

**THE REGIONAL MUNICIPALITY OF YORK
BYLAW NO. 2017-7**

A bylaw to regulate the use of public transit vehicles and facilities in The
Regional Municipality of York

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The Council of The Regional Municipality of York enacts as follows:

1. DEFINITIONS

1.1 In this bylaw:

“assistance dog” means a dog trained for the purpose of accompanying a person with a disability, including a visually impaired or hearing impaired person;

“authorized officer” means an operator, a bylaw enforcement officer, a special constable, a fare media inspector, an officer with the York Regional Police, or other agent of the Region;

“bylaw enforcement officer” means a person authorized by Regional Council to enforce this bylaw;

“designated area” means a single parking spot identified by signs or markings for the parking of one motor vehicle;

“designated disabled area” means a single parking spot, identified by signs or markings depicting the international symbol for the physically disabled, for the parking of vehicles operated by or conveying physically disabled persons, and includes the adjacent area marked by hatch marks;

“electronic cigarette” means a vaporizer or inhalant-type device, whether called an electronic cigarette or any other name, that produces a vapour intended to be inhaled by the user of the device directly through the mouth, whether or not the vapour contains nicotine;

“emergency” means a situation caused by the forces of nature, an accident, an intentional act or otherwise that constitutes, in the opinion of an authorized officer, a significant danger to the safety or wellbeing of persons or property;

“fare category” means a category of transit fares established by the Region from time to time and which may include adult, student, child or senior categories;

“fare media” means all forms of tickets, passes and transfers issued by or on behalf of the Region, including paper and electronic forms;

“fare media inspector” means a person who is authorized to ensure that passengers on transit vehicles are carrying a valid proof of payment;

“fare paid zone” means an area in the rapidway which is marked by a sign indicating that entry to the area by any person requires proof of payment;

“heavily loaded” means where a transit vehicle is bearing a total number of persons equal to or exceeding 80% of the total number of seats available for persons riding on the transit vehicle;

“Mobility Plus” means the Region’s accessible public transit service for people with disabilities;

“operator” means a person authorized by the Region to operate a transit vehicle;

“pass” means fare media issued by the Region that permits the holder to travel on a transit vehicle during the time period marked on the face of the pass;

“peak hours” means 6:30 a.m. to 9:30 a.m. and 3:30 p.m. to 6:30 p.m. Monday to Friday inclusive, except for statutory holidays;

“proof of payment” means fare media or other written authorization issued by or on behalf of the Region which authorizes a person to travel on a transit vehicle, and includes payment made by way of electronic means;

“Rapid Transit (VIVA)” means the rapid transit system operated by or on behalf of the Region;

“rapidway” means the centre lane of a highway designated for the use of rapid transit vehicles;

“Region” means The Regional Municipality of York;

“special constable” means a person who has been granted the powers of a special constable by the Province of Ontario, and is authorized to enforce this bylaw;

“ticket” means fare media issued by the Region that permits the holder to make a single trip on a transit vehicle;

“transfer” means a receipt obtained from an operator that permits the holder to travel on a transit vehicle during the time period indicated on the transfer;

“transit facility” means any land or structure owned or occupied by the Region for the purpose of operating the Rapid Transit (VIVA), York Region Transit (YRT) or Mobility Plus systems, and includes bus stops, bus shelters, transit garages, transit terminals, bus loops and commuter parking facilities;

“transit system” means the public transportation system operated by or on behalf of the Region and includes Rapid Transit (VIVA), York Region Transit (YRT) and Mobility Plus;

“transit vehicle” means a vehicle operated by or on behalf of the Region and includes vehicles in the Rapid Transit (VIVA), York Region Transit (YRT) and Mobility Plus fleets;

“valid identification card” means a lawfully issued identification card that includes the holder’s photograph and date of birth, and includes any identification card issued by the federal or provincial government, a student identification card, and an identification card issued by the Toronto Transit Commission;

“vehicle” includes a motor vehicle, trailer, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power;

“York Region Transit (YRT)” means the conventional transit system operated by or on behalf of the Region, and includes co-operative arrangements with other transit authorities operating within the boundaries of the Region; and

“zone” means a geographic area within which a fare is payable.

2. FARE PAYMENT

requirement to pay

- 2.1 No person shall be on a transit vehicle, or in a fare paid zone except where:
- a) the applicable fare has been paid either by:
 - (i) depositing in the farebox, if one is provided, or as otherwise directed by posted signs, posted notices or an authorized officer, the exact cash fare or a ticket for the applicable fare category; or
 - (ii) obtaining valid fare media in advance of boarding the transit vehicle or entering the fare paid zone; or
 - b) such person has been authorized in writing by the Region to be exempt from fare payment.

proof of payment

- 2.2 Every person shall produce a proof of payment or evidence of a written authorization exempting the person from payment in accordance with section 2.1 of this bylaw when requested to do so by an authorized officer.

valid identification for reduced fare

- 2.3 Any person entitled to a reduced fare shall present his or her valid identification card upon payment of the reduced fare. In the event that such person fails to present a valid identification card, a full adult fare

will be payable.

- conditions of use* 2.4 Every person shall comply with the conditions of use for the fare media he or she is tendering.
- selling proof of payment* 2.5 No person shall sell, trade, barter or otherwise transfer or attempt to sell, trade, barter or otherwise transfer any proof of payment to any person without the prior authorization of the Region.
- use of proof of payment* 2.6 No person shall use a proof of payment unless it was purchased for his or her use at the fare required of him or her by the Region.
- altered or counterfeit fare media* 2.7 No person shall:
- a) use, attempt to use or possess altered or counterfeit proof of payment; or
 - b) create altered or counterfeit proof of payment, other than an employee or agent of the Region authorized to do so.
- zones* 2.8 Any person travelling in more than one zone shall have proof of payment for each zone.
- use of transfers* 2.9 No person shall:
- a) obtain more than one transfer for each fare paid; or
 - b) receive or use any transfer other than one which has been duly issued to him or her in advance of boarding the transit vehicle or vehicles for which the transfer is sought to be used.
- expired transfer* 2.10 A transfer shall be valid only on the date issued and for the time period indicated on the transfer, and no person shall travel on a transit vehicle with an expired transfer.
- proof of payment is property of Region* 2.11 All proof of payment shall remain the property of the Region and an authorized officer may seize and the Region may retain such proof of payment for the purpose of any legal proceeding involving an alleged violation of this bylaw.
- 3. CONDUCT ON TRANSIT VEHICLES AND IN TRANSIT FACILITIES**
- rules and regulations* 3.1 Every person travelling on a transit vehicle or using a transit facility shall comply with all rules and regulations posted on such vehicle or facility or printed on or contained in any proof of payment.

duty to follow instructions

3.2 Where an authorized officer considers it reasonably necessary to issue instructions in order to ensure orderly movement of persons, or to prevent injury or damage to any person or property, or to permit proper action in any emergency, all passengers shall follow that officer's instructions.

firearms, dangerous items

3.3 No person shall carry on a transit vehicle or in a transit facility any of the following:

- a) a firearm;
- b) any item which is dangerous, toxic, flammable or explosive in nature; or
- c) any item which an authorized officer has reasonable grounds to believe may cause harm, damage or discomfort to any person or property.

interfere with operator

3.4 No person shall occupy a position which is likely to obstruct the operator's vision, or interfere with the operator's ability to safely operate the transit vehicle.

interfere with equipment

3.5 No person shall interfere with the operation of a window, door, apparatus or any other equipment of a transit vehicle so as to delay or prevent the departure of the transit vehicle or cause a concern for safety.

3.6 No person shall interfere with or activate the emergency call box or emergency alarm devices on a transit vehicle or within a transit facility except in situations of emergency.

operate transit vehicle or equipment

3.7 No person shall, without authorization, handle or operate a transit vehicle or any part of the mechanical, electrical or electronic equipment of any transit vehicle or any part of the transit system, except devices which are intended for a person on a transit vehicle to use in accordance with posted instructions.

projection of objects

3.8 No person shall project any part of his or her body or any object through any window or door of a transit vehicle, whether such window or door is open or closed, and whether the transit vehicle is in motion or stationary.

hold on to exterior of vehicle

3.9 No person shall hold on to any exterior part of a transit vehicle, whether the transit vehicle is in motion or stationary.

- vehicles in motion* 3.10 No person shall board or leave or attempt to board or leave any transit vehicle while the transit vehicle is in motion or when prohibited by an authorized officer for safety reasons.
- use of identified doors* 3.11 No person shall board or leave a transit vehicle except by using the appropriately identified doors or as instructed by an authorized officer.
- animals* 3.12 No person may be accompanied on a transit vehicle or within a transit facility by any animal other than the following:
- a) an assistance dog, which may accompany a passenger at any time; or
 - b) a small bird or mammal, provided that it shall be leashed or caged at all times and shall not be permitted during peak hours or emergencies or if the transit vehicle is heavily loaded.
- 3.13 Despite subsection 3.12(b), no person may be accompanied on a transit vehicle or within a transit facility by any animal which an authorized officer has reasonable grounds to believe may be likely to cause harm, damage or discomfort to any person or property.
- soliciting/selling* 3.14 No person shall sell or solicit or attempt to sell or solicit anything on a transit vehicle or within a transit facility without the prior written authorization of the Region and in accordance with the terms of such authorization.
- distribution of materials* 3.15 No person shall post or distribute or cause or permit to be posted or distributed any materials or articles on a transit vehicle or within a transit facility without the prior written authorization of the Region and in accordance with the terms of such authorization.
- littering* 3.16 No person shall dispose of litter, waste or refuse of any kind on a transit vehicle or within a transit facility except in marked receptacles provided for that purpose.
- operation of audio devices* 3.17 No person shall operate any device for the amplification of music or other sound on a transit vehicle or within a transit facility unless the sound is conveyed from the device by an earphone at a volume which cannot be heard by any other person.
- loitering* 3.18 No person shall loiter on a transit vehicle or within a transit facility.
- cause damage* 3.19 No person shall damage property or jeopardize the safety of any person on a transit vehicle or within a transit facility.
- disturb the peace* 3.20 No person shall disturb the peace, commit an act of nuisance or disturb

the privacy or comfort of any other person on a transit vehicle or within a transit facility.

urinate, defecate

3.21 No person shall urinate or defecate or expectorate on a transit vehicle or within a transit facility.

smoking

3.22 No person shall smoke or chew any tobacco product, or use an electronic cigarette or marijuana or carry lit tobacco or marijuana on a transit vehicle or within a transit facility.

liquor

3.23 No person shall, on a transit vehicle or within a transit facility:

- a) consume liquor or any other alcoholic beverage; or
- b) have in his or her possession any liquor or other alcoholic beverage except where contained within its original sealed bottle, can or container, and where that person is lawfully entitled to have in his or her possession any liquor or other alcoholic beverage under the laws of the Province of Ontario.

large, bulky, or sharp objects

3.24 No person shall bring on to a transit vehicle any large, bulky, or sharp object during peak hours or emergencies or if the transit vehicle is heavily loaded.

transportation of bicycles

3.25 No person shall transport a bicycle on a transit vehicle during peak hours or emergencies or if the transit vehicle is heavily loaded.

refuse permission to board

3.26 No person shall be permitted to board a transit vehicle, and an authorized officer shall refuse to allow any person to board a transit vehicle or require the person to leave the transit vehicle promptly if the person has already boarded, in any of the following circumstances:

- a) the person refuses to pay the applicable fare or furnish proof of payment in accordance with section 2.1 or 2.2 of this bylaw;
- b) the authorized officer has reasonable grounds to believe that the person might be endangering the health or safety of any other person or disturbing the privacy or comfort of any other person; or
- c) the person is conducting himself or herself in a disorderly, profane or boisterous manner.

clothing

3.27 Every person on a transit vehicle or within a transit facility shall be fully clothed and shall wear footwear at all times.

roller skates, in-line skates, skate boards

3.28 No person shall wear roller skates or in-line skates or operate a skateboard on a transit vehicle or within a transit facility.

- use of cameras* 3.29 No person shall operate for a commercial purpose any audio or visual recording device on a transit vehicle or within a transit facility unless the person has obtained prior written authorization from the Region allowing him or her to do so and is operating the device in accordance with the terms of such authorization.
- lost property* 3.30 No person shall remove from any transit vehicle or transit facility any article left thereon through apparent inadvertence, but such article shall be delivered to an authorized officer.
- strollers* 3.31 Any person travelling on a transit vehicle with a child in a foldable or collapsible carriage or stroller shall remove the child and fold or collapse the carriage or stroller upon the request of an authorized officer, where the authorized officer has reasonable grounds to believe that the carriage or stroller is likely to interfere with other standing passengers or with the safe movement of passengers within the transit vehicle. The authorized officer shall have the right to require the person to leave the transit vehicle if the person fails or refuses to comply with such a request.
- accessibility devices* 3.32 Wheelchair, kneeling and ramp systems may be deployed only by an operator and only at accessible transit vehicle stops, and at the prior request of a person on the transit vehicle.
- feet on seat* 3.33 No person shall place his or her footwear, socks or bare feet on the seat of any transit vehicle.
- proper entry and exit* 3.34 No person shall enter or leave a transit facility except through a designated entrance or exit, as the case may be.
- use of rapidways* 3.35 No person shall operate a vehicle on a rapidway, unless authorized by the Region.
- 3.36 No person shall cross a rapidway except by way of a crosswalk or pedestrian crossover.
- 3.37 No person shall obstruct, or interfere with the operation of a rapidway.
- requirement to obey signs* 3.38 No person shall do any act in contravention of instructions indicated on any sign erected or otherwise displayed by the Region at any transit facility.
- damage to property* 3.39 No person shall obstruct, interfere with or cause damage to any transit facility or transit vehicle or any other transit system property.

4. PARKING AT TRANSIT FACILITIES

*parking and use
of transit system*

4.1 No person shall park or operate any vehicle at any transit facility unless the parking or operation of the vehicle is incidental to the use of the transit system by the driver or a passenger of the vehicle.

24 hour limitation

4.2 No person shall park a vehicle for a period of more than 24 hours at any transit facility, except as otherwise authorized by the Region.

weight restriction

4.3 No person shall park a vehicle having a gross weight or registered gross weight in excess of 4,536 kilograms at any transit facility.

*park, stand, stop
in designated
areas only*

4.4 No person shall park any vehicle at any transit facility unless the parking of the vehicle is entirely within a designated area.

4.5 No person shall stand or stop any vehicle at any transit facility unless the standing or stopping of the vehicle is within an area so designated for standing or stopping.

*interfere with
traffic*

4.6 No person shall park in such a manner as to interfere with the movement of traffic or to otherwise prevent the safe removal of any other vehicle parked or left standing.

*designated
disabled area*

4.7 No person shall park, stand or stop a vehicle in a designated disabled area unless a valid disabled parking permit is displayed on the vehicle so that such permit is reasonably visible to a person standing outside the vehicle.

*inspection of
permit*

4.8 Every person having possession of a disabled parking permit shall, upon the demand of an officer appointed for enforcing the provisions of this bylaw, surrender the permit for reasonable inspection to ensure that the provisions of this bylaw are being complied with.

retain permit

4.9 An officer to whom a disabled parking permit has been surrendered may retain it until disposition of any legal proceeding if the officer has reasonable grounds to believe that the permit:

- a) was not issued under the authority of the *Highway Traffic Act* (Ontario) or another provincial statute;
- b) was obtained under false pretences;
- c) has been defaced or altered;
- d) has expired or been cancelled; or
- e) is being or has been used in contravention of this bylaw.

*emergency
access and fire
routes*

4.10 No person shall park, stand or stop a vehicle in an area designated as a fire route or as an emergency access route.

exemption

4.11 Nothing in this bylaw shall prevent any vehicle operated by or on behalf of the Region from standing, stopping or parking at any transit facility where it is safe to do so for the purpose of carrying on the business of the Region.

towing

4.12 In addition to the penalties provided for in this bylaw, the Region may tow or cause to be towed any vehicle which is parked in any location at any transit facility other than as authorized in this bylaw, at the cost and risk of the owner and/or operator of such vehicle.

5. AUTHORIZATION

5.1 Where anything in this bylaw is subject to authorization by the Region, such authorization may be given by the General Manager, York Region Transit (YRT) or by his or her designate.

6. PRESUMPTION

6.1 Where any materials or articles are posted or distributed in contravention of any provision of this bylaw, any person named on the materials or articles shall be presumed to have been the person who posted or distributed the materials or articles, or caused or permitted to be posted or distributed the materials or articles, which presumption may be rebutted by evidence to the contrary on a balance of probabilities.

6.2 Where any materials or articles are posted or distributed in contravention of any provision of this bylaw, and the materials or articles have no person's name on them, but a telephone number appears on the materials or articles, any person to whom the telephone number is listed in a telephone directory, including any internet directory, shall be presumed to have been the person who posted or distributed the materials or articles, which presumption may be rebutted by evidence to the contrary on a balance of probabilities.

6.3 Where any materials or articles are posted or distributed by a corporation in contravention of any provision of this bylaw, the directors and officers of the corporation shall be presumed to have knowingly concurred in the posting or distribution of the materials or articles in contravention of this bylaw, which presumption may be rebutted by evidence to the contrary on a balance of probabilities.

- 6.4 Where an authorized officer has reasonable grounds to believe that an offence has been committed by any person, the authorized officer may require the name, address and proof of identity of that person, and the person shall supply the required information.

7. PENALTIES AND ENFORCEMENT

*contravention of
bylaw*

- 7.1 Any person who contravenes any provision of this bylaw is guilty of an offence and upon conviction shall be subject to the following penalties:
- a) upon a first conviction, to a fine of not more than \$5,000.00;
 - b) upon a second or subsequent conviction for the same offence, to a fine of not less than \$100.00 and not more than \$25,000.00.

- 7.2 For the purposes of this bylaw, an offence is a second or subsequent offence if the act giving rise to the offence occurs after a conviction has been entered on an earlier date for the same offence.

*require
identification*

- 7.3 Where an authorized officer has reasonable grounds to believe that an offence has been committed by a person, the authorized officer may require the name, address and proof of identity of that person, and the person shall supply the required information.

false information

- 7.4 No person shall provide false information in any statement, whether orally, in writing or otherwise, made to an authorized officer.

*compliance with
bylaw*

- 7.5 No person shall have the right to travel on a transit vehicle or be within a transit facility unless the person is in compliance with the requirements of this bylaw and all other applicable law.

8. OFFENCES OF ABSOLUTE LIABILITY

- 8.1 Any breach of the following sections of this bylaw is deemed to be an offence of absolute liability:
2.1, 2.2, 2.5, 2.6, 2.9, 2.10, 3.22, 4.1 to 4.7, and 4.10

9. REPEAL

- 9.1 Bylaw Nos. R-1415-2005-028, 2009-36 and 2010-67 are hereby repealed.
- 9.2 Notwithstanding the repeal of Bylaw Nos. R-1415-2005-028, 2009-36 and 2010-67, these bylaws shall continue to apply to any acts, omissions or occurrences, and to any offences that took place prior to the enactment of this bylaw.

ENACTED AND PASSED this 16th day of February, 2017.

Christopher Raynor

Regional Clerk

Wayne Emmerson

Regional Chair

*Authorized by Clause 1, Report 2 of the Committee of the Whole, adopted by
Regional Council at its meeting on February 16, 2017*

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