

THE CITY OF EDMONTON

BYLAW 15889

CONDUCT OF TRANSIT PASSENGER BYLAW AMENDMENT No. 10

Edmonton City Council enacts:

- 1 Bylaw 8353, the Conduct of Transit Passenger Bylaw, is amended by this bylaw.
- 2 Sections 101 through 703 are repealed and replaced with the following:

PART I - PURPOSE, DEFINITIONS AND INTERPRETATION

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| PURPOSE | 1 | The purpose of this bylaw is to regulate the conduct and activities of people using the Edmonton Transit System in order to promote the safety and welfare of other users of the Edmonton Transit System. |
| DEFINITIONS | 2 | In this bylaw: <ol style="list-style-type: none">(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) “City” means the municipal corporation of the City of Edmonton;(c) “City Manager” means the chief administrative officer of the City or his delegate;(d) “Light Rail Transit Vehicle” means a Transit Vehicle that operates on fixed tracks;(e) “Fare” means the cost of a journey on a Transit Vehicle as established by the City Manager;(f) “Municipal Tag” means a ticket alleging an offence issued pursuant to the authority of a bylaw of the City; |

- (g) **“Peace Officer”** means
 - (i) a police officer,
 - (ii) a person appointed as a peace officer pursuant to the *Peace Officer Act*, S.A. 2006, c. P-3.5, as amended, or
 - (iii) a person appointed as a bylaw enforcement officer pursuant to the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended;
- (h) **“Proof of Payment”** means a document provided in exchange for the payment of Fare that has been validated for use on a Transit Vehicle and includes a validated ticket, transfer, pass, or electronic fare;
- (i) **“Proof of Payment Area”** means an area in which Proof of Payment is required and includes Light Rail Transit Vehicles and those portions of Transit Property marked as a Proof of Payment Area;
- (j) **“Transit Property”** means any property owned or controlled by the Edmonton Transit Branch of the Transportation Services Department of the City;
- (k) **“Transit Station”** means a place where people are picked up or dropped off from a Transit Vehicle and includes light rail transit stations, bus terminals, bus stops, and bus shelters;
- (l) **“Transit Vehicle”** means a vehicle offered for public transportation and operated by or on behalf of the Edmonton Transit Branch of the Transportation Services Department of the City and includes buses, light rail transit vehicles, and all vehicles operated by or on behalf of the Disabled Transportation Service;
- (m) **“Vehicle”** has the same meaning as in the *Traffic Safety Act*, R.S.A. 2000, c. T-6; and
- (n) **“Violation Ticket”** has the same meaning as in the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34, as amended.

PART II - PAYMENT OF FARE

PAYMENT PRIOR TO ENTRY	4	A person must pay Fare prior to or upon entry to a Proof of Payment Area or a Transit Vehicle.
PROOF OF PAYMENT	5	A person in a Proof of Payment Area must: <ul style="list-style-type: none"> (a) have valid Proof of Payment in their possession; and (b) present valid Proof of Payment when requested to do so by a Peace Officer or the operator of a Transit Vehicle.
ONE PROOF OF PAYMENT	6	A person shall not take more than one Proof of Payment for each Fare paid.
NON-TRANSFERABLE	7	A person shall not transfer a Proof of Payment to any other person unless the Proof of Payment states on its face that it may be transferred.
EXPIRY	8	Any Proof of Payment showing a time and date on its face expires at the time and date shown on the face of the Proof of Payment.

PART III - CONDUCT OF PASSENGERS

SPITTING	9	A person shall not spit on Transit Property.
HARASSMENT	10	A person shall not molest or interfere with the comfort or convenience of any other person on Transit Property.
CLIMBING OR INTERFERING	11	A person shall not climb, damage or interfere with any Transit Property, including Transit Vehicles.
LOITERING	12	A person shall not loiter on Transit Property or in a Transit Vehicle for longer than required to reach their destination.
DISPLAY FOR SALE	13	A person shall not 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.
PRINTED MATERIAL	14	A person shall not distribute any printed material or other goods on Transit Property unless a permit authorizing the distribution has been issued by the City.
PERFORMANCES	15	A person shall not offer or stage a live musical performance on Transit Property unless a permit authorizing the performance has

been issued by the City.

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| FOOD AND DRINK | 16 | <p>(1) A person shall not consume a drink while aboard a Transit Vehicle unless the drink is in a sealed or sealable container and under control.</p> <p>(2) A person shall not consume food while aboard a Transit Vehicle unless the food is in a container designed for travel and under control.</p> <p>(3) A person shall not spill or permit to be spilt any food or drink in a Transit Vehicle.</p> |
| FEET ON THE SEAT | 17 | A person shall not place their feet upon any seat in a Transit Vehicle. |
| AISLES | 18 | A person shall not place or permit to be placed any item in the aisle of a Transit Vehicle. |
| ANIMALS | 19 | <p>A person shall not bring any animal on Transit Property except:</p> <p>(a) dogs trained for and used to guide the visually impaired, the hearing impaired or persons with other disabilities; or</p> <p>(b) animals housed within a confined structure such as a cage or kennel.</p> |
| MOVING VEHICLES | 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 unsafe to do so. |
| SAFETY LINE | 21 | A person shall not cross the safety line near the edge of a platform except for the purpose of entering or leaving a Transit Vehicle. |
| TRESPASS | 22 | <p>A person shall not pass upon:</p> <p>(a) the tracks used by a Light Rail Transit Vehicle, except where a traffic control device permits crossing of the tracks;</p> <p>(b) any right-of-way for Light Rail Transit Vehicles, including any tunnels; or</p> <p>(c) any other area on Transit Property designated as closed to the public by the City Manager.</p> |
| CROSSING GATE | 23 | A person shall not pass around, through or under a crossing gate or barrier while the gate or barrier is closed or while the gate or barrier is in the process of being opened or closed. |

- PROJECTION** 24 A person shall not 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.
- VEHICLES** 25 (1) A person shall not bring a Vehicle into a Transit Station or aboard a Transit Vehicle.
- (2) A person shall not bring a Vehicle into any location where Vehicles are prohibited unless the Vehicle has been authorized to enter that location by the City Manager.
- (3) This section does not apply to Bicycles.
- CYCLING AND SKATEBOARDING** 26 A person shall not ride a Bicycle, skateboard, rollerblade or similar item on Transit Property, in a Transit Station, or aboard a Transit Vehicle.
- BICYCLES** 27 (1) A person shall not carry a Bicycle aboard a Transit Vehicle except:
- (a) during the hours specified by the City Manager;
- (b) in the areas specified by the City Manager; and
- (c) while under control.
- (2) A person shall not leave a Bicycle unattended in a Transit Station or aboard a Transit Vehicle except in a location designed and intended for the storage of Bicycles.
- (3) A person shall not allow a Bicycle under their control to bring dirt, mud or grease into a Transit Station or onto a Transit Vehicle.

PART IV - ENFORCEMENT

- OFFENCE** 28 A person who contravenes this bylaw is guilty of an offence.
- CONTINUING OFFENCE** 29 In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it 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 day that the offence continues.
- VICARIOUS LIABILITY** 30 For the purposes of this bylaw, an act or omission by an employee or agent of a person is deemed also to be an act or omission of the person if the act or omission occurred in the course of the employee's employment with the person, or in the course of the

agent's exercising the powers or performing the duties on behalf of the person under their agency relationship.

**FINES AND
PENALTIES**

- 31 (1) A person who is guilty of an offence is liable to a fine in an amount not less than that established in this section and not exceeding \$10,000 and to imprisonment for not more than six months for non payment of the fine.
- (2) Without restricting the generality of subsection (1) the following fine amounts are established for use on Municipal Tags and Violation Tickets if a voluntary payment option is offered:
- (a) \$250 for any offence for which a fine is not otherwise established in this section; and
 - (b) \$100 for any offence under section 16 or 19.

MUNICIPAL TAG

- 32 If a Municipal Tag is issued in respect of an offence the Municipal Tag must specify the fine amount established by this bylaw for the offence.

**PAYMENT IN LIEU
OF PROSECUTION**

- 33 A person who commits an offence may, if a Municipal Tag is issued in respect of the offence, pay the fine amount established by this bylaw for the offence and if the amount is paid on or before the required date, the person will not be prosecuted for the offence.

**VIOLATION
TICKET**

- 34 If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:
- (a) specify the fine amount established by this bylaw for the offence; or
 - (b) require the person charged to appear in court without the alternative of making a voluntary payment.

**VOLUNTARY
PAYMENT**

- 35 A person who commits an offence may:
- (a) if a Violation Ticket is issued in respect of the offence; and
 - (b) if the Violation Ticket specifies the fine amount established by this bylaw for the offence;
- make a voluntary payment equal to the specified fine.

OBSTRUCTION

- 36 A person shall not obstruct or hinder any person in the exercise or performance of the person's powers pursuant to this bylaw.

PART V - GENERAL

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| POWERS OF THE CITY MANAGER | 37 | <p>Without restricting any other power, duty or function granted by this bylaw the City Manager may:</p> <ul style="list-style-type: none"> (a) carry out any inspections to determine compliance with this bylaw; (b) take any steps or carry out any actions required to enforce this bylaw; (c) take any steps or carry out any actions required to remedy a contravention of this bylaw; (d) establish regulations regarding the use of Bicycles on Transit Property including permitted hours and locations; (e) establish areas where activities restricted by this bylaw are permitted; (f) establish forms for the purposes of this bylaw; (g) issue permits with such terms and conditions as are deemed appropriate; (h) establish criteria to be met for a permit issued pursuant to this bylaw; and (i) delegate any powers, duties or functions under this bylaw to an employee of the City. |
| PROOF OF PERMIT | 38 | <p>The onus of proving a permit has been issued in relation to any activity otherwise regulated, restricted or prohibited by this bylaw is on the person alleging the existence of such a permit on a balance of probabilities.</p> |
| CERTIFIED COPY OF RECORD | 39 | <p>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 <i>prima facie</i> proof of the facts stated in the record without proof of the appointment or signature of the person signing it.</p> |

3 Schedule "A" is repealed.

4 This bylaw comes into force on January 1, 2012.

Read a first time

Read a second time

Read a third time

SIGNED AND PASSED

THE CITY OF EDMONTON

MAYOR

CITY CLERK