

**FILED**

**APR 3 01993**

LANE TRANSIT DISTRICT

**COUNTY CLERK**

BY 

ORDINANCE NO. 36

An ordinance establishing regulations for use of District facilities, and providing remedies for violations thereof.

The Board of Directors of Lane Transit District does hereby ordain and decree the following ordinance:

1.01 Definitions. As used in this ordinance, unless the context requires otherwise:

- (1) "District" means the Lane Transit District.
- (2) "District Station" includes the District Administrative Facility, the Eugene Transit Station (see Exhibit A), any other District transit station, any bus passenger shelter, the Customer Service Center, any District-operated parking lot or park-and-ride lot, and covered areas of any bus stop.
- (3) "District Transit System" means the property, equipment and improvements of whatever nature owned, leased or controlled by the District to provide public transportation for passengers or to provide for movement of people, and includes any District Vehicle and any District Station.
- (4) "District Vehicle" includes a bus, van or other vehicle used to transport passengers and owned or

operated by or on behalf of the District.

- (5) "Emergency" means an on-board District Vehicle fire, serious physical injury to persons, or threat thereof, or any apparently urgent medical need.
- (6) "Fighting words" means language or gestures that publicly insult another person in a manner intended and likely to produce a violent response.
- (7) "Downtown Guide" means a person who is employed by Downtown Eugene, Incorporated(DEI) to enforce mall regulations and to assist downtown visitors, and who provides services to the District through contract with DEI.
- (8) "Obscenities" means those slang words currently generally rejected for regular use in mixed society, that are used to refer to genitals, female breasts, sexual conduct or excretory functions or products, either that have no other meaning or that in context are clearly used for their bodily, sexual or excretory meaning.
- (9) "Peace Officer" includes an LTD peace officer, a sheriff, constable, marshall, municipal policeman, member of the Oregon State Police or investigator of the Criminal Justice Division of the Oregon Department of Justice, and such other persons as may be designated by law.

1.02 Regulations.

- (1) Elderly and Disabled Seating. The aisle-facing benches

at the front of buses are reserved for the use of disabled and senior passengers. Non-qualifying passengers must vacate seating upon request of the operator or other District employee.

- (2) Shirt and Shoes. All passengers (except infants who are held) must wear a shirt and shoes on District Vehicles and in District Stations.
- (3) Repulsive Odors. No person shall board or remain on a District Vehicle or enter or remain in a District Station if the person or the person's clothing emanates a grossly repulsive odor that is unavoidable by other District customers on the Vehicle or in the Station.
- (4) Prohibited Behavior. No person shall:
  - (a) Interfere with the operation or movement of any District Vehicle;
  - (b) In any manner hang onto, or attach himself or herself onto any exterior part of a District Vehicle at any time;
  - (c) Ride a skateboard or roller skates in a District Vehicle or District Station;
  - (d) Knowingly throw an object or discharge a bow and arrow, air rifle, rifle, gun, revolver or other firearm at or within a District Vehicle or District Station, or at any person on a District Vehicle or in any part of a District Station, except that a peace officer in the course of

employment is exempt from this paragraph;

- (e) Extend any portion of his or her body through any door or window of a District Vehicle while it is in motion;
- (f) Smoke tobacco or any other substance, or carry any burning or smoldering substance, in any form, aboard a District Vehicle;
- (g) Spit, defecate, or urinate in or upon any District Vehicle or District Station except in a toilet;
- (h) Engage in any activity prohibited by State, County or Municipal Criminal Law of Oregon while on a District Vehicle or in or upon a District Station;
- (i) Discard or deposit, other than into a trash receptacle provided for that purpose any rubbish, trash, debris, or offensive substance in or upon a District Vehicle or District Station;
- (j) Play tape recorders, radios, or other audio devices or music instruments on a District Vehicle or in a District Station, except if the sound produced thereby is only audible through ear phones to the person carrying the device;
- (k) Canvass to collect money or sell or distribute anything, or solicit for any purpose, on any District Vehicle or District Station, without written authorization of the District's General Manager or designee. The General Manager, or

designee, shall adopt regulations establishing reasonable time, place and manner conditions for soliciting activities, and shall give written permission for activities complying with such regulations.

- (l) Use or possess alcohol or illegal drugs on a District Vehicle or in a District Station, except alcoholic beverages that have not been unsealed;
- (m) Activate the "Emergency Exit" or alarm device of a District Vehicle in the absence of an emergency;
- (n) Mutilate, deface or destroy any District property or sign, notice or advertisement posted by the District or located on any District Vehicle, District Station or any other District Property;
- (o) Place, permit or cause to be placed any notice or advertisement upon any District Vehicle, or on any District Station or upon any vehicle without the owner's consent while the vehicle is parked therein, or without first obtaining written permission of the General Manager or the General Manager's designee;
- (p) Place his or her feet on seat cushions on any District Vehicle or in any District Station.
- (q) Utter Fighting Words on a District Vehicle or in a District Station.
- (r) Utter Obscenities on a District Vehicle or in

a District Station, in the presence of a minor.

- (s) Utter Obscenities on a District Vehicle when such language is reasonably likely to offend, annoy or intimidate another passenger and which does offend, annoy or intimidate another passenger.

(5) Disorderly Conduct. No person shall, with the intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof:

- (a) Engage in fighting, or violent, tumultuous or threatening behavior within any District Vehicle or District Station; or
- (b) Make excessive and unnecessary noise within any District Vehicle or in any District Station; or
- (c) Obstruct the free movement of passengers within any District Vehicle or District Station; or
- (d) Create a hazardous or physically offensive condition within a District Vehicle or District Station by any act which the person is not licensed or legally entitled to do.

(6) Prohibited Baggage.

- (a) Weapons. No person, except a peace officer, shall bring into or carry aboard a District Vehicle, or bring into a District Station, any fire-arm, knife, (except a folding knife with

- a blade less than 3 1/2 inches in length), any explosive device or material, or any other weapon.
- (b) Food and Beverages. No person shall bring aboard a District Vehicle any food or beverage in open containers, and no person shall consume food or beverage while on a District Vehicle. Paper cups and plastic cups with snap-on lids are not considered closed containers for the purpose of this ordinance.
- (c) Flammable Substances. No person shall bring aboard a District Vehicle, or take into a District Station:
- (i) any flammable liquid, except in a cigarette lighter; or,
  - (ii) any flammable-fuel containers.
- (d) Animals. No person shall bring or carry aboard a District Vehicle, or take into a District Station, any animal not housed in an enclosed carrying container, except that a person with a disability who needs a service animal for assistance, or a person training a service animal may carry or bring aboard a service animal.
- (e) Carriages and Strollers. No person shall bring or carry aboard a District Vehicle a carriage or stroller unless such item is folded and unoccupied. Strollers and carriages must remain folded

while aboard the District Vehicle.

(f) Large objects. No person shall bring or carry aboard a District Vehicle any package or object of a size that will block any aisle or stairway upon the vehicle.

(7) Use of a District Station. Unless the person has first obtained written exemption from the District's General Manager:

- (a) No person shall occupy or use a District Station other than the District Administrative Facility except for boarding, disembarking, or waiting for a District Vehicle.
- (b) No person occupying a District Station for the purpose of waiting to ride a District Vehicle shall fail or refuse to take the next available bus to the person's destination.
- (c) No person occupying a District Station for the purpose of waiting to greet passengers on any arriving District Vehicle shall fail or refuse to leave the District Station promptly after arrival of the District Vehicle for which the person is waiting.
- (d) No person shall continuously occupy a District Station, other than the District Administrative Facility, for a time exceeding one hour.
- (e) No person occupying a District Station, other than



the District Administrative Facility, shall fail to identify on demand of any district employee, peace officer or Downtown Guide, the District Vehicle for which the person is waiting.

- (f) The General Manager, or designee, shall adopt reasonable time, place and manner regulations governing access by non-customers to District Stations and shall on request give written permission for access when such conditions are met.

1.03 Non-payment of Fare; Misuse of Bus Pass or Group Pass Sticker.

- (1) Non-payment of Fare. It shall be unlawful for any person to occupy, ride in or use, any Transit Vehicle unless the person has paid the applicable fare or has a valid transfer, bus pass or group pass sticker.
- (2) Misuse of Bus Pass. It shall be unlawful for a person to use or attempt to use a District bus pass to board or ride in a District Vehicle unless the bus pass was lawfully acquired at an authorized District outlet by or on behalf of the person.
- (3) Misuse of Group Pass Sticker. It shall be unlawful for a person to use or attempt to use a District group pass sticker to board or ride in a District Vehicle unless:
  - (a) The sticker was lawfully acquired at an authorized District outlet by or on behalf of the person; and
  - (b) The sticker is attached to a valid, current ID

card described in the applicable group pass agreement; and

(c) The person is then a member of the group to whom group pass stickers were issued pursuant to a group pass agreement.

(4) Confiscation of Misused Bus Pass or Group Fare ID.

(a) Any District Vehicle operator or any Peace Officer may confiscate a bus pass used or presented for use in violation of subsection (2) of this section, and may either deface with indelible ink, or confiscate, a group pass sticker used or presented in violation of subsection (3) of this section.

(b) Confiscation of a group pass sticker may include confiscation of any card to which the sticker is affixed. A card so confiscated shall be disposed of as follows:

(i) If the person from whom the card was confiscated was excluded from the District Transit System pursuant to Sec. 2.01 of this ordinance, or was issued a citation pursuant to Sec. 2.02 of this ordinance, the card shall be returned or made available to the person promptly on conclusion of any appeal of exclusion or of any court proceeding involving the citation.

(ii) If the person from whom the card was confis-

cated was not excluded or issued a citation, the card shall be returned or made available to the person by the end of the seventh day following the date the card was confiscated.

2.01 Exclusion.

- (1) In addition to other measures provided for the violation of this ordinance, or the laws of the State of Oregon, any peace officer, Downtown Guide, District Vehicle Operator, District Supervisor, and other persons designated by the District's General Manager may exclude from all or any part of the District's Transit System any person who violates any provision of this ordinance while on the District Transit System, for a period of time specified in regulations promulgated by the General Manager.
- (2) A person excluded under section 2.01 of this ordinance may not enter or remain upon any part of the District Transit System from which said person is excluded during the period of exclusion. An excluded person who enters or remains upon any part of the District Transit System from which the person has been excluded is a trespasser and may be arrested and prosecuted for the crime of Criminal Trespass in the Second Degree (ORS 164.245), or for violation of Sec. 4.807 of the Eugene Code, or both. In addition, failure to abide by an exclusion notice shall constitute a further

violation of this ordinance for which the period of exclusion may be extended if so specified in regulations promulgated by the General Manager.

- (3) (a) Except as provided in (b) below, written notice signed by the issuing party shall be given to a person excluded from all or part of the District Transit System, which notice shall specify the reason for exclusion, places and duration of exclusion, and the consequences for failure to comply with the notice. Exclusion shall commence immediately upon delivery of the notice to the excluded person.
- (b) A District Vehicle operator may, without giving written notice of exclusion, direct a passenger to leave a District Vehicle, or direct a prospective passenger not to board a District Vehicle, if the passenger is in violation of any provision of this ordinance. Such oral exclusion, without written notice of exclusion, shall be effective only for the route in progress at the time of the exclusion.
- (4) The General Manager shall promulgate administrative regulations establishing the duration of exclusion, which shall be based upon the type of violation.
- (5) Not later than ten (10) days after commencement of the exclusion, an excluded person may appeal in writing to

the General Manager, or the General Manager's designee, for de novo review of the exclusion and may petition the General Manager, or designee, to rescind the exclusion, alter the places of exclusion or reduce the duration of exclusion. An appeal shall contain a copy of the exclusion notice, a request for a hearing or request for written review without a hearing, and a statement setting forth the reason that the exclusion is invalid or otherwise improper. The General Manager, or designee, shall render a decision not later than ten (10) days after receipt of the appeal, unless the appellant requests a hearing.

- (6) If, as part of the written appeal, the excluded person requests a hearing, a public hearing will be conducted by the General Manager, or designee, within ten (10) days after receipt of the appeal, and the General Manager, or designee, will render a decision within ten (10) days after the hearing.
- (7) The order of the hearing shall be as follows: presentation of documentation and testimony supporting the exclusion, followed by presentation of documentation and testimony opposing the exclusion. The General Manager or designee may question witnesses and review all documentation referred to by the witnesses. There shall be no continuance or reopening of the hearing. A tape recording will be made of the hearing which will

be made available to the appellant upon the appellant paying the cost of producing the tape recording. If the appeal raises a dispute of fact, the burden of persuasion shall be on the excluded person.

- (8) At any time during the exclusion, an excluded person may petition in writing to the General Manager, or designee, for a temporary waiver of the exclusion.

## 2.02 Infractions.

- (1) Any person who violates any provision of section 1.03 of this ordinance, in addition to other penalties provided by law, and in addition to exclusion pursuant to section 2.01 of this ordinance, commits an infraction as defined in ORS 153.110 to 153.310 and upon conviction shall be punished by a fine of not more than \$250.
- (2) District supervisors are designated "LTD peace officers" for purposes of ORS 267.150 and ORS 153.110. Any peace officer (including an LTD peace officer) is authorized to issue citations, as provided by Oregon law, to any person who violates section 1.03 of this ordinance. LTD peace officers shall not possess nor be authorized to exercise powers of arrest under ORS Ch 133, and are not police officers as defined by ORS Ch 237.

ADOPTED this 28<sup>th</sup> day of April, 1993.

*A. Kent Galt*  
President and Presiding Officer

ATTEST:

*Thomas M. de 7*  
Board Secretary

*J. Sullivan*  
Recording Secretary

## CERTIFICATION

The undersigned duly qualified and acting Executive Secretary of the Lane Transit District certifies that the foregoing is a true and correct copy of an ordinance adopted at a legally convened meeting of the Board of Directors held on April 28, 1993.



\_\_\_\_\_  
Signature of Recording Officer

\_\_\_\_\_  
Executive Secretary

Title of Recording Officer

\_\_\_\_\_  
April 29, 1993

Date