

**TOWN OF PARACHUTE, COLORADO**  
**RESOLUTION NO. 2023-24**

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**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PARACHUTE, COLORADO, ADOPTING A PARACHUTE AREA TRANSIT SYSTEM (PATS) PASSENGER CODE OF CONDUCT AND SUSPENSION POLICY**

**WHEREAS**, the Town of Parachute (“Parachute” or the “Town”) is a home-rule municipality organized under Article XX of the Colorado Constitution and with the authority of the Parachute Home Rule Charter (the “Charter”); and

**WHEREAS**, the Parachute Area Transit System (PATS) (the “System”) is a department of the Town of Parachute and provides regular mass transit services to community members in Parachute, Battlement Mesa, and Rifle; and

**WHEREAS**, the Town wishes to protect the well-being and safety of all passengers, employees, and agents of the System; and

**WHEREAS**, the Town wishes to create clear expectations and what is considered acceptable and unacceptable conduct for users of the System; and

**WHEREAS**, the Town Council wishes to create procedures and guidelines for riders that violate this Passenger Code of Conduct; and

**WHEREAS**, the Town Council has determined that it is in the best interest of the public health, welfare, and safety of the residents of the Town of Parachute to adopt PATS Passenger Code of Conduct and Suspension Policy.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PARACHUTE, COLORADO:**

Section 1.     Recitals. The foregoing recitals are incorporated herein as if set forth in full.


Section 2.     PATS Passenger Code of Conduct and Suspension Policy. The Town Council of the Town of Parachute hereby adopts the PATS Passenger Code of Conduct and Suspension Policy, attached hereto as **Exhibit A**.

**INTRODUCED, PASSED, ADOPTED, AND APPROVED** by a vote of 4 to 0 of the Town Council of the Town of Parachute, Colorado at a regular meeting held at Town Hall in the Town of Parachute, Colorado, on the 20<sup>th</sup> day of July 2023 and approved by the Mayor on the 20<sup>th</sup> day of July 2023.

**TOWN COUNCIL OF THE  
TOWN OF PARACHUTE, COLORADO**

**ATTEST:**  
  
Lucy Spalenka, Town Clerk



  
\_\_\_\_\_  
Tom Rugaard, Mayor



## **PASSENGER SUSPENSION POLICY**

### **Purpose:**

In the interest of public safety as well as compliance with federal law, state law and/or the PATS Passenger Code of Conduct Policy, a person may not engage in prohibited conduct on any PATS vehicles, operational and maintenance facilities, and property, including but not limited to bus shelters, bus stops, administrative, and/or PATS equipment.

Violation of the above may subject a person to enforcement ranging up to and including the following:

- i) A verbal or written Notice of Suspension,
- ii) Immediate suspension, and/or
- iii) A criminal citation.

An individual suspended from the transit system will not be entitled to any refund of unused fare media that may expire during the period of suspension.

In addition, this policy and procedure does not preclude any Town official, officer, and/or PATS staff member from immediately removing any passenger or member of the public, denying service, or otherwise acting to protect the personal safety and well-being of themselves and others. PATS and the Town of Parachute has the right to refuse service or remove any passenger from a PATS vehicle if the person is disruptive, violent, and/or posing a risk to others.

### **1. PATS Transit Suspension Procedure**

Committing a violation of federal law, state law, municipal code, and/or the PATS Passenger Code of Conduct Policy may be cause for suspension of a person's privileges to enter upon PATS property and use of the transit system. Notice of such suspension shall be in a written Notice of Suspension form and will notify the person suspended of the cause, the period of the suspension, appeal procedures, and that failure to comply may be grounds for criminal prosecution. Notice of Suspension may be issued by PATS personnel or local law enforcement.

Local law enforcement and PATS, and Town staff have the authority to remove, immediately, a person from PATS property who violates federal law, state law, and/or the Prohibited Conduct set forth within the PATS Passenger Code of Conduct.

In the event of immediate suspension, local law enforcement or Town staff will order an immediate exit from PATS property. In addition to prompt removal from PATS property, the passenger will also receive a Notice of Suspension. In the event of an immediate suspension, the duration of the suspension becomes effective at the time of issuance of the Notice of Suspension.

## 2. Length of Suspension

Generally, the following criteria will determine the length of suspensions for each passenger found in violation of federal law, state law, and/or PATS Passenger Code of Conduct. These are intended to be illustrative and guidelines only. The Town reserves the right to issue penalties in excess of these guidelines, depending on the severity of the offense, in the Town's sole discretion.

- a. **First Offense:** Passenger suspension – not to exceed 90 days.
- b. **Second Offense:** Passenger suspension – 90 days up to 365 days.
- c. **Third Offense:** Passenger suspension – 365 days up to permanent suspension.

A person receiving a Notice of Suspension for a criminal act against a person, and/or a crime involving physical assault, a firearm, or other dangerous weapon within a rolling 24-month period is subject to suspension from PATS transit services:

- a. **First Offense:** Passenger suspension – up to 365 days, and depending on the severity of the offense, up to a permanent ban from the PATS transit system.
- b. **Second Offense:** Passenger suspension – 365 days up to permanent suspension.
- c. **Any criminal act against a PATS employee:** Passenger suspension – 365 days up to permanent suspension.

If a passenger refuses to receive their copy of their citation for their violation, the passenger may be subject to the following additional terms to their suspension/s:

- a. **First Offense:** Passenger suspension – not to exceed 30 days, in addition to the time of suspension for the underlying violation.
- b. **Second Offense:** Passenger suspension – not to exceed 90 days, in addition to the time of suspension for the underlying violation.
- c. **Third Offense:** Passenger suspension – not to exceed 365 days, in addition to the time of suspension for the underlying violation.

If the suspended passenger elects to use PATS services during the period of suspension, they may incur additional penalties, from additional suspension days up to and including charges for criminal trespass.

## 3. Appeal of Suspension

### Right to a Hearing

1. Every person issued a Notice of Suspension shall be entitled to a hearing as a matter of right. The purpose of the hearing is (a) to review and determine whether the evidentiary basis for issuance of the suspension is sufficient pursuant to PAT's Code of Conduct; (b) to determine whether the length and scope of the suspension is commensurate with the nature of the violation; (c) to render a finding on whether it is more probable than not that the individual engaged in conduct justifying the suspension; (d) consider any mitigating and aggravating factors relevant to the scope and length of the suspension; (e) and issue a final suspension order to sustain, modify, or set aside the passenger suspension. Such an instance that may warrant reconsideration or modification of a suspension includes, but is not limited to, resolution of the criminal matter in that is the

basis of the suspension. All persons receiving a notice of suspension receive notice of their right to a hearing on the Notice of Suspension.

### **Proceedings**

1. Any persons issued a Notice of Suspension may appeal their suspension to the Town Manager, within ten (10) business days of issuance.
2. A request for appeal must be made in writing, either by mail or email, and include the following:
  - a) The Notice of Suspension
  - b) The grounds for appeal, and
  - c) The date of request and contact information of requestor
3. If a person issued the Notice of Suspension is unable to submit an appeal, their representative, upon written verification regarding the representative's right to act on behalf of the person issued the suspension notice may submit the request. A representative may include, but is not limited to, an attorney, parents of minor suspended, guardian ad litem and/or representative with the power of attorney.
4. In the event the person does not appeal their suspension to the Town Manager, or the Town Manager's designee, within ten (10) business days, the original Notice of Suspension becomes final.

### **Scheduling of Appeal Hearings**

1. **Hearing Date:** The person seeking an appeal of a suspension shall submit their request to the Town Manager, either by email [info@parachutecolorado.com](mailto:info@parachutecolorado.com) or written letter to the Town Manager, Town of Parachute, CO 222 Grand Valley Way, Parachute, CO 81635. The Town Manager, will contact the individual by phone or mail to schedule a hearing within ten (10) business days of receipt of the Notice of Appeal.
2. **Continuance:** The Town Manager, or the Town Manager's designee, may grant a continuance, on its own motion or by motion of suspended passenger, if a continuance is warranted or necessary. The Town Manager or designee has the sole discretion to grant or deny a continuance.

### **Evidence at Hearing**

1. The Town Manager, or the Town Manager's designee, will review all relevant information and shall consider any mitigating or aggravating factors in determining the appropriate scope and length of the suspension, in his/her sole discretion. After consideration of the evidence presented, the Town Manager or Town Manager's designee may sustain the suspension, modify the suspension, or set aside the suspension.

### **The Final Order**

1. Within ten (10) business days following the conclusion of the hearing, the Town Manager, or the Town Manager's designee shall issue a Final Order setting forth all findings and decisions on the suspension, unless issuance of a final order within ten (10) days is not practicable. If a final order cannot be issued within ten (10) business days of the conclusion of the hearing, the Town Manager, or the Town Manager's designee shall extend the stay on the suspension until the final order is effect. The

Final Order shall be deemed issued on the date of mailing to all parties at the address provided by the parties, through regular U.S. Mail, or Email, and becomes effective three (3) business days from the date of issuance.

2. The Final Order shall set forth the findings of the Town Manager, or the Town Manager's designee, and the basis for such findings. If the Final Order Sustains or modifies the Notice of Suspension, the Final Order shall clearly set forth the period of the suspension, including the exact starting and ending date.



**NOTICE OF SUSPENSION**

**VIOLATION OF SAFETY & RIDER CODE OF CONDUCT**

Date \_\_\_/\_\_\_/\_\_\_ Time \_\_\_ Incident Location \_\_\_\_\_

Name \_\_\_\_\_

Last

First

Middle

AKA \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_ Zip \_\_\_\_\_ PH ( ) \_\_\_\_\_ - \_\_\_\_\_

DOB \_\_\_/\_\_\_/\_\_\_ Sex M F Race \_\_\_ Ht \_\_\_ Wt \_\_\_ Eyes \_\_\_ Hair \_\_\_

ID# \_\_\_\_\_ St \_\_\_\_\_

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**SUSPENSION ORDER**

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On the \_\_\_ day of \_\_\_\_\_, 20\_\_ at or about \_\_\_ M, at \_\_\_\_\_  
which is property owned, leased or under direct control of PATS you violated the following  
municipal ordinance \_\_\_\_\_, and/or failed to comply with reasonable passenger Code of  
Conduct by committing the following act(s): \_\_\_\_\_

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Because of this violation, you are hereby excluded from, and prohibited from entering or remaining upon, the PATS Bus system, including but not limited to any bus, bus stops, transit center or park and ride facility and all property owned or leased by PATS.

**You are excluded for a period of:** \_\_\_\_\_

This suspension order is in effect immediately and continues until 12:00 AM on \_\_\_\_\_, 20\_\_\_\_. If, during the period of suspension, you enter or remain upon any part of the PATS Bus system you will be subject to arrest for the crime of Criminal Trespass and may receive an extended period of suspension up to and including a permanent suspension order.

Per the PATS Suspension Policy, you may submit an appeal of this order to the Town Manager within ten (10) days of issuance of the suspension notice. For details on the suspension appeal process, visit [ridepats.com](http://ridepats.com).

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I certify, under the penalty of perjury, the foregoing is true to the best of my information, knowledge and belief.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_





## Suspension Appeal Ruling

TO: \_\_\_\_\_

Dear \_\_\_\_\_,

On today's date, \_\_\_/\_\_\_/\_\_\_\_\_, a hearing was scheduled at your request. The purpose of this hearing was to allow you the opportunity to appeal the decision to suspend your riding privileges. **Please Note: this hearing is not an adjudicative process and not under the jurisdiction of the Colorado Administrative Procedures Act.**

The Hearing Officer has heard your appeal and based on the totality of the circumstances that led to your suspension, has made a decision. The conclusion of this hearing is that the suspension shall be: \_\_\_\_\_.

- a) **Sustained** – suspension order stands as is, no modifications
- b) **Reinstated** – suspension order revoked and riding privileges reinstated.
- c) **Modified** – suspension order stands, but reduced to \_\_\_\_\_ Months, Weeks, Days or deferred for a period of: one year, six months, three months from the date of this notice. *(A deferred decision means that you may use the service providing that there are no future incidents that are illegal or cause a disruption with PATS services to any degree for the above period specified.)*

Signature of Respondent: \_\_\_\_\_ Date: \_\_\_\_\_

Printed name of Respondent: \_\_\_\_\_

The decision of this hearing is final and not subject to further appeal.

Sincerely,



## Passenger Code of Conduct

The intent of this code is to ensure the safe operation of PATS services and facilities. Violations of this code along with the violation of any PATS policy, procedure or direction by PATS employees are subject to suspension of service as outlined by the PATS Suspension Policy.

### Advisory

- All PATS buses and facilities are under video and audio surveillance.
- Drivers have the right to refuse service to intoxicated, dangerous, or problematic persons.
- Stay clear of the doors until they are opened, and always exit towards the rear of the vehicle. Do not cross in front of a bus.
- Yield your seat to seniors or individuals with disabilities.
- Report suspicious packages or behavior to the bus driver
- Have your correct fare ready.

### Code of Conduct

- No illegal activity on PATS buses or property,
- Passengers must follow bus operator directions and all PATS policies and applicable, PATS rules and regulations,
- No smoking, food, drinks, weapons, offensive language, or loud music / noise,
- No pets, other than registered service animals
- No consumption of alcohol or open alcohol containers,
- No fare evasion,
- No littering on the bus, and passengers are expected to clean up after themselves,
- No muddy shoes or clothing,
- No disrupting the safe operation of bus or bus operator duties,
- No disruptive or abusive behavior or language on PATS buses or on PATS property,
- No loitering on PATS property,
- No vandalism of any kind on PATS buses or property,
- No shouting or talking loudly; including on cell phones,
- Riders must maintain safe personal hygiene,
- Shoes, shirts and bottoms are required; no roller skates.