

Chapter 12.16 - Regulations Governing Conduct on City of Sandy Public Transit Property (Facilities)

12.16.010 Purpose

For the safety, convenience, and comfort of City of Sandy Public Transit Vehicle (transit) passengers, and for the safety of personnel and the region, and for the preservation of service quality in pursuit of the City's duty to provide a cost-effective source of reliable transportation, and to prevent system security vulnerabilities, it is necessary to establish rules and regulations governing conduct on City of Sandy Public Transit (transit) property.

12.16.020 Definitions

For the purposes of this chapter:

"Assistance Animal" means:

(1) an animal recognized under the Americans with Disabilities Act as a service animal, including a dog guide, hearing ear dog, or other service animal assisting an individual with a physical disability in one or more daily life activities including, but not limited to, pulling a wheelchair, fetching, and balance work; or

(2) a companion animal designated to assist an individual with a mental or psychological disability in accordance with criteria that may be promulgated by the City for identifying companion animals.

"Emergency" means an on-board transit vehicle fire, any incident that presents the risk of actual or threatened serious physical injury to persons, any apparently urgent medical need, or any other circumstance in which the City Manager has declared a state of emergency.

"Person" means any person, firm, corporation, but excluding those acting under direct authority of the Sandy City Council.

"Qualified Exclusion" means an exclusion which excludes a "Transit Dependent" person from use of the Transit System except for use for travel to and from medical and legal appointments, school or training classes, places of employment, obtaining food, clothing and necessary household items, or for accessing any critical services.

"Transit Facilities" means all property, equipment and improvements of whatever nature owned, leased, maintained, operated or otherwise controlled by the City of Sandy, or operated or controlled on the City's behalf, whether within or without the city limits, and operated for the use of the public for mass transportation purposes.

"Transit Dependent" means a person who has no independent source of transportation and relies solely on public transit for local movement and access.

12.16.030 Prohibited Activities on Transit System

(1) Failure to Vacate Elderly and Disabled Priority Seating : No person shall fail to vacate seats on a transit vehicle designated for use by individuals with disabilities and qualified senior citizens, when requested to do so by a peace officer or a transit employee.

(2) Smoking : No person shall smoke tobacco or any other substance, or shall carry any lighted or smoldering substance in any form aboard a transit vehicle, in any area of a passenger shelter, or within ten feet of any transit vehicle.

(3) Food and Beverages : No person shall bring or carry aboard a transit vehicle food or beverages in open containers, nor consume food aboard a transit vehicle.

(4) Radios, Compact Disk Players and other Sound-Emitting Devices without Earphones : No person, except a peace officer, firefighter, transit employee, or emergency response professional in the course of employment, shall operate a radio, compact disk player, MP3 player, video player or other sound-emitting device aboard any transit vehicle or in or upon any passenger shelter, unless the only sound produced by

such item is emitted by a personal listening attachment (earphone) audible only to the person carrying the device producing the sound.

(5) Shopping Carts and Unfolded Carriages or Strollers:

- (a) Except while boarding a transit vehicle, no person shall carry an unfolded or occupied carriage or stroller aboard any type of transit vehicle. Carriages or strollers must remain folded while aboard a transit vehicle.
- (b) No person shall bring or carry a commercial shopping cart aboard any type of transit vehicle.
- (c) No person shall abandon a commercial shopping cart at a transit facility.

(6) Animals, Except Properly Controlled Assistance Animals and Properly Contained Pets: No person shall bring or carry aboard a transit vehicle or be present in or upon a transit facility with an animal except:

- (a) A person accompanied by an assistance animal or a person training an assistance animal, so long as the animal is under the control of the person by leash, harness or other device made for the purpose of controlling the movement of an animal.
- (b) A person transporting a pet if: (a) the animal is kept and held at all times within a secure container appropriate and constructed for carrying the size and type of animal; and (b) the animal can be transported without risk of injury to the animal and without risk of harm or inconvenience to other riders or transit personnel.
- (c) A trained police dog accompanied by a peace officer.

(7) Noxious Fumes or Foul-Smelling Materials or Substances : No person shall carry aboard a transit vehicle any substance or material emitting a foul smell or releasing noxious fumes.

(8) Oversized Packages : No person shall bring or carry aboard a transit vehicle any package or article of a size which will block any aisle or stairway on the vehicle.

(9) Skateboards, Rollerskates and In-line Skates : No person shall ride a skateboard, in-line skates or roller-skates upon a transit vehicle, or transit facility.

(10) Riding or Transport of Motorized Human Transporters and other Wheeled Transportation Devices except in Compliance with Rules of Law : No person shall operate or ride upon a motorized human transporter or other wheeled transportation device upon a transit vehicle or transit facility except as otherwise permitted by law.

(11) Corrosive and Soiling Substances : No person shall carry upon a transit vehicle any corrosive material or soiling substance where containment of such substance cannot be guaranteed.

(12) Excessive Noise: No person shall:

- (a) Make excessive or unnecessary noise, including boisterous and unreasonably loud conduct, within any transit vehicle or transit facility with the intent to cause inconvenience, annoyance or alarm to the public, transit personnel, or a peace officer, or with a reckless disregard to the risk thereof; or
- (b) Perform vocal or instrumental music, without the prior written authorization of the City.

(13) Display of Lights : No person shall light a flashlight, scope light, or laser light or object that projects a flashing light or emits a beam of light while inside a transit vehicle, except in an emergency.

(14) Improper Use of City Transit Vehicle/City Transit Facility seating: No person shall:

- (a) Lie down on or across the seats of a transit vehicle or City transit facility;
- (b) Place any object or substance on the seats of a transit vehicle or City transit facility that inhibits the proper use of such seats; or
- (c) Block or obstruct the use of the seats of a transit vehicle or transit facility.

(15) Disruptive Conduct Inside a City Transit Vehicle: No person shall occupy, move about or engage in activity in a transit vehicle in a manner that:

- (a) Interferes with the free movement of passengers; or
- (b) Interferes with or disrupts the function or safe operation of the transit vehicle, including movement that constitutes a distraction to the operator of a transit vehicle; or
- (c) Uses a transit vehicle for any purpose other than for transportation.

12.16.040 Misuse of City Transit System

(1) Use of Transit System for Non-Transit Purposes : No person shall enter or remain upon, occupy or use a transit facility for purposes other than boarding, disembarking or waiting for a transit vehicle, in an area where non-transit uses are prohibited by posted signage. A person is in violation of this section only after having occupied a transit facility for a period of time that exceeds that which is reasonably necessary to wait for, board or disembark a transit vehicle.

(2) Destructive Conduct Involving a Transit Vehicle: No person shall interfere with the safe and efficient operation of a transit vehicle through conduct which includes to:

- (a) Extend any portion of his or her body through any door or window of a transit vehicle while it is in motion;
- (b) Attempt to board or de-board a moving transit vehicle;
- (c) Throw, propel or discard any object or substance in any transit vehicle or through any open door or window of a transit vehicle;
- (d) Unreasonably prevent or delay the closure of a door on a transit vehicle;
- (e) Strike or hit a transit vehicle, stop or cross in front of a transit vehicle for the purpose of stopping the vehicle or gaining passage after the vehicle has concluded boarding;
- (f) In any manner hang onto, or attach himself or herself to any exterior part of a transit vehicle while the vehicle is resting or in motion.

(3) Refuse and Waste : No person shall discard or deposit or leave any rubbish, trash, debris, offensive substance or other solid or liquid waste in or upon a transit vehicle or transit facility, except in receptacles provided for that purpose. No person shall spit, defecate, or urinate in or upon a transit vehicle or transit facility, except in the confines of a lavatory where lavatories are available for public use.

(4) Destruction of Signs : No person shall mutilate, deface or destroy any sign, notice or advertisement posted by the City or located on any transit vehicle or transit property.

(5) Posting of Unauthorized Signs or Notices : Except as otherwise allowed by City regulations, no person shall place, permit or cause to be placed any notice or sign upon any transit vehicle or transit facility.

(6) Alcoholic Beverages : No person shall possess an open container of alcoholic beverage on a transit vehicle or transit facility, unless authorized by the City.

(7) Damaging or Defacing City Transit Property: No person shall:

- (a) Draw graffiti or any other writing on any transit vehicle or any other transit property; or
- (b) Damage, destroy, interfere with, or obstruct in any manner, the property, services or facilities of the transit system.

12.16.050 Criminal Activity

No person shall engage in activity prohibited by the criminal laws of any state, county, or municipality, in which the criminal incident occurs, while on a transit vehicle or in or upon a transit facility.

12.16.060 Prohibited Risks to Transit System Security and Order

(1) Flammable Substances and Ignition Devices : No person shall bring, possess or carry aboard a transit vehicle or facility any flammable substance or device that can cause a spark or flame, except for matches and cigarette lighters. No spark or flame may be lit or initiated at any time by any device on a transit vehicle, including matches and lighters.

(2) Weapons : No person, except a peace officer, shall bring or carry aboard a transit vehicle any firearm, knife (except a folding knife with a blade less than 3 ½ inches in length), or any other instrument, article, device, material or substance specifically designed for, or attempted to be used to, inflict or cause bodily harm to another, except where otherwise provided by law. Where possession of such weapons cannot be prohibited by law, a person in possession of a weapon may not display or carry the weapon in a manner which is likely to result in fear or alarm by other persons or transit employees.

(3) Activation of the Emergency Stop Device Except in an Emergency : No person shall activate the "emergency stop" device of a transit vehicle in the absence of an emergency.

(4) Hazardous and Toxic Material or Substances : No person shall carry, possess or transport any hazardous material, toxic chemical, combustible liquid, biological contagion or agent, radioactive substance or any other inherently dangerous substance onto a transit vehicle or other transit property unless the person is a City employee or authorized personnel acting in the course of employment.

(5) Harassment and Intimidation :

(a) While on a transit vehicle or other transit property, no person shall engage in harassment or intimidation through a course of conduct, including violent, threatening or disruptive behavior or conduct intended and likely to provoke a violent response, which places another person in reasonable fear of imminent physical harm, including, but not limited to, following such person around or about the vehicle or facility, or by preventing or delaying the movement or departure of such person through coercion or intimidation; or
(b) While on a transit vehicle, no person shall continue a course of conduct that may reasonably be expected to result in fear, alarm, or serious offense to other passengers or transit personnel, after having received a lawful directive to cease such conduct or depart the transit vehicle, by a transit employee or a peace officer.

(6) Explosive Materials or Device : No person may carry, possess or transport any explosive material or device, assembled or disassembled, onto a transit vehicle or other transit property unless the person is a City or transit employee, peace officer, or emergency response professional, acting in the course of employment or duty.

(7) Threats : No person may utter a threat to cause damage to a transit vehicle or other transit property, or state a threat to cause disruption to City operations through the use of a bomb, explosive, or any other destructive device or weapon, or release of any harmful substance, while on a transit vehicle or other transit property; or state a threat of physical harm to a peace officer or transit personnel acting in the course of employment.

(8) Interference with Emergency Response : No person may impede the efforts of transit personnel or peace officers in the course of an emergency response, including the failure to obey a lawful order by transit personnel or peace officers uttered in the course of an emergency.

(9) Abandonment of Packages: No person shall knowingly abandon an unauthorized package on a transit vehicle or transit property, where the abandonment of such package is likely to cause suspicion or alarm about its contents, or require the dispatch of emergency response personnel to remove and inspect the package.

(10) Discharge or Detonation of a Weapon : No person may throw an object at or discharge a bow and arrow, air rifle, rifle gun, revolver or other firearm at a transit vehicle or any part of a transit facility, or any person on a transit vehicle or at a transit facility, except a peace officer acting in the course of employment.

(11) Violation of an Interdiction Command : No person shall violate a directive of an Interdiction Command.

12.16.070 Trespass and exclusion from transit facilities

(A) In addition to other measures provided for violation of this code, or any of the laws of the state, any peace officer, as defined by ORS 133.005(3), as amended, or code enforcement officer may exclude any person who violates any provision of this code, any city ordinance, any laws of the state or any rule or regulation duly made and issued by the City from any transit facility for a period of not more than 30 days.

(B) A transit dependent person shall not be issued a complete exclusion from transit facilities unless the person engaged in violent, seriously disruptive, or criminal conduct, or conduct posing a serious threat to the safety of others or to the operation of the transit system. Any person asserting the right to a qualified exclusion on the basis of transit dependence has the burden of establishing such dependence by a preponderance of the evidence.

(C) Written notice shall be given to any person excluded from any transit facility. The notice shall specify the dates and places of exclusion. It shall be signed by the issuing party. Warning of the consequences for failure to comply shall be prominently displayed on the notice.

(D) A person receiving the notice may appeal to the municipal judge in accordance with 12.16.075 of this chapter to have the written notice rescinded or the period shortened. The appeal must be filed within 5 days of receipt of the exclusion notice, unless extended by the municipal judge for good cause shown.

(E) At any time within the 30 days, a person receiving an exclusion notice may apply in writing to the city manager for a temporary waiver from the effects of the notice. The city manager may grant a waiver if good

cause exists.

12.16.075 Appeal

(A) Appeal of an exclusion notice shall be to the municipal judge.

(B) Initiation of an appeal of an exclusion notice shall be filed within five (5) days from the date of the exclusion notice with the municipal court clerk. The municipal judge may waive this requirement for good cause shown.

(C) The request for an appeal hearing shall be in writing and shall contain either a copy or a full and complete description of the notice of exclusion and a statement of the grounds upon which it is contended that the decision to exclude is invalid, unauthorized or otherwise improper.

(D) Upon receipt of a request for an appeal hearing, the municipal court clerk shall schedule a hearing before the judge within 14 days of receipt of the request. Notice of the hearing time and date shall be given to the person requesting the hearing and to the person issuing the exclusion notice.

(E) At the hearing, the judge may determine the matter upon the record. The judge may sustain, reverse or modify the exclusion notice appealed from in his or her judgment. If the appeal concerns an allegation that the excluded person is transit dependent, and the judge finds that the appellant is transit dependent or did not engage in an act that warrants a complete exclusion from transit facilities, the judge shall order a qualified exclusion to permit a transit dependent individual to use the transit system for trips of necessity, including travel to and from medical and legal appointments, school or training classes, places of employment, obtaining food, clothing and necessary household items, or for accessing any other critical services.

(F) The determination of the municipal judge is a quasi-judicial decision and is not appealable to the City Council. Appeals from any determination by the municipal judge shall be by writ of review to the Circuit Court of Clackamas County, Oregon as provided in ORS 34.010 through 34.100.

12.16.080 Violation-Penalty

Any person who violates any of the provisions of this chapter shall be punished for each offense, upon conviction thereof, by a fine of not more than three hundred dollars (\$300), or by exclusion from transit facilities not to exceed 30 days, or by both such fine and exclusion.

12.16.090 Criminal Trespass

A person who knowingly violates an order of exclusion from transit facilities commits the crime of Criminal Trespass.