

ORDINANCE NO. 006-75

AN ORDINANCE AMENDING
ORDINANCE 98-126 BY
CONSOLIDATING IT WITH
ORDINANCE 94-27

WHEREAS, On September 11, 1991, the Chicago Transit Board ("Board") adopted Ordinance Number 91-170, governing use of paid areas of Chicago Transit Authority rail property; and

WHEREAS, On February 8, 1994, the Board passed Ordinance No. 94-27, amending and restating Ordinance Number 91-170 governing performance on property owned, operated or maintained by the Chicago Transit Authority; and

WHEREAS, On November 12, 1998, the Board passed Ordinance Number 98-126, establishing rule of conduct to promote health, safety and welfare on property owned, operated and maintained by the Chicago Transit Authority, thereby establishing uniform penalties for the ordinance violations; and

WHEREAS, On April 21, 1999, the City Council of the City of Chicago passed Municipal Ordinance 10-8-526, giving the Chicago Police Department the authority of enforce the provisions of CTA Ordinance 98-126. This is colloquially known as an enabling ordinance; and

WHEREAS, The Chicago Transit Authority seeks to incorporate the provisions of CTA Ordinance 94-27 into CTA Ordinance 98-126 in order to ensure that the Chicago Police Department has the express authority to enforce all of the provisions of CTA Ordinance 94-27; now therefore:

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

SECTION 1. Ordinance 94-27 is hereby rescinded.

SECTION 2. Ordinance 98-126 is hereby amended and restated to read in its entirety as follows:

It is a violation of this ordinance for any person:

2.1 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.

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2.2 Solicitation - Begging

to beg or solicit money or anything of value on property owned, operated or maintained by the CTA.

2.3 Food and Beverages

to consume any food or beverage, excluding medicine, upon any CTA bus or train.

2.4 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.

2.5 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.

2.6 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.

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

2.7 Indecent Exposure

to expose one's breast, buttocks, or genitals on property owned, operated or maintained by the CTA, provided that breast-feeding of infants does not violate this ordinance;

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

2.8 Smoking

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

2.9 Disorderly Conduct

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.

- (a) 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.

2.10 Gambling

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

2.11 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) to discard used or unconsumed substance or waste.

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2.12 Unauthorized Dissemination of Material

to post, stick, stamp, paint, or affix any sign, notice, circular, handbill, placard, poster, card, advertisement or other device calculated to

- (a) attract the attention of the public on any property owned, operated or maintained by the CTA.
- (b) to distribute advertising or other material of any kind within CTA buses or trains or within CTA buses or trains or within the paid area of CTA rail or bus terminals or platforms.

2.13 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.

2.14 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.

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2.15 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.

2.16 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 3. Any person who violates Section 2 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:

3.1 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.

3.2 Supervision

to complete a period of supervision.

3.3 Restitution

restitution when the violation involves damage to property.

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3.4 Community Service

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

SECTION 4. Any person who violates Section 2 of this ordinance shall be immediately removed from CTA property.

SECTION 5. In interpreting or applying the rules set forth in Section 2 of this ordinance, the following provisions shall apply:

5.1 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.

5.2 Accountability

these rules shall apply with equal force to any person who either before or during the commission of an offense, and with the intent to promote or facilitate the commission of an offense, he knowingly solicits, aids, abets, agrees to aid, or attempts to aid the other person in the planning or commission of an offense(s) or act(s) prohibited by this ordinance.

SECTION 6. The following terms are defined for purposes of this ordinance:

(a) The “four designated performance areas” are located on the platforms in the following stations:

1. Washington and State Streets;
2. Jackson and State Streets;
3. Washington and Dearborn Streets; and
4. Jackson and Dearborn Streets.

The designated performance area on each platform is located between the pair of stairwells descending from the station platform to the transfer tunnel and is bounded on the north and south by the stairwells and on the east and west by imaginary lines extending from and connecting both sides of each of the stairwells.

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- (b) “Perform” or “performance” means expressive activity such as, but not limited to acting, dancing, singing, painting, playing musical instruments, juggling, pantomime, magic, oration, rapping or reciting, whether done by an individual or group.
- (c) “Performer” means an individual who possesses a valid permit and identification badge issued pursuant to this ordinance.

SECTION 7. Except as otherwise provided by this ordinance, no person shall engage in any performance on property owned, operated or maintained by CTA.

SECTION 8. Performances on CTA property are permitted only in the four designated performance areas and only by those persons possessing a valid permit and identification badge issued pursuant to this ordinance. If a group of persons wishes to perform in any of the four designated performance areas, each person in the group must possess a valid permit and identification badge.

SECTION 9. Applications for permits for performances in the four designated performance areas shall be available from CTA. An application for a permit shall contain the applicant’s name, address and telephone number and a signed statement by the applicant agreeing to abide by the regulations set forth in this ordinance. Upon receipt of a person’s signed application and a ten dollar (\$10.00) annual processing fee, CTA shall issue that person a permit and identification badge and a copy of this ordinance. Permits and identification badges are not transferable. Permits and identification badges are not valid as a paid fare.

SECTION 10. Permits and identification badges shall be valid for a period of one (1) year and are applicable to performance in any of the four designated performance areas. The four designated performance areas are available for performances on a first-come, first-served basis.

SECTION 11. When performing in any of the four designated performance areas, each performer must display prominently his or her identification badge.

SECTION 12. All performers must confine their performances to the four designated performance areas and may not litter, deface or destroy these areas or any areas appurtenant thereto.

SECTION 13. No performer may obstruct, interfere with, or hinder the orderly flow of vehicular or foot traffic, including but not limited to ingress to and egress from the paid areas of CTA rail property. No performer may use any CTA bench during any performance. All performers must be prepared to vacate immediately the designated performance area in the event of an emergency.

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SECTION 14. No performance in any one of the four designated performance areas may generate any sound exceeding 80 decibels when measured from a distance of 10 feet. In no event may the noise levels generated by performances in any of the four designated performance areas interfere with the ability of persons to hear announcements over the public address system or by CTA employees or agents or Chicago Police or other law enforcement officials, or interfere with the ability of sight-impaired persons to utilize transit facilities or services.

SECTION 15. If a performer violates Sections 7 through 14 of this ordinance, the CTA may have the performer removed immediately from the property, confiscate his or her permit and revoke said permit for a period of up to 1 year. No permit may be revoked unless the CTA holds a hearing concerning that revocation, written notice of such hearing having been given to the performer no fewer than 7 calendar days prior to the hearing. Such notice shall set forth the facts constituting the basis for the proposed revocation. The performer may appear at the hearing and make comments or answer questions or both. Within 10 business days of the hearing, CTA shall send the performer written notice of the determination of CTA and, if the determination is to revoke the permit, then the written notice shall contain a statement of the reasons for that determination.

SECTION 16. Each performer shall indemnify and hold harmless CTA and its directors, officers, representatives, employees and agents from any all claims, demands, liabilities or causes of action of any kind, including costs and attorney's fees, arising out of such performer's performance.

SECTION 17. If, as a result of a final judicial determination, CTA is not permitted to limit performances to the four designated performance areas, then no performances shall be permitted on any property owned, operated or maintained by CTA.

SECTION 18. 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 19. This ordinance shall be in full force and effect from and after its passage.

APPROVED:

PASSED:

Chairman

Assistant Secretary

June 14, 2006

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