

EMERGENCY

City of Cincinnati

JRS

BWB

An Ordinance No. 353

- 2020

**AUTHORIZING** the ongoing operation of the Cincinnati Bell Connector as a fare-free transit service upon the expiration of the sixty-day period established by Ordinance 281-2020, and **MODIFYING** the provisions of Title VII, "General Regulations," of the Cincinnati Municipal Code by **AMENDING**, Section 723-26 "Streetcar Designated Paid Fare Zone," of Chapter 723, "Streets and Sidewalks, Use Regulations," and Section 770-1-D, "Designated Paid Fare Zone," Section 770-1-F, "Fare Enforcement Agent," Section 770-3, "Unlawfully Obtaining Streetcar Services," Section 770-5, "Unlawful Interference with Streetcar Services," Section 770-7, "Notice of Violation; Exclusion from Streetcar System; Misdemeanor," and Section 770-9, "Enforcement of Civil Violations," of Chapter 770, "Streetcar Transit," to provide for the ongoing fare-free operation of the Cincinnati Bell Connector.

WHEREAS, pursuant to Ordinance 281-2020, City Council authorized the fare-free operation of the Cincinnati Bell Connector for a period of sixty days; and

WHEREAS, Council wishes to authorize the ongoing fare-free operation of the Cincinnati Bell Connector beyond the initial sixty-day fare-free period, and it has adopted a FY21 budget for the Cincinnati Bell Connector that would permit its operation as a fare-free transit system beyond the initial sixty-day period; and

WHEREAS, establishing the Cincinnati Bell Connector as an ongoing fare-free transit system will require the City Administration to work with the Federal Transit Administration, state regulators, and streetcar operator to make necessary operational adjustments and to develop updated regulations, policies, and procedures; and

WHEREAS, establishing the Cincinnati Bell Connector as an ongoing fare-free transit system additionally requires modifications to Cincinnati Municipal Code Chapter 770, "Streetcar Transit," as it currently penalizes use of the system without the payment of a fare; and

WHEREAS, in furtherance of its desire to permit the ongoing fare-free operation of the Cincinnati Bell Connector, the Council wishes to establish a clear and effective framework for ensuring the safety, security, and comfort of the passengers; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the Council authorizes the Cincinnati Bell Connector to operate as an ongoing fare-free transit service beyond the sixty-day period prescribed by Ordinance 281-2020.

Section 2. That the Council authorizes the City Manager or her designee to take all necessary and proper steps to operate the Cincinnati Bell Connector as an ongoing fare-free transit service, consistent with the FY21 streetcar budget, which authorization includes, but shall not be limited to, negotiating and executing agreements with the Federal Transit Administration, state regulators, streetcar operator, and other necessary counterparties to satisfy operational and enforcement needs, and which authorization further includes developing updated rules, regulations, policies, and procedures to account for operational and enforcement needs. The operation of the Cincinnati Bell Connector as a fare-free transit service shall not exceed existing streetcar appropriations for FY21.

Section 3. That Section 723-26, "Streetcar Designate Paid Fare Zone," of Chapter 723, "Streets and Sidewalks, Use Regulations," of the Cincinnati Municipal Code is hereby modified to read as follows:

**Sec. 723-26. – ~~Streetcar Designated Paid Fare~~ Streetcar Transit Zones.**

The Director of the Department of Transportation and Engineering may designate a streetcar station platform located in the public right-of-way as a designated paid fare streetcar transit zone, which area shall be accessible exclusively by persons having proof of fare payment or engaged in the purchase of fare medium for the limited purposes of boarding or disembarking a Cincinnati streetcar vehicle, waiting to board a Cincinnati streetcar vehicle, or purchasing a fare, as further governed by defined in chapter 770, "Streetcar Transit," of the Cincinnati Municipal Code. Designated paid fare streetcar transit zones shall be clearly marked and contain readily visible signage indicating "Fare Paid Streetcar Transit Zone Proof of Fare Required" or other similar notification~~warning~~.

Section 4. That Section 770-1-D, "Designated Paid Fare Zone," Section 770-1-F, "Fare Enforcement Agent," Section 770-3, "Unlawfully Obtaining Streetcar Services," Section 770-5, "Unlawful Interference with Streetcar Services," Section 770-7, "Notice of Violation; Exclusion from Streetcar System; Misdemeanor," and Section 770-9, "Enforcement of Civil Violations," of

Chapter 770, "Streetcar Transit," Chapter 770, "Streetcar Transit," of the Cincinnati Municipal Code are hereby modified to read as follows:

**Sec. 770-1-D. - Designated ~~Paid Fare~~ Streetcar Transit Zone.**

"Designated ~~paid fare streetcar transit zone~~" means an area designated by the city as a designated ~~paid fare streetcar transit zone~~ under section 723-26 of the Cincinnati Municipal Code for exclusive use by persons ~~having proof of fare payment or engaged in the purchase of fare medium for the limited purposes of boarding or disembarking a Cincinnati streetcar vehicle, waiting to board a Cincinnati streetcar vehicle, or purchasing a fare.~~

**Sec. 770-1-F. - ~~Fare~~ Enforcement Agent.**

"~~Fare~~ eEnforcement agent" means a person authorized by the city manager to enforce the standards of conduct set forth in this chapter 770, which person may be a city employee or a person designated by the streetcar transit provider with city manager approval.

**Sec. 770-3. - Unlawfully Obtaining Streetcar Services.**

It is prohibited for a person to intentionally obtain or attempt to obtain service for himself, herself, or another person from a streetcar transit provider by doing any of the following:

(a) When a fare is required, it shall be unlawful for any person to occupy, ride in or use, any streetcar vehicle without paying the applicable fare.

(b) When a fare is required, it shall be unlawful for any person to occupy, ride in or use, any streetcar vehicle without carrying proof of fare payment.

(c) When a fare is required, it shall be unlawful for any person occupying a streetcar vehicle, or occupying a streetcar platform upon disembarking a streetcar vehicle, to fail to carry or to fail to exhibit proof of fare payment upon request of an ~~an~~ fare-enforcement agent or a police officer.

(d) When no fare is required, it shall be unlawful for any person to occupy, ride in or use, a streetcar vehicle for longer than one complete revolution of the streetcar route.

(e) It shall be unlawful for any person to violate the posted ridership rules of the Cincinnati streetcar transit system.

(~~f~~) It shall be unlawful for any person to fail to provide his or her name, address and government issued identification to an ~~an~~ fare-enforcement agent or police officer who requests the information for the purpose of issuance or service of a notice of violation or other enforcement action under this chapter.

(~~g~~) It shall be unlawful for any person, required by this chapter to provide his or her name, address or identification, to provide a false name, address or identification.

(hf) Where self-service barrier-free fare collection is utilized by a streetcar transit provider, it is a violation of this section to fail to exhibit proof of fare payment upon the request of an fare enforcement agent when entering, riding upon, or leaving a streetcar vehicle or when in a designated ~~paid-fare~~ streetcar transit zone.

(ig) It shall be unlawful for any person to put or attempt to put any of the following into any fare box, pass reader, ticket vending machine, or other fare collection equipment of a streetcar transit provider:

- (1) Papers, articles, instruments, or items other than fare media, credit cards or currency; or
- (2) A fare medium that is not valid for the place or time at, or the manner in, which it is used.

**Sec. 770-5. - Unlawful Interference with Streetcar Services.**

A person is guilty of a violation of this section by violating any of the following:

- (a) No person unless authorized by an authorized representative of the streetcar transit provider shall operate a sound-emitting device aboard any streetcar vehicle or at a streetcar station stop unless the only sound produced by such item is emitted by a personal listening attachment (earphone) and is plainly audible only to the person using the device producing the sound, except that vehicle operators may operate electronic equipment for official business;
- (b) No person shall smoke tobacco or any other substance or shall carry any lighted or smoldering substance in any form or utilize any form of an e-cigarette or vaporizing paraphernalia aboard a streetcar vehicle or at a streetcar station stop or within any space where posted signage prohibits smoking;
- (c) No person shall bring or carry aboard a streetcar vehicle food or beverages in open containers, nor consume food aboard a streetcar vehicle;
- (d) No person shall possess an open container of alcoholic beverage on a streetcar vehicle or at a streetcar station stop, unless authorized by the streetcar transit operator in a manner consistent with applicable law;
- (e) No person shall make excessive or unnecessary noise, including boisterous, disruptive and unreasonably loud conduct, within any streetcar vehicle or streetcar station stop that may cause inconvenience or annoyance to the public, Cincinnati streetcar personnel, or ~~fare~~-enforcement agents or a police officer; or perform vocal or instrumental music, without the prior authorization of the streetcar transit provider;
- (f) No person shall enter or remain upon, occupy or use a designated ~~paid-fare~~ streetcar transit zone for purposes other than boarding, or deboarding a streetcar vehicle, ~~disembarking~~ or waiting for a streetcar vehicle, or purchasing a fare. A person is in violation of this section only after having occupied a designated ~~paid-fare~~ streetcar

transit zone for a period of time that exceeds that which is necessary to wait for, board or ~~deboard~~disembark a streetcar vehicle, or to purchase a fare. It shall be *prima facie* evidence of a violation of this section if a person remains in a designated streetcar transit zone after two streetcar vehicles stop and the person does not board either of the streetcar vehicles;

- (g) No person shall interfere with the safe and efficient operation of a streetcar vehicle through conduct which includes, but is not limited to the following:
  - (1) Extending any portion of his or her body through any door or window of a streetcar vehicle while it is in motion;
  - (2) Attempting to board or de-board a moving streetcar vehicle;
  - (3) Lying down on the floor in a streetcar vehicle or across the seats of a streetcar vehicle or station in a manner which inhibits the proper use of seats provided for waiting or boarding riders;
  - (4) Unreasonably preventing or delaying the closure of an exterior door on a streetcar vehicle;
  - (5) Striking or hitting a streetcar vehicle, station or shelter; or
  - (6) Stopping or crossing in front of a streetcar vehicle for the purpose of stopping the vehicle or gaining passage after the vehicle has concluded boarding, or in any manner hanging onto or attaching to, any exterior part of a streetcar vehicle while the vehicle is resting or in motion.
  - (7) No person shall fail to comply with any lawful order or direction of an enforcement agent or an employee of the Cincinnati streetcar transit system or streetcar transit provider, invested with authority to direct, control or regulate the safe and efficient operations of the streetcar vehicle.
- (h) No person shall discard or deposit or leave any rubbish, trash, debris, offensive substance or other solid or liquid waste in or upon a streetcar vehicle, or streetcar station stop, except in receptacles provided for that purpose;
- (i) No person shall spit, defecate or urinate in or upon a streetcar vehicle;
- (j) No person shall bring or carry aboard a streetcar vehicle or be present at a streetcar station stop with an animal except:
  - (1) A person accompanied by a service animal or a person training a service animal and that service animal is under the control of the person by leash, harness or other device made for the purpose of controlling the movement of an animal; or
  - (2) A person transporting an animal if:

(A) The animal is kept and held at all times within a secure container appropriate for carrying the size and type of animal; and

(B) The animal can be transported without risk of injury to the animal and without risk of harm or inconvenience to other riders or Cincinnati streetcar personnel, and in accordance with all other provisions of this Chapter.

(C) The animal is a trained police dog accompanied by a police officer.

(k) No person shall sleep on a streetcar facility; or

(l) No person shall activate or utilize streetcar vehicle emergency equipment such as door egress devices, intercoms, fire extinguishers or any other emergency equipment when no emergency exists.

**Sec. 770-7. - Notice of Violation; Exclusion from Streetcar System; Misdemeanor.**

(a) When an an fare enforcement agent ascertains that a violation of this chapter 770 has occurred, a written notice of civil offense shall be personally served upon the violator in accordance with Section 1501-13, except that the notice of civil offense may be issued by an an fare enforcement agent.

(b) A person found violating this chapter shall be required to ~~disembark~~ deboard the streetcar vehicle and leave any designated ~~paid-fare~~ streetcar transit zones and shall be prohibited from entering streetcar vehicles or designated ~~paid-fare~~ streetcar transit zones for 24 hours or such time as prescribed in an exclusion notice issued by the city or by the streetcar transit service provider in accordance with a duly adopted exclusion policy.

A person violating an exclusion requirement under this section 770-7 or who refuses to comply with order under section 770-9(b) shall be guilty of a misdemeanor of the fourth degree and shall be fined not more than \$250 or imprisoned not more than 30 days, or both.

**Sec. 770-9. - Enforcement of Civil Violations.**

(a) The city manager may authorize designated city employees and the Cincinnati streetcar transit provider or its designated agents to act as ~~fare~~ enforcement agents with authority to issue administrative citations for violations of sections 770-3 and 770-5. The city manager may revoke his or her authorization(s) under this section at his or her sole discretion.

(b) Any police officer or ~~fare~~ enforcement agent, including designated persons within the Cincinnati police department or a regional transit authority police officers, may refuse entrance to streetcar facilities, including, without limitation, a streetcar vehicle or designated ~~paid-fare~~ streetcar transit zone, or require departure from a streetcar vehicle or streetcar station stop of any person:

(1) Who violates any provision of this chapter 770; or

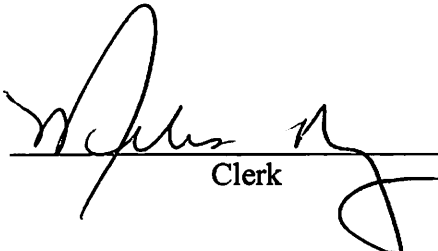
(2) Who has been issued a notice of exclusion under section 770-7.

Section 5. That the existing Section 723-26, "Streetcar Designated Paid Fare Zone," of Chapter 723, "Streets and Sidewalks, Use Regulations," and Section 770-1-D, "Designated Paid Fare Zone," Section 770-1-F, "Fare Enforcement Agent," 770-3, "Unlawfully Obtaining Streetcar Services," Section 770-5, "Unlawful Interference with Streetcar Services," Section 770-7, "Notice of Violation; Exclusion from Streetcar System; Misdemeanor," and Section 770-9, "Enforcement of Civil Violations," of Chapter 770, "Streetcar Transit," of Chapter 770, "Streetcar Transit" of the Cincinnati Municipal Code are hereby repealed.

Section 6. That the City Manager and the proper City officials are hereby authorized to do all things necessary and proper to comply with the terms of Section 1 through 5 hereof.

Section 7. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need for the City Manager and the proper City officials to take necessary and proper actions to ensure the ongoing fare-free operations of the Cincinnati Bell Connector prior to the expiration of the initial sixty-day fare free period authorized by Council.

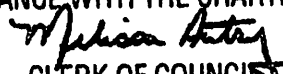
Passed: October 14, 2020

Attest:   
Clerk

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John Cranley, Mayor

Deletions are struck through. Additions are underlined.

I HEREBY CERTIFY THAT ORDINANCE NO. 353 2020  
WAS PUBLISHED IN THE CITY BULLETIN  
IN ACCORDANCE WITH THE CHARTER ON 10-27 2020

  
CLERK OF COUNCIL