

ORDINANCE 19-2025

AN ORDINANCE ESTABLISHING PROCEDURES GOVERNING SUSPENSIONS OR REVOCATIONS OF THE PRIVILEGE TO RIDE OWENSBORO TRANSIT SYSTEM BUSES.

WHEREAS, the Owensboro Transit System (OTS) operates buses to provide transportation to city residents; and

WHEREAS, it is occasionally necessary to suspend or revoke the privilege of certain bus passengers to ride OTS buses to ensure the safety and wellbeing of other passengers and bus drivers; and

WHEREAS, the Owensboro Municipal Code of Ordinances (OMC) presently lacks a procedure to ensure that passengers who have received a suspension or revocation of their bus privileges receive a fair hearing or have the right to appeal a determination adverse to them; and

WHEREAS, the Board of Commissioners wishes to establish a new section of the OMC creating a procedure to govern suspensions and revocations of bus privileges.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF OWENSBORO, KENTUCKY, AS FOLLOWS:

Section 1. *Prohibited Conduct.* While at a bus stop or riding a bus, passengers of the Owensboro Transit System are prohibited from:

- a) Engaging in any disruptive or violent behavior or using abusive or profane language;
- b) Threatening other passengers or the bus driver;
- c) Using tobacco products, vaping, or eating or drinking on the buses;
- d) Possessing or using illegal substances or alcohol;

- e) Carrying flammable liquids or explosive devices on the bus;
- f) Damaging the bus or bus stop, or any property located therein;
- g) Sleeping;
- h) Violating any other rules or regulations of the Owensboro Transit System posted on buses or at bus stops; and
- i) Engaging in any other criminal behavior.

Section 2. *Enforcement.* The transit manager, public works director and their designees shall enforce all transit rules and regulations, and are hereby authorized, in their individual discretion, to temporarily suspend the privilege of any person or persons to ride any Owensboro Transit bus upon his or her determination, based on observation, reliable information or other probative evidence that said person or persons have violated one (1) or more of the provisions of Section 1, or rules and regulations governing city buses and bus stops. The suspension of the privilege to ride city buses shall be effective immediately from and after verbal notification to the person or persons involved, and shall remain in effect for a maximum period of one hundred twenty (120) hours following notice of suspension unless the privilege is further suspended or revoked as provided in Section 3 below. Any person or persons temporarily suspended under this section shall upon notification of suspension, immediately leave the bus or bus stop and shall not return until the privilege has been reinstated. Any person suspended under this section who refuses to leave a city bus or bus stop shall be deemed to have committed a trespass and may be forcibly removed by a law enforcement officer and arrested, if necessary.

Section 3. *Unlawful Conduct or Violation of Rules and Regulations on City*

Buses or in Bus Stops; Authority of City Manager Regarding Suspension/Revocation of Privileges.

- a) *Authority of City Manager; Suspension/Revocation.* The city manager, upon the recommendation of the transit manager and/or the public works director, is authorized, in his sole discretion, to suspend and/or revoke temporarily (indefinitely) or permanently, the privilege of any person or persons to use city buses if, upon review of all evidence relevant thereto, he finds by a preponderance of the evidence, that a person or persons have, while on a city bus or in a bus stop, violated one (1) or more state or local laws, the provisions of Section 1, or violated any rules or regulations governing the use of city buses and determines that it is in the best interest of the city to suspend or revoke that person's or persons' privileges.
- b) *Suspension/Revocation; Notice Requirements; Factors Considered.* Prior to consideration of any recommendation regarding suspension or revocation in excess of one hundred twenty (120) hours, temporary or permanent, the city manager shall attempt to notify in writing the person or persons whose privileges may be suspended or revoked, if the identity and address of the person or persons are known or may be reasonably ascertained. The notice shall advise said person that a recommendation has been submitted to the city manager to suspend or revoke his or her privilege to enter upon and use city buses, and shall advise said person that he or she has ten (10) days to "show cause" in writing why his or her bus privileges should not be suspended or revoked as recommended. In rendering his decision, the city manager shall consider all

relevant evidence, including any statements or evidence submitted by the person or persons whose privileges may be suspended or revoked. Within three (3) days of receipt of the transit manager's or public works director's recommendation, the city manager shall accept, reject or modify the recommendation regarding suspension or revocation, as he deems necessary and appropriate, and shall notify the transit manager, the public works director and the person or persons whose privileges are subject to suspension or revocation, of his decision in writing. The suspension or revocation of the privilege to use city buses shall be effective immediately from and after verbal notification to the person involved by the city manager, transit manager, public works director or any other designated employee of the city, or the mailing of the notice of suspension or revocation to the last known address of the person or persons thus offending, whichever occurs first. Notice of suspension or revocation shall include information and instructions regarding the appeal process set forth in Section 4 below.

- c) The city police department shall be notified of any and all suspensions or revocations under Sections 2 and 3.

Section 4. *Appeal Procedure.* Any person aggrieved by a decision of the city manager under Section 3 of this ordinance may appeal same to the board of commissioners by filing a written notice of appeal with the city clerk within ten (10) days after the decision is rendered. The appeal shall be heard within twenty (20) days after the notice of appeal is filed. The appeal shall be based solely on the record of evidence considered by the city manager in rendering his decision, except when the board of commissioners, in its sole discretion, requests additional evidence from interested

parties or other witnesses.

Section 5. *Law Enforcement Authority; Penalties.*

- a) The police power of the city shall extend over and apply to all city buses now owned and hereafter acquired. In addition to any other criminal offenses and penalties provided by state law, it shall be unlawful for any person to violate any provision in this section or any rules and regulations governing the proper use of city buses. Any person found to be in violation shall upon conviction thereof be fined in an amount not to exceed two hundred and fifty dollars (\$250.00).
- b) It shall be unlawful for any person to enter upon, use or remain on any city bus or bus stop in violation of any order of suspension or revocation issued under the provisions of this section to said person. Any person found to be in violation of a suspension or revocation shall, upon conviction thereof, be guilty of a misdemeanor and may be fined in an amount not to exceed five hundred dollars (\$500.00) and/or sentenced to jail for a term not to exceed thirty (30) days, or both. In addition, violation of any order of suspension or revocation by any person thus offending shall constitute a trespass, and any and all members of local law enforcement agencies with proper jurisdiction are hereby authorized to forcibly remove from city buses and bus stops and arrest, if necessary, any person who violates any such suspension or revocation order and commits a criminal trespass.

Section 6. *Bus Station and Bus.* For all purposes of this section, the bus station shall be deemed a bus stop and the term bus shall include the trolley.

INTRODUCED AND PUBLICLY READ ON FIRST READING, this the 4th day of
November, 2025.

PUBLICLY READ AND APPROVED ON SECOND READING, this the 18th day
of November, 2025.

Thomas H. Watson, Mayor

ATTEST:

Beth Davis, City Clerk