

Trespassing Ordinance Update



UTA Public Ordinance Update

- UTA Ordinances
- Pursuant to Utah Code Ann. § 17B-1-301 and 17B-2a-808; a board of trustees of a large public transit district may:
 - Make and pass ordinances, resolutions, and orders that are:
 - Not repugnant to the United States Constitution, the Utah Constitution, or the provisions of this part; and
 - Necessary for:
 - (A) the governance and management of the affairs of the district;
 - (B) the execution of district powers; and
 - (C) carrying into effect the provisions of this part.



UTA Trespassing Ordinance

- Cross functional team – Legal, Planning & Engagement, Police, Operations, Real Estate/Properties, Safety, Records, and Customer Service
- Goals
 - Increase compliance, clarify and make consistent
 - Update to align with new technologies and current practices
 - Review internal processes and procedures



Trespassing Ordinance Overview

The draft ordinance includes 9 sections:

1. Definitions
2. Authority
3. Trespass for Minor Offense
4. Trespass for Serious Offense
5. Permanent Trespass
6. Other Remedies
7. Records
8. Protests
9. Right to Appeal



Section 3 – Trespass for Minor Offense

- “Minor Offense” means:
 - a violation of the ordinances of the Authority;
 - a violation of the Authority’s ridership rules;
 - an infraction; or
 - a Class C misdemeanor.

- Grounds
 - Minor offenses may constitute a removal of access to UTA property & services by a Transit Police Officer
- Duration
 - 30 days maximum
- Notice
 - Written Trespass Order will be issued to include: offense/reason; locations where trespass applies; date & duration; right to protest & appeal



Section 4 – Trespass for Serious Offense

- “Serious Offense” means:
 - an offense classified under state law as a Class B misdemeanor or greater offense; or
 - the commission of three minor offenses by an individual within a twelve-month consecutive period.

- Grounds
 - Serious offenses may constitute a removal of access to UTA property & services by a Transit Police Officer
- Duration
 - 1 year maximum
- Notice
 - Written Trespass Order will be issued to include: offense/reason; locations where trespass applies; date & duration; right to protest & appeal



Section 5 – Permanent Trespass

- Grounds
 - An individual who causes serious bodily injury or death to an employee of the Authority may be trespassed from Authority property and/or Authority services by a Transit Police Officer.
- Duration
 - No expiration
- Notice
 - Written Trespass Order will be issued to include: offense/reason; locations where trespass applies; date & duration; right to protest & appeal
- Reinstatement of Privileges
 - May petition no sooner than 5 years



Section 6 – Other Remedies

- Criminal Trespass
 - Provides Transit Police Officers ability to issue a criminal citation to an individual who violates Utah Code §76-6-206, as amended.
- Refusal of Service
 - Provides an Authorized Representative ability to eject a passenger or refuse service to an individual who violates the rules and/or ordinances of the Authority for a period of up to 24 hours.



Section 7 - Records

- Requires documentation of Trespass Order by Transit Police Officer
- Provides sharing of documentation (redacted) with relevant UTA departments to ensure compliance
- Trespass Orders are classified as private records pursuant to GRAMA statute §63G-2-302(2)(d)



Section 8 – Protests

- Provides ability to protest trespass order, writing to Hearing Officer within 14 days
- Hearing is scheduled, held, and decision rendered
- Right to appeal within 10 days of decision

Section 9 – Right to Appeal

- Right to appeal within 10 days of decision
- Appeals Officer holds *de novo* appeals hearing
- Decision is final administrative action and must be rendered in writing within 30 days



UTA Ordinance Update Public Engagement & Timeline

- December – Board review Fare Payment Ordinance
- January-February – Public Comment period
- March –Board review Criminal Ordinance
- May-June – Board review Trespassing Ordinance; Public Comment & Engagement on Criminal & Trespassing Ordinances
- June – Local Advisory Council review updated Ordinances
- July – Board adopt updated Ordinances

