

THE CORPORATION OF THE CITY OF CLARENCE-ROCKLAND

BY-LAW NO. 2006 -192

BEING A BY-LAW TO REGULATE THE TRANSIT SERVICES FOR THE CRTRANSPUBLIC PUBLIC TRANSIT SERVICES FOR THE CITY OF CLARENCE-ROCKLAND.

WHEREAS the Corporation of the City of Clarence-Rockland intends to regulate the CRTranspo public transit services for the City of Clarence-Rockland;

WHEREAS Sections 8, 9, and 11 of the Municipal Act, 2001, S.O. 2001, Chapter 25 and amendments thereto provides that every municipal Corporation may pass by-laws for the purpose of governing its affairs as it considers appropriate;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE CITY OF CLARENCE-ROCKLAND ENACTS AS FOLLOWS:

1 DEFINITIONS

In this by-law:

“authorized vendor” means a person who has entered into an agreement with the City of Clarence-Rockland to sell tickets, transit passes or any other fare medium on behalf of the City;

“bicycle” means any device which has one or more wheels and is propelled by human power and upon which any person may ride, and includes a unicycle and a tricycle;

“City” means the municipal corporation of the City of Clarence-Rockland or the geographic area of the City of Clarence-Rockland, as the context requires;

“crosswalk” or “pedestrian crossover” means that part of a highway at an intersection that is included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the roadway; or any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by signs or by lines or other markings on the surface; this definition used in both parts of the by-law;

“Director” means the Director of Physical Services of the City of Clarence-Rockland, or authorized representative;

“emergency” means a situation caused by the forces of nature, an accident, an intentional act or otherwise that constitutes a danger of major proportions to life and property;

“exclusive bus lane system” means a portion of a highway or provincial highway designated for exclusive bus travel, either at all times or at certain times of the day;

“front bench seat” means the inward-facing bench or benches on the city buses or first seat on the City of Clarence-Rockland coach buses at the front of the vehicle;

“official sign” means a sign approved by the Ministry of Transportation;

“park” or “parking” when prohibited means the standing of a vehicle, whether occupied or not, except when standing temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers;

“Park and Ride Lot” means a parking lot owned, leased or used by the City for the benefit of transit passengers;

“passenger transportation system” means a system that provides, for compensation, transportation for passengers in transit vehicles operated underground, on the ground or above the ground, but not in taxicabs;

“pedestrian” means a person on foot; or a person with a disability, child or other person in a wheeled chair, baby carriage, or play vehicle;

“person” includes a corporation and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law;

“person with a disability” means an individual who has a persistent physical, mental, psychiatric or sensory impairment;

“POP vehicle” means those transit vehicles that require production of proof of payment by a passenger;

“POP Zone” means any part of the passenger transportation system designated as a proof of payment zone pursuant to this by-law;

“platform” means that part of the passenger transportation system including shelters used by, or intended for the use of, passengers boarding or alighting from a transit vehicle;

“Priority Seating Card” means a serially numbered card issued by the Director containing a photograph of the person with a disability and his or her service animal or an identification card issued pursuant to section 2 of the *Blind Persons' Rights Act*, R.S.O. 1990, c.B.7, as amended and may include a card issued to the attendant of the person with a disability;

“proof of payment” or “POP” means a valid transit pass, valid transfer slip or other authorized receipt, or other valid receipt of fare payment;

“proper authority” means a police officer or a municipal law enforcement officer;

“service animal” means an animal trained by a recognized school for service as a guide dog for the blind or visually impaired, a guide dog for the deaf or hearing impaired, or a special skills dog for other persons with disabilities and includes an animal used in therapy and trained by and registered with a recognized organization for that purpose;

“stand” or “standing” when prohibited, means the halting of a vehicle, whether occupied or not, except for the purpose of and while actually engaged in receiving or discharging passengers;

“transit pass” means either a photo identification card plus a renewable voucher or a one part photo ID card and voucher, both of which are issued by the City of Clarence-Rockland and indicate a fare category;

“transit property” means all property owned, leased or used by the City for the purpose of providing a passenger transportation system and includes the transitway, the transit station platform areas, the platforms, the transit stations, the transit vehicles, the transit shelters, the bus stops and the park and ride lots;

“transit shelter” means a fully enclosed or partially enclosed waiting area which is intended for use by passengers waiting to use the passenger transportation system and which is located at the side of a highway;

“transit station” means any building or structure owned, used, or occupied by the City for transit purposes which is open to the public;

“transit station platform area” means the platform within the transit station set aside for passenger pick-up and drop-off.

“transit vehicle” means a bus

“transit way” means that portion of the property owned, leased or used by the City that is designated exclusively for bus travel and includes the transit stations and the transit station platform areas.

2 INTERPRETATION

2.1 This by-law includes the Schedules annexed hereto and the Schedules are hereby declared to form part of this by-law.

- 2.2 If any section, subsection or part or parts thereof are declared by any Court of Law to be bad, illegal or ultra vires, such section, subsection or part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.
- 2.3 This by-law is gender-neutral and, accordingly, any reference to one gender includes the other.
- 2.4 Words in the singular include the plural and words in the plural include the singular.
- 2.5 Headings are inserted for convenience of reference purposes only, form no part of this by-law and shall not affect in any way the meaning or interpretation of the provisions of this by-law.
- 2.6 Unless otherwise defined, the words and phrases used in this by-law have their normal and ordinary meaning.

3 EXCLUSIVE AUTHORITY FOR PASSENGER TRANSPORTATION

- 3.1 No person shall operate a passenger transportation system in the City unless the person is authorized to do so by the Municipal Council.
- 3.2 Section 3 does not apply with respect to the following types of passenger transportation systems:
 - (a) buses used to transport pupils, including buses owned or operated by a school board, private school or charitable organization;
 - (b) ferries;
 - (c) taxicabs.
- 3.3 Nothing in Section 3 prevents a person from operating a passenger transportation system that is used to convey passengers from a point within the City to a point outside the City or from a point outside the City to a point inside the City.
- 3.4 Nothing in Section 3 affects any rights existing on January 1, 1972 of a person licensed under the *Public Vehicles Act* to operate a passenger transportation system

FARES AND TRANSFERS

4 REGULATION OF FARES AND POP TRANSFERS

- 4.1 No person shall board, ride upon or otherwise use a transit vehicle of the City unless;
 - (a) such person has tendered for payment of the fare the exact amount established by the City; or
 - (b) the ride is authorized by a valid POP transfer, transit pass, transit ticket or other fare medium from time to time approved by the City.

4.2 The fees for fares, tickets or transit passes or any other fare medium shall be as described in Schedule “B” to this by-law.

5 OVERPAYMENT OF FARE

Notwithstanding Section 4 above, a person may tender for payment of fare an amount larger than the exact fare, but shall not be entitled to a refund for such overpayment.

6 REFUSAL TO PAY FARE

Any person refusing to tender payment of the fare in accordance with Section 4 shall be deemed to be refusing to pay the fare.

7 PROOF OF PAYMENT – TRANSIT VEHICLES

No person shall fail to produce proof of payment of the proper fare when requested to do so by a proper authority while traveling upon any transit vehicle designated by the Director as a POP vehicle.

8 POP ZONE

8.1 The Director may designate all or any part of the passenger transportation system as a POP Zone by placing signs at the entrances to platforms indicating that the area is restricted to persons carrying valid proof of payment.

8.2 No person shall enter or remain in a POP Zone without a proof of payment.

8.3 Passengers shall keep their proof of payment for the entire trip and also while in the POP Zones.

9 ALTERING OR NON-AUTHORIZED USE OF A TRANSIT PASS, TICKET, POP TRANSFER OR OTHER FARE MEDIUM

9.1 No person shall use, produce or have in his or her possession an altered or unauthorized reproduction of a transit pass, ticket, POP transfer or any other fare medium.

9.2 No person shall sell, exchange or give away a POP transfer, validated ticket or a non-transferable transit pass.

10 STUDENT TRANSIT PASS

10.1 No person, other than a student, as defined by the City, shall use a student transit pass.

10.2 No person shall apply for or obtain a student transit pass unless the person,
(a) is a full-time student at a recognized educational institution in Ontario;
and

- (b) presents a valid student identification card issued by such educational institution.

10.3 Despite paragraph (a) of subsection (2), where a person is resident in the City Clarence-Rockland but attends a recognized educational institution in Quebec, the person may present a valid student identification card from the Quebec educational institution when applying for a student transit pass.

11 UNAUTHORIZED USE OF TRANSIT PASS OR POP TRANSFER

11.1 No holder of a transit pass or POP transfer shall fail to comply with the conditions of use printed on the back of the pass or POP transfer and failure to do so may result in its confiscation by the City.

11.2 No person shall take or accept more than one POP transfer per fare paid.

11.3 No person shall receive or use for the journey, any POP transfer not issued to them by an authorized City employee when paying the fare.

12 AUTHORIZED VENDORS

No person shall sell transit passes or any other fare medium established from time to time unless the person is an authorized vendor of the City.

13 PRIORITY SEATING CARD

13.1 Any person with a disability who wishes to travel on a transit vehicle or enter a transit property with a service animal or an attendant shall obtain a Priority Seating Card.

13.2 No person shall be accompanied on a transit vehicle or on transit property by an animal unless the person has a Priority Seating Card.

14 PRIORITY SEATING ENTITLEMENT

14.1 A person with a disability, an expectant mother, a person with a visible need for priority seating, a person with a child in a carriage or stroller or a person with a Priority Seating Card is entitled to priority seating on a front bench or subsequent benches but is not guaranteed a seat.

14.2 No person, who is not described in subsection (14.1), shall fail to surrender a front bench seat to a person entitled to priority seating.

15 CONDUCT - GENERAL PROHIBITIONS

15.1 No person shall,

- (a) ride on, stand on or hold on to the exterior of any transit vehicle;
- (b) cross in front of a stationary or moving transit vehicle in circumstances

- where it is unsafe or impedes the movement of the transit vehicle;
- (c) lean out of or otherwise project any part of their body or an object beyond the edge of any transit vehicle or any transit platform;
- (d) enter or leave or attempt to enter or leave any transit vehicle while the transit vehicle is in motion or when declared unsafe to do so by the operator of the transit vehicle;
- (e) board or leave a transit vehicle except by using the appropriately identified doors or as authorized by an official of the City, except under emergency conditions; or
- (f) remain in, or on, a transit vehicle, a transit station, a park and ride lot, a transit shelter or other transit property when directed to leave by a proper authority.

15.2 No person shall in or upon any transit property,

- (a) loiter without due cause;
- (b) for the purposes of subsection (a), a person “loiters” when such person:
 - i. idly spends time inside or on transit property without the express purpose of using the transit system; or
 - ii. lingers, saunters, or remains on transit property without due cause; and
 - iii. at least fifteen minutes have elapsed since initial arrival onto transit property;
- (c) administer, possess or sell illegal drugs;
- (d) expectorate;
- (e) urinate;
- (f) defecate;
- (g) use profane, indecent, abusive, foul, insulting or obscene language;
- (h) molest or willfully interfere with the comfort or convenience of any other person;
- (i) assault or otherwise use threatening behavior towards any other person;
- (j) cause a disturbance or nuisance by disorderly conduct;
- (k) consume liquor or other alcoholic product;
- (l) have in his or her possession liquor or other alcoholic product the container for which has been opened;
- (m) cause a disturbance by being intoxicated;
- (n) smoke, or ignite a cigarette lighter or match;
- (o) litter or soil or leave refuse of any kind other than in containers provided for such purpose;
- (p) place large, bulky or sharp objects in a way that would endanger or cause a threat to other passengers or block the aisles in transit vehicles;
- (q) bring any explosive, flammable or toxic material;
- (r) bring any firearm, handgun, or any other similar type of weapon or imitation thereof;
- (s) bring any sword, cross-bow, switchblade, or similar type of weapon or imitation thereof;
- (t) wear ice skates;
- (u) with the exception of visually or hearing impaired persons or a person with disabilities requiring the assistance of a properly trained and

- registered service animal, bring any animal into any transit vehicle;
- (v) except with the Director's permission,
 - (i) play a musical instrument, or
 - (ii) operate any radio, transmitting or receiving device, tape recorder, or similar device in or upon any transit vehicle, unless the sound therefrom is conveyed by an earphone at a sound level that does not disturb other passengers;
- (w) beg, solicit or panhandle funds;
- (x) except with the Director's permission,
 - (i) sell or attempt to sell any newspaper, magazine, merchandise or any other article or thing,
 - (ii) distribute any pamphlet or literature, or
 - (iii) solicit members of the public for any purpose whatsoever;
- (y) activate any emergency alarm or device or use any emergency telephone, except in situations of emergency;
- ~~(z)~~ affix any inscription, sign, drawing, graffiti, or other picture;
- (aa) fail to wear a shirt or shoes;
- (bb) use roller skates, in-line skates or skateboards; or
- (cc) ride a bicycle, unicycle or tricycle.

15.3 No person shall do any act in contravention of instructions indicated on any sign erected on transit property or instructions given by a proper authority who considers them necessary to,

- (a) ensure orderly movement of persons;
- (b) prevent injury to persons;
- (c) prevent damage to the transit property; or
- (d) permit proper action in an emergency.

15.4 No person shall willfully obstruct or interfere with a proper authority in the proper authority's performance of his or her duties or the exercise of his or her rights, powers and privileges under this by-law.

15.5 No person shall knowingly provide any false information in any statement, whether in writing or otherwise, made to a proper authority investigating an offence under this by-law.

15.6 No person shall operate for commercial purposes any camera, video recording device, movie camera or any similar device on transit property without the express written permission of the Director.

15.7 No person shall enter onto or depart from, or attempt to enter onto or depart from a transit platform except by the steps, escalators, elevators or stairways providing access thereto unless it is unsafe to do so.

15.8 No person shall place or allow their feet, foot or footwear to remain on or against the bottom cushion or seat-back cushion of any seat on a transit vehicle.

15.9 No person shall hold open, block the detection sensors or otherwise impede the operation of the doors of a transit vehicle.

15.10 No person using transit vehicles or transit facilities shall fail to comply with all rules and regulations which are either posted on transit property or transit passes.

16 OPERATION BY UNAUTHORIZED PERSONS

16.1 No person shall handle any equipment at transit stations or operate any transit vehicle or any part of the mechanism or equipment of any transit vehicle or any other transit equipment or device unless authorized by the Director to do so.

16.2 Subsection (16.1) does not apply to those devices intended for passenger use and used in accordance with posted regulations.

17 DAMAGE TO TRANSIT PROPERTY

No person shall cause or attempt to cause any damage to any transit property.

18 LOST PROPERTY

No person shall remove from any transit vehicle or transit station any article left thereon through apparent inadvertence, but such article shall be left in the possession of the City or its employees for disposition according to City policy.

PARK AND RIDE PARKING LOTS

19 ESTABLISHMENT

The parking lots indicated on Schedule "A" to this Part are hereby designated as Park and Ride Lots.

20 DESIGNATED PARKING SPACES AND HOURS OF OPERATION

20.1 No person shall park a vehicle in a Park and Ride Lot unless it is in a clearly designated parking space.

20.2 No person shall park a vehicle in a Park and Ride Lot in a parking space designated as a disabled parking space unless the person is displaying a disabled parking permit in the vehicle.

20.3 No person shall park a vehicle in a Park and Ride Lot unless it is within the hours of operation indicated in Schedule "A" for each Park and Ride Lot.

ENFORCEMENT

21 REFUSAL OF SERVICE

21.1 In this Section, “objectionable conduct” includes but is not limited to the conduct described in Section 15.

21.2 A proper authority may refuse passage on the transit system to:

- (a) a person in possession of explosives, a firearm, a dangerous weapon, flammable material or any other dangerous thing or material;
- (b) a person in a state of intoxication, under the influence of drugs and/or alcohol, or otherwise in an unfit or improper condition, who acts in a manner detrimental to the public;
- (c) a person whose conduct is or is likely to be objectionable to other passengers or the operator of the transit vehicle; or
- (d) a person carrying hand luggage, a parcel or any object or thing that does inconvenience or is likely to inconvenience other passengers.

21.3 This refusal of passage may be for a single trip, or for a longer period as defined by the City.

21.4 No person shall remain in or upon any transit property after having been refused service by a proper authority.

22 NON-COMPLIANCE

Any person who fails to comply with this by-law, or who is otherwise disturbing the peace, forfeits the right to remain in, or on the transit vehicle or transit property and shall, when directed so to do by the proper authority, immediately leave the transit vehicle or other transit property. In default of so doing, a proper authority, may use such force as is reasonably necessary to remove such person or persons from the transit vehicle or other transit property.

23 OFFENCES AND PENALTY

23.1 Any person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine pursuant to the *Provincial Offences Act*.

23.2 When a person has been convicted of an offence under this part of the by-law,

- (a) the Ontario Provincial Court or
 - (b) any court of competent jurisdiction thereafter,
- may, in addition to any penalty imposed on the person convicted, issue an Order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the person convicted that is deemed to be directed toward the continuation or repetition of the offence.

24 SHORT TITLE

This by-law may be referred to as the “Transit By-law”.

25 EFFECTIVE DATE

This by-law shall come into force and take effect on December 11th, 2006.

Original signed by

Richard Lalonde, Mayor

Original signed by

Daniel Gatien, Clerk

Schedule "A"

PARK AND RIDE LOTS

Name of Lot	Address	Monthly Fee	Hours of Operation
Clarence Arena	418 Lemay	no charge	05:00 – 19:30
Clarence Point	Corner of Landry & Hwy 17	no charge	05:00 – 19:30
Caron	Corner of St-Paul & Caron	no charge	05:00 – 19:30
City Hall	1560 Laurier	no charge	05:00 – 19:30
St- Trinité Church	2184 Laurier	no charge	05:00 – 19:30
Between McDonald & Home Hardware	2686 Laurier (vacant lot beside)	no charge	05:00 – 19:30
Bourget Community Center	19 Lavigne	no charge	05:00 – 19:30
Hammond Community Center	3154 Gendron	no charge	05:00 – 19:30

Schedule "B"

FARES FOR TRANSIT SERVICES

Passenger Fares	Rate
Regular Adult Pass/month	\$140.00
Regular Student Pass/month	\$100.00
Day Pass (one way)	\$6.00

READ, PASSED AND ADOPTED BY COUNCIL THIS 11th DAY OF DECEMBER 2006.

Original signed by

Richard Lalonde, Mayor

Original signed by

Daniel Gatién, Clerk

