

**CITY OF OWEN SOUND
CONVENTIONAL TRANSIT SYSTEM POLICY
OCTOBER 2015**

POLICY No. 025 (By-law 2015-159)

A policy regulating the use of the Transit System local passenger transportation system.

BE IT ENACTED as a policy of the City of Owen Sound as follows:

This policy replaces Standard Policies 013 and 025 as amended regarding City Transit.

Interpretation

The Transit System is a local passenger transportation service operating within the City of Owen Sound. The Transit System is managed by the Operations Department on behalf of the Owen Sound City Council.

1. Definitions

1.1 In this policy, unless the context otherwise requires:

a) "authorization" or "authorized" means the written permission from the Transit System, received prior to the time the action is to occur;

b) "bicycle" includes a tricycle and unicycle but does not include a motor assisted bicycle;

c) "college or mature student" shall mean an adult in full-time attendance at a college recognized under the Province of Ontario Education Act, 1990 which is served by the Owen Sound Transit System.

d) "elementary school student" shall mean a student in full-time attendance at an elementary school as defined by the Province of Ontario Education Act, 1990 which is served by the Transit System.

e) "fare" means the amount to be paid for travel on the transit system as determined by City Council as amended from time to time;

f) "fare media" means any ticket, pass, transfer or other fare media issued by and acceptable to the Transit System, and includes, without limitation, an electronic fare card, any single ticket or monthly pass.

g) "guide dog" shall have the same meaning as set out in Ontario Regulation 429/07 of the Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005, c. 11, as amended;

h) "high school student" shall mean a person in full-time attendance at a high school recognized under the Province of Ontario Education Act, 1990 which is served by the Owen Sound Transit System.

i) "loiter" means to linger without due cause and includes but is not limited to:

(i) idly spending time in or on Transit System property without the express purpose of using the transit system;

(ii) lingering, sauntering or remaining in or on Transit System property without due cause; and

(iii) failing to board the next available Transit System vehicle, where possible, for the intended route;

j) "patron" or "client" means any person using the Transit System

k) "peak hours" means 7:30 a.m. to 9:00 a.m. and 3:30 p.m. to 6:00 p.m. local time, Monday through Friday, or any other times as determined by the Transit System;

l) "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 representative;

m) "prohibition" shall mean that any person subject to prohibition may not enter or be found on any Transit System property or vehicle for the period of the prohibition.

n) "prohibition notice" shall take the form of a signed and dated printed notice in a format approved by the Director of Operations, delivered to a person's home address or handed to a person by a proper authority of the Transit System.

o) "proper authority" means:

(i) an employee or agent of the Transit System;

(ii) an employee or agent of the City of Owen Sound acting on behalf of the Director of Operations;

(iv) a municipal police officer;

p) "school" shall mean an elementary school, intermediate school, high school or college recognized by the Province of Ontario Education Act, 1990 and served by the Owen Sound Transit System.

q) "service animal" shall have the same meaning as set out in Ontario Regulation 429/07 of the Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005, c. 11, as amended;

r) "student" shall mean a person attending a school served by the Owen Sound Transit System.

s) "transit system" means the transit system, or part thereof, operated by or on behalf of the City of Owen Sound.

t) "transit system property" means all lands, facilities, structures, stations and vehicles owned, leased, occupied or maintained by the Transit System including the Transit Terminal located at 1020 3rd Avenue East in Owen Sound and bus stops and shelters.

u) "transit system vehicle" means any motorized transportation equipment operated by or on behalf of the City of Owen Sound.

v) "warning notice" shall take the form of a signed and dated printed notice in a format approved by the Director of Operations, delivered to a person's home address or handed to a person by a proper authority of the Transit System.

2. Requirement to Pay Fare - Conditions of Use

2.1 No person shall travel or attempt to travel on the transit system or enter a fare paid area, or attempt to enter a fare paid area without paying the appropriate fare:

a) Where the amount of the fare charged for passage on the transit system or entry to a fare paid area is disputed, the passenger shall pay the amount requested by a proper authority;

b) A passenger who refuses to pay the amount of fare requested by a proper authority shall be refused passage on the transit system or into the fare paid area.

2.2 High school, college and mature students purchasing a student transit pass shall produce valid identification or other documentation verifying their attendance at a school served by the Transit System.

2.3 No person shall, unless otherwise set out in the conditions of use:

a) in any way alter, change or recreate any fare media, other than an employee or agent of the Transit System authorized to do so;

b) travel or attempt to travel on the transit system with fare media that has been altered, changed, recreated in any way by a person other than an employee or agent of the Transit System authorized to do so;

2.4 Fare media shall be:

a) valid for the period as indicated on the fare media; and

b) valid in accordance with the conditions of use of the fare media and as set out in this policy.

2.5 Fare media, issued by or on behalf of the Transit System remains the property of the Transit System and is subject to confiscation or cancellation, without refund, by a proper authority if the holder of the fare media:

a) causes damage to Transit System property; or

b) fails to comply with the conditions of use of the fare media.

2.6 When requested to do so by a proper authority, a person travelling on the transit system shall immediately surrender for inspection the fare media under which the person is travelling.

2.7 It is a term and condition of each fare media issued by the Transit System or on behalf of the Transit System and for every ride on the transit system that:

a) the Transit System and its employees and agents are not liable to passengers for lost or stolen fare media;

b) the Transit System and its employees and agents are not liable for delays or cancellations of any kind caused by any reason;

c) the Transit System and its employees and agents shall have the right, whenever operating circumstances require it, to transfer a passenger from one vehicle to another vehicle; and

d) the Transit System, its employees and agents are not responsible for loss of or damage to property of passengers carried onto the transit system.

2.8 Transit System employees selling fare media are not required to change bills of a higher denomination than \$100.00 Canadian or \$20.00 American. Any person refusing to tender a bill of \$100.00 Canadian or less or of \$20.00 American or less shall be deemed to be refusing to pay a fare and shall not be entitled entry on to a Transit System vehicle, or any fare paid area.

2.9 No person paying a fare using cash, ticket or token, shall be entitled to more than one transfer.

2.10 No person paying a fare using a form of fare media not mentioned in Section 2.9 shall be entitled to a transfer.

2.11 No person shall use, or attempt to use a transfer unless the transfer has been issued to that person upon payment of a fare media in accordance with Section 2.9.

2.12 No person shall sell, exchange or give away a transfer unless otherwise authorized by the Transit System.

2.13 No person shall sell or attempt to sell any form of fare media while on Transit System property unless otherwise authorized by the Transit System.

3. Conduct on Transit System

3.1 No person shall:

a) travel on the transit system with an animal unless the animal is:

i) on a leash and in the control of the person provided that the animal does not inconvenience or jeopardize the safety of other passengers or Transit System employees; or

ii) in an enclosed container that remains secured at all times while on the transit system provided that the animal does not inconvenience or jeopardize the safety of other passengers or Transit System employees.

3.2 Section 3.1 does not apply to prohibit a guide dog or service animal from accompanying any passenger with a disability provided that the guide dog or service animal remains under the control of the passenger at all times while on the transit system.

3.3 No person shall enter or leave Transit System property except through a designated entrance or exit, as the case may be.

3.4 Every person shall remain a safe distance behind the curb until it is safe to enter the Transit System vehicle. For greater certainty, no person shall encroach, enter or cross an area beyond a curb until such time as it is safe to enter the Transit System vehicle or upon the direction of a proper authority.

3.5 No person shall operate a motor vehicle on the Transit Terminal property unless authorized by the Transit System.

3.6 No person shall roller-skate, in-line skate or skate-board in or on Transit System property.

3.7 No person shall wear roller-skates or in-line skates while in or on Transit System property.

3.8 No person shall operate a bicycle on Transit Terminal property except on the portion of the property intended for public use for the purpose of arriving at or departing from Transit System property.

3.9 No person, unless otherwise authorized, shall:

a) save and except as permitted in accordance with Section 3.8, bring or attempt to bring in or on Transit System property a bicycle, skis, ski poles, a sleigh, a toboggan or other large object which may inconvenience other passengers or jeopardize the safety of other passengers or Transit System employees:

(i) during peak hours; or

(ii) during an emergency as determined by a proper authority;

3.10 Notwithstanding Section 3.9(a)(i):

a) a person may transport a stroller or baby buggy with a child or children in the stroller or buggy provided that:

(i) the stroller or buggy is tied down in a backwards-facing position in the area reserved for wheelchairs on the Transit System buses;

(ii) the area reserved for wheelchairs is not in use by a person with a disability;

(iii) that the person with the stroller or buggy vacates the area reserved for wheelchairs should the area be required by a disabled person boarding the bus.

3.11 Children are not permitted to be left in a stroller or baby buggy on a moving bus unless the conditions of 3.12 a)(i) or (ii) are met.

3.12 Notwithstanding Section 3.9(a)(i):

a) a person may transport the bicycle on a bus at any time provided that the bus is equipped with a bicycle rack and the person properly secures the bicycle to the rack: and

b) a person may, without riding or pedalling, walk the bicycle while on Transit System property to and from a bus at any time;

3.13 Unless otherwise authorized, no person shall do any act in contravention of instructions,

a) on any sign erected on Transit System property;

b) on any painted markings on Transit System property; or

c) of a proper authority who considers them necessary to,

(i) ensure orderly movement of persons;

(ii) prevent injury to persons;

(iii) prevent damage to Transit System property;

(iv) make available a seat in the designated priority seating area to a person who is disabled or has a physical limitation requiring priority seating; or

(v) permit proper action in an emergency.

3.14 Patrons shall not willfully obstruct or interfere with a proper authority in the performance of his or her duties or the exercise of his or her rights, powers and privileges under this policy.

3.15 Patrons shall not knowingly provide any false information in any statement, whether in writing or otherwise to a peace officer investigating an offence under this policy.

3.16 No person shall:

(a) display, offer or place handbills, signs, notices or any form of written or printed matter on or in Transit System property without authorization.

(b) sell or attempt to sell any merchandise, article or other thing or solicit members of the public for any purpose on Transit System property without authorization.

(c) Subsections (a) and (b) do not apply to any person or corporation operating an undertaking, occupation or business on Transit System property pursuant to an agreement with the Transit System.

3.17 Patrons shall not operate any camera, video recording device, movie camera or any similar device for commercial purposes upon the transit system without authorization.

3.18 Nothing in this policy prohibits the posting of signs, official notices and information or the use of any camera, video recording device, movie camera or any similar device on Transit System Property by the Transit System or anyone authorized by the Transit System.

3.19 Patrons shall not:

(a) place his or her foot or feet on a vehicle seat or lay thereon any object or substance that may soil it; or

(b) lie down on a bench, seat or floor of any Transit System property.

3.20 No person shall litter or deposit any household, industrial or commercial waste in or on Transit System property, unless otherwise authorized.

3.21 All waste, litter and refuse, including recyclables, shall be placed in the proper containers for such purpose located on Transit System property.

3.22 Every person while on Transit System property shall wear shoes, boots, sandals or other similar footwear.

3.23 Patrons shall not, without authorization, operate any radio, recording device, digital music or audio device, musical instrument, or similar device in or on Transit System property unless the sound is conveyed to that person by an earphone at a sound level that does not disturb other passengers or Transit System employees.

3.24 No person, unless otherwise authorized, shall loiter in or on Transit System property.

3.25 No person shall cause a disturbance or act contrary to the public peace on Transit System property, including but not limited to:

- a) urinating, expectorating or defecating, except in facilities specifically intended for such actions;
- b) using profane, insulting or obscene language or gestures;
- c) behaving in an indecent or offensive manner;
- d) shining any type of light at an operator of a Transit System vehicle or any other passenger;
- e) fighting; or
- f) behaving in a manner which would interfere with the ordinary enjoyment of persons using the transit system.

3.26 No person shall place himself or herself in a position or perform an action likely to interfere with the operator of a Transit System vehicle having proper control of the Transit System vehicle or likely to obstruct the vision of the operator.

3.27 Patrons shall not:

- a) ride, hang or stand on any exterior portion of a vehicle; or
- b) lean out of or project any part of his or her body through any window of a vehicle.

3.28 Patrons shall not, without authorization, handle, interfere with or operate any part of the mechanical, electrical, electronic or safety equipment

of a vehicle or any part of the transit system, except devices which are intended for passenger use, and then only in accordance with posted instructions.

3.29 Patrons shall not, except in the case of an emergency:

- (a) hold or force a vehicle door open; or
- (b) hinder or delay the closing of a vehicle door.

3.30 Patrons shall not interfere with or activate a passenger assistance alarm device on Transit System property without reasonable cause.

3.31 No person shall smoke in or on Transit System property or carry a lighted cigar, cigarette, pipe, other tobacco product, or any other lighted smoking equipment or material while in or on Transit System property.

3.32 No person, unless authorized, shall enter or remain on any Transit System property that is in possession of:

- (a) a firearm, air gun, air rifle, pellet gun, pellet rifle, gas charged gun, gas charged rifle, imitation firearm, an offensive weapon or a prohibited weapon; or
- (b) explosives, pyrotechnical material, flammable material, offensive or toxic material, or any other dangerous thing, object or material.

3.33 A proper authority may refuse passage on the transit system to:

- a) a person behaving or appearing to behave in a manner that would interfere with the ordinary enjoyment of persons using the transit system or that may result in harm to themselves or others.
- b) a person whose conduct is or is likely to be objectionable to other passengers;
- c) a person carrying hand luggage, a parcel or any object or thing that does inconvenience or is likely to inconvenience other passengers or Transit System employees; or
- d) a person who alters their identity through the use of a disguise intended to obscure or otherwise alter their appearance.

4. Penalties and Enforcement

4.1 Any person who contravenes any provision of this policy may be removed from the transit system and Transit System property and may have any fare media confiscated by the Transit System.

4.2 The provisions of this policy may be enforced by a proper authority as defined in this policy.

4.3 Any person who contravenes any provision of this policy will be issued a 1st Warning Notice by a proper authority. Any further contravention of the policy, whether related to the first contravention or not will result in the issuance of a 2nd Warning Notice.

4.4 Upon a third contravention of this policy whether or not related to the first two offences the person shall be served with a Prohibition Notice and prohibited from using the Transit System and from all Transit System property for a period of seven days.

4.5 Following a seven-day prohibition any subsequent contraventions of this policy the person shall be served with a Prohibition Notice and prohibited from using the Transit System and all Transit System property for a period of thirty days.

4.6 Following a thirty-day suspension any subsequent contraventions of this policy the person shall be served with a Prohibition Notice and prohibited from using the Transit System and all Transit System property for a period of one year.

4.7 Following the issuing of a Warning Notice or the completion of a prohibition term the enforcement schedule will be reset if no further incidences occur for a period of one year.

4.8 Under extraordinary circumstances the Director of Operations shall have the discretion to move directly to a seven-day suspension if warranted in his or her opinion.

4.9 Any person served with a Warning Notice or Prohibition Notice will be able to appeal the action to the City Manager of the City of Owen Sound, whose decision shall be final.