

BY-LAW NO. 6765

OF

THE CORPORATION OF THE COUNTY OF SIMCOE

A By-law to regulate the use of public transit vehicles and facilities in the County of Simcoe.

Whereas Section 5 of the Municipal Act, 2001, S.O. 2001, c.25, herein referred to as "the Act", provides that the powers of a municipality shall be exercised by its Council, and subsection 5(3) provides that a municipal power, including a municipality's capacity, rights, powers and privileges under Section 9, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise; and

Whereas Section 8(3)(a) of the Act, provides that a by-law may regulate or prohibit actions respecting matters, and Section 8(3)(b) provides that a by-law may require persons to do things respecting certain matters and it is desirable to regulate the conduct of users of the County transit system to ensure:

- (a) the safety of users and employees of the transit system;
- (b) that transit users may use the transit system free of interference or harassment; and
- (c) that the operation of the County transit system is carried out effectively and efficiently; and

Whereas Section 11(1), of the Act, provides that an upper-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public and Section 11(3), provides, in part, that an upper-tier municipality may pass by-laws respecting transportation systems; and

Whereas Council adopted By-law 6672 to provide for the transfer of all or part of a lower-tier power to the upper-tier municipality from one or more of its lower-tier municipalities regarding Public transportation (transit) systems; and

Whereas by the adoption of the Committee of the Whole Report of August 14, 2018 Council deems it expedient to pass a by-law to regulate the use of public transit and facilities.

Now therefore the Council of the Corporation of the County of Simcoe enacts as follows:

**1. DEFINITIONS**

"service animal" mean an animal 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 by-law enforcement officer, a special constable, a fare media inspector, a Police Officer, provincial offences officer, or other agent of the County of Simcoe;

“by-law enforcement officer” means a person authorized by County Council to enforce this by-law;

“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 County from time to time and which may include adult, student, child or senior categories;

“fare media” means all forms of tickets, smart cards, passes and transfers issued by or on behalf of the County, 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 on the transit route which is delineated on a map, sign, or webpage indicating which prescribed fare is to be paid to travel to or within such zone;

“heavily loaded” means where a transit vehicle is bearing a total number of persons equal to the maximum of the total number of seats and standees available for persons riding on the transit vehicle;

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

“offence” means an offence under an Act of the Legislature or under a regulation or by-law made under the authority of an Act of the Legislature;

“operator” means a person authorized by the County of Simcoe to operate a transit vehicle;

“pass” means fare media issued by the County of Simcoe 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 County which authorizes a person to travel on a transit vehicle, and includes payment made by way of electronic means;

“provincial offences officer” means a police officer, a by-law enforcement officer while in the discharge of his or her duties, an authorized officer, employee or agent of the municipality whose responsibilities include the enforcement of a by-law, an Act or a regulation under an Act, while in the discharge of his or her duties

“LINX Transit” means the conventional public transit system operated by or on behalf of the County;

“County” means The County of Simcoe;

“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 by-law;

“ticket” means fare media issued by the County 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 County for the purpose of operating the LINX Transit, or LINX 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 County and includes LINX Transit, and LINX Plus;

“transit vehicle” means a vehicle operated by or on behalf of the County and includes vehicles in the LINX Transit, and LINX 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, and a student identification card;

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

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

## **2. FARE PAYMENT**

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
  - iii. scanning or tapping a Smart Card for the applicable fare; or
- b) such person has been authorized in writing by the County to be exempt from fare 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.

2.3 Any person entitled to a reduced fare shall present his or her valid identification card upon payment of the reduced fare. If such person fails to present a valid identification card, a full adult fare will be payable.

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

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 County.

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 County.

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 County authorized to do so.

2.8 Any person travelling in more than one zone shall have proof of payment for each zone.

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.

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.

2.11 All proof of payment shall remain the property of the County and an authorized officer may seize and the County may retain such proof of payment for the purpose of any legal proceeding involving an alleged violation of this by-law.

### **3. CONDUCT ON TRANSIT VEHICLES AND IN TRANSIT FACILITIES**

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 and as shown on the County of Simcoe Transit (LINX) web page.

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.

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, except medical aids such as respirators and portable oxygen supplies, as prescribed; or
- c) any item which an authorized officer has reasonable grounds to believe may cause harm, damage, or discomfort to any person or property.

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

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.

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.

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.

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

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.

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.

3.12 No person may be accompanied on a transit vehicle or within a transit facility by any animal other than the following:

- a) any service animal, which may accompany a passenger at any time; or
- b) a small bird or mammal, provided that it shall be 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.

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 County and in accordance with the terms of such authorization.

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 County and in accordance with the terms of such authorization.

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.

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.

3.18 No person shall loiter on a transit vehicle or within a transit facility.

3.19 No person shall damage property or jeopardize the safety of any person on a transit vehicle or within a transit facility.

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.

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

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.

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.

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.

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.

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 by-law;
- 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.

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

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.

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 County allowing him or her to do so and is operating the device in accordance with the terms of such authorization.

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 or the operator

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.

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.

3.33 No person shall place his or her footwear, socks or bare feet on the seat of any transit vehicle.

3.34 No person shall enter or leave a transit facility except through a designated entrance or exit, as the case may be.

3.35 No person shall do any act in contravention of instructions indicated on any sign erected or otherwise displayed by the County at any transit facility.

3.36 No person shall obstruct, interfere with or cause damage to any transit facility or transit vehicle or any other transit system property.



#### **4. AUTHORIZATION**

4.1 Where anything in this by-law is subject to authorization by the County, such authorization, except for the appointment or authorization of by-law enforcement personnel, may be given by the General Manager of Engineering, Planning and Environment, and or the Director of Planning, Development and Tourism and or by his or her designate.

#### **5. PRESUMPTION**

5.1 Where any materials or articles are posted or distributed in contravention of any provision of this by-law, 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.

5.2 Where any materials or articles are posted or distributed in contravention of any provision of this by-law, 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.

5.3 Where any materials or articles are posted or distributed by a corporation in contravention of any provision of this by-law, 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 by-law, which presumption may be rebutted by evidence to the contrary on a balance of probabilities.

#### **6. PENALTIES AND ENFORCEMENT**

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 penalties outlined in Schedule "1" of this by-law.

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.

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.

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

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.

**7. OFFENCES AND ABSOLUTE LIABILITY**

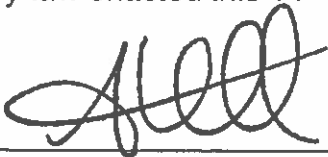
7.1 Any breach of the following sections of this by-law is deemed to be an offence of absolute liability:

2.1, 2.2, 2.5, 2.6, 2.7, 2.9, 2.10, 3.22

7.2 Every person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act R.S.O. 1990, c. P. 33.

- 8. That Schedule "1" and Schedule "2", as amended, substantially form part of this by-law.
- 9. That this By-law shall come into force and take effect immediately upon the approval of County Council.

By-law enacted this 14<sup>th</sup> day of August, 2018.



\_\_\_\_\_  
Warden, County of Simcoe



\_\_\_\_\_  
County Clerk, County of Simcoe

## Schedule "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.

This Schedule is subject to approval by the Chief Justice.

Schedule "2"

The Corporation of the County of Simcoe  
 Part 1 Provincial Offences Act  
 By-law #6765: Use of Public Transit

Item	Column 1 Short Form Wording	Column 2 Provision creating or defining offence	Column 3 Set Fine
1.	Failure to comply with an enforcement officer's direction	3.2	\$125
2.	Carry or possess a dangerous, flammable or explosive item or product on transit property	3.3 (b)	\$125
3.	Obstruct operator's safe operation of a transit vehicle	3.4	\$125
4.	Interfere with safe operation of a transit vehicle	3.5	\$125
5.	Falsely activate emergency call box, or alarm	3.6	\$125
6.	Operate a transit vehicle without being authorized	3.7	\$125
7.	Project body part through a window or door while moving	3.8	\$125
8.	Hinder the safe operation of a transit vehicle	3.9	\$125
9.	Board or leave a moving transit vehicle	3.10	\$125
10.	Board or leave transit vehicle by means other than identified door	3.11	\$125

## Schedule "2"

The Corporation of the County of Simcoe  
 Part 1 Provincial Offences Act  
 By-law #6765: Use of Public Transit

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11.	Possess or permit an animal not authorized on a transit vehicle	3.12	\$125
12.	Sell or solicit goods or products without authorization	3.14	\$125
13.	Post, distribute or cause materials to be posted, distributed without authorization	3.15	\$125
14.	Improperly dispose of waste, litter	3.16	\$125
15.	Amplify sounds so as to disturb the quiet enjoyment of a transit property	3.17	\$125
16.	Loiter on a transit vehicle or facility, after being asked to leave	3.18	\$125
17.	Damage transit property	3.19	\$125
18.	Disturb the peace, or commit an act of nuisance	3.20	\$125
19.	Urinate, defecate, expectorate on transit property	3.21	\$125
20.	Smoke, chew tobacco products on transit property	3.22	\$125
21.	Use an electronic cigarette on transit property	3.22	\$125
22.	Transport bulky item when not permitted	3.24	\$125
23.	Transport bicycle when not permitted	3.25	\$125
24.	Refuse to pay prescribed fare	3.26(a)	\$125

## Schedule "2"

The Corporation of the County of Simcoe  
 Part 1 Provincial Offences Act  
 By-law #6765: Use of Public Transit

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25.	Failure to wear clothing, shoes, boots or sandals	3.27	\$125
26.	Wearing roller-skates, in-line skates, or skateboard	3.28	\$125
27.	Operate without permission for a commercial purpose any audio or visual recording device on a transit vehicle	3.29	\$125
28.	Removal of articles left through inadvertence	3.30	\$125
29.	Fail to securely store children's stroller while in motion	3.31	\$125
30.	Placing foot or feet, laying on or soiling a seat of a vehicle	3.33	\$125
31.	Enter or exit transit system through non-designated entrance or exit	3.34	\$125
32.	Failure to comply with posted sign	3.35	\$125
33.	Obstruct, interfere with or cause damage to any transit property	3.36	\$125

NOTE: The general penalty provision for the offences listed above is section 7.2 of the By-law 6765, a certified copy of which has been filed.