

**CITY OF CHESTERMERE
PROVINCE OF ALBERTA**

**BYLAW #003-
21**

WHEREAS pursuant to Section 7 of the *Municipal Government Act*, RSA 2000, c. M-26, the council of a municipality may pass bylaws for municipal purposes respecting: the safety, health, welfare of people and the protection of people and property; people, activities and the things in, on or near a public place or place that is open to the public; transport and transportation systems; and service provided by or on behalf of the municipality;

AND WHEREAS it is desirable to regulate the conduct of users of the public transit system provided by the City of Chestermere within the City of Chestermere to ensure:

- (a) the safety of users and employees of the transit system;
- (b) transit users may use the transit system free of harassment or unreasonable interference; and
- (c) the operation of the public transit system is carried out safely, effectively, and efficiently.

AND WHEREAS it is desirable to allow users of the transit system to make payments by way of electronic mobile applications.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF CHESTERMERE ENACTS AS FOLLOWS:

1. TITLE

- (a) This Bylaw may be cited as the “Chestermere Public Transit Bylaw”.

2. DEFINITIONS

In this Bylaw:

- (a) “Boarding Zone” means any portion or portions of transit property designated as a Boarding Zone pursuant to section 5 of this Bylaw;
- (b) “Bus” means a bus which is operated by the City or on behalf of the City, including Calgary Transit, for the use of the passenger public;
- (c) “Calgary Transit” means the transit system owned and/or operated by The City of

Calgary;

- (d) “Calgary Transit Mobile Ticketing Services” means the Calgary Transit Mobile Ticketing Website, and the Calgary Transit My Fare Application;
- (e) “Calgary Transit Mobile Ticketing Website” means the Calgary Transit website where individuals can manage mobile ticketing accounts and purchase mobile tickets that can be downloaded and activated through the Calgary Transit My Fare Application.
- (f) “Calgary Transit My Fare Application” means the software application that is downloaded to a mobile device to enable the downloading, purchasing, and activation of valid mobile tickets for travel on a transit vehicle;
- (g) “City Manager” means the person designated by Council as its Chief Administrative Officer;
- (h) “City” means the municipal corporation of the City of Chestermere, or the area contained within the boundaries of the City of Chestermere, as the context requires;
- (i) “Council” means the City Council of the City of Chestermere;
- (j) “Director of Calgary Transit” means the person that oversees all transit operations as determined by Calgary Transit or The City of Calgary;
- (k) “Officer” means a Peace Officer or a police officer under the *Police Act*, RSA 2000, c P-17;
- (l) “Peace Officer” means a person appointed pursuant to the *Peace Officer Act* SA 2006, c. P-3.5;
- (m) “Restricted Fare Area” means any portion or portions of transit property designated as a Restricted Fare Area pursuant to section 5 of this Bylaw;
- (n) “transit property” means any premises owned, used or occupied by the City for public transit purposes, which is open to the public, and includes but is not limited to a transit station, transit stop, transit sign, pole and Restricted Fare Area;
- (o) “transit station” means any building or structure owned, used, or occupied by the City for public transit purposes, which is open to the public;
- (p) “transit stop” means any property or portion thereof designated by the City for use by the public to board or disembark from a transit vehicle;
- (q) “transit vehicle” means any vehicle which is owned and/or operated by the City or

on behalf of the City, including Calgary Transit, for the use of public transit and includes, without restricting the generality of the foregoing, any bus or any other vehicle operated by or on behalf of the City for public transit;

- (r) “valid mobile ticket” means a mobile ticket that has been purchased and activated using Calgary Transit Mobile Ticketing Services prior to entering a Restricted Fare Area or boarding a transit vehicle and is comprised of both:
- (i) a barcode that has been activated using the Calgary Transit My Fare Application; and
 - (ii) a visual validation display showing the date and time superimposed on the tri-coloured bar current for that day on the Calgary Transit My Fare Application;

and is not an unauthorized version created through the use of a screenshot or unauthorized electronic access of Calgary Transit Mobile Ticketing Services;

- (s) “valid ticket” means a valid mobile ticket, ticket, transfer, permit or pass, other fare media or any of them, which:
- (ii) is a form and type approved pursuant to subsection 3(2) of this Bylaw, and
 - (iii) has been deposited, validated, marked or activated in accordance with the terms and conditions set out for that type of ticket, and
 - (iv) is being used in a manner and at a time and place complying with the terms and conditions relating to use contained on the Calgary Transit My Fare Application, ticket, transfer, permit or pass or in this Bylaw, and
 - (v) has not been mutilated, screenshot, defaced, altered from unauthorized electronic access, or otherwise altered;
- (t) “Violation Ticket” means a ticket, summons or similar document issued by an Officer pursuant to the *Provincial Offences Procedure Act*, RSA 2000, c P-34.

3. TRANSIT FARES

1. Fares for the use of transit vehicles shall be determined by Calgary Transit, from time to time, in consultation with Council.
2. The Director of Calgary Transit 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 Director of Calgary Transit.
3. No person shall sell, barter or exchange any valid ticket issued or sold by or authorized on behalf of the City of Calgary for use on any transit vehicle for a price greater than the price printed on the ticket without the prior written consent

of the Director of Calgary Transit.

4. Any person failing or refusing to tender in full payment for their fare shall be deemed to be refusing to pay their fare.
5. Notwithstanding subsection 3(4), a person may tender for payment of a fare an amount more than the exact fare, but such person shall not be entitled to a refund for any overpayment.
6. Any person who tenders an amount more than the exact fare may enclose such amount in an envelope provided by the operator of the transit vehicle along with their name, address, and the Director of Calgary Transit, may refund any overpayment at such time and in such manner as the Director of Calgary Transit, may designate.

4. ANIMALS ON TRANSIT VEHICLES

1. No person shall bring aboard any transit vehicle:
 - (i) a dog, unless the dog is secured by a leash, or
 - (ii) any other animal unless it is confined within a cage.
2. Notwithstanding Section 4(1) of this Bylaw, there shall be no fare payable for a service dog while a disabled person uses such a dog.
3. No person who brings a dog aboard any transit vehicle shall permit the dog to occupy any seat on a transit vehicle or allow the dog to move about on the transit vehicle in an uncontrolled manner or interfere with other passengers or the operator.

5. RESTRICTED FARE AREAS

1. The City Manager or a designate may designate any portion or portions of transit property as a Restricted Fare Area by causing signs to be posted in the immediate vicinity of the area indicating that the area is restricted to persons carrying valid tickets.

6. FARE EVASION

1. Any person who is found boarding or using a transit vehicle or entering or within a Restricted Fare Area and fails to produce to an Officer upon demand a valid ticket is guilty of an offence.
2. Any person who relies on the existence of a valid mobile ticket in defence of a charge under this Bylaw has the onus of proving that he or she holds a valid mobile ticket.

3. It is a defence to a charge pursuant to subsections 6(1) and 6(2) that the person is on a transit vehicle and tendered the exact fare established by the Director of Calgary Transit for the payment of his or her fare to the operator.
4. An Officer is authorized to demand production of, and inspect, a valid ticket from any person found using a transit vehicle or entering or within a Restricted Fare Area, including:
 - (i) demanding that a person display the valid mobile ticket on their personal electronic device to the Officer, including the barcode;
 - (ii) demanding that the person allow the Officer to inspect the date and time of the activation of the valid mobile ticket;
 - (iii) demanding the person allow the Officer to electronically scan the barcode of the valid mobile ticket; and
 - (iv) requiring that the person display the date and time setting on their personal electronic device to the Officer.
5. No person shall sell, exchange, or give away a transfer, validated ticket or non-transferable pass without the prior written consent of the Director of Calgary Transit.
6. No person shall receive or use a transfer unless issued to them on payment of a fare by cash or ticket.

7. GENERAL PROHIBITIONS

1. No person, other than a person authorized by the Director of Calgary Transit, shall handle or operate any transit vehicle or any part of the mechanism or equipment or any transit vehicle, or any other equipment, devices used in connection with Calgary Transit, except devices which are intended for passenger use.
2. No person shall cause any damage to any transit vehicle, transit property, or any other shelter, building or property which is owned, used or occupied by either Calgary Transit or the City of Chestermere.
3. No person shall prevent or interfere with the operation of a transit vehicle.
4. No person shall impede or obstruct a transit employee in the operation, maintenance or repair of a transit vehicle.
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 or operations of that transit vehicle.

6. No person shall ride on, stand on, or hold on to any exterior portion of a transit vehicle.
7. No person within a transit vehicle shall project any part of their body or any object outside the transit vehicle, or throw any object from a transit vehicle.
8. No person shall, in or upon any transit vehicle, transit property, or any other property designated by the City for public transit:
 - (i) urinate, defecate or expectorate;
 - (ii) fight;
 - (iii) sleep;
 - (iv) loiter;
 - (v) climb or hang;
 - (vi) engage in an activity which would molest or interfere with the comfort, convenience or quiet use and enjoyment of the transit system of any reasonable person;
 - (vii) behave in a manner that would cause safety concerns to any reasonable person; or
 - (viii) dispose of waste or litter, except in a receptacle for that purpose.
9. No person shall offer or stage a live musical performance on a transit vehicle or transit property without being in possession of the written consent of the Director of Calgary Transit or the City Manager.
10. No person shall place a baby stroller, shopping buggy, suitcase, baggage, or other obstruction in the aisle of any transit vehicle, unless such obstruction is located in a designated area of the transit vehicle.
11. No person other than an employee of Calgary Transit or the City of Chestermere shall distribute, sell, display or offer for sale any newspaper, printed matter or any kind of merchandise, goods or services whatsoever on a transit vehicle or transit property without being in possession of the consent in writing of the Director of Calgary Transit or the City Manager. This subsection does not apply to a registered candidate or a person engaged in political campaigning on behalf of a registered candidate for any federal, provincial or municipal election.
12. No person shall beg or solicit funds on a transit vehicle or within 20 metres of a transit stop or transit station .
13. No person shall bring on to any transit vehicle or have in his possession while on any transit vehicle:

- (i) bicycle or tricycle, including e-bike or e-scooter; or
- (ii) moped, motorcycle or any motorized vehicle, except a wheelchair or scooter used by an ill, injured or disabled person provided the transit vehicle can accommodate such.

Notwithstanding anything to the contrary, an Officer may operate a bicycle while on duty on any transit platform or other transit property where the use of bicycles by the general public is otherwise prohibited or restricted.

14. No person shall remain in or on a transit vehicle or transit property after being requested to leave by an Officer.
15. No person, without the consent in writing of the Director of Calgary Transit or the City Manager, shall print, write, draw, paint, affix, scratch or etch any advertisement, notice, word, letter, symbol, names picture, geometric figure, number, phrase, slogan, sticker or sentence upon the interior or exterior of any transit vehicle or transit property.
16. No person shall transport any animal on a transit vehicle, except as expressly permitted by this Bylaw.
17. No person shall place or permit their feet or footwear to remain on or against the bottom cushion or seat-back cushion of any seat on a transit vehicle.
18. No person shall bring on to any transit vehicle any flammable, hazardous or explosive material.
19. No person shall allow or permit any device to amplify or emit music or sound in a manner that disturbs the peace and repose of passengers in or on a transit vehicle or transit property.
20. No person shall consume a drink while aboard a transit vehicle unless it is in a sealed or sealable container and under control.
21. No person shall consume food while aboard a transit vehicle unless it is in a container designed for travel and under control.
22. No person shall spill or permit to be spilled any food or drink in a transit vehicle.
23. No person shall smoke tobacco, cannabis, or any other substance or use an electronic smoking device while in or upon a transit vehicle or transit property.
24. No person, other than an Officer, is permitted to carry a firearm on a transit vehicle or transit property.
25. No person shall remove from any transit vehicle, transit property or any premises

of the City used for transit purposes any article left thereon through apparent inadvertence, but such articles shall be left in the possession of Calgary Transit or the City of Chestermere.

26. No person shall ride a skateboard, rollerskates, rollerblades, or similar item on transit property or aboard a transit vehicle.
27. No person shall cross the safety line near the edge of a transit stop or transit station except for the purpose of entering or leaving a transit vehicle.
28. No person shall 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.
29. No person shall impede or obstruct an Officer, a transit employee, or the operator of a transit vehicle in the exercise or performance of their powers pursuant to this Bylaw.

8. OBLIGATIONS OF TRANSIT OPERATOR

1. The operator of a transit vehicle may prohibit any person from boarding a transit vehicle if, in the reasonable opinion of that operator, that person, upon boarding, may:
 - (i) pose or threat to pose a risk to the public safety or the peace and repose of passengers on the transit vehicle;
 - (ii) interfere with the safe operation of the transit vehicle;
 - (iii) exhibit or engage in behaviour that would disturb or impede the intended use of the transit vehicle.;
 - (iv) in their current physical or mental state endanger or threaten to endanger other transit users, the operator or their own well-being;
 - (v) be in contravention of this Bylaw.

9. OFFENCE AND PENALTIES

1. A person who contravenes any provision of this Bylaw by:
 - (i) doing any act or thing which the person is prohibited from doing, or;
 - (ii) failing to do any act or thing the person is required to do,is guilty of an offence.
2. Where there is a specified penalty listed for an offence in Schedule "A" to the Bylaw, that amount is the specified penalty for the offence.

3. Where is a minimum penalty listed for an offence in Schedule “A” to this Bylaw, that amount is the minimum penalty for the offence.
4. Any person convicted of an offence pursuant to the Bylaw is liable upon summary conviction to a fine not exceeding \$10,000.00.
5. Nothing in this Bylaw shall be construed as curtailing or bridging the right of the City to obtain compensation or to maintain any action for loss of or damage to property from or against the Person or Persons responsible.

10. VIOLATION TICKETS

1. Where an Officer believes that person has contravened any provision of this Bylaw, the Officer may commence proceedings against that person by the issuance of a violation ticket in accordance with the *Provincial Offences Procedure Act*, RSA 2000, c P.-34.
2. Nothing in this Section prevents an Officer from issuing a Violation Ticket requiring the court appearance of the defendant, pursuant to the provision of the *Provincial Offences Procedure Act*, RSA 2000, c P.-34, or from laying an Information Notice instead of issuing a Violation Ticket

11. SEVERABILITY

1. If any section or part of this Bylaw is determined by a court of competent jurisdiction to be illegal or beyond the power of Council to enact, such section or part shall be deemed to be severable, and all other sections or parts of this Bylaw shall be deemed to be separate and independent therefrom and to be enacted as such.

12. STRICT LIABILITY OFFENCE

1. All offences created by this Bylaw are and shall be interpreted to be strict liability offences.

13. COMING INTO FORCE

1. Whenever the singular and female gender is used in this Bylaw, the same shall include the plural, masculine and neutral gender whenever the context so requires.
2. The City is not required to enforce this Bylaw.
3. In determining whether to enforce this Bylaw, the City may take into account any practical concerns, including the available budget and personnel resources.

4. No action for damages shall be taken or allowed against the City or any person acting in good faith under the authority of this Bylaw in respect of the destruction, sale, or other disposal of any property pursuant to this Bylaw or the loss of any fare or valid ticket.

READ A FIRST TIME this 2nd day of March 2021.

READ A SECOND TIME this 16th day of March 2021.

READ A THIRD TIME this 15th day of June 2021.

Resolution Numbers –



MAYOR



CAO

**CHESTERMERE PUBLIC TRANSIT BYLAW
SCHEDULE "A"**

SECTION	OFFENCE	MIMIMUM PENALTY	SPECIFIED PENALTY
3(3)	Sell transit ticket at inflated price	\$150.00	\$250.00
6(1)	Fail to provide proof of transit ticket	\$150.00	\$250.00
6(5)	Provide pass/transfer to other	\$150.00	\$250.00
6(6)	Use pass/transfer not issued to them	\$150.00	\$250.00
7(1)	Unauthorized use of transit equipment/devices	\$2,500.00	\$2,500.00
7(2)	Damage to transit vehicles/property	\$300.00	\$500.00
7(3)	Impede/interfere w/ transit vehicle operation	\$2,500.00	\$5,000.00
7(4)	Impede/obstruction transit employee	\$2,500.00	\$5,000.00
7(5)	Interfere with bus doors/windows/ apparatus	\$2,500.00	\$5,000.00
7(6)	Ride outside transit vehicle	\$2,500.00	\$5,000.00
7(7)	Project body or object outside transit	\$200.00	\$300.00
7(8)(i)	Urinate/defecate/expectorate on transit/property	\$200.00	\$300.00
7(8)(ii)	Fight on transit/property	\$200.00	\$300.00
7(8)(iii)	Sleep on transit/property	\$200.00	\$300.00
7(8)(iv)	Loiter on transit/property	\$150.00	\$250.00
7(8)(v)	Climb or hang on transit/property	\$150.00	\$250.00
7(8)(vi)	Disturb public use of transit	\$200.00	\$300.00
7(8)(vii)	Conduct detrimental to transit use	\$200.00	\$300.00
7(8)(viii)	Improper waste disposal on transit/property	\$500.00	\$500.00
7(9)	Musical performance on transit	\$200.00	\$300.00
7(10)	Place obstruct in aisle on transit vehicle	\$150.00	\$250.00
7(11)	Distribute or offer goods or services on transit w/o consent	\$200.00	\$300.00
7(12)	Beg/panhandle on transit/property	\$200.00	\$300.00

7(13)(i)	Bring bike/trike/e-scooter on transit vehicle	\$150.00	\$250.00
7(13)(ii)	Bring moped, M/c or OHV on transit vehicle	\$150.00	\$250.00
7(14)	Fail to leave transit/property upon request	\$300.00	\$500.00
7(15)	Vandalize transit vehicle/property	\$2,500.00	\$5,000.00
7(16)	Transport animal in prohibited manner	\$150.00	\$250.00
7(17)	Place feet/footwear on transit vehicle seats	\$150.00	\$250.00
7(18)	Bring explosive material on transit vehicle	\$300.00	\$500.00
7(19)	Play music in manner to disturb other transit users	\$200.00	\$300.00
7(20)	Drinking while aboard transit vehicle	\$150.00	\$250.00
7(21)	Eating while aboard transit vehicle	\$150.00	\$250.00
7(22)	Spilling food or drink in transit vehicle	\$200.00	\$300.00
7(22)	Smoking in transit vehicle or transit property	\$200.00	\$300.00
7(23)	Carry firearm on transit/property	\$5,000.00	\$5,000.00
7(25)	Remove another user item from transit /property	\$150.00	\$250.00
7(26)	Riding a skateboard, rollerskates or rollerblades on transit/property	\$150.00	\$250.00
7(27)	Crossing a safety line	\$150.00	\$250.00
7(28)	Entering/leaving transit vehicle while in motion or when unsafe	\$200.00	\$300.00
7(29)	Impeding or attempting to impede Officer, transit employee or operator of transit vehicle	\$200.00	\$300.00