

**HALIFAX REGIONAL MUNICIPALITY BY-LAW NUMBER T-1200
RESPECTING HALIFAX TRANSIT**

WHEREAS the Municipality operates Halifax Transit in the municipality pursuant to section 69(1)(a) of the *Halifax Regional Municipality Charter*, 2008, c.39;

AND WHEREAS Council for the Municipality considers it necessary and desirable to promote the safety, well-being and comfort of passengers and employees of Halifax Transit;

AND WHEREAS section 188 of the *Halifax Regional Municipality Charter* permits Council to make By-laws, for municipal purposes, respecting the health, well being, safety and protection of persons; the safety and protection of property; persons, activities and things in, on or near a public place or place that is open to the public; and transport and transport systems;

BE IT ENACTED by the Council of the Halifax Regional Municipality pursuant to the *Halifax Regional Municipality Charter* as follows:

Short Title

1. This By-law shall be known as By-law T-1200, the *Halifax Transit By-law*.

Interpretation

2. In this By-law,

- (a) "By-Law Administrator" means the Executive Director of Halifax Transit, or designate;
- (b) "Halifax Transit" means the transit facilities and services provided by the Municipality;
- (c) "Municipality" means the Halifax Regional Municipality;
- (d) "peace officer" means a police officer, By-law enforcement officer or a special constable appointed pursuant to the *Police Act*, SNS 2004, c 3;
- (e) "service animal" means any animal that is a licensed service animal under A-700, the *Animal By-law* and:
 - (i) any animal individually trained to do work or perform tasks for the benefit of an individual with a disability; or
 - (ii) any animal used for search and rescue or law enforcement purposes;
- (f) "smoke" means smoke, inhale or exhale smoke from, burn, carry, hold or otherwise have control over a lit or heated cigarette, cigar, pipe, waterpipe, electronic cigarette or other device that burns or heats tobacco, cannabis or another substance that is intended to be smoked or inhaled;
- (g) "transit property" means the real and personal property of the Municipality which is used to provide or support the provision of Halifax Transit, including:

- (i) transit vehicles;
- (ii) passenger shelters;
- (iii) bus stops;
- (iv) transit stations, terminals and hubs;
- (v) Park & Ride facilities;
- (vi) transit depots; and
- (vii) transit garages; and

(h) “transit vehicle” means a vehicle operated by Halifax Transit to transport passengers, but does not include a ferry vessel.

Application

3. This By-law applies to Halifax Transit and transit property in the municipality.

Conduct on Transit Property

4. (1) No person shall do any of the following on, or in, transit property:

- (a) litter;
- (b) spit, urinate or defecate outside of provided washrooms;
- (c) without the prior written permission of the Municipality:
 - (i) sell or attempt to sell any item, goods, or services, including a newspaper, magazine, or merchandise;
 - (ii) perform a live musical performance;
 - (iii) carry a dangerous, explosive or flammable substance, material, weapon, or firearm;
 - (iv) operate any electronic device or musical instrument producing sound through external speakers;
 - (v) use or operate any of the following:
 - a. unicycle, bicycle, tricycle or scooter;
 - b. roller skates, in-line skates or roller blades;
 - c. a skateboard;
 - d. excepting a motorized mobility device, a motor vehicle, including an electrically-powered or battery-powered vehicle, e-scooter or segway;
 - (vi) print, write, draw, paint, scratch or etch on transit property, including the interior or exterior of a transit vehicle; or
 - (vii) affix any advertisements, notices, words, letters, symbols, names, pictures, geometric figures, numbers, phrases, slogans, stickers or sentences upon transit property, including the interior or exterior of a transit vehicle;

- (d) operate any electronic device producing sound, unless the sound from the device is conveyed to the person by a set of earphones or earbuds;
- (e) engage in an activity or behaviour or do anything that creates a danger to a person, including the person engaging in the activity or behaviour; or
- (f) cause damage to any transit property.

5. Every person on transit property shall obey all signage posted on transit property by the Halifax Regional Municipality.

Prohibition on interfering with boarding, disembarking or seating

6. (1) No person shall interfere with:
- (a) the boarding or disembarking of a passenger from a transit vehicle; or
 - (b) access to available seating.

Prohibition on interference with transit vehicles

7. (1) No person shall:
- (a) interfere with or obstruct the operation of a transit vehicle; or
 - (b) intentionally delay or prevent the departure of a transit vehicle.

Conduct on transit vehicles

8. No person shall do any of the following on, or in, a transit vehicle:
- (a) cross the safety line near the front of the vehicle while the vehicle is in motion;
 - (b) enter or leave, or attempt to enter or leave, a transit vehicle while it is in motion;
 - (c) enter or leave, or attempt to enter or leave, a transit vehicle when the operator has declared it unsafe to do so;
 - (d) project anything or any part of their body through any window, closed door, or door in the process of closing;
 - (e) place their feet upon a seat or seat-back;
 - (f) unless permission to do so is first received from the operator, bring aboard an article of any kind that:
 - (i) obstructs the aisle; or
 - (ii) prevents a seat from being used by a passenger;

(g) bring on board any animal that is not secured in a cage or kennel, except a service animal; or

(h) smoke.

Use of passenger shelters and transit terminals

9. No person shall remain in a passenger shelter, transit station, or terminal for longer than is reasonably required to board a transit vehicle in order to reach their destination.

Removing Persons

10. (1) A peace officer may order a person who contravenes a provision of this By-law to leave transit property.

(2) No person who has been ordered to leave transit property under subsection (1) shall remain on transit property.

Suspension of Persons from Transit Use

11. (1) A peace officer may prohibit a person who has committed a criminal offence on transit property or has contravened this By-law from entering onto any transit property for a specified period of time not to exceed one hundred and eighty (180) days.

(2) Before acting under subsection (1), the peace officer shall give consideration to the severity of the contravention or contraventions, the circumstances surrounding the contravention or contraventions and the person's history of previous contraventions.

(3) A notice under subsection (1) shall be in writing and shall set out:

(a) the reasons for the notice;

(b) a statement that there is a right to appeal the notice, and the procedure to be followed for appealing it;

(c) the official or body to whom the appeal may be taken; and

(d) the date before which any appeal must be filed.

(4) A notice under subsection (1) shall be served on the person:

(a) by personal service; or

(b) by mailing it by registered mail or delivering it to the person's residence at the address provided by the person.

(5) A notice served by a method set out in clause 11(4)(b) is deemed to have been given on the third day after the date it was mailed or delivered.

(6) A notice under subsection (1) takes effect on the date it is served on the person.

(7) No person shall contravene a notice prohibiting entry on transit property made under this section.

Appeal

12. (1) Any person who has been prohibited from transit property pursuant to section 11 of this By-law for a period longer than twenty-four (24) hours may appeal the prohibition to the By-law Administrator.

(2) All appeals shall be in writing and filed with the By-law Administrator within three (3) calendar days of receipt of the notice of prohibition and shall clearly state the grounds of the appeal.

(3) An appeal will be heard by the By-law Administrator.

(4) After hearing the appeal, the By-law Administrator may:

(a) deny the appeal;

(b) allow the appeal and revoke the prohibition notice; or

(c) make any decision the peace officer could have made under this By-law.

(5) Where a person has filed a valid appeal under this By-law, the prohibition notice shall be held in abeyance until the By-law Administrator has rendered their decision on the appeal.

Offence and Penalty

13. (1) A person who:

(a) violates a provision of this By-law;

(b) fails to do anything required by this By-law;

(c) permits anything to be done in violation of this By-law; or

(d) obstructs or hinders any person in the performance of their duties under this By-law,

is guilty of an offence.

(2) Every person who commits an offence under this By-law shall be liable, upon summary conviction, to a penalty of not less than:

(a) for the first offence to a penalty of not less than one hundred dollars (\$100.00) and not more than ten thousand dollars (\$10,000);

(b) for the second offence to a penalty of not less than two hundred and fifty dollars (\$250.00) and not more than ten thousand dollars (\$10,000); and

(c) for the third offence or any subsequent offence to a penalty of not less than three hundred and fifty dollars (\$350.00) and not more than ten thousand dollars (\$10,000).

(3) Every day during which an offence pursuant to subsection (1) continues is a separate offence.

Done and passed in Council this 22nd day of August, 2023.

Mayor

Municipal Clerk

I, Iain MacLean, Municipal Clerk of the Halifax Regional Municipality, hereby certify that the above-noted By-law was passed at a meeting of the Halifax Regional Council held on August 22, 2023.

Iain MacLean, Municipal Clerk

Notice of Motion:	June 6, 2023
First Reading:	July 11, 2023
Notice of Public Hearing Publication:	July 29, 2023
Second Reading:	August 22, 2023
Approval by Municipal Affairs and Housing:	N/A
Effective Date:	October 7, 2023