15(m) | \$100 |
| Entering or leaving a Transit Vehicle while in motion or when Transit Operator has declared it unsafe to do so | 15(n) | \$200 |
| Projection of any thing or body part through window, closed door, or door in process of closing of a Transit Vehicle | 15(o) | \$200 |
| Operating or parking a non-transit vehicle in a Transit Area | 15(p) | \$200 |