

BEFORE THE BOARD OF DIRECTORS OF THE YAMHILL COUNTY

TRANSIT AREA COUNTY SERVICE DISTRICT

SITTING FOR THE TRANSACTION OF DISTRICT BUSINESS

In the Matter of an Ordinance)		
Establishing Rules of Conduct for Users)		
of Transit Area Facilities and the)	Ordinance 1	<u>DRAFT</u>
Transit Area System)		

THE BOARD OF DIRECTORS OF THE YAMHILL COUNTY TRANSIT AREA COUNTY SERVICE DISTRICT (the Board) sat for the transaction of district business on February , 2018, Board members Stan Primozich, Mary Starrett and Richard L. “Rick” Olson being present.

IT APPEARING TO THE BOARD that the Yamhill County Transit Area (YCTA), a county special district organized under ORS Chapter 451, serves the public by providing a safe mode of transportation from, to and within Yamhill County;

IT APPEARING TO THE BOARD that the YCTA Advisory Committee has indicated the need for the YCTA to adopt rules and regulations governing the use of YCTA facilities, to ensure the safety and comfort of its patrons; and

IT APPEARING TO THE BOARD that the attached Exhibit A, (as edited by counsel) has been recommended for adoption by the Board, as rules of conduct for transit system patrons and others, and consists of rules to govern the use of YCTA facilities and remedies for violations thereof; NOW, THEREFORE,

THE BOARD ORDAINS AS FOLLOWS:

Section 1. The attached Exhibit A, entitled: “Yamhill County Transit Area Regulations Governing Conduct on YCTA Property,” incorporated herein by reference, is hereby adopted by the Board to govern conduct by system patrons and others while on transit system property or within Transit Area facilities.

Section 2. Severability. It is hereby declared to be the legislative intent of the Board that the provisions of this Ordinance and its Exhibit A are severable, and if any provision, clause, section, or part is held illegal, invalid, unconstitutional or inapplicable to any person or circumstance, the remaining provisions shall continue to be in force and such partial illegality, invalidity, unconstitutionality or inapplicability shall not affect or impair the application of the remaining provisions to other persons and circumstances.

Exhibit A—Ordinance 1

Yamhill County Transit Area County Service District

Regulations Governing Conduct on YCTA Property

1.05 **Definitions.** As used in this Ordinance, unless the context requires otherwise:

- (1) “Boarding Platform Area” is the area where buses board at the Transit Center, and any area, within a public right-of-way, that is eight feet from bus doors at bus stops while busses are loading or unloading.
- (2) “Emergency” includes, but is not limited to, a fire on a YCTA Vehicle or at a YCTA Facility, or serious physical injury to a person, or threat thereof, or any apparently urgent medical need.
- (3) “Operator” means a YCTA employee or contracted employee responsible for operating any YCTA vehicle.
- (4) “Ordinance” means this YCTA Ordinance 1 – Regulations Governing Conduct on YCTA Property, as amended.
- (5) “Passenger” means a person who holds a valid fare (or is otherwise legally entitled to a free or reduced fare) and is en-route on a YCTA Vehicle or waiting for the next available YCTA Vehicle to such person’s destination, or a person who enters a YCTA Facility with the intent to purchase a valid fare for transportation on the next available YCTA Vehicle to such person’s destination.
- (6) “Police Officer” has the meaning as defined in ORS 181A.355.
- (7) “Safety and Inspector Officer” means a person other than a “Police Officer” authorized by the Transit Manager to demand proof of fare payment and to issue citations as provided in this ordinance.
- (8) “Service Animal” means any animal used by a person who requires the assistance of such animal to facilitate that person’s life functions, including but not limited to seeing and hearing.
- (9) “Shelter” is the area within the drip line of any structure located at a YCTA bus stop that is designed or used to protect YCTA customers from adverse weather conditions.
- (10) “Supervisor” means any YCTA employee or contracted employee responsible for the supervision of any YCTA transit operation.

- (11) "Transit Manager" means the manager of the YCTA appointed by the YCTA Board of Directors or the Yamhill County Board of Commissioners.
- (12) "YCTA" means the Yamhill County Transit Area, a county service district organized under ORS Chapter 451.
- (13) "YCTA Appeals Officer" means any person designated by the Transit Manager to hear appeals of notices of exclusion.
- (14) "YCTA Facility" includes the Transit Center; any other YCTA transit bus stop; any bus passenger shelter; covered areas of any bus stop; and any lands and rights of way that are owned, leased, held, or used by YCTA for the purpose of providing public transportation services.
- (15) "YCTA Transit System" means the property, equipment and improvements of whatever nature owned, leased or controlled by YCTA to provide public transportation for passengers or to provide for movement of people, and includes any YCTA Vehicle and any YCTA Facility.
- (16) "YCTA Vehicle" includes a bus, van or other vehicle used to transport passengers or a vehicle owned or operated by or on behalf of YCTA.

1.10 **Regulations:**

- (1) **Elderly and Disabled Seating.** The seats at the front of YCTA Vehicles are reserved for the use of disabled and senior Passengers. Non-qualifying Passengers must vacate such seating upon request of any YCTA Vehicle operator or employee.
- (2) **Smoking Prohibited.** No person shall smoke or vape tobacco or any other substance, or carry any burning or smoldering substance, in any form, aboard a YCTA vehicle.
- (3) **Alcohol and Drugs.** No person shall use or possess alcohol or illegal drugs on a YCTA Vehicle or in a YCTA Facility, except for lawfully possessed and unopened alcoholic beverages.
- (4) **Criminal Activity.** No person shall engage in any activity prohibited by State, county or applicable municipal law while in a YCTA vehicle, or on any property that is part of a YCTA Facility or the YCTA System.
- (5) **Disorderly Conduct.** No person shall intentionally or recklessly cause inconvenience, annoyance or alarm to another by:
 - (a) Engaging in fighting, or violent, tumultuous or threatening behavior (physical or verbal), within any YCTA Vehicle or YCTA Facility;
 - (b) Making unreasonable noise within any YCTA Vehicle or in any YCTA Facility;

- (c) Obstructing the free movement of passengers within any YCTA Vehicle or YCTA Facility;
 - (d) Creating a hazardous or physically offensive condition within a YCTA Vehicle or YCTA Facility;
 - (e) Otherwise violate ORS 166.023 or ORS 166.025 as now in effect or hereafter amended.
- (6) **Harassment.** No person shall intentionally or recklessly harass or annoy another person by:
- (a) Subjecting such other person to offensive physical contact;
 - (b) Publicly insulting such other person by abusive words or gestures in a manner intended and likely to provoke a violent response; or
 - (c) Otherwise violate ORS 166.065 or ORS 166.070 as now in effect or hereafter amended.
 - (d) Pan-handling on YCTA property.
- (7) **Threatening or Offensive Language.** No person shall intentionally or recklessly disturb, harass, or intimidate another person by means of threatening or offensive language, or obscenities, in a YCTA Vehicle or YCTA Facility in such a manner as to interfere with a passenger's use and enjoyment of the YCTA Transit System.
- (8) **Food and Beverages.** For the protection of public safety, no person shall bring aboard a YCTA Vehicle any food or beverage in an open container. No person shall consume food or alcohol on any YCTA Vehicle. Passengers on YCTA Vehicles may consume non-alcoholic beverages only from containers with snap-on or screw-on lids.
- (9) **Littering, Spitting.** No person shall discard or deposit, other than into a trash receptacle provided for that purpose, any rubbish, trash, debris, cigarette butt, or offensive substance in a YCTA Vehicle or YCTA Facility. No person shall spit, defecate, or urinate in a YCTA Vehicle or YCTA Facility except in a toilet.
- (10) **Interfering with Public Transportation.** No person shall:
- (a) Intentionally or knowingly enter unlawfully or remain unlawfully in a YCTA Vehicle or YCTA Facility;
 - (b) Intentionally or knowingly interfere with the provision or use of public transportation services by, among other things, interfering with the movement of, or access to, YCTA Vehicles;

- (c) While in a YCTA Vehicle or YCTA Facility, engage in disorderly conduct as defined in ORS 166.023 or 166.025;
- (d) Subject a YCTA passenger, employee, contractor, or agent, or Police Officer, to offensive physical contact; or
- (e) Otherwise violate ORS 166.116 (interfering with public transportation) as now in effect or hereafter amended.

(11) **Safety.**

- (a) All passengers (except infants who are held) must wear shoes; pants/shorts and shirt; a dress; or comparable clothing in YCTA Vehicles and YCTA Facilities. In addition, all passengers must cover any exposed skin that may transmit communicable disease.
- (b) No person shall in any manner hang onto, or attach himself or herself onto any exterior part of a YCTA Vehicle at any time. In addition, no person shall extend any portion of his or her body through any window of a YCTA Vehicle, or through any door while the YCTA Vehicle is in motion.
- (c) No person shall ride a skateboard, roller skates or in-line skates in a YCTA Vehicle or YCTA Facility. Passengers with in-line skates will be allowed in a YCTA Vehicle or YCTA Facility so long as the wheels are rendered inoperable by a device ("skate guard") designed to provide stability and traction to the user and to permit the user to walk while wearing the skates.
- (d) No person shall discharge any weapon or throw, or cause to be thrown or projected, any object at or within a YCTA Vehicle or YCTA Facility, or at any person in a YCTA Vehicle or in any part of a YCTA Facility.
- (e) No person shall interfere, in any manner, with the safe operation or movement of a YCTA Vehicle.
- (f) No person shall impede or block the free movement of passengers, or otherwise disrupt the functions of the YCTA in any YCTA Facility, in any Boarding Platform Area, or in any YCTA Vehicle.

(12) **Damaging or Defacing YCTA Property.** No person shall:

- (a) Draw or paint graffiti or any other writing on or in any YCTA Vehicle or on or in any other YCTA property; or
- (b) In any manner damage, destroy, interfere with, or obstruct in any manner, the property, services, or facilities of YCTA.

(13) **YCTA Property.**

- (a) **Use of the YCTA Transit System.** The YCTA Transit System is for the use of YCTA's Passengers. To ensure the safety, comfort, and convenience of Passengers, no person shall impede or block the free movement of Passengers, interfere with ingress and egress from YCTA Facilities or YCTA Vehicles, intimidate or harass other Passengers, or in any manner interfere with the principal transportation purpose to which the YCTA Transit System is dedicated.
- (b) **Limited Access Areas.** To ensure the safety, comfort, and convenience of YCTA Passengers and the safe and efficient operation of the YCTA Transit System, YCTA personnel, and those transacting YCTA business shall be permitted within any YCTA Facility, customer service center, shelter, YCTA Vehicle, and in any YCTA Boarding Platform Area.
- (c) **Off-hours Closure.** All YCTA Facilities shall be closed during non-operating hours. No person other than Police Officers, YCTA personnel, or persons authorized by YCTA shall be in or about any YCTA Facility during hours in which that YCTA Facility is closed to the general public.
- (d) **YCTA's Right of Closure.** The YCTA expressly reserves the right to close any YCTA Facilities and exclude all access at a time and for a duration to be determined by the YCTA Board of Directors or Transit Manager. Such closure may be necessary for reasons that include, but are not limited to, an emergency, natural disaster, cleaning, or repairs.
- (e) **Damaging YCTA Property.** No person shall damage, destroy, interfere with, or obstruct in any manner the property, services, or facilities of YCTA.
- (f) **Exclusion of Non-YCTA Vehicles.** Unless otherwise allowed by posted sign, all non-YCTA vehicles are excluded from YCTA Facilities. Emergency vehicles and other vehicles authorized by YCTA are exempt from this exclusion.
- (g) **Free Movement of YCTA Vehicles.** No person or vehicle shall obstruct the free movement of a YCTA Vehicle while loading or unloading Passengers, or while entering or exiting a YCTA Facility.
- (h) **Skateboards, In-line Skates, Bicycles.** No person shall ride a bicycle, skateboard or in-line skates in a YCTA Facility. Bicycles shall only be parked at or in a YCTA Facility designated area.

- (14) **Animals.** No person shall bring or carry aboard a YCTA Vehicle, or take into a YCTA Facility, any animal not housed in an enclosed carrying container, except for a

person who requires a service animal, or a person training a service animal. In no event, however, shall any animal be allowed in a YCTA Vehicle or YCTA Facility if such animal creates a hazard to any passenger or YCTA employee.

- (15) **Carriages and Strollers.** No person shall bring or carry aboard a YCTA Vehicle a carriage or stroller unless such item is folded and unoccupied. Carriages and strollers must remain folded while aboard a YCTA Vehicle.
- (16) **Packages.** No package or parcel may be brought aboard a YCTA Vehicle unless it can be stored on and/or below one seat (if available), and is secured so as to prevent its displacement should the YCTA Vehicle be required to make a sudden stop or sharp turn. In no event shall a package or parcel be placed by a Passenger in a manner that blocks access to any aisle or stairway. Packages and parcels brought into a YCTA Vehicle by a Passenger must be secured appropriately as the Passenger is boarding, and remain secured until the Passenger is exiting the YCTA Vehicle.
- (17) **Radios.** No person shall play a radio, or other audio device or musical instrument in a YCTA Vehicle or a YCTA Facility, unless the sound produced thereby is only audible through earphones to the person carrying the device.
- (18) **Repulsive Odors.** No person shall board or remain in a YCTA Vehicle or enter or remain in a YCTA Facility if the person, the person's clothing, or anything in the person's possession, emits a grossly repulsive or noxious odor that is unavoidable by other YCTA Passengers in the YCTA Vehicle or the YCTA Facility and that causes extreme discomfort to YCTA passengers or employees.
- (19) **Emergency Exit.** No person shall activate the "Emergency Exit" or alarm device of a YCTA Vehicle or YCTA Facility in the absence of an Emergency.
- (20) **YCTA Seats.** No person shall place his or her feet on seat cushions in a YCTA Vehicle or YCTA Facility.
- (21) **Posting Notices.** Except as otherwise allowed by YCTA regulation, no person shall place, permit or cause to be placed, any notice or advertisement, upon a YCTA Vehicle, in or upon a YCTA Facility, or upon any non-YCTA vehicle, without the owner's consent, while the vehicle is parked at a YCTA Facility.
- (22) **Flammable Substances.** No person shall bring aboard a YCTA Vehicle, or take into a YCTA Facility, a flammable substance, except for matches and cigarette lighters.
- (23) **Weapons.** No person, except a Police Officer or person licensed to carry a concealed handgun, shall bring into or carry aboard a YCTA Vehicle, or bring into a YCTA Facility, a loaded firearm. No person, except a Police Officer, shall bring into or carry aboard a YCTA Vehicle or bring onto a YCTA Facility any knife, (except

a folding knife with a blade less than 3 ½ inches in length), ice pick, bow, arrow, crossbow, any explosive device or material, any instrument or weapon commonly known as a blackjack, sling shot, sand club, sandbag, sap glove or metal knuckles, etc., or any illegal or unlawfully possessed weapon of any kind.

(24) **Non-payment of Fare; Misuse of Bus Pass or Group Pass.**

- (a) **Non-payment of Fare.** No person shall occupy, ride in or use, a YCTA Vehicle unless the person has paid the applicable fare; has a valid and lawfully acquired bus pass, or is otherwise legally entitled to a free or reduced fare.
- (b) **Misuse of Bus Pass.** No person shall use or attempt to use a YCTA bus pass to board or ride in a YCTA Vehicle unless the bus pass was lawfully acquired at an authorized YCTA outlet by or on behalf of the person. Unless otherwise transferable by the express terms of the bus pass, only the person identified on the bus pass may use such pass.
- (c) **Confiscation of Misused Bus Pass.** Any YCTA Vehicle operator, YCTA Safety and Inspector Officer or any Police Officer may confiscate a bus pass used or presented for use in violation of subsections (b) of this section.
- (d) **Nonpayment of Fare, Misuse of Bus Pass, is Theft.** Any person who violates subsection (a), (b) or (c) above, in addition to any penalties described herein, may be subject to criminal prosecution for theft of services.

1.15 **Exclusion.**

- (1) In addition to any penalties provided herein for the violation of this Ordinance, and to any penalties for the violation of the laws of the State of Oregon, a Police Officer, Safety and Inspector Officer or other persons as may be designated by YCTA's Transit Manager, may issue a notice of exclusion from the YCTA System to any person who violates this Ordinance. The maximum period for exclusion shall not exceed 90 days.
 - (a) Except as provided in (b) below, written notice signed by the issuing authority shall be given to a person who has been excluded from all or part of the YCTA Transit System. The written notice shall specify the particular violation or reason for exclusion, places and duration of exclusion, and the consequences for failure to comply with the notice.
 - (b) In order to ensure the safety, convenience, and comfort of all Passengers, a YCTA Vehicle operator may, without giving written notice of exclusion, direct a Passenger to leave a YCTA Vehicle, or direct a prospective

passenger not to board a YCTA Vehicle, if the operator has probable cause to conclude that such Passenger is in violation of a provision of this Ordinance or of State law. Without written notice of exclusion, such exclusion shall be effective only for the route in progress at the time of the exclusion.

- (2) A notice of exclusion shall be effective immediately upon issuance and shall remain in effect until the exclusion expires, is terminated by YCTA, or is rendered ineffective upon appeal. Any person receiving a notice of exclusion may appeal the decision to exclude under the following procedures:
 - (a) An appeal must be in writing and delivered to the YCTA Transit Manager within ten days of receipt of the notice of exclusion. For appeals sent by mail, the appeal is considered to be filed as of the date of the postmark.
 - (b) The YCTA Transit Manger shall review the appeal and issue a decision within ten days following receipt of the appeal. He or she shall notify the appellant, in writing, of the decision. The exclusion shall remain in effect during the pendency of the appeal.
 - (c) If the decision on appeal is in favor of the excluded person, the period of exclusion set forth in the notice of exclusion shall be terminated immediately. If the appellant is dissatisfied with the ruling of the YCTA Transit Manager, he or she may appeal to the YCTA appeals officer.
 - (d) Appeals to the YCTA Appeals Officer must be made within ten days of the YCTA's Transit Manager's decision. An appellant shall have the right to present information at a hearing open to the public, if desired, and will be notified of the date, time, and location.
 - (e) The YCTA Appeals Officer shall render a decision within 15 days following the appeal hearing, or if no hearing is held, within 15 days of receipt of the appeal. The decision by the YCTA Appeals Officer shall be final.
- (3) Notwithstanding subsection (2) above, at any time during the period of exclusion, a person who has received a notice of exclusion may apply to the YCTA Appeals Officer for a variance to allow the person to enter upon the YCTA Transit System. The YCTA Appeals Officer may, at his or her sole discretion, grant a variance if the person establishes a need to enter the YCTA Transit System for reasons of employment, medical treatment or similar good cause. A variance may include such conditions as the YCTA Appeals Officer determines will prevent future offenses.

- (4) A person excluded under this section may not enter or remain upon any part of the YCTA Transit System from which the person is excluded during the stated period of exclusion. In addition to penalties imposed by this Ordinance, an excluded person who enters or remains within a YCTA Vehicle or a part of the YCTA Transit System from which the person has been excluded, commits Criminal Trespass in the Second Degree (ORS 164.245, or as amended hereafter), and may be charged, prosecuted, and subjected to the penalties of that statute.

1.20 **Violations and Enforcement.**

- (1) Any Police Officer, Safety and Inspector Officer, or Operator has the authority to refuse entry to a YCTA Vehicle or YCTA Facility; require departure from a YCTA Vehicle or YCTA Facility; or to require a seating change, of any person who violates this Ordinance, regardless of location and regardless of pass, transfer, ticket, or valid fare.
- (2) In addition to being subject to exclusion from the YCTA Transit System pursuant to §1.15 of this Ordinance, any person who violates this Ordinance commits a violation as defined in ORS Chapter 153 and, upon conviction, may be punished by a fine of not more than \$250, in addition to other penalties provide by law.
- (3) A Police Officer or Safety and Inspector Officer is authorized to issue a citation to a person who violates a provision of this Ordinance. For purposes of this Ordinance, a Safety and Inspector Officer is an "enforcement officer" as defined in ORS Chapter 153 (ORS 153.005(1)(k)).

1.25 **Jurisdiction.** The laws of the State of Oregon, and all local laws of the jurisdiction where any infraction occurs, apply with equal force and effect to the YCTA Transit System. Police Officers are expressly authorized to enforce all applicable State and local laws, and this Ordinance, within and upon all Facilities and Vehicles that are part of the YCTA Transit System.