



TOWN OF COCHRANE Bylaw 22/2019

Being a bylaw of the Town of Cochrane in the Province of Alberta, Canada to authorize, regulate and control the conduct of passengers on public vehicles.

WHEREAS: Council has determined that it would be in the public interest to provide public transportation services within the Town of Cochrane and as such the Town of Cochrane shall own and operate a public transportation system;

AND WHEREAS: The *Municipal Government Act*, RSA 2000, c. M-26, as amended, permits Council of a municipality to pass a bylaw for municipal purposes respecting: the safety, health and welfare of people and the protection of people and property; people, activities and things in, on or near a public place or place that is open to the public; transport and transportation systems; and services provided by or on behalf of the municipality;

AND WHEREAS: Council deems it desirable to regulate and control the public transportation system and the conduct of users on the public transportation system within the Town of Cochrane;

NOW, THEREFORE, pursuant to the authority of the *Municipal Government Act*, RSA 2000, Chapter M-26, Council of the Town of Cochrane duly assembled enacts as follows:

1. TITLE

1.1. This Bylaw may be cited as the "Transit Bylaw."

2. INTERPRETATION

2.1. In this Bylaw and any schedules to this Bylaw the following terms, phrases, words and their derivations shall have the following meanings when capitalized:

(a) "**Bylaw Enforcement Officer**" means a person appointed by the Town to enforce the provisions of this Bylaw;

- (b) "**Bylaw Ticket**" means a ticket in an approved form issued in respect to a contravention of this Bylaw allowing a minimum payment to be made in lieu of prosecution.
- (c) "**CAO**" means the Chief Administrative Officer of the Town or their delegate;
- (d) "**Contractor**" means the company hired to provide a transit related service as permitted by the CAO;
- (e) "**Council**" means the Municipal Council of the Town of Cochrane;
- (f) "**Fare**" means the cost of a journey on a Transit Vehicle as established by the Council;
- (g) "**Peace Officer**" means a person engaged by the Town as a Community Peace Officer, a Bylaw Enforcement Officer, or a member of the Royal Canadian Mounted Police to carry out the provisions of this Bylaw.
- (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) "**Town**" means the municipal corporation of the Town of Cochrane;
- (j) "**Transit Property**" means any property owned or controlled by the Town, Cochrane Transit, or the Contractor for the use of the Cochrane Transit Service;
- (k) "**Transit Service**" means the transit system operated by the Town of Cochrane or a Contractor permitted by the CAO;
- (l) "**Transit Station**" means a place where people are picked up or dropped off from a Transit Vehicle and includes bus terminals, bus stops and bus shelters;
- (m) "**Transit Vehicle**" means a vehicle offered for public transportation and operated by or on behalf of the Town;
- (n) "**Valid Ticket**" means a ticket, transfer, permit or pass, other fare media or any of them, which:
 - (i) is of a form and type approved pursuant to Section 3(2);
 - (ii) has been deposited, validated, or marked in accordance with the instructions therefore contained thereon;

- (iii) is being used in a manner and at a time and place complying with the conditions relating to use contained on the ticket, transfer, permit or pass or in this Bylaw; and
- (iv) has not been mutilated, defaced or otherwise altered.
- (o) **"Vehicle"** has the same meaning as in the Traffic Safety Act, R.S.A. 2000, c. T-6;
- (p) **"Violation Ticket"** has the same meaning as in the Provincial Offences Procedure Act, R.S.A. 2000, c. P-34, as amended.

3. FARES

- 3.1. Fares for the use of Transit Vehicles for the issue of any ticket, permit or pass shall be established by Council.
- 3.2. The CAO may authorize the issue of tickets, transfers, permits, passes and other fare media for use on Transit Vehicles subject to such terms and conditions as may be specified by the CAO.
- 3.3. The current Fare prices and categories are as specified in Schedule "A" of this Bylaw.
- 3.4. No person shall sell, barter or exchange any Valid Ticket issued or sold by the Town of Cochrane for use on its Transit Vehicles for a price greater than the price printed on the ticket without the prior written consent of the CAO.
- 3.5. All Fares are non-refundable and will not be replaced if:
 - (i) lost;
 - (ii) stolen;
 - (iii) damaged; or
 - (iv) expired.
- 3.6. All Fares expire on the date stated on the Valid Ticket. The expiration date of a Valid Ticket may not be extended without the prior written consent of the CAO.
- 3.7. The CAO may issue, without charge, complimentary tickets, permits and passes subject to such terms and conditions as may be specified by the CAO.
- 3.8. No person shall board, ride upon or otherwise use a bus unless:

- (i) such person has tendered the required payment of their Fare; or
 - (ii) such person's ride is authorized by a Valid Ticket.
- 3.9. There shall be no fare payable for a service dog holding valid identification as outlined in the Service Dogs Act, Statutes of Alberta, 2007 Chapter S-7.5.
- 3.10. The CAO may designate any portion or portions of Transit Property as a Restricted Fare Area by causing signs to be posted at the entrances to such area indicating that the area is restricted to persons carrying Valid Tickets, transfers, permits or passes.
- 3.11. Any person refusing to provide proof of valid fare shall be deemed to be refusing to pay their fare.
- 3.12. A person may tender for payment of a fare for a ride on a bus an amount larger than the exact fare, but such a person shall not be entitled to a refund for such overpayment.
- 3.13. No person shall sell, exchange or give away a transfer, validated ticket or non-transferable pass without the prior written consent of the CAO.
- 3.14. No person shall receive or use a transfer unless it has been issued to them on payment of a fare by cash or ticket.

4. SERVICE RESTRICTIONS

- 4.1. No person shall ride on, stand on or hold on to any exterior portion of any Transit Vehicle.
- 4.2. No person shall project any part of their body beyond the edge of any Transit Vehicle, Transit Station or yellow warning line on a transit Station, except to enter or leave a Transit Vehicle by the appropriate doors.
- 4.3. No person shall cause any damage to any Transit Vehicle, Transit Station or Transit Property which is either owned or occupied by the Town and which forms part of Cochrane Transit Service.
- 4.4. No person shall:
 - (i) prevent or interfere with the operation of a Transit Vehicle; or
 - (ii) impede a transit employee in the operation of a Transit Vehicle.
- 4.5. No person shall interfere with the normal operation of any window, door, apparatus or equipment of a Transit Vehicle so as to delay the normal departure of a Transit Vehicle.

- 4.6. No person shall, in or upon any Transit Vehicle, Transit Station, or any other Transit Property:
- (i) expectorate, urinate or defecate;
 - (ii) fight;
 - (iii) engage in an activity which would interfere with the comfort, convenience or quiet use and enjoyment of the transit system of any reasonable person; or
 - (iv) behave in a manner that would cause a safety concern to any reasonable person.
- 4.7. No person shall dispose of litter in or upon any Transit Property, except in a receptacle provided for that purpose.
- 4.8. No person shall carry a lit cigarette, cigar or pipe, burn tobacco or cannabis in any way, or use electronic smoking device (as defined in Bylaw 09/2000) on, in or within 5 metres of any Transit Vehicle, Transit Station, or any other Transit Property.
- 4.9. No person shall place any stroller, wagon, baby buggy or other obstruction in the aisle of any Transit Vehicle.
- 4.10. No person, other than a Peace Officer, shall carry a firearm while on a Transit Vehicle.
- 4.11. No person shall play any musical instrument on a Transit Vehicle or Transit Property without being in possession of the consent in writing of the CAO.
- 4.12. No person other than an employee of Cochrane Transit shall distribute, sell or offer for sale any newspaper, printed matter or any other kind of merchandise whatsoever on a Transit Vehicle or Transit Property without being in possession of the consent in writing of the CAO.
- 4.13. No person shall beg or solicit funds on a Transit Vehicle or Transit Property.
- 4.14. No person, while on a Transit Vehicle or Transit Property, shall use or operate any:
- (i) bicycle, including a motor-powered bicycle, moped, recumbent bicycle, tandem bicycle, or bicycle with training wheels;
 - (ii) tricycle;
 - (iii) roller skates, in-line skates or roller blades;

- (iv) skateboard;
- (v) motor vehicle (except in a parking lot or roadway);
- (vi) unicycle;
- (vii) push scooter; or
- (viii) electric personal transport vehicle.

4.15. Subsection 4.14. does not prohibit the use of motorized 3 or 4 wheeled scooters and motorized wheelchairs designed for persons with infirmities or other similar devices on a Transit Vehicle or Transit Property.

4.16. Despite subsection 4.14., the CAO may designate areas on Transit Property on which any vehicle or device listed in subsection 4.14.(i) to (viii) may be used or operated.

4.17. No person shall bring on to any Transit Vehicle or have in their possession while on any Transit Vehicle any:

- (i) bicycle;
- (ii) tricycle;
- (iii) moped; or
- (iv) motorcycle.

4.18. No person shall bring an animal on a Transit Vehicle, with exception of a service dog.

4.19. No person shall remain in or upon any Transit Vehicle, Transit Station or Transit Property after having been requested by a Peace Officer to depart.

4.20. No person, without the consent of the CAO, shall graffiti (e.g. print, write, draw, paint, affix, scratch or etch any advertisements, notices, words, letters, symbols, names, pictures, geometric figures, numbers, phrases, slogans, stickers or sentences) upon the exterior or interior of a Transit Vehicle or any Transit Property.

4.21. No person shall enter onto or depart from, or attempt to enter onto or depart from, a Transit Property except by the steps or stairway providing access to, and departure from, a Transit Property unless it is unsafe to use the steps or stairway.

4.22. No person shall place or allow their feet, foot or footwear to remain on or against the seat of any Transit Vehicle.

- 4.23. No person shall bring on to any Transit Vehicle any container of flammable or explosive material.
- 4.24. No person shall knowingly hold open, block the electric eye or otherwise impede the operation of the doors of a Transit Vehicle.
- 4.25. No person shall remove from any Transit Vehicle or any premises of the Town used for transit purposes any article left thereon through apparent inadvertence but such articles shall be left in the possession of the Town or its employees for disposition.
- 4.26. No person shall eat or drink on a Transit Vehicle, with the exception of drinking non-alcoholic beverages from a container designed to prevent spillage.
- 4.27. The operator of a Transit Vehicle may prohibit any person from boarding a Transit Vehicle if, in the opinion of that operator, the person would, upon boarding, be in contravention of subsections (8), (10), (17), (23) or (26) of Section 4 of this Bylaw.
- 4.28. No person, other than a person authorized by the CAO shall handle or operate any Transit Vehicle or any part of the mechanism or equipment of any Transit Vehicle, or any equipment, devices or cars used in connection with Cochrane Transit, except devices which are intended for passenger use.

5. TRANSIT STATIONS

- 5.1. No person shall park a Vehicle within 5 meters of designated bus stop with signage marking the parking restriction "NO PARKING WITHIN 5M."

6. PENALTIES

- 6.1. Any person who contravenes any provision of this Bylaw by doing any act or thing which the person is prohibited from doing, or by failing to do any act or thing the person is required to do, is guilty of an offence pursuant to this Bylaw.
- 6.2. Where a Peace Officer has reasonable grounds to believe that a Person has contravened any provision of this Bylaw, the Peace Officer may commence proceedings against such Person by:
 - (i) issuing to the Person a Bylaw Ticket in lieu of prosecution;
 - (ii) issuing to the Person a Violation Ticket pursuant to the provisions of Part 3 of the Provincial Offences Procedure Act; or issuing to the Person a Summons pursuant to the provisions of Part 2 of the Provincial Offences Procedure Act;

- (iii) laying an information in lieu of issuing a Part 2 or 3 notice; and
- (iv) No provision of this Bylaw or any action taken pursuant to any provision of this Bylaw shall restrict, limit, prevent or preclude the Town from pursuing any other remedy as provided by the Municipal Government Act, or any other law of the Province of Alberta.

- 6.3. Where there is a specified penalty listed for an offence in Schedule "B" to this Bylaw, that amount is the specified penalty for the offence.
- 6.4. Where there is a minimum penalty listed for an offence in Schedule "B" to this Bylaw, that amount is the minimum penalty for the offence.
- 6.5. This section shall not prevent an Officer from issuing a summons requiring a court appearance of the defendant, pursuant to the Provincial Offences Procedures Act or from laying an information instead of issuing a violation ticket.
- 6.6. A person who is found guilty of an offence under this Bylaw is liable to a fine of not more than \$10,000.00 or to imprisonment for not more than one year, or to both fine and imprisonment.

7. COMING INTO FORCE

- 7.1. This Bylaw comes into full force and effect upon third and final reading.

Read a first time September 9, 2019
Read a second time September 9, 2019
Unanimous consent September 9, 2019
Read a third time September 9, 2019



Mayor



Manager, Legislative Services

**SCHEDULE "A"
FARE CRITERIA**

FARE CATEGORY	FARE PRICE	CATEGORY REQUIREMENT
Single fare (one-way)	\$2.50	No requirement
Adult monthly pass	\$50.00	No requirement
Senior monthly pass	\$30.00 (40% discount)	Age 60 and older
Student monthly pass	\$25.00 (50% discount)	Age 6 – 18 & Post-Secondary Students with ID
Infant pass	Free	Age 5 and younger
Book of 10 tickets	\$20.00 (20% discount = 2 free tickets)	No requirement
Low income pass	Sliding scale as assessed by Cochrane FCSS	Cochrane FCSS assessment

SCHEDULE "B"
Minimum and Specified Penalties

OFFENCE			
SECTION	DESCRIPTION	MINIMUM PENALTY	SPECIFIED PENALTY
3.8.	Ride bus without tendering payment or without Valid Ticket	\$150.00	\$250.00
3.13.	Sell, exchange, give away or receive a transfer, validated ticket or pass	\$150.00	\$250.00
4.1.	Ride on, stand on or hold any exterior portion of a Transit Vehicle	\$2,500.00	\$5,000.00
4.2.	Project part of body beyond edge of transit Station or Transit Vehicle	\$200.00	\$350.00
4.3.	Damage Transit Property	\$300.00	\$500.00
4.4.	Interfere with operation of Transit Vehicle	\$2,500.00	\$5,000.00
4.5.	Interference causing delay or safety concern	\$2,500.00	\$5,000.00
4.6.(i)	Expectorate, urinate or defecate on Transit Property	\$200.00	\$300.00
4.6.(ii)	Fight on Transit Property	\$200.00	\$300.00
4.6.(ii)	Interfere with comfort or convenience of transit user	\$200.00	\$300.00
4.6.(iv)	Cause a safety concern to transit user	\$300.00	\$500.00
4.7.	Litter on Transit Property	\$500.00	\$500.00
4.8.	Smoking in or within 5 metres of any Transit Property	\$500.00	\$500.00
4.10.	Carry firearm on Transit Property	\$300.00	\$500.00
4.18.	Bring animal aboard a Transit Vehicle that is not being used by a disabled person	\$150.00	\$250.00
4.19.	Refusal to leave Transit Property	\$300.00	\$500.00
4.20.	Apply graffiti to Transit Property	\$2,500.00	\$5,000.00
4.23.	Bring container of flammable or explosive materials on Transit Vehicle	\$300.00	\$500.00
4.25.	Remove any lost article from Transit Vehicle or Transit Property	\$150.00	\$250.00
4.28.	Handle or operate any Transit Vehicle or transit equipment	\$2,500.00	\$2,500.00
5.1.	Parking within 5 meters of a designated bus stop stating "NO PARKING WITHIN 5M"	\$150.00	\$150.00
All other subsections of Section 4.		\$150.00	\$250.00

OFFENCE PENALTY ESCALATION

Notwithstanding subsection 6.3:

- (i) where any person has been convicted of a contravention of the same provision of this Bylaw twice within one twelve month period, the specified penalty payable in respect of the second conviction is double the amount shown in Schedule "B" of this Bylaw in respect of that provision; and
- (ii) where any person has been convicted of a contravention of the same provision of this Bylaw three or more times within one twelve month period, the specified penalty payable in respect of the third or subsequent conviction is triple the amount shown in Schedule "B" of this Bylaw in respect of that provision.

Notwithstanding subsection 6.4:

- (i) where any person has been convicted of a contravention of the same provision of this Bylaw twice within one twelve month period, the minimum penalty payable in respect of the second conviction is double the amount shown in Schedule "B" of this Bylaw in respect of that provision; and
- (ii) where any person has been convicted of a contravention of the same provision of this Bylaw three or more times within one twelve month period, the minimum penalty payable in respect of the third or subsequent conviction is triple the amount shown in Schedule "B" of this Bylaw in respect of that provision.