

ORDINANCE NO. 98-126

AN ORDINANCE ESTABLISHING RULES
OF CONDUCT TO PROMOTE HEALTH,
SAFETY AND WELFARE ON PROPERTY
OWNED, OPERATED OR MAINTAINED BY
THE CHICAGO TRANSIT AUTHORITY;
CONSOLIDATING ORDINANCES 93-191,
95-59, AND 97-87; AND ESTABLISHING
UNIFORM PENALTIES FOR VIOLATION

WHEREAS, The Chicago Transit Authority ("CTA") is concerned about conduct that affects the health, safety and welfare of its customers and that impairs the ability of the CTA to provide service to its customers; and

WHEREAS, Pursuant to the Metropolitan Transit Authority Act, 70 ILCS 3605/31, the Chicago Transit Board has the power to make all rules that are proper or necessary to regulate the use, operation and maintenance of all property owned, operated or maintained by the CTA; and

WHEREAS, The Chicago Transit Board is statutorily authorized pursuant to the Metropolitan Transit Authority Act, 70 ILCS 3605/31, to impose fines and penalties for violations of its rules; and

WHEREAS, The Chicago Transit Board has determined that the rules set forth herein will promote the health, safety and welfare of its customers, employees and members of the public; and

WHEREAS, The Chicago Transit Board has determined that the rules set forth herein will enhance the CTA's ability to provide on time, clean, safe, and friendly service to its customers; and

WHEREAS, The Chicago Transit Board adopted Ordinance No. 93-191 on December 14, 1993 to establish penalties for conducting certain activities on property owned, operated or maintained by the Chicago Transit Authority; and

WHEREAS, Ordinance No. 93-191 subjected violators to a fine not to exceed \$300.00; and

WHEREAS, The Chicago Transit Board adopted Ordinance No. 95-59 on April 17, 1995 to establish rules of conduct to promote safety and welfare on property owned, operated or maintained by the Chicago Transit Authority; and

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WHEREAS, Ordinance No. 95-59 subjected violators to a fine not to exceed \$100.00; and

WHEREAS, The Chicago Transit Board adopted Ordinance No. 97-87 to establish a smoking policy governing all public areas of the Chicago Transit Authority facilities; and

WHEREAS, the Chicago Transit Board has determined that it would be in the best interest of the CTA and its customers to adopt an ordinance establishing rules of conduct, and to consolidate into that ordinance matters that are the subject of ordinance numbers 93-191, 95-59 and 97-87, and to establish uniform penalties and fines; now, therefore:

BE IT ORDAINED BY THE CHICAGO TRANSIT BOARD
OF THE CHICAGO TRANSIT AUTHORITY:

SECTION 1. It is a violation of this ordinance for any person:

- 1.1 Sales
to sell, offer for sale, sell and deliver, barter or exchange any goods, services, or merchandise on property owned, operated or maintained by the CTA.
- 1.2 Solicitation - Begging
to beg or solicit money or anything of value on property owned, operated or maintained by the CTA.
- 1.3 Food and Beverages
to consume any food or beverage, excluding medicine, upon any CTA bus or train.
- 1.4 Alcohol and Drugs
to use or consume any intoxicating liquor, controlled substance, or narcotic, excluding prescribed medication, on property owned, operated or maintained by the CTA.
- 1.5 Sound Emitting Devices
to use any entertainment appliance, radio, musical instrument or other sound-emitting device, which is clearly audible to others, in areas open to the public on property owned, operated, or maintained by the CTA.

1.6 Unsafe Conduct

(a) to cross between the cars of a train unless there is an emergency and one has received direct instructions and authorization from an agent of the CTA; or

(b) to sleep or doze where such activity may be hazardous to such person or others or where such activity may interfere with the operation of the CTA's transit system; or

(c) to tamper with any equipment (such as but not limited to safety and emergency equipment, emergency alarms and control switches on CTA escalators, escalators, elevators, buses and trains) on property owned, operated or maintained by the CTA; or

(d) to purposely and without lawful authority, hinder, obstruct or delay any person's access to any area open to the public on property owned operated or maintained by the CTA.

(e) to spit saliva, food, gum, tobacco or any other substance onto any property owned, operated or maintained by the CTA.

(f) to enter or remain upon any track or right away unless there is an emergency and one has received direct instructions and authorization from an agent of the CTA.

1.7 Indecent Exposure

(a) to expose ones breast, buttocks, or genitals on property owned, operated or maintained by the CTA; provided that breast - feeding of infants does not violate this ordinance;

(b) to urinate or defecate on property owned, operated or maintained by the CTA except in a urinal or toilet intended for that purpose; or

(c) to perform sexual intercourse or any other sex act, including but not limited to cunnilingus or fellatio, on property owned, operated or maintained by the CTA.

1.8 Smoking

to smoke or carry a lighted cigarette, cigar or pipe on property owned, operated or maintained by the CTA.

1.9 Disorderly Conduct

(a) to act in such an unreasonable manner as to alarm or disturb another, or cause a reasonable person to fear for their safety, or to provoke a breach of the peace on property owned, operated, or maintained by the CTA.

(b) to appear on property owned, operated or maintained by the CTA manifestly under the influence of alcohol, narcotics or other drugs, to the degree that the violator may endanger himself or other persons or property, or seriously inconvenience, annoy or alarm a reasonable person in his or her vicinity.

1.10 Gambling

to use any shell game, sleight - of - hand or juggling trick, or other game to cheat, defraud, or unlawfully obtain money or other things of value on property owned, operated or maintained by the CTA.

1.11 Littering

(a) to dump, deposit, drop, throw, discard, leave, cause or permit the dumping, depositing, dropping, throwing, discarding or leaving, of litter on any property owned, operated or maintained by the CTA.

(b) for the purpose of this ordinance, "litter" shall be defined as any discarded, used or unconsumed substance or waste.

1.12 Unauthorized Dissemination of Material

(a) to post, stick, stamp, paint, or affix any sign, notice, circular, handbill, placard, poster, card, advertisement or other device calculated to attract the attention of the public on any property owned, operated or maintained by the CTA.

(b) to distribute advertising matter of any kind within CTA buses or trains or within the paid area of CTA rail or bus terminals.

1.13 Graffiti

(a) to deface, deform, destroy, damage, mar, mark, cut, etch, or otherwise injure any property owned, operated or maintained by the CTA.

(b) to possess any etching equipment or etching materials on property owned, operated or maintained by the CTA with the intent to use the same to deface any CTA property.

(c) for the purpose of this ordinance, "etching equipment" and "etching materials" include any tool, device, equipment or substance that can be used to make permanent marks on metal, glass, plastic, concrete or stone.

1.14 Trespass

(a) to enter property owned, operated or maintained by the CTA, or any part thereof, after receiving notice, either oral or written, that such entry is forbidden, or to enter into an area closed to the public by gate, fence, wall or other barrier.

(b) to remain upon property owned, operated or maintained by the CTA, or any part thereof, after receiving notice, either oral or written, from any law enforcement officer or CTA employee to depart.

(c) to enter into the paid area of any property owned, operated or maintained by the CTA without paying the required fare.

1.15 Weapons

to possess or carry any pistol, revolver, firearm, dagger, stiletto, billie club, knife, stun gun, taser, mace, bludgeon, explosive device or other weapon on property owned, operated or maintained by the CTA.

Section 1.15 does not apply to or affect any of the following:

(1) Peace Officers

(2) The military, jail, penitentiary, or security personnel while in the performance of their official duty or while commuting between home and place of employment.

(3) Pepper spray

1.16 Selling or Giving Away of Farecards

(a) to sell, barter, or exchange for any consideration any farecard issued by the CTA.

(b) to give away any transfer farecard issued by the CTA to another for the purpose of enabling, or with the intent to enable, another to use or offer for use aforesaid farecard for passage on any CTA bus or train.

Section 1.16 does not apply to any agent or employee of the CTA issuing or giving farecards to customers lawfully entitled to aforesaid farecards.

SECTION 2. Any person who violates Section 1 of this ordinance shall be subject to any or all of the following pursuant to any order or judgment entered by a court or other tribunal of competent jurisdiction:

2.1 Fine

a fine not less than \$100.00 nor more than the statutory maximum for each offense authorized by the Metropolitan Transit Authority Act, 70 ILCS 3605.

2.2 Supervision

to complete a period of supervision.

2.3 Restitution

restitution when the violation involves damage to property.

2.4 Community Service

community service for not less than 30 and not more than 120 hours.

SECTION 3. Any person who violates Section 1 of this ordinance shall be immediately removed from CTA property.

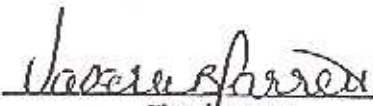
SECTION 4. In interpreting or applying the rules set forth in Section 1 of this ordinance, the following provisions shall apply:

- 4.1 Exceptions
acts otherwise prohibited by any of these rules may be undertaken if specifically authorized by the terms of any written contract, agreement, permit, license or lease issued by the CTA, or to which the CTA is a party.
- 4.2 Accountability
these rules shall apply with equal force to any person assisting, aiding or abetting another in any acts prohibited by this ordinance.
- 4.3 Any order or judgment of a court or other tribunal of competent jurisdiction that holds any provision of this ordinance to be invalid shall be confined to the section of the ordinance involving the controversy upon which the order or judgment was entered and shall not act to affect or invalidate any of the other provisions of this ordinance, which shall continue in full force and effect

SECTION 5. This ordinance shall be in full force and effect and effect from and after its passage.

APPROVED:

PASSED:



Chairman

November 12, 1998



Assistant Secretary

November 12, 1998