

CITY OF GRANDE PRAIRIE

BYLAW C-1282

A BYLAW IN RESPECT TO OPERATING A MUNICIPAL TRANSIT SYSTEM IN THE CITY OF GRANDE PRAIRIE

WHEREAS Section 7, of Municipal Government Act, RSA 2000, Chapter M-26 provides for the City to pass Bylaws for municipal purposes respecting public transportation operated by the City.

AND WHEREAS The City of Grande Prairie owns and operates a Public Transit System, together with buildings, permanent facilities and property.

AND WHEREAS The City of Grande Prairie will regulate the conduct and activities of people using the Transit System operated by Grande Prairie Transit in order to promote:

- a) the safety, well-being, comfort and convenience of passengers and employees on the Transit System;
- b) the safe and efficient operation of the Transit System; and
- c) the collection of payment by passenger(s) for the use of the Transit System.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CITY OF GRANDE PRAIRIE, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

1. NAME

- 1.1. This Bylaw shall be called the “The Transit System Bylaw”.

2. DEFINITIONS

In this Bylaw:

- 2.1. **“Bicycle”** means a vehicle consisting of two wheels propelled by human power but not including motor powered bicycles, mopeds, recumbent bicycles, tandem bicycles or bicycles with training wheels.
- 2.2. **“City”** means the Corporation of the City of Grande Prairie.
- 2.3. **“Clerk”** means the Legislative Services Manager.
- 2.4. **“Committee”** means the City’s Community Living Committee.
- 2.5. **“Council”** means the Municipal Council of the City of Grande Prairie.
- 2.6. **“Director”** means the Community Living Director or designate.
- 2.7. **“Grande Prairie Transit”** means the department of the City that has been assigned the responsibility of operating the Transit System.
- 2.8. **“Loiter”** means to linger without due cause.
- 2.9. **“Manager”** means the Manager of the Grande Prairie Transit department or designate.

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- 2.10. ***“Passenger”*** means a Person who is being transported on a Transit Vehicle.
- 2.11. ***“Peace Officer”*** means a member of the RCMP, a Bylaw Enforcement Officer or a Community Peace Officer of the City.
- 2.12. ***“Person”*** means an individual and includes, a firm, partnership, joint venture, proprietorship, corporation, association, and society.
- 2.13. ***“Proof of Payment”*** means a document provided in exchange for the payment of a Transit Fare that has been validated for use on a Transit Vehicle and includes a transfer or pass.
- 2.14. ***“Transfer”*** means a printed document issued by a Transit Operator to a Passenger which indicates that the Passenger has paid a Transit Fare or used a Transit Fare Product in accordance with Section 3 and is entitled to a ride on a Transit Vehicle within a limited period of time without the need to pay a Transit Fare or use a Transit Fare Product.
- 2.15. ***“Transit Bus Shelter”*** means a shelter located on property owned or leased by the City for the comfort and convenience of Passenger(s) waiting to board a Transit Vehicle and does not include a Transit Bus Stop, or Transit Terminal.
- 2.16. ***“Transit Bus Stop”*** means a place where Passenger(s) are picked up or dropped off from a Transit Vehicle and includes Transit Bus Shelters.
- 2.17. ***“Transit Fare”*** means the amount of money to be paid for travel on a Transit Vehicle as determined by Council as amended from time to time.
- 2.18. ***“Transit Fare Product”*** means a mechanism determined by Council to authorize one or more rides on a Transit Vehicle and includes, without limitation, any single or multi ride ticket, or a monthly pass. Transit fare products are the property of GP Transit and any misuse may result in confiscation of the fare product upon request from a Peace Officer or Transit Personnel
- 2.19. ***“Transit Operator”*** means an employee of the City who is engaged in operating a Transit Vehicle.
- 2.20. ***“Transit Pass”*** means a document or electronic equivalent determined by Council to authorize a Person to obtain rides on Transit Vehicles for a specified period of time.
- 2.21. ***“Transit Personnel”*** means any Person employed by the City who works in the Grande Prairie Transit Department.
- 2.22. ***“Transit Property”*** means City-owned property located on a fixed transit bus route including benches, waste receptacles, Transit Bus Shelters, garage and depot. Transit Property also includes a Transit Vehicle.

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- 2.23. **“Transit System”** means the regularly-scheduled routes and special events available for use by the general public.
- 2.24. **“Transit Terminals”** means property owned or leased by the City and used by Transit Vehicles to wait for Passengers.
- 2.25. **“Transit Vehicle”** means a vehicle operated by or on behalf of Grande Prairie Transit to transport Passengers.
- 2.26. **“Valid”** means that a Transit Fare Product is not revoked, expired, forged, altered or counterfeited, as determined by Transit Personnel or Peace Officer.
- 2.27. **“Violation Ticket”** means a violation as defined in the *Provincial Offences Procedure Act*, as amended from time to time.

3. PAYMENT OF TRANSIT FARES

Payment of Transit Fare or Use of Transit Fare Product is mandatory:

- 3.1 Subject to Subsection 3.2, no Person may obtain a ride on a Transit Vehicle without either:
- a) Cash in valid Canadian or United States currency the amount of a Transit Fare; or
 - b) using a valid Transit Fare Product; at the time of boarding the Transit Vehicle.
- 3.2 Council may exempt certain Passengers from the provisions of Section 3.1.

Misuse of Transit Fare Products:

- 3.3 A Person must not use or attempt to use an invalid Transit Fare Product to obtain a ride on a Transit Vehicle.
- 3.4 A Person must not use or have in their possession an altered or unauthorized reproduction of Transit Fare Product.
- 3.5 A Person must not lend, give or sell to another Person a Transit Fare Product that is identified on its face as non-transferable.
- 3.6 A Person must not use or attempt to use, as his or her own, a Transit Fare Product that is identified on its face as non-transferable which was issued to someone else.
- 3.7 A Person must not use or attempt to use a Transit Fare Product that is being used by another Person at the same time.

4. CONDUCT ON TRANSIT PROPERTY

Prohibited conduct on Transit Property (including Transit Vehicles):

- 4.1 A Person must not do any of the following in or on any Transit Property:
- a) litter;
 - b) apply graffiti, print, write, draw, paint, scratch, etch or cause damage to any Transit Property;
 - c) affix any advertisements, notices, words, letters, symbols, names, pictures, geometric figures, numbers, phrases, slogans, stickers or sentences;
 - d) spit, urinate, vomit or defecate;
 - e) consume an alcoholic beverage;
 - f) consume any marijuana edible product;
 - g) inhale a solvent or other intoxicating inhaled substance;
 - h) smoke, or carry a lighted cigar, cigarette, pipe, e-cigarette, e-cigar, or marijuana (whether for medicinal purposes or not), within five (5) metres;
 - i) without the prior written permission of the Director, sell or attempt to sell any item, goods or services, including a newspaper, magazine, or merchandise;
 - j) without the prior written permission of the Director, offer or stage a live musical performance;
 - k) carry a container of explosive, flammable or toxic material, except a cigarette lighter;
 - l) cause a disturbance or interfere with the comfort or convenience of any other Person;
 - m) operate any electronic device that is designed to produce sound, including a radio, CD player, or Mp3 player, unless the sound from the device is conveyed to the Person by a set of earphones or earbuds and does not create a disturbance or a nuisance for other Passengers;
 - n) use or operate any of the following:
 - i) unicycle, tricycle or push scooter;
 - ii) roller skates, in-line skates or roller blades;
 - iii) a skateboard; and
 - iv) a motor vehicle, including an electrically-powered or battery-powered vehicle; with the exception of a motorized mobility aid;
 - o) spill or permit to be spilt any food or drink;
 - p) fight or engage in a physical altercation;
 - q) engage in any activity or behavior or do anything that creates a danger or nuisance to a Person including the Person engaging in the activity or behavior; and
 - r) engage in any activity or behavior which prevents or compromises the reasonable and peaceful use of the Transit System.
- 4.2 Any Person in or upon any Transit Property shall observe and obey all posted signs, and any rules, regulations, or orders made or approved by the City for that property.
- 4.3 A Person shall leave Transit Property when required by Transit Personnel or a Peace Officer.
- 4.4 No Person shall give false, incorrect, or misleading information to Transit Personnel or a Peace Officer.

- 4.5 No Person shall enter Transit Property if that Person has been given notice not to enter. For the purposes of this Section, notice will be given in writing by the Director or Manager.

5. CONDUCT ON TRANSIT VEHICLES

- 5.1 A Person must not do any of the following on or in a Transit Vehicle:
- a) cross the safety line near the front of the Transit Vehicle while the vehicle is in motion;
 - b) enter or leave or attempt to enter or leave a Transit Vehicle while it is in motion or when the Transit Operator has declared it unsafe to do so;
 - c) project any part of his or her body or anything through any:
 - i) window;
 - ii) closed door; or
 - iii) door in the process of closing;
 - d) place his or her feet upon a seat or seat back cushion;
 - e) unless the Transit Operator authorizes it, bring aboard an article of any kind that:
 - i) obstructs the aisle;
 - ii) prevents a seat from being used by a Passenger; or
 - iii) hinders the safety of other Passengers;
 - f) unless the Transit Operator authorizes it, bring on board a bicycle;
 - g) bring on board any animal that is not in a cage or kennel, except a dog trained for and used to guide the visually impaired, the hearing impaired or Persons with other disabilities (proof of trained animal certificate may be requested and must be presented to a Transit Operator or Peace Officer);
 - h) occupy a position or act in a manner that interferes or likely to interfere with the safety of any Transit Operator;
 - i) hang on to any exterior part of a Transit Vehicle whether or not the Transit Vehicle is in motion; and
 - j) consume food or drink unless the items are in a sealed or sealable container and under control.
- 5.2 A Person must wear shoes, and clothing covering his or her torso above and below the waist at all times while on or in a Transit Vehicle.
- 5.3 The Transit Operator shall have the right to refuse a Passenger:
- a) to protect the health and safety of another Passenger or the Transit Operator;
 - b) if the Passenger is acting in an offensive or aggressive manner;
 - c) if the Passenger refused to pay the required Transit Fare; or
 - d) to avoid contravening a law.
- 5.4 A Person must not occupy a position or act in a manner that interferes or is likely to interfere with the boarding or disembarking of Passengers from a Transit Vehicle, or interfere with access to available seating.

6. LOITER

- 6.1 Since Transit Bus Shelters and Transit Bus Stops are intended for use by Persons waiting to board a Transit Vehicle, a Person must not loiter and includes but is not limited to:
- a) idly spending time in or on Transit Property without the express purpose of using the Transit System;
 - b) lingering, sauntering or remaining in or on Transit Property without due cause; and
 - c) failing to board the next available Transit Vehicle, in order to reach his or her destination, but in no case no longer than 90 minutes.

7. OFFENCE

- 7.1 A Person who contravenes any provision of this Bylaw is guilty of an offence.

8. OBSTRUCTION AND INTERFERENCE

- 8.1 A Person shall not interfere with, hinder, impede, or obstruct Transit Personnel or a Peace Officer in the performance of any duty authorized by this Bylaw.

9. REMOVAL OF A PERSON

- 9.1 A Peace Officer or Transit Personnel is authorized to request that a Person who contravenes any provision of this Bylaw leave Transit Property.
- 9.2 A Person who has been requested to leave Transit Property under subsection 9.1 must comply with the request.

10. BANNING A PERSON FROM TRANSIT PROPERTY

- 10.1 The Director may prohibit a Person who has committed a criminal offence or violated the *Controlled Drugs and Substances Act* on Transit Property or has contravened this Bylaw from entering onto any Transit Property for a specified period of time or until a specified date.
- 10.2 Before acting under subsection 10.1, the Director must give consideration to the severity of the contravention(s), the circumstances surrounding the contravention(s) and the Person's history of previous contravention(s).
- 10.3 A decision under subsection 10.1 must be in writing and must set out the reasons for the order or decision and a statement that there is a right to appeal the order or decision, and the procedure to be followed for appealing it.
- 10.4 A decision under subsection 10.1 must be served on to the Person:
- a) by personal service (hand delivered); or
 - b) being mailed by registered mail to the Person's residence at the address provided by the Person.

A decision served by a method set out in clause 10.4(b) is deemed to have been served on the Person on the third day after the day it is mailed or delivered.

10.5 A Person must not enter Transit Property if they have been banned from doing so.

11. APPEALS

11.1 Any Person who is affected by a decision of the Director may appeal to the Committee through the Clerk, within fourteen (14) days of the date of the decision.

12. ENFORCEMENT

Powers of a Peace Officer

12.1 A Peace Officers may take steps to administer and enforce this Bylaw including issuing common offence notices for violations or contraventions of this Bylaw.

12.2 A Peace Officer may issue a Violation Ticket to any Person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

12.3 If a Violation Ticket is issued in respect of an offence, the Violation Ticket shall:

- a) specify the fine amount established by this Bylaw for the offence; or
- b) require a Person to appear in court without the alternative of making voluntary payment if the Peace Officer believes that such appearance is in the public interest.

12.4 The specified penalty established for use on a Violation Ticket if a voluntary payment option is offered are:

- a) First Offence is \$50.00;
- b) Second Offence is \$100.00;
- c) Third and subsequent Office is \$250.00.

12.5 Any Person who is found guilty of an offence under this Bylaw is liable to a fine of not more than \$10,000.00.

13. REPEAL

13.1 Bylaw C-709 is hereby repealed.

14. EFFECTIVE DATE

14.1 This Bylaw shall take effect on the date it is passed.

READ a first time this 6th day of May, 2019.

READ a second time this 6th day of May, 2019.

READ a third time and finally passed this 6th day of May, 2019.

“B. Given” (signed)
Mayor

“S. Walker” (signed)
Corporate Services Director