

**FILED**

JAN 27 2015

ORDINANCE 36  
2014 REVISION

COUNTY CLERK  
BY                     

**AN ORDINANCE GOVERNING CONDUCT ON DISTRICT PROPERTY, AND AMENDING AND RESTATING ORDINANCE NO. 36, 2003 REVISIONS.**

BE IT ENACTED BY LANE TRANSIT DISTRICT:

Lane Transit District Ordinance No. 36, 2003 Revision is amended and restated in its entirety to read as follows:

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

1.05 To facilitate the purposes set forth in ORS Chapter 267, and for the safety, convenience, and comfort of District Passengers and for the protection and preservation of District property, it is necessary to establish the following rules and regulations governing use of the District Transit System and providing remedies for violations thereof.

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

- (1) The "Boarding Platform Areas" include all Shelters and District Stations as designated on the attached maps.
- (2) "District" means the Lane Transit District.
- (3) "District Station" includes the District Administrative Facility, the Eugene Station, the Springfield Station, 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.
- (4) "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.
- (5) "District Vehicle" includes a bus, van or other vehicle used to transport Passengers and owned or operated by or on behalf of the District.
- (6) "Electronic Smoking Device" includes an electronic or battery operated device that delivers vapors for inhalation. Electronic Smoking Device includes every variation and type of such devices whether they are manufactured, distributed, marketed or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah or any other product name or descriptor.
- (7) "Emergency" includes, but is not limited to, a fire on a District Vehicle or District Station, or serious physical injury to persons, or threat thereof, or any apparent urgent medical need.
- (8) "Notice of Exclusion" means a notice issued pursuant to §1.20 of this Ordinance excluding an individual from all or part of the District Transit System for a period of time.

- (9) "Operator" means a District employee responsible for operating any District Vehicle.
- (10) "Passenger" means a person who holds a valid fare and is en route on a District Vehicle, or waiting for the next available District Vehicle to such person's destination, or a person who enters a District Station with the intent to purchase a valid fare for transportation on the next available District Vehicle to such person's destination.
- (11) "Public Safety Officer," for purposes of this Ordinance, includes the District's security officers and public safety officers, as appointed by the District General Manager to enforce the District's Ordinances, and the District's duly appointed Peace Officers. The District's Peace Officers are designated as such for the purposes of ORS 267.150 and ORS 133.055. Public Safety Officer may also include sheriff deputies, state and local police officers, and all such other persons as may be designated by law to enforce District ordinances.
- (12) "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.
- (13) A "Shelter" is the area within the drip line of any roofed structure located at a District bus stop or District Station that is designed or used to protect Passengers from adverse weather conditions.
- (14) "Smoke" shall mean the gases, particles or vapors released into the air as a result of combustion, electrical ignition or vaporization, including from an Electronic Smoking Device, when the purpose of the combustion, electrical ignition or vaporization is human inhalation of the gases, particles or vapors.
- (15) "Smoking" shall mean engaging in an act that generates Smoke, such as possessing a lighted pipe, a lighted hookah pipe, a lighted cigar, a lighted cigarette, or an operating Electronic Smoking Device.
- (16) "Supervisor" means any District employee responsible for the supervision of any District transit operation.

1.15 **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 such seating upon request of any District Vehicle operator or employee.
- (2) **Smoking Prohibited.** There shall be no smoking on any District Vehicle, District Station or within any space or area where smoking is prohibited by law or ordinance. No person shall smoke an Electronic Smoking Device, tobacco, marijuana, or any other substance, or carry any burning or smoldering substance, in any form, aboard a District Vehicle, within the boundaries of any District Station, or within any space or area where Smoking is prohibited by District Ordinance, local, state or federal law.
- (3) **Alcohol and Drugs.** No person shall use or possess alcohol or illegal drugs on a District Vehicle or in a District Station, except for lawfully possessed and unopened alcoholic beverages.

- (4) **Criminal Activity.** No person shall engage in any activity prohibited by federal, state, county or municipal law, while on a District Vehicle, or within any District Station or the District Transit 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 District Vehicle or District Station;
  - (b) Making unreasonable noise within any District Vehicle or in any District Station;
  - (c) Obstructing the free movement of Passengers within any District Vehicle or District Station;
  - (d) Creating a hazardous or physically offensive condition within a District Vehicle or District Station; or
  - (e) Otherwise violate 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 as now in effect or hereafter amended.
- (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 District Vehicle in such a manner as to interfere with a Passenger's use and enjoyment of the District Transit System.
- (8) **Food and Beverages.** For the protection of public safety, no person shall bring aboard a District Vehicle any food or beverage in open containers. No person shall consume food or alcohol on any District Vehicle. Passengers on District 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 butts, or offensive substance in or upon a District Vehicle or District Station. No person shall spit, defecate, or urinate in or upon any District Vehicle or District Station except in a toilet.
- (10) **Safety.**
- (a) All Passengers (except infants who are held) must wear shoes, pants/shorts and shirt, a dress, or comparable clothing on District Vehicles and in District Stations. 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 District Vehicle at any time. In addition, no person shall extend any portion of his or her body through any door or window of a District Vehicle.
- (c) No person shall ride a skateboard, roller skates or in-line skates in a District Vehicle or District Station. Passengers with in-line skates will be allowed in a District Vehicle or District Station 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 or substance 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.
- (e) No person shall interfere, in any manner, with the operation or movement of any District Vehicle, except for authorized District personnel.
- (f) No person shall impede or block the free movement of Passengers, or otherwise disrupt the functions of the District in any District Station, Boarding Platform Area, or in any District Vehicle.

(11) **District Property.**

- (a) **Use of the Transit System.** The District Transit System is intended for the use of the District's Passengers. To ensure the safety, comfort, and convenience of such Passengers, no person shall impede or block the free movement of Passengers, interfere with ingress and egress from District Stations and District Vehicles, intimidate or harass other Passengers, or in any manner interfere with the principal transportation purpose to which the District Transit System is dedicated.
- (b) **Limited Access Areas.** To ensure the safety, comfort, and convenience of District Passengers and the safe and efficient operation of the District Transit System, only Passengers, District personnel, and those transacting District business shall be permitted within any District Station, District Vehicle, and on any Boarding Platform Area.
- (c) **Off-Hours Closure.** All District Stations shall be closed during the non-operating hours of 12:00 a.m. through 4:30 a.m. The General Manager, or designee, shall have the discretion to extend or contract these non-operating hours. No person other than Public Safety Officers, authorized District personnel, authorized contractors, or business invitees shall be in or about any District Station during these hours.
- (d) **District's Right of Closure.** The District expressly reserves the right to close any District Station or Stations and exclude all access at a time and for a duration to be determined by the District Board or General Manager. Such closure may be necessary for reasons that include, but are not limited to, an emergency, natural disaster, cleaning and repairs.
- (e) **Damaging District Property.** No person shall damage, destroy, interfere with, or obstruct in any manner the property, services, or facilities of the District, including Passengers' property located upon District property.

- (f) **Exclusion of Non-District Vehicles.** Unless otherwise allowed by posted sign, all non-District vehicles are excluded from District Stations. Emergency vehicles and other vehicles authorized by the District are exempt from this exclusion.
- (g) **Free Movement of District Vehicles.** No person or vehicle shall obstruct the free movement of District Vehicles while loading or unloading Passengers, or while entering or exiting a District Station.
- (h) **Skateboards, In-line Skates, Bicycles.** No person shall ride a bicycle, skateboard or in-line skates at a District Station. Bicycles shall only be parked at a District Station at designated areas.
- (12) **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 for a person who requires a service animal, or a person training a service animal. In no event, however, shall any animal be allowed on a District Vehicle or at a District Station if such animal creates a hazard or nuisance to any Passenger or District employee.
- (13) **Carriages and Strollers.** No person shall bring or carry aboard a District Vehicle a carriage or stroller unless such item is folded and unoccupied. Carriages and strollers must remain folded while aboard the District Vehicle.
- (14) **Packages and other carried items.** Any packages, parcels or other items brought aboard a District Vehicle must be able to be stored on and/or below one seat (if available), and must be secured so as to prevent their displacement should the District Vehicle be required to make a sudden stop or sharp turn. In no event shall any package or parcel be allowed to block access to any aisle or stairway. Any item to be brought aboard a District Vehicle, or in or onto a District Station, is subject to inspection by a Public Safety Officer.
- (15) **Audio Devices.** No person shall operate any audio devices or musical instruments on a District Vehicle or in a District Station, unless the sound produced thereby is only audible through earphones to the person carrying the device.
- (16) **Repulsive Odors.** No person shall board or remain on a District Vehicle or enter or remain in a District Station if the person, the person's clothing, or anything in the person's possession, emits a grossly repulsive odor that is unavoidable by other District Passengers on the District Vehicle or in the District Station and which causes a nuisance or extreme discomfort to District Passengers or employees.
- (17) **Emergency Exit.** No person shall activate the "Emergency Exit" or alarm device of a District Vehicle or District Station in the absence of an Emergency.
- (18) **District Seats.** No person shall place his or her feet on seat cushions on any District Vehicle or in any District Station.
- (19) **Posting Notices.** Except as otherwise allowed by District regulation, no person shall 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 on District property.

- (20) **Flammable Substances.** No person shall bring aboard a District Vehicle, or take into a District Station any flammable substance, except for matches and cigarette lighters.
- (21) **Weapons.** No person, except a Public Safety Officer, shall bring into or carry aboard a District Vehicle, or bring into a District Station, any knife, (except a folding knife with a blade less than 3 1/2 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, or any other illegal or unlawfully possessed weapon of any kind.
- (22) **Non-payment of Fare; Misuse of Bus Pass or Group Pass.**
- (a) **Non-payment of Fare.** No person shall occupy, ride or use, any District Vehicle unless the person has paid the applicable fare or has a valid and lawfully acquired transfer, bus pass or group pass.
- (b) **Misuse of Bus Pass.** No person shall 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. Unless otherwise transferable by the express terms of the bus pass; only the person identified on the bus pass may use such pass.
- (c) **Misuse of Group Pass.** No person shall use or attempt to use a District group pass to board or ride a District Vehicle unless:
- (i) The group pass was lawfully acquired at an authorized District outlet by or on behalf of the person;
- (ii) The group pass is used according to the terms of the applicable group pass agreement; and
- (iii) The person is a current member of the group to whom the group pass was issued pursuant to the applicable group pass agreement.
- (d) **Confiscation of Misused Bus Pass or Group Bus Pass.** Any District Vehicle operator or any Public Safety Officer may confiscate a bus pass or group bus pass used or presented for use in violation of subsections (b) or (c) of this section.
- (e) **Nonpayment of Fare, Misuse of Bus Pass or Group Bus Pass is Theft.** Any person who violates subsections (a), (b) or (c), above, in addition to any penalties described herein, may be subject to criminal prosecution for theft of services.

1.20 **Exclusion.**

- (1) In addition to any penalties provided herein for the violation of this Ordinance and to any penalties for the violation of federal, state or local laws, any Public Safety Officer, and other persons as may be designated by the District's General Manager, may issue a Notice of Exclusion from the District Transit System to any person who violates this Ordinance.

- (a) Except as provided in subsection (b) below, written Notice of Exclusion signed by the issuing authority shall be given to a person who has been excluded from all or part of the District Transit System. The written Notice of Exclusion shall specify the particular violation or reason for exclusion, the places and duration of the exclusion, and the consequences for failure to comply with the Notice of Exclusion.
  - (b) In order to ensure the safety, convenience, and comfort of all Passengers, 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 operator has probable cause to conclude that such Passenger is in violation of any provision of this Ordinance. 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, or otherwise modified by the District. Any person receiving a Notice of Exclusion may request an administrative review of the exclusion in accordance with the District's Contested Case Hearing Procedure as now in place or amended hereafter. Administrative review is a prerequisite to requesting an appeal of a Notice of Exclusion.
  - (3) A person excluded under this section may not enter or remain upon any part of the District Transit System from which the person is excluded during the stated period of the exclusion. In addition to penalties imposed by this Ordinance, an excluded person who enters or remains upon any District Vehicle or part of the District Transit System from which the person has been excluded, may be charged with Criminal Trespass in the Second Degree, ORS 164.245, as may be amended hereafter, and subject to the penalties thereof.

1.25 **Citations for a Fine.**

- (1) In addition to being excluded from the system pursuant to §1.20 of this Ordinance, any person who violates this Ordinance may be assessed a fine of not more than \$250.
- (2) Any Public Safety Officer is authorized to issue citations to any person who violates this Ordinance.
- (3) A Public Safety Officer shall only have the power to arrest a private person pursuant to ORS 133.225.

1.30 **Jurisdiction.**

- (1) The laws of the State of Oregon, and all local laws of the host jurisdiction, apply with equal force and effect to District property. State and local law enforcement officers are expressly authorized to enforce all applicable state and local laws, and this Ordinance, upon the District Transit System.
- (2) Public Safety Officers may enforce this Ordinance by issuing a Notice of Exclusion or by assessing a fine.

1.35 **Severability.** It is hereby declared to be the legislative intent of Lane Transit District that the provisions of this Ordinance are severable, and if any provision, clause, section, or part is held illegal, invalid, or 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.

2.0 **Effective Date.** These amendments to Ordinance 36 shall become effective thirty (30) days after their adoption.

Adopted: 11/21/2014, 2015.

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Board President

Attest:

\_\_\_\_\_  
Recording Secretary

Effective Date: 2-21-2015

(Attachments – District Station Site Maps)

