



UTA Ordinances

Trespass Ordinance

Section 1. Definitions

“Appeals Officer” means the individual designated by the Executive Director to administer the appeal process set forth in this Ordinance.

“Authority” means the Utah Transit Authority.

“Authority Property” means real property owned, leased, or licensed by the Authority, or in which it has a real property interest.

“Authority Representative” means an employee of the Authority, Operator, Transit Police Officer or other agent who is authorized by job title, job description, specific assignment, or request of Authority to act pursuant to these Ordinances.

“Board” means the Board of Trustees of the Utah Transit Authority.

“Criminal Citation” means a citation for trespass issued by a Transit Police Officer pursuant to Utah Code §76-6-206, as amended.

“Felony Offense” means any offense punishable as a felony under the statutes of the State of Utah, §76-3-103 of the Utah Code, as amended, committed in or upon a transit facility.

“Hearing Officer” means the individual designated by the Executive Director to administer the adjudication process for Trespass Orders as set forth in this Ordinance.

“Infraction” means an offense designated as such by the ordinances enacted by the Authority or punishable pursuant to Utah Code §76-3-301(e), as amended.

“Minor Offense” means:

- i. a violation of the ordinances of the Authority;
- ii. a violation of the Authority’s ridership rules;

- iii. an infraction; or
- iv. a Class C misdemeanor.

“Operator” means a person who drives, commands, or has control of a Transit Vehicle.

“Serious Offense” means:

- i. an offense classified under state law as a Class B misdemeanor or greater offense; or
- ii. the commission of three minor offenses by an individual within a twelve month consecutive period.

“Transit Police Officer” means a sworn law enforcement officer employed by the Authority.

“Trespass Order” means the written notification of trespass issued to an individual by the Authority.

Section 2. Authority

- A. Pursuant to the authority granted to large public transit districts under Utah Code §17B-2a-808.1(3), the Board hereby enacts the following ordinances necessary for its governance and for the management of the affairs of the Authority and the lawful execution of its powers.
- B. The Board desires to protect the public and ensure the safety of riders on Authority property and services through enacting this Ordinance.
- C. The Board grants to the Executive Director, or designee, the duty to codify these and future Ordinances. In so doing, no substantive changes shall be made to these Ordinances or to any chapter, section, or provision, with the exception of renumbering, rearranging, reformatting and correcting clerical errors.
- D. The Board’s adoption of these Ordinances constitutes its primary legislative act, while any subsequent codification represents an administrative function. In the event of a conflict between these Ordinances and their codified counterpart, these Ordinances shall control.

Section 3. Trespass for Minor Offense (up to 30 days)

- A. Grounds. An individual who commits a minor offense may be refused access to and trespassed from Authority property and/or Authority services by a Transit Police Officer.
- B. Duration. A Trespass Order under this Section shall last no longer than 30 days.

- C. Notice. A Transit Police Officer shall issue a written Trespass Order to the individual that contains the following information:
- i. the offense or reason for trespass;
 - ii. all places, property, and/or services from which the person is trespassed;
 - iii. the date and duration of the trespass; and
 - iv. notice of the person's right to protest to the Hearing Officer.

Section 4. Trespass for Serious Offense (up to one year)

- A. Grounds. An individual who commits a serious offense may be refused access to and trespassed from Authority property and/or Authority services by a Transit Police Officer.
- B. Duration. A Trespass Order under this Section shall last no longer than one year.
- C. Notice. A Transit Police Officer shall issue a written Trespass Order to the individual that contains the following information:
- i. the offense or reason for trespass;
 - ii. all places, property, and/or services from which the person is trespassed;
 - iii. the date and duration of the trespass; and
 - iv. notice of the person's right to protest to the Hearing Officer.

Section 5. Permanent Trespass

- A. Grounds. An individual who commits a felony offense may be trespassed from Authority property and/or Authority services by a Transit Police Officer.
- B. Duration. A Permanent Trespass Order under this Section shall not expire.
- C. Notice. A Transit Police Officer shall issue a written Permanent Trespass Order to the individual that contains the following information:
- i. the offense or reason for trespass;
 - ii. all places, property, and/or services from which the person is trespassed;
 - iii. the date and duration of the trespass; and
 - iv. notice of the person's right to protest to the Hearing Officer.
- D. Reinstatement of Privileges. A person who is subject to a Permanent Trespass Order may petition the Authority for reinstatement of privileges no sooner than five years from the date the Permanent Trespass Order was issued. The written petition shall be submitted to the Appeals Officer and include the grounds for the relief requested. The Appeals Officer shall hold a hearing on reinstatement

and follow the procedures set forth in Section 9. The Appeals Officer's decision on reinstatement shall be the final administrative action related to the petition.

Section 6. Other Remedies

- A. Criminal Trespass. Nothing herein shall restrict or limit a Transit Police Officer from issuing a criminal citation to an individual who violates Utah Code §76-6-206, as amended.
- B. Refusal of Service. Nothing herein shall restrict or limit an Authority Representative from ejecting a passenger or refusing service to an individual who violates the rules and/or ordinances of the Authority for a period of up to 24 hours.
- C. Suspension of Service on Paratransit and/or Contracted Services. Nothing herein shall restrict or limit an Authority Representative from suspending service of an individual on paratransit and/or on contracted services pursuant to the policy or standard operating procedure adopted by the Authority for such action.

Section 7. Records

- A. The Transit Police Officer issuing a Trespass Order shall document the action in a police report and attach thereto a copy of the Trespass Order, and, where practicable, a photograph of the individual.
- B. Documentation related to the trespass, including the name of the individual, the scope and duration of the trespass, and a photograph, shall be shared internally with other departments of the Authority to ensure compliance, such as Customer Service, Safety, Operations and Legal.
- C. The Authority hereby classifies Trespass Orders as private records pursuant to GRAMA statute §63G-2-302.

Section 8. Protests

- A. If a person does not agree with Trespass Order they may protest to the Hearing Officer.
- B. The person shall submit a protest in writing by mailing, emailing, or hand-delivering the protest to the Hearing Officer within 14 days of the date the Trespass Order was issued or the right to protest will be forfeited.
- C. The protest shall include the following information:

- i. The person's name
 - ii. Mailing address
 - iii. Phone number
 - iv. Email, if the person wishes to communicate by email
 - v. The date of the Trespass Order
 - vi. A statement as to the grounds for the protest.
- D. Upon receipt of a protest, the Hearing Officer shall schedule a hearing on the protest.
- E. A Notice of Hearing shall be mailed to the person (or emailed if an email address has been provided) at the address listed on the protest.
- F. At the Hearing Officer's discretion, the protest hearing may be held in person or virtually. Failure of the protestor to appear at the hearing shall result in the protest being dismissed.
- G. At the hearing, the protestor may offer a verbal statement. A representative from the Authority may also make a statement. Either party may present to the Hearing Officer documentation or other evidence.
- H. The Authority bears the burden of proof to establish that the Trespass Order was proper by a preponderance of the evidence.
- I. At the conclusion of the hearing, or as soon as practicable, the Hearing Officer shall render a verbal decision and document the action taken.
- J. In instances where the Hearing Officer upholds the Trespass Order, the Hearing Officer shall inform the protestor of their right to appeal the decision within 10 days from the date of the decision.
- K. Any documentation presented at the hearing shall be preserved until the period in which the protestor may appeal the decision of the Hearing Officer has expired.

Section 9. Right to Appeal

- A. A party may appeal a decision of the Hearing Officer by submitting a written request to the Appeals Officer within 10 days of the decision.
- B. The Hearing Officer shall forward the file to the Appeals Officer for a determination.

- C. The Appeals Officer shall notify the appealing party of the date and time of the appeals hearing. Failure to appear at an appeals hearing will result in dismissal of the appeal.
- D. The appeals hearing shall be a *de novo* hearing.
- E. At the appeals hearing, both parties may make an oral argument.
- F. The appealing party bears the burden of proof to establish that the decision of the Hearing Officer was in error by a preponderance of the evidence.
- G. The Appeals Officer shall render a decision in writing within 30 days of the appeal hearing.
- H. The Appeals Officer's decision is the final administrative action related to a Trespass Order.