Ordinance No. 3877
(Amending or Repealing Ordinances)

CFN=122 – Police/Fire Departments
Passed – 4/1/2008
Prohibited Conduct on Transit Property and Vehicles

Adds new Sec. 9.02.192
Repeals Ords. 3621;3692 (Sec. 9.02.060)
Amended by Ord. 3888 (Sec. 9.02.060)
Amended by Ord. 3954 (Sec. 9.02.060)
ORDINANCE NO. 3877

AN ORDINANCE of the City Council of the City of Kent, Washington relating to prohibited conduct on public transit vehicles and property.

RECITALS

A. Members of the public deserve to be able to use transit vehicles and facilities without being disrupted by excessive noise, litter, dangerous conditions, or conduct that delays or impairs the transit provider’s ability to maintain scheduled service.

B. Addressing and preventing problems for transit passengers will make use of public transportation more attractive. The City of Kent seeks to encourage increased use of public transportation because of the many problems directly linked to forced reliance on the automobile, including congested roadways, which wastes time and fuel; higher maintenance costs for public roads due to increasing traffic volumes, which means a heavier tax burden on our citizens; and pollution and ecological damage, which means a lower quality of life for today’s residents and their children.

C. Transit vehicles cross jurisdictional boundaries. Adopting the substance of King County’s Transit Code of Conduct helps ensure

1 Prohibited Conduct on Transit Property and Vehicles
consistency in the transit provider’s ability to enforce common-sense regulations designed to ensure the safety and comfort of passengers and transit operators. Moreover, adopting the proposed ordinance removes confusion for City of Kent law enforcement officers regarding their ability to take action when problems occur on transit vehicles or transit facilities within the city of Kent.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

ORDINANCE

SECTION 1. - Repealer. Section 9.02.060 of the Kent City Code, entitled “RCW Title 9, entitled ‘Crimes and Punishments’ – Adoption by reference,” is amended to repeal the City of Kent’s adoption of RCW 9.91.025 as follows:

Sec. 9.02.060. RCW Title 9, entitled “Crimes and Punishments” – Adoption by reference. The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

... RCW 9.91.025 – Unlawful bus conduct ...

SECTION 2. - Amendment. Chapter 9.02 of the Kent City Code is amended to add a new section 9.02.192, entitled “Prohibited Conduct on Transit Property and Transit Vehicles,” as follows:

Sec. 9.02.192. Prohibited Conduct on Transit Property and Transit Vehicles
A. **Definitions.** As used in this section, the following definitions shall apply:

1. *Public transportation services* means providing, at scheduled times and places, transit vehicles to carry members of the public from one location to another upon public highways or other roads, or upon any railway used for light rail or interurban passenger service provided by a regional transit authority authorized by ch. 81.112 RCW, as currently enacted or hereafter amended; provided, this definition shall not include activities related to the transporting of members of the public by other public or private railroad entities, such as Amtrak.

2. *Transit center* means any location within the City of Kent, such as bus stations and train or light rail stations, that serves as a hub or transfer point for transit vehicles, enabling passengers to connect with different transit routes.

3. *Transit property* shall mean all facilities, structures, lands, interest in lands, air rights over lands, and rights-of-way of all kinds that are owned, leased, held, or used within the city of Kent by a public or private agency or municipal corporation for purposes of providing or directly supporting public transportation services, including, but not limited to, park and ride lots or parking structures for passengers; transit centers; designated bus, trolley, light rail or train stops and waiting areas; and transit vehicle maintenance or storage facilities.

4. *Transit vehicle* means every motor vehicle, bus, trolley, streetcar, train, light rail train, or other vehicle owned or operated by a public or private entity that provides public transportation services within the city of Kent; provided this definition shall not include taxicabs or “for-hire” vehicles as those vehicles are defined under the Kent City Code.

B. **Misdemeanor offenses on transit property and transit vehicles.** The following actions are prohibited in, on, or against all transit properties and

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*Prohibited Conduct on Transit Property and Vehicles*
transit vehicles. A person who commits one of the following acts is guilty of a misdemeanor:

1. Smoking or carrying a lighted or smoldering pipe, cigar or cigarette while in a transit vehicle;
2. Discarding litter other than in designated receptacles;
3. Playing a radio, tape recorder, audible game device or any other sound-producing equipment, except when the equipment is connected to earphones that limit the sound to the individual listener, with knowledge that this conduct is prohibited. However, the use of communication devices in the line of duty by city of Kent employees, transit agency or county employees, or police, fire, or other public safety officers is permitted, as is the use of private communication devices used to summon, notify or communicate with other individuals (such as "beepers" or portable telephones);
4. Spitting, expectorating, urinating, or defecating, except in restroom facilities;
5. Carrying flammable liquids, flammable or nonflammable explosives, acid or any other article or material of a type or in a manner that is likely to cause harm to others. However, cigarette, cigar or pipe lighters, firearms, weapons, and ammunition may be carried if in a form or manner that is not otherwise prohibited by law or ordinance;
6. Intentionally obstructing or impeding the flow of transit vehicle or passenger movement, intentionally hindering or preventing access to transit property, intentionally causing unreasonable delays in boarding or exiting, intentionally reclining or occupying more than one seat, or in any way intentionally interfering with the provision or use of transit services;
7. Unreasonably disturbing others by engaging in loud, raucous, unruly, harmful, abusive or harassing behavior;
8. Drinking an alcoholic beverage or possessing an open container of an alcoholic beverage by a passenger in a transit vehicle, or
in public areas of transit properties during hours when those areas are open to the public; provided, possessing and drinking an alcoholic beverage is not prohibited on transit property if authorized as part of a scheduled special event for which all required permits have been obtained and when said facilities are not in use for transit purposes; provided further, drinking by passengers is not prohibited with respect to transit vehicles that have been commercially chartered for group use and that have obtained any required permits to serve alcohol;

9. Dumping any materials whatsoever on transit property, including but not limited to chemicals and automotive fluids;

10. Throwing an object at transit property or at any person in transit property;

11. Failing to present a valid, unexpired pass, transfer or ticket or otherwise failing to pay the appropriate fare as required;

12. Possessing an un-issued transfer or tendering an un-issued transfer as proof of fare payment;

13. Falsely representing oneself as eligible for a special or reduced fare or obtaining any permit or pass related to the transit system by making a false representation;

14. Falsely claiming to be a transit operator or other transit employee; or through words, actions and/or the use of clothes, insignia or equipment resembling department-issued uniforms and equipment, intentionally creating a false impression that he or she is a transit operator or other transit employee;

15. Engaging in gambling or any game of chance for the winning of money or anything of value; and

16. Discharging a laser-emitting device on a transit vehicle, directing such a device from a transit vehicle toward any other moving vehicle or directing such a device toward any transit operator or passenger.
C. **Infractions.** The following actions are prohibited in, on or against all transit properties and transit vehicles. A person who commits one of the following acts in, on or in relation to transit property is guilty of a civil infraction to which chapter 7.80 RCW applies:

1. Allowing any animal to occupy a seat on transit property, to run at large without a leash, to unreasonably disturb others, or to obstruct the flow of passenger or bus traffic; but animals may occupy a passenger's lap while in a transit vehicle or in a transit property; provided, dogs that have been declared dangerous shall not be allowed on transit vehicles or transit property;
2. Allowing his or her animal to leave waste on transit property or in a transit vehicle;
3. Rollerskating, rollerblading or skateboarding;
4. Riding a bicycle, motorcycle, or other vehicle except for the purpose of entering or leaving passenger facilities on roadways designed for that use. Bicycles must be walked at all times and may not be transported on escalators. However, nothing in this section shall be construed to apply to commissioned peace officers or city employees engaged in authorized activities in the course of their employment;
5. Eating or drinking on transit vehicles, or in any area of transit property that has been posted as prohibiting eating or drinking;
6. Bringing onto a transit passenger vehicle any package or other object which blocks an aisle or stairway or occupies a seat if to do so would, in the vehicle operator's sole discretion, cause a danger to passengers or displace passengers or expected passengers;
7. Operating, stopping, standing, or parking a vehicle in any roadway or location restricted for use only by transit vehicles or otherwise restricted;
8. Riding transit vehicles for the purpose of sleeping, or using benches, floors, or other areas in transit facilities for the purpose of sleeping rather than for their intended transportation-related purposes;
9. Camping in or on transit property; storing personal property on benches, floors, or other areas of transit property;
10. Entering upon or crossing a road or rail tracks used by transit vehicles, except in marked crosswalks or at the direction of transit employees or public safety personnel;
11. Intentionally extending an object or a portion of one's body through the door or window of a transit vehicle while it is in motion;
12. Intentionally hanging or swinging on bars or stanchions, with feet off the floor, inside a transit vehicle or on other transit property; intentionally hanging onto or otherwise attaching oneself at any time to the exterior of a transit vehicle or other transit property;
13. Engaging in any sports on transit property without permission;
14. Parking a vehicle in a designated passenger parking area on transit property for more than seventy-two consecutive hours;
15. Using transit property for residential parking or unauthorized commercial parking purposes;
16. Unless authorized, cleaning or performing non-emergency repairs to a vehicle parked on transit property; and
17. Conducting driver training on transit property.

SECTION 3. - Severability. If any one or more section, subsections, or sentences of this ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

SECTION 4. - Effective Date. This ordinance shall take effect and be in force thirty (30) days from and after its passage as provided by law.

Suzette Cooke, Mayor

7 Prohibited Conduct on Transit Property and Vehicles
I hereby certify that this is a true copy of Ordinance No. 3877 passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.