



**Authority:** Item 5, Public Works Committee  
Report 16-007 (PW16078(a))  
CM: April 27, 2016

**Bill No. 111**

## **CITY OF HAMILTON**

### **BY-LAW NO. 16-111**

#### **A By-law Respecting the Passenger Transportation System Operated and/or Funded by the City of Hamilton**

**WHEREAS** sections 8, 9 and 10 of the *Municipal Act, 2001*, S.O. 2001, c. 25, authorize the City of Hamilton to pass by-laws necessary or desirable for municipal purposes, and in particular paragraphs 5 through 8 of subsection 10(2) authorize by-laws respecting the economic, social and environmental well-being of the municipality; the health, safety and well-being of persons; the provision of any service or thing that it considers necessary or desirable for the public; and the protection of persons and property;

**AND WHEREAS** section 425 of the *Municipal Act, 2001*, authorizes the City of Hamilton to pass by-laws providing that a person who contravenes a by-law of the City of Hamilton passed under that Act is guilty of an offence;

**AND WHEREAS** the *Municipal Act, 2001*, further authorizes the City of Hamilton, amongst other things, to delegate its authority, to impose fees or charges on persons for services or activities provided or done by or on behalf of it, to provide for inspections and inspection orders, and to make orders to discontinue activity or to do work;

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

#### **DEFINITIONS**

1. In this By-law:

“authorized vendor” means a person who:

- (a) has entered into an agreement with the City of Hamilton or has otherwise received written permission from the City to sell fare media on behalf of the City; or
- (b) is authorized to sell Presto cards by Metrolinx;

“bicycle” means any device which has one or more wheels and is propelled by human power and upon which any person may ride, and includes a unicycle and a tricycle;

“City” means the City of Hamilton or the geographic area of the City of Hamilton, as the context requires;

“DARTS” means the Disabled and Aged Regional Transit Service;

“Director” means the Director of Transit of the City of Hamilton, or their authorized representative;

“fare” means the compensation required to be paid, as approved by City Council from time to time, to be a passenger on a transit vehicle;

“fare media” means any valid ticket, pass, transfer or other fare media approved by and acceptable to the City of Hamilton, and includes but is not limited to an electronic fare card, any single or multi-ride ticket, a day pass or a student pass;

A By-law Respecting the Passenger Transportation System  
Operated and/or Funded by the City of Hamilton

(Page 2 of 6)

“municipal law enforcement officer” means a person appointed by the Council of the City to enforce this By-law;

“passenger transportation system” means the system operating by or on behalf of the City of Hamilton that provides for the transportation of passengers using transit vehicles;

“person” includes an individual, sole proprietorship, partnership, unincorporated association, unincorporated syndicate, unincorporated organization, trust, body corporate and a natural person in the capacity of trustee, executor, administrator or other legal representatives of a person to whom the context can apply according to law;

“service animal” means an animal trained by a recognized school for service as a guide dog for the blind or visually impaired, a guide dog for the deaf or hearing impaired, or a special skills dog for other persons with disabilities and includes an animal used in therapy and trained by and registered with a recognized organization for that purpose;

“transit property” means all property owned, leased or used by the City for the purpose of providing a passenger transportation system and includes the transit stations and the transit vehicles;

“transit station” means any building or structure owned, used, or occupied by the City for transit purposes which is open to the public;

“transit vehicle” means a vehicle owned, leased or operated by or on behalf of the City to transport passengers in exchange for compensation, but does not include vehicles leased or operated by or on behalf of DARTS.

## **INTERPRETATION**

2. If a court of competent jurisdiction declares any provision or part of a provision of this By-law invalid, the provision or part of a provision is deemed severable from this By-law and it is the intention of Council that the remainder of this By-law shall continue to be in force.

## **FARES**

### **Regulation of Fares**

3. No person shall board a transit vehicle unless such person;
  - (a) has paid the fare by depositing a cash payment in at least the amount of the fare;
  - (b) has paid the fare by producing or tapping their fare media; or
  - (c) is authorized by the City.

### **Altering or Non-Authorized Use of Fare Media**

4. (1) No person shall use or have in their possession an altered or unauthorized reproduction of fare media.
  - (2) No person shall fail to comply with all rules and regulations for fare media and failure to do so may result in confiscation of the fare media.

## **AUTHORIZED VENDORS**

5. (1) No person shall sell fare media unless the person is an authorized vendor.
- (2) No authorized vendor shall sell fare media at an amount greater than the fare approved by Council from time to time.

## **ANIMALS**

6. (1) No person shall travel on a transit vehicle or enter a transit property with an animal, unless:
  - (a) the animal is a service animal; or
  - (b) the animal is contained in an animal-carrier device, the transit vehicle is not crowded and other passengers are not inconvenienced.

## **PRIORITY AND COURTESY SEATING, ASSISTIVE DEVICES AND SUPPORT PERSONS**

### **Priority or Courtesy Seating**

7. (1) A person with a disability or a visible need for priority seating has priority seating on a front seat of a transit vehicle but is not guaranteed a seat.
- (2) A person carrying a child, an expectant mother, or a person carrying a bulky item has courtesy seating on a front seat of a transit vehicle but is not guaranteed a seat.
- (3) A passenger transportation system employee may request that an occupied seat be vacated for a person described in subsection (1) or (2).

### **Assistive Devices**

8. A person who boards a transit vehicle using a wheelchair or scooter backs into the designated compartment located at the rear door of the transit vehicle.

### **Support Person**

9. A person accompanying a passenger as a support person on a transit vehicle boards and alights from the transit vehicle at the same time as the person being accompanied.

## **CONDUCT**

### **Transit Vehicles**

10. (1) No person on a transit vehicle shall:
  - (a) ride on, stand on or hold on to the exterior of the transit vehicle;
  - (b) lean out of or otherwise project any part of their body or an object beyond outside of the transit vehicle;
  - (c) place large, bulky or sharp objects in a way that would endanger other passengers;
  - (d) operate any radio, transmitting or receiving device, tape recorder, or similar device in or upon any transit vehicle, unless the sound therefrom is conveyed by an earphone at a sound level that does not disturb other passengers;

- (e) allow their feet or footwear to remain on or against a seat, except the seat legs;
- (f) hold open, block the detection sensors or otherwise impede the operation of the doors of a transit vehicle; or
- (g) transport a bicycle on a transit vehicle, except if the transit vehicle is equipped with a bicycle rack and the person properly secures the bicycle to the rack.

### **Transit Stations**

- (2) No person in a transit station shall ride a bicycle, skateboard or rollerblade.

### **Transit Vehicles and Transit Stations**

- (3) No person on a transit vehicle or in a transit station shall:
  - (a) smoke a cigarette or e-cigarette, or ignite a cigarette, cigarette lighter or match; or
  - (b) remove from any transit vehicle or transit station any article left thereon through apparent inadvertence, but such article shall be left in the possession of the City or its employees for disposition according to City policy.

### **Transit Property**

- (4) No person on transit property shall:
  - (a) spit;
  - (b) urinate or defecate, except in a facility designed for this purpose;
  - (c) use profane, indecent, abusive, foul, insulting or obscene language;
  - (d) cause a disturbance or nuisance;
  - (e) have in their possession liquor or other alcoholic product the container for which has been opened;
  - (f) discard waste other than in containers provided for such purpose;
  - (g) beg, solicit or panhandle funds;
  - (h) except with the Director's permission, sell or attempt to sell any, merchandise or any other article or thing,
  - (i) activate any emergency alarm or device or use any emergency telephone, except in situations of emergency;
  - (j) damage or attempt to damage transit property, including but not limited to affixing any inscription, sign, drawing or graffiti;
  - (k) fail to wear a shirt or shoes;
  - (l) act in contravention of instructions given by a police officer, municipal law enforcement officer or passenger transportation system employee who considers them necessary to:
    - (i) ensure orderly movement of persons;
    - (ii) prevent injury to persons;

- (iii) prevent damage to the transit property; or
- (iv) permit proper action in an emergency;
- (m) enter onto or depart from, or attempt to enter onto or depart from transit property except by the designated entrances or exits unless it is unsafe to do so;
- (n) fail to comply with all rules and regulations which are either posted on transit property or are printed on fare media; or
- (o) remain on transit property when directed to leave by a police officer, municipal law enforcement officer or passenger transportation system employee or contractor.

### **General**

- (5) No person shall hinder or obstruct a police officer, municipal law enforcement officer or passenger transportation system employee or contractor when they are performing their duties under this By-law.

### **ENFORCEMENT**

#### **Refusal of Service, Direction to Leave**

- 11.(1) If the Director has reasonable grounds to believe that a person:
  - (a) may be a threat to the safety of the passenger transportation system;
  - (b) may disrupt the operation of the passenger transportation system; or
  - (c) has contravened this By-law,they may prohibit the person from boarding transit vehicles and/or entering transit property.
- (2) A police officer, municipal law enforcement officer or passenger transportation system employee or contractor may:
  - (a) refuse to allow a person to board a transit vehicle, even if the person has paid the fare; and/or
  - (b) direct a person to leave transit property,if they have reasonable grounds to believe the person has contravened this By-law or a prohibition made under subsection 11(1).

### **Penalties**

- 12. Every person who contravenes any provision of this By-law, and every director or officer of a corporation who knowingly concurs in the contravention of this By-law by the corporation is, upon conviction, guilty of an offence and is liable:
  - (a) on a first conviction, to a fine of not more \$10,000; and
  - (b) on any subsequent conviction, to a fine of not more than \$25,000.
- 13. Despite section 12, where the person convicted is a corporation:

A By-law Respecting the Passenger Transportation System  
Operated and/or Funded by the City of Hamilton

(Page 6 of 6)

- (a) the maximum fine in subsection 12(a) is \$50,000; and
  - (b) the maximum fine in subsection 12(b) is \$100,000.
14. Every person who is convicted of an offence under this By-law may be liable, in addition to the fines established under sections 12 and 13, to a special fine, which may exceed \$100,000, designed to eliminate or reduce any economic advantage or gain from contravening this By-law.
15. Where a person has been convicted of an offence, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty imposed by this By-law, make an order prohibiting the continuation or repetition of the offence by the person convicted.

**SHORT TITLE**

16. This By-law may be referred to as the “Transit By-law” or the “Hamilton Transit By-law”.
17. This By-law comes into force on the day it is passed.

**PASSED** this 27<sup>th</sup> day of April, 2016.

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F. Eisenberger  
Mayor

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R. Caterini  
City Clerk