

THE REGIONAL MUNICIPALITY OF YORK

BILL NO. 37

BY-LAW NO. 2009-36

A by-law to amend By-law No. R-1415-2005-028,
being a by-law to regulate the use of public transit vehicles and facilities
in The Regional Municipality of York

WHEREAS on April 21, 2005 Regional Council enacted By-law No. R-1415-2005-028 (the “By-law”) to regulate the use of public transit vehicles and facilities in The Regional Municipality of York;

AND WHEREAS Regional Council wishes to amend the By-law to create new offences and provide for more effective enforcement;

NOW, THEREFORE, the Council of The Regional Municipality of York hereby enacts as follows:

1. By-law No. R-1415-2005-028 is hereby amended as set out in this by-law.
2. Subsection 1.1 (b) is hereby deleted and replaced with the following:
 - b) “authorized officer” means an operator, a by-law enforcement officer, a special constable, a fare media inspector, an officer with the York Regional Police, or other agent of the Region;
3. Subsection 1.1 is hereby amended by adding the following:
 - d) “designated area” means a single parking spot identified by signs or markings for the parking of one motor vehicle;
 - e) “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;

- h) “fare media” means all forms of tickets, passes and transfers issued by or on behalf of the Region, including paper and electronic forms;
 - i) “fare media inspector” means a person who is authorized to ensure that passengers on transit vehicles are carrying a valid proof of payment;
 - j) “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;
 - k) “Mobility Plus” means the Region’s accessible public transit service for people with disabilities;
 - z) “vehicle” includes a motor vehicle, trailer, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power;
4. Subsections 1.1 (h) and 1.1 (v) are hereby deleted.
5. Subsection 1.1 (j) is hereby deleted and replaced with the following:
- o) “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;
6. Subsection 1.1 (p) is hereby deleted and replaced with the following:
- u) “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 and bus loops;
7. Subsection 1.1 (q) is hereby deleted and replaced with the following:
- v) “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;

8. Subsection 1.1 (r) is hereby deleted and replaced with the following:
- w) “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;
9. Subsection 1.1 (s) is hereby deleted and replaced with the following:
- x) “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;
10. Subsection 1.1 (t) is hereby deleted and replaced with the following:
- y) “validated ticket” means a pre-purchased single-ride ticket validated at a transit system ticket validator with the date and time stamp or a single-ride ticket purchased at a transit system ticket machine;
11. Subsection 2.1 is hereby deleted and replaced with the following:

FARE PAYMENT

- requirement to pay* 2.1 No person shall be on a transit vehicle except where:
- a) the applicable fare has been paid either by:
- (ii) 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
- (iii) obtaining valid fare media in advance of boarding the transit vehicle; or
- b) such person has been authorized in writing by the Region to be exempt from fare payment.

12. Subsection 2.2 is hereby deleted and replaced with the following:

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 by-law when requested to do so by an authorized officer.

13. Subsection 2.4 is hereby deleted and replaced with the following:

conditions of use 2.4 Every person shall comply with the conditions of use for the fare media he or she is tendering.

14. Subsection 2.7 is hereby deleted and replaced with the following:

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.

15. Section 2 is amended by adding the following:

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 by-law.

16. Subsection 3.1 is hereby deleted and replaced with the following:

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.

17. Subsections 3.6, 3.7, 3.13, 3.14 and 3.22 are hereby deleted and replaced with the following subsections respectively:

operate transit vehicle or equipment 3.6 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.

<i>projection of objects</i>	3.7	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.
<i>soliciting/selling</i>	3.13	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.
<i>distribution of materials</i>	3.14	No person shall post or distribute 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.
<i>liquor</i>	3.22	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.

18. Subsection 3.25(a) is amended by deleting:

“or proof of exemption from fare payment”

19. Subsection 3.30 is hereby deleted and replaced with the following:

<i>accessibility devices</i>	3.30	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.
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20. Section 3 is amended by adding the following:

<i>proper entry and exit</i>	3.32	No person shall enter or leave a transit facility except through a designated entrance or exit, as the case may be.
<i>requirement to obey signs</i>	3.33	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.
<i>damage to property</i>	3.34	No person shall obstruct, interfere with or cause damage to any transit facility or transit vehicle or any other transit system property.

21. The By-law is amended by adding the following:

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4. PARKING AT TRANSIT FACILITIES

<i>parking and use of transit system</i>	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.
<i>24 hour limitation</i>	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.
<i>weight restriction</i>	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.
<i>park, stand, stop in designated areas only</i>	4.4	No person shall park, stand or stop any vehicle at any transit facility unless the parking of the vehicle is entirely within a designated area.
<i>one space only</i>	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.
<i>interfere with traffic</i>	4.6	No person shall park in such a manner as to interfere with the movement of traffic or otherwise prevent the safe removal of any other vehicle parked or left standing.
<i>designated disabled area</i>	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.
<i>inspection of permit</i>	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 by-law, surrender the permit for reasonable inspection to ensure that the provisions of this by-law are being complied with.
<i>retain permit</i>	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 by-law.

- 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 by-law 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 by-law, 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 by-law, at the cost and risk of the owner and/or operator of such vehicle.

22. Section 5 is deleted and replaced with the following:

6. PENALTIES AND ENFORCEMENT

- contravention of by-law* 6.1 Any person who contravenes any provision of this by-law 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;
- 6.2 For the purposes of this by-law, 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* 6.3 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* 6.4 No person shall provide false information in any statement, whether orally, in writing or otherwise, made to an authorized officer.
- compliance with by-law* 6.5 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 by-law and all other applicable law.

ENACTED AND PASSED this 25th day of June, 2009.

Denis Kelly

Regional Clerk

Bill Fisch

Regional Chair

Authorized by Clause 1, Report 6 of the Transit Committee, adopted by Regional Council at its meeting on September 11, 2008.