

CITY OF ST. ALBERT

BYLAW 23/2017

Being a bylaw to operate a public transportation system and
to repeal Bylaw 34/87

Whereas the City of St. Albert owns and operates a public transportation system, together with buildings and permanent facilities, officially called “St. Albert Transit”;

Whereas part of this service includes the transportation by bus of people from the City of St. Albert to the City of Edmonton and return;

Whereas pursuant to section 7(d) of the *Municipal Government Act* RSA 2000 cM-26, as amended, a municipal council may pass bylaws for municipal purposes respecting transport and transportation systems; and

Whereas pursuant to section 7(i) of the *Municipal Government Act*, a municipal council may pass bylaws for municipal purposes respecting the enforcement of bylaws made under the *Municipal Government Act* or any other enactment including any or all of the matters listed therein.

NOW THEREFORE, under the authority of the *Municipal Government Act*, the Council of the City of St. Albert duly assembled, hereby ENACTS AS FOLLOWS:

Title

1. This Bylaw may be referred to as the “Transit Bylaw”.

Definitions

2. The following definitions shall apply to this Bylaw:

(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;

- (a) “Assistance Animal” is a guide dog as defined in the *Blind Persons’ Rights Act* RSA 2000 cB-3, and any amending or succeeding legislation, or a service dog as defined in the *Service Dogs Act* RSA 2007 cS-7.5, and any amending or succeeding legislation;



- (b) “Bylaw” means this Transit Bylaw;
- (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;
- (c) “City” means the municipal corporation of the City of St. Albert, and includes where the context so requires, the area contained within the boundaries of the City;
- (d) ~~“City Manager” means the City’s chief administrative officer or his or her delegate;~~ Intentionally deleted;
- (e) “Council” means the City’s municipal council;
- (f) ~~“Fare” means the cost of a journey on a Transit Vehicle as established by Council;~~

“Fare” means the fee established on a Transit Vehicle in accordance with section 8 of this Bylaw;
- (g) “Municipal Violation Tag” means a City-issued notice that alleges a bylaw offence and provides a person with the opportunity to pay an amount to the City in lieu of prosecution for the offence;
- (h) “Panhandle” means a request or solicitation made verbally or otherwise for the gratuitous provision of money or goods from another person;
- (h.1) “Payment Card” means a credit, debit or ARC card;
- (i) “Peace Officer” is as defined in the *Provincial Offences Procedure Act* RSA 2000 cP-34, and any amending or succeeding legislation;
- (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;
- (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;

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

- (j) “St. Albert Transit” means the public transportation system operated by the City, and includes where the context so requires, the transit department of the City;
- (k) “Transit Area” means any portion or portions of Transit Property designated as a Transit Area, with signs posted at the entrances to areas indicating that the area is designated for use by Transit patrons and/or Transit Vehicles;
- (l) “Transit Operator” means the person assigned by St. Albert Transit, or its affiliated contract service provider, to drive the Transit Vehicle and on whom responsibility is placed for the safety, security and service of the passengers, the vehicle, and Transit Property;
- (m) “Transit Pass” means a document provided in exchange for the payment of Fare that has been validated for use on a Transit Vehicle and includes a ticket, transfer, pass, or electronic fare;
- (n) “Transit Property” means any property or premises owned, used, occupied, or controlled by the City for transit and public transportation purposes, and, for the purposes of this Bylaw, includes bus shelters, stations, and benches;
- (o) “Transit Vehicle” means a vehicle offered for public transportation and operated by or on behalf of St. Albert Transit, and includes all buses and paratransit vehicles operated as part of the Handibus service; and
- (p) “Violation Ticket” is as defined in the *Provincial Offences Procedure Act* and any amending or succeeding legislation.

Exclusive Authority

- 3. This Bylaw applies only to the public transportation system operated under the name “St. Albert Transit”, as well as to all parallel and auxiliary transportation services being provided by or for St. Albert Transit, such as St. Albert Transit Handibus.
- 4. The City has the exclusive authority to operate a public bus transportation system within the City or any part of the City. No person or entity shall operate a fixed-route public bus transportation system in the City unless the person or entity is

authorized to do so by the City. This prohibition includes but is not limited to the following:

- (a) shuttle bus services;
- (b) charter bus services;
- (c) special event public transit services (Park 'N' Ride); and
- (d) regularly scheduled transit services.

This section 4 does not apply with respect to buses used to transport pupils, including buses owned by a school board, private school, or charitable organization.

Standards

- 5. St. Albert Transit shall make its services available equally to every person without discrimination on the basis of race, religious beliefs, colour, gender, gender identity, gender expression, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation.
- 6. When negotiating a contract for the provision of drivers and personnel to operate Transit Vehicles and for the provision of any incidental services on behalf of St. Albert Transit, the City shall make its best efforts to include the following clause or any reasonable variation thereof in the agreement:

"The Contractor agrees to hire and employ all personnel for the fulfillment of its obligations as evidenced by this agreement without engaging in discrimination based on race, religious beliefs, colour, gender, gender identity, gender expression, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation".
- 7. The City may use audio/video surveillance on or in Transit Vehicles and Transit Property to promote and ensure the safety and security of persons and property.

Fares

- ~~8. Council shall set out the Fare payable by passengers of St. Albert Transit in the Master Rates Bylaw.~~
- 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 person must pay Fare prior to or upon entry to a Transit Vehicle or other Transit Area requiring proof of payment.~~

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 take more than one Transit Pass for each Fare paid.~~

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 a Transit Pass or other Fare product to any other person unless the product states on its face that it may be transferred.~~

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 use any Transit Pass with an expired time or date on its face.~~

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 and printed on Transit Passes and other Fare products.~~

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.

14. A person must comply with the instructions of a Transit Operator in or on Transit Property.

15. No person shall:

- (a) use abusive language or menace or interfere with the comfort or convenience of any other person on Transit Property or within a Transit Vehicle;
- (b) climb, damage, or interfere with any Transit Property, including Transit Vehicles;
- (c) spit on Transit Property;
- (d) leave any garbage, litter, or other refuse in or on Transit Property except in a receptacle designed and intended for such use;
- (e) consume a drink while aboard a Transit Vehicle unless the drink is non-alcoholic in nature, in a sealed or sealable container, and under control;
- (f) consume food while aboard a Transit Vehicle unless required for medical reasons;
- (g) spill or permit to be spilled any food or drink in a Transit Vehicle;
- (h) sell or display for sale any goods or services on Transit Property unless a permit authorizing the sale or display has been issued by the City;
- (i) distribute any printed material or other goods on Transit Property unless a permit authorizing the distribution has been issued by the City;
- (j) use or operate any mobile phone, portable audio or video listening or display device, including musical instruments, unless the sound emitted from the device is conveyed to that person by way of an earphone and in a manner which does not disturb other passengers;
- (k) Panhandle on Transit Property;
- (l) bring any animal on Transit Property except:
 - (i) Assistance Animals trained for and used to guide the visually impaired, the hearing impaired, or persons with other disabilities; or
 - (ii) animals housed within a confined structure such as a cage or kennel.

Notwithstanding the stipulations of subsection 15(l)(i) and subsection 15(l)(ii), the Transit Operator has the authority to refuse entry to a

passenger onto a Transit Vehicle if, in the Transit Operator's reasonable opinion, the animal poses a health or safety risk to the public or is behaving inappropriately or in a threatening manner;

- (m) place or permit to be placed any item in the aisle of a Transit Vehicle;
- (n) enter or leave or attempt to enter or leave a Transit Vehicle while the Transit Vehicle is in motion or when the Transit Operator has declared it unsafe to do so;
- (o) project any part of his body or any other thing through any window, closed door, or door in the process of closing of a Transit Vehicle; or
- (p) operate, park, leave, or abandon a vehicle in a Transit Area.

~~City Manager~~
Chief Administrative Officer

16. The ~~City Manager~~ Chief Administrative Officer is hereby authorized to:

- (a) set up the general operation, management, and scheduling of St. Albert Transit;
- (b) without prejudice to the generality of section 16(a), negotiate or renegotiate agreements on behalf of St. Albert Transit and present same to Council for approval, as required, and to negotiate and enter into agreements on behalf of St. Albert Transit and the City in regards to the cleaning of buildings and facilities, painting and repairs of Transit Vehicles, supply and operation of buses, and any other agreements incidental to the day-to-day management and operations of St. Albert Transit based upon an approved budget;
- (c) negotiate advertising contracts in and on all Transit Vehicles and Transit Property operated or used by St. Albert Transit and to present same to Council for approval, as required;
- (d) approve or refuse, for any reason deemed necessary, any advertisement or messaging intended for display on Transit Vehicles and Transit Property; and
- (e) ~~set up the operation of the sale of Fares, the accounting for the same, and to present the same to Council for approval.~~

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

Enforcement

Offence

- 17. A person who contravenes any section of this Bylaw is guilty of an offence.

Continuing Offence

- 18. In the case of an offence that is of a continuing nature, a contravention of a provision of this Bylaw constitutes a separate offence with respect to each day, or part of a day, during which the contravention continues, and a person guilty of such an offence is liable to a fine in an amount not less than that established by this Bylaw for each separate offence.

Fines and Penalties

- 19. A person who is guilty of an offence under this Bylaw is liable:
 - (a) to a fine as prescribed in Schedule A of this Bylaw; or
 - (b) on summary conviction, to a fine not exceeding \$10,000 or to an order of imprisonment for not more than one (1) year, or both.

Municipal Violation Tag

- 20. A Peace Officer may issue, with respect to an offence under this Bylaw, a Municipal Violation Tag specifying the fine amount established by this Bylaw.
- 21. Where a Municipal Violation Tag is issued, the fine amount indicated thereon may be paid as directed in lieu of prosecution.

Violation Ticket

- 22. A Peace Officer may issue, with respect to an offence under this Bylaw, a Violation Ticket:
 - (a) Specifying the fine amount established by this Bylaw; or
 - (b) Requiring an appearance in court without the option of making a voluntary payment.

23. Where a Violation Ticket specifies a fine amount, a voluntary payment equal to the specified fine amount may be made as directed.

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.

General

Certified Copy of Record

24. A copy of a record of the City, certified by the City Manager as a true copy of the original, shall be admitted in evidence as *prima facie* proof of the facts stated in the record with proof of the appointment or signature of the person signing it.

Proof of Exception

25. The burden of proving, on a balance of probabilities, that an exception referred to by this Bylaw applies in a particular case is on the person alleging such exception.

Bylaw 34/87

26. Bylaw 34/87 is repealed upon this Bylaw taking effect.

READ a first time this 10th day of July, 2017.

READ a second time this 10th day of July, 17.

READ a third and final time this 21st day of August, 2017.

SIGNED AND PASSED this _____ day of _____, 2017.



MAYOR

CHIEF LEGISLATIVE OFFICER

Schedule A: Offences and Penalties

Offence	Section	Specified Penalty
Non-Payment of Fare	9	\$200
Taking more than one Transit Pass for Fare paid	10	\$200
Illegal or unauthorized use of Transit Pass	11	\$200
Use of expired Transit Pass	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
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

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
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