

RECREATION, LIBRARIES AND AUTHORITIES COMMITTEE

13-015-0

ORDINANCE NO. _____

AN ORDINANCE PERTAINING TO CONDUCT ON DULUTH TRANSIT AUTHORITY ("DTA") BUSES, AT DTA FACILITIES, AND IN DTA SHELTERS AND AUTHORIZING DRIVERS AND OTHER DTA EMPLOYEES TO REFUSE SERVICE FOR DISORDERLY PERSONS.

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That Section 34-7 of the Duluth City Code, 1959, as amended, be amended to read as follows:

Sec. 34-7. Prohibited conduct on Duluth transit authority ("DTA") buses, in DTA facilities, and at DTA bus shelters.

(a) No person shall, while a DTA bus passenger, ~~on any vehicle seating 12 or more persons in a DTA facility, or at a DTA bus shelter that is operated by the Duluth transit authority as a public conveyance,~~ do any of the following acts:

(1) Smoke or possess any lighted or smoldering pipe, cigar or cigarette;

~~(2) Consume any beverages, food or alcohol;~~

(3) Intentionally deface, damage, write upon or soil any part of such vehiclebus, facility or shelter;

(4) Spit, urinate or defecate in or upon any part of such vehiclebus, facility, or shelter;

(5) Throw, deposit or place any paper, bottles, cans or any other garbage or solid waste in or upon any such vehiclebus, facility, or shelter;

(6) Throw any object of any kind ~~within such vehicle~~ or out any door or window of such vehiclebus, facility, or shelter;

(7) Play any ~~radio, cassette or tape player, record player or similar electronic~~ sound amplification device unless it is played through an earphone so that it is totally inaudible to all other persons with the exception of sound amplification by the DTA

in DTA facilities;

~~(87)~~ Bring any pet or animal on or into such ~~vehicle~~bus, facility, or shelter other than a service animal accompanying a ~~disabled person~~ with disabilities or an animal in a cage or held exclusively on the lap of the ~~rider~~person with a leash;

~~(9)~~ ~~Stand or remain in front of any white line marked on the forward end of the floor of any such vehicle after being asked to step back by the driver;~~

~~(10)~~ ~~Enter a bus through the rear door unless authorized to do so by the driver or other transit authority employee;~~

~~(118)~~ Possess any high explosives or carry any corrosive acid or flammable liquid not in a sealed container;

~~(129)~~ Intentionally interfere with ~~the~~a bus driver's operation of ~~the vehicle~~a bus or conduct him or herself in any way that negatively disrupts the delivery of transit services or affects the use of public transit services by others pursuant to State Statute 609.855 or its successor;

(b) No person shall, while a DTA bus passenger, do either of the following acts:

(1) Consume any beverages, food or alcohol;

(2) Stand or remain in front of any white line marked on the forward end of the floor of any such bus after being asked to step back by the bus driver or other DTA employee;

(3) Enter a bus through the rear door unless authorized to do so by the bus driver or other DTA employee;

(bc) The bus driver or other ~~transit authority~~DTA employee may refuse to transport any person or may order any person off the vehicle a bus, out of a facility, or away from a bus shelter if the any person is violating or has in the previous twelve months

~~violated the provisions of this Section or the provisions of Section 34-6 relating to disorderly conduct if the disorderly conduct occurs or occurred while the person is a DTA bus passenger, in a DTA facility, or at a DTA bus shelter, or any person who has violated the provisions of this Section or Section 34-6 while riding a Duluth transit authority bus in the previous 12 month period;~~

(~~cd~~) No person shall refuse to depart from a DTA transit authority bus, facility, or shelter when ordered to do so by the bus driver or other ~~transit authority~~DTA employee;

(~~de~~) No person shall enter a DTA transit authority bus, facility, or shelter when ordered not to do so by the bus driver or other ~~transit authority~~DTA employee;

(~~ef~~) Any person aggrieved by being refused ~~Duluth transit authority~~DTA bus transportation, access to a DTA facility, or use of a DTA bus shelter pursuant to this Section may request a hearing before the executive director, ~~or if none, the chief administrative officer of the DTA Duluth transit authority.~~ The request for hearing must be made in writing and must state the reasons the person requesting the hearing believes the service refusal was improper. At the hearing both the appellant and ~~DTA Duluth transit authority~~ employees may present evidence and argument, examine and cross-examine witnesses, and be represented by counsel at their option. After hearing all evidence and arguments, the executive director shall affirm or reverse the refusal of service and may grant any relief or impose any conditions on ridership deemed to be reasonable and appropriate.

Section 2. That this ordinance shall take effect 30 days after its passage and publication.

Approved:



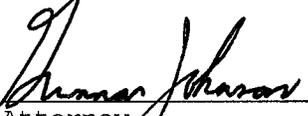
Department Director

Approved for presentation to council:



Chief Administrative Officer

Approved as to form:



Attorney

Approved:



Auditor

ATTY JCC:db February 27, 2013

STATEMENT OF PURPOSE: This ordinance updates Ordinance No. 9303 by expanding prohibited conduct to Duluth Transit Authority ("DTA") facilities such as the Transit Center East as well as DTA bus shelters.