

CITY OF COLD LAKE
BYLAW #561-AD-15
TRANSIT SERVICES BYLAW - Unofficial Consolidation

Please note: in a bylaw that is “Unofficially Consolidated”, the original approved bylaw is updated to include all of the approved amendments to that bylaw.

A BYLAW OF THE CITY OF COLD LAKE IN THE PROVINCE OF ALBERTA TO ESTABLISH TRANSIT SERVICES WITHIN THE CITY OF COLD LAKE

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

AND WHEREAS the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26, as amended, permits Council to pass bylaws for municipal purposes respecting the safety, health and welfare of people; the protection of people and property; nuisances; transport and transportation systems; services provided by or on behalf of the municipality; public utilities; and the enforcement of bylaws;

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 City of Cold Lake;

NOW THEREFORE pursuant to the authority of the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26, as amended, the Council of the City of Cold Lake duly assembled, enacts:

SECTION 1 - TITLE

This Bylaw may be cited as the “Transit Services Bylaw”.

SECTION 2 – DEFINITIONS

In this Bylaw,

- 2.1 “Bicycle” means a vehicle consisting of two wheels propelled by human power but does not include motor powered bicycles, mopeds, recumbent bicycles, tandem bicycles or bicycles with training wheels.
- 2.2 “City” means the municipal corporation of the City of Cold Lake, or the geographical area falling within the municipal boundaries of the City of Cold Lake as the context requires.
- 2.3 “CAO” means a person appointed as CAO by Council.
- 2.4 “CAO Delegate” means the person designated by the CAO to act on his behalf.
- 2.5 “Cold Lake Transit” means the public transportation system owned and operated by the City of Cold Lake including all Transit Property.
- 2.6 “Fare” means the monetary payment, rate or rate structure for a journey on a Transit Vehicle as set out in Schedule A to this Bylaw.
- 2.7 “Officer” means Peace Officer, a Bylaw Officer, a member of the RCMP, or any person appointed by the CAO to enforce this Bylaw.
- 2.8 “Proof of Payment” means a document provided to prove payment of the Fare that has been validated for use on a Transit Vehicle and includes the validated ticket, transfer, pass or Fare receipt.
- 2.9 “Proof of Payment Area” means an area where Proof of Payment is required and those portions of Transit Property marked as a Proof of Payment Area.

- 2.10 “Transit Property” means any buildings, permanent facilities, or other property owned or controlled by the City of Cold Lake which may be used for Cold Lake Transit. Transit Property includes all Transit Stations and Transit Vehicles.
- 2.11 “Transit Station” means a place where people are picked up or dropped off from a Transit Vehicle and includes bus shelters and stops.
- 2.12 “Transit Vehicle” means a vehicle offered for public transportation and operated by or on behalf of the City of Cold Lake.
- 2.13 “Valid Ticket” means a ticket, transfer, permit, or pass available in exchange for Fare which:
 - 2.13.1 is a form and type approved as per section 4,
 - 2.13.2 has been deposited, validated, or marked in accordance with this Bylaw,
 - 2.13.3 is being used for Cold Lake Transit, and
 - 2.13.4 has not been mutilated, defaced or otherwise altered.
- 2.14 “Violation Ticket” has the same meaning as in the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34, as amended.

SECTION 3 – AUTHORITY AND RESPONSIBILITY

3.1 Council hereby delegates to the CAO the authority and responsibility to:

- 3.1.1 manage and operate Cold Lake Transit in accordance with
 - 3.1.1.1 this Bylaw;
 - 3.1.1.2 the Council approved budget;
 - 3.1.1.3 any policies adopted by Council;
 - 3.1.1.4 any applicable provincial or federal laws.
- 3.1.2 establish and revise as necessary transit routes, transit service schedules, and the location of Transit Property;
- 3.1.3 establish and enforce policy and/or procedures consistent with this Bylaw pertaining to Cold Lake Transit;
- 3.1.4 determine the conditions under which service in accordance with this Bylaw will not be provided, or the conditions when the provision of public transit service will be discontinued;
- 3.1.5 designate City premises to be used as Transit Stations and the locations of other Transit Property;
- 3.1.6 make and execute agreements on behalf of the City for the operation of Cold Lake Transit;
- 3.1.7 grant approvals and permissions as set out in this Bylaw;
- 3.1.8 establish Fares and advertisement fees for Cold Lake Transit;
- 3.1.9 publish information pertaining to Cold Lake Transit for persons to understand, use services of, and comply with this Bylaw;
- 3.1.10 determine whether Cold Lake Transit can reasonably and profitably be provided outside the City’s boundaries without negatively impacting the quality of transit service provided within the City, and, if so, make a recommendation to Council pertaining to such service;
- 3.1.11 include in the annual budget submission to Council, a proposal for the management and operation of Cold Lake Transit;

3.1.12 take any other steps and make determinations as required to implement, administer, apply or enforce the provisions of this Bylaw and Cold Lake Transit.

3.2 The CAO is hereby expressly authorized to make decisions and to establish and enforce such procedures and policy as the CAO may deem necessary for the management and operation of Cold Lake Transit, including the authority to delegate any of the duties or responsibilities to one or more employees of the City of Cold Lake, as required.

SECTION 4 – FEES

4.1 Council shall set the fees in accordance with Schedule A as follows:

4.1.1 Fares shall be charged for the issue of a Valid Ticket;

4.1.2 Fees for advertisements and media displays on Transit Property.

4.2 Schedule A shall form part of this Bylaw and may be amended from time to time by resolution of Council.

4.3 The CAO or CAO Delegate may issue without charge, complimentary tickets, permits and passes subject to terms and conditions as may be specified by the CAO.

SECTION 5 – APPLICATION

5.1 This Bylaw applies to all services provided for Cold Lake Transit. Nothing in this Bylaw shall relieve any person from complying with any federal, provincial, municipal law, regulation or bylaw.

SECTION 6 – PASSENGER CONDUCT

6.1 No person shall climb, cause damage or interfere with the operation of Cold Lake Transit or any Transit Property.

6.2 No person shall, in or upon any Transit Property:

6.2.1 Spit or litter;

6.2.2 Fight;

6.2.3 Engage in an activity that could molest or interfere with the comfort or convenience of any other person;

6.2.4 Behave in a way that could cause a safety concern to any person;

6.2.5 sell or display for sale any goods or services unless written authorization has been issued by the City;

6.2.6 distribute any printed materials or other goods unless written authorization has been issued by the City;

6.2.7 offer or stage live musical performances unless written authorization has been issued by the City;

6.2.8 beg or solicit funds;

6.2.9 operate a device for the amplification of music or other sound unless the sound is conveyed from the device by an earphone at a volume which cannot be heard by any other person;

6.2.10 consume liquor or any other alcoholic beverage; or have in his or her possession any liquor or alcoholic beverage except where unopened and contained within its original sealed bottle, can or container;

- 6.2.11 print, write, draw, paint, spray or affix any advertisements, notices, words, lettering, symbols, names, pictures, geometric figures, numbers, phrases, slogans or sentences upon the exterior or interior of Transit Property, without the written consent of the City;
- 6.3 No person shall in or on a Transit Vehicle:
- 6.3.1 consume a drink or food while aboard unless:
- 6.3.1.1 the drink is in a sealed or sealable container in the possession of the person consuming it;
- 6.3.1.2 the food is in a container designed for travel in the possession of the person consuming it;
- 6.3.1.3 the person does not permit the food or drink to be spilt on Transit Property.
- 6.3.2 loiter for longer than required to reach their destination;
- 6.3.3 place their feet upon any seat or on the back of any seat or on any cushion;
- 6.3.4 place or permit to be placed any item in the aisle;
- 6.3.5 ride a Bicycle, skateboard, long board, rollerblade, or ride a similar item on Transit Property.
- 6.3.6 bring a firearm, weapon, container of flammable or explosive material;
- 6.3.7 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;
- 6.3.8 place a bicycle on the bicycle rack or bring a bicycle aboard unless:
- 6.3.8.1 allowed during specified hours by the City;
- 6.3.8.2 it is placed in the areas specified by the City;
- 6.3.8.3 it is free of dirt, mud or grease;
- 6.3.8.4 it is securely in the possession of a person and attended to while aboard.
- 6.4 No person shall bring any animal on Transit Property except:
- 6.4.1 dogs trained for and used to guide the visually impaired, the hearing impaired or persons with other disabilities;
- 6.4.2 animals housed within a confined structure such as a cage or Kennel.
- 6.5 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.
- 6.6 No person shall enter any area on Transit Property designated as closed to the public.
- 6.7 No person shall at any time project any part of his or her body or any other thing through any window, closed door, or door in the process of closing on a Transit Vehicle.
- 6.8 No person shall ride on, stand on or hold on to any exterior portion of a Transit Vehicle.
- 6.9 No person, other than the person authorized by the CAO or CAO Delegate, shall handle or operate any Transit Vehicle or any part of the mechanism or equipment of any Transit Vehicle or any equipment or devices used in connection with the Cold Lake Transit, except devices which are intended for passenger use.

- 6.10 No person shall smoke in the designated public spaces as per the City of Cold Lake's Bylaw 554-PL-15, Regulating Smoke in Public Spaces.
- 6.11 No person shall sell, barter or exchange any Valid Ticket for a price greater than the price printed on the ticket without the prior written consent of the CAO or CAO Delegate.
- 6.12 A person must pay Fare prior to or upon entry to a Proof of Payment Area or a Transit Vehicle.
- 6.13 A person in a Proof of Payment Area must:
 - 6.13.1 have valid Proof of Payment in their possession; and
 - 6.13.2 present valid Proof of Payment when requested to do so by an Officer or operator of a Transit Vehicle.
- 6.14 No person shall transfer Proof of Payment to any other person unless the Proof of Purchase states on its face that it may be transferred.
- 6.15 Any Proof of Payment showing a time and date on its face expires at the time and date shown on the face of the Proof of Payment.
- 6.16 Any article found by a person on Transit Property who suspects that the article was left by another person on Transit Property shall deliver the article to an Officer.
- 6.17 The operator of a Transit Vehicle may prohibit any person from boarding a Transit Vehicle if in the opinion of the operator, the person would, upon boarding, cause harm to the operator or any other person or be in contravention of this Bylaw.

SECTION 7 – OFFENCES AND PENALTIES

- 7.1 Any person or corporation who contravenes a provision of this Bylaw is guilty of an offence pursuant to this Bylaw and is liable:
 - 7.1.1 on first conviction to a penalty in accordance with Schedule B; and
 - 7.1.2 on a second or any subsequent conviction within a twelve month period to a fine of not less than twice the amount of the penalty in accordance with Schedule B.
- 7.2 Any person who willfully obstructs an Officer or assaults an Officer in the exercise or performance of his or her duties related to this Bylaw, with the intent to resist or prevent the lawful arrest or detention of a person is guilty of an offence pursuant to this Bylaw and is liable:
 - 7.2.1 on first conviction to a fine in accordance with Schedule B, and
 - 7.2.2 on a second or any subsequent conviction within a twelve month period to a fine of not less than twice the amount of the penalty in accordance with Schedule B.
- 7.3 Where an Officer believes that a person has contravened any provision of this Bylaw, the Officer may commence proceedings against the person by doing any or all of the following:
 - 7.3.1 issue an order in accordance with the *Municipal Government Act*, R.S.A.2000, c.M-26 to remedy the infraction;
 - 7.3.2 issue a Violation Ticket in accordance with the *Provincial Offences Procedures Act*, R.S.A.2000,c.P-34; or
 - 7.3.3 take whatever steps are necessary to remedy the breach of the Bylaw and the cost of doing so becomes debt owing to the City by the person whom

the order was issued in accordance with the *Municipal Government Act*, R.S.A.2000, c.M-26.

- 7.4 If the person, to whom an action under section 7.3 has been issued, fails to comply with the action issued under section 7.3 within the specified time indicated, that person is guilty of an offence under this section and an Officer may take any or all of the actions listed in section 7.3, regardless of any action which has already been taken pursuant to section 7.3.
- 7.5 Where a contravention of this Bylaw is of a continuing nature, further Violation Tickets may be issued by an Officer provided, however, that no more than one Violation Ticket shall be issued for each day the contravention continues.
- 7.6 Where a Violation Ticket is issued pursuant to this Bylaw, the person to whom the Violation Ticket is issued may, in lieu of being prosecuted for the offence, pay to the City the penalty specified on the Violation Ticket by the time period indicated on the Violation Ticket.
- 7.7 Where, on a prosecution of an offence pursuant to this Bylaw, a person believes a written approval or permission from the CAO or CAO Delegate provides that person with a defense, the onus of proving that approval or permission was given rests with the person relying on the permission or approval.
- 7.8 Payment of a specified penalty or fine or prosecution or conviction for an offence under this Bylaw does not relieve a person from compliance with any provision of this Bylaw. Further, nothing in this Bylaw relieves a person from complying with any federal or provincial law, other bylaw or any lawful permit, order, or consent.

SECTION 8 –VIOLATION NOTICE

- 8.1 Where an Officer or other person who is authorized to carry out the provisions of this Bylaw believes that a person has contravened this Bylaw he or she may serve upon such person a notice or form of intention to act, an order, or a Violation Ticket pursuant to section 7.3.
- 8.2 The violation notice shall be deemed to have been sufficiently served if:
 - 8.8.1 personally served upon the accused, or
 - 8.8.2 served by registered mail, or
 - 8.8.3 left at the accused's usual place of resident with a person who appears to be at least sixteen (16) years of age.
- 8.3 A violation notice shall be in a form approved by the CAO or CAO Delegate and include:
 - 8.2.1 the name of the person;
 - 8.2.2 the municipal or legal description of the land or the land near where the offence took place (if applicable);
 - 8.2.3 the offence;
 - 8.2.4 the penalty for the offence as set out on Schedule "B" to this Bylaw;
 - 8.2.5 that penalty shall be paid in full within the time frame indicated on the notice; and
 - 8.2.6 any other information as may be required by the CAO or by the provisions of the Act or the Provincial Offences Procedure Act, RSA 2000, c P-34 as amended.

- 8.4 Nothing in this Bylaw shall prevent an Officer from issuing a Violation Ticket requiring a court appearance on the accused, pursuant to the Provincial Offences Procedures Act or from laying an information instead of a violation ticket.

SECTION 9 – SEVERABILITY PROVISION

- 9.1 It is the intention of Council that each separate provision of this Bylaw shall be deemed independent of all other provisions herein and it is the further intention of Council that if any provision of this Bylaw is declared invalid, all other provisions hereof shall remain valid and enforceable.
- 9.2 If a court or tribunal of competent jurisdiction declares any portion of this Bylaw to be illegal or unenforceable, that portion of the Bylaw will be considered to be severed from the balance of the Bylaw, which will continue to operate in full force.

SECTION 10 – ENACTMENT/REPEAL

- 10.1 That Bylaw No. 181-AD-04 of the City of Cold Lake is hereby repealed;
- 10.2 This Bylaw shall take effect on the date of passing third and final reading.
- 10.2.1 Schedules “A” and “B” shall form part of this Bylaw.

FIRST READING passed on open council duly assembled in City of Cold Lake, in the Province of Alberta, this 9th day of June, AD 2015, on motion by Councilor Buckle.

**CARRIED
UNANIMOUSLY**

SECOND READING passed on open council duly assembled in City of Cold Lake, in the Province of Alberta, this 23rd day of June, AD 2015, on motion by Councilor Lay.

**CARRIED
UNANIMOUSLY**

THIRD READING passed on open council duly assembled in City of Cold Lake, in the Province of Alberta, this 23rd day of June, AD 2015, on motion by Councilor Vining.

**CARRIED
UNANIMOUSLY**

Executed this ____ day of _____, 2015.

CITY OF COLD LAKE

MAYOR

CHIEF ADMINISTRATIVE OFFICER

**SCHEDULE “A”
 BYLAW # 567-AD-15
 A BYLAW TO AMEND TRANSIT SERVICES BYLAW #561-AD-15**

TRANSIT FARES

Fare Structure	Youth 6- 17 years of age	Adults 18-64 years of age	Seniors 65+ years of age
Cash Fare (Per Trip)	FREE	FREE	FREE
Tickets (Book of 10)	N/A	N/A	N/A
Monthly Pass	N/A	N/A	N/A
Child Under 6	FREE		

Transit Transfers/Proof of Payment

When boarding the Transit Vehicle, ask your Driver for a transfer/Proof of Payment if you are continuing on another bus. Transfers/ Proof of Payment are accepted on all buses at all bus stops/terminals on Cold Lake Transit. In order to be considered valid, transfers/ Proof of Payment must be for the appropriate day and used within **90 minutes** of the time indicated in the bottom of the transfer/Proof of Payment. Transfers may be used only by the individual to whom it was issued.

KINOSOO RIDGE SHUTTLE BUS SERVICE

Fare Structure	2 years and under	3 years and up
Cash Fare (One Way)	FREE	\$5
Cash Fare (Round Trip – originating in Cold Lake)	FREE	\$5

Kinosoo Ridge Shuttle Bus Service – Proof of Payment

When boarding the Transit Vehicle, in Cold Lake, passengers shall ask the driver for Proof of Payment to return to Cold Lake. The Proof of Payment for the return trip must be deposited into the fare box when boarding at Kinosoo Ridge and used the same day it was issued.

Amended by Bylaw 567-AD-15, December 8th, 2015

Paying When Boarding

Please note **exact change** is required upon boarding the bus.

End of SCHEDULE “A” to BYLAW # 567-AD-15

SCHEDULE "B"
CONTRAVENTIONS AND PENALTIES

CONTRAVENTION	PENALTY
Ride a bus without tendering payment or without a valid ticket	\$150.00
Bring an unsecured dog or unconfined animal aboard a Transit Vehicle	\$150.00
Board a Transit Vehicle Without a Valid Pass or Ticket	\$150.00
Sell, exchange, give away or receive a transfer validated ticket or pass.	\$150.00
Handle or Operate any Transit Vehicle or transit equipment unauthorized	\$2500.00
Ride on, stand on, or hold any exterior portion of a Transit Vehicle	\$2500.00
Damage Transit Property	\$300.00
Interfere with the operation of a Transit Vehicle	\$2500.00
Interference causing delay or safety concern	\$2500.00
Litter, expectorate, urinate or defecate on Transit Property, Transit Vehicle or Transit Station	\$200.00
Interfere with the comfort or convenience of a transit user	\$200.00
Cause a safety concern to a transit user	\$300.00
Refusal to leave a transit property or vehicle	\$300.00
Apply graffiti to a Transit Property, Station or Vehicle	\$2500.00
Bring a container of flammable or Explosive materials on a Transit Vehicle	\$300.00
Carry a firearm on Transit Property or Vehicle	\$300.00
Removal of lost article from Transit Vehicle or Property	\$150.00
Second Offence of any of the above	Double the original penalty
Third Offence of any of the above	Triple the original penalty

End of SCHEDULE "B" to TRANSIT SERVICE BYLAW