



## **Trespass Policy of Area Transportation Authority of North Central Pennsylvania**

### **I. Purpose**

The Area Transportation Authority (“ATA”) has adopted this trespass policy (the “Policy”) in an effort to enhance the safety and security of its properties within Cameron, Clearfield, Elk, Jefferson, McKean and Potter Counties. The purpose of the Policy is to provide a written procedure for banning persons, who have engaged in activities that threaten the health, safety or right to peaceful enjoyment of ATA’s properties.

### **II. Definitions**

- A. Police Department: Any police department having jurisdiction over any properties that are owned or leased by ATA.
- B. Trespass: For the purpose of this Policy, ATA considers trespass to be actions defined below in addition to any definition of trespass as described in 18 Pa. Stat. and Cons. Stat. Ann. § 3503.
- C. Trespassed Person: A person who has been banned from entering ATA Property in accordance with the Policy or who has performed one of the acts defined by the Pennsylvania Crimes Code as set forth in Section A.
- D. ATA Property: The properties owned and maintained by ATA. ATA Property is private property. ATA Property includes, but is not limited to, the buildings within the ATA communities, the common areas, and parking lots within the properties owned by ATA. Signs have been posted on ATA Property that clearly identify the property as private property.

### **III. Procedure**

- A. Authorized Persons. Entrance to ATA Property is restricted to ATA patrons, authorized visitors and guests, during ATA hours of operation; as well as authorized ATA staff, representative agents, contractors, and law enforcement officials carrying out official ATA or law enforcement business as necessary to protect the interests of ATA.

B. Persons Subject to Trespass. Any person who has engaged in activities that threaten the health, safety and right to peaceful enjoyment of ATA patrons, authorized visitors or guests, or ATA staff or agents may be prohibited from entering all ATA Property. Examples of persons who may be banned from ATA Property include, but are not limited to, the following:

1. A person who engages in a verbal or physical confrontation with any law enforcement officer, ATA staff or agent, resident, household member or authorized guest or visitor while on ATA Property.
2. A person who engages in any drug related criminal activity on or off the property.
3. A person who engages in any criminal activity that threatens the health, safety and right to peaceful enjoyment.
4. A person who engages in criminal activity in which a deadly weapon or dangerous instrument was used, or threatened to be used, or any activity that resulted in physical injury to any person.
5. A person who damages, destroys, vandalizes, defaces, or otherwise reduces the value of the real and/or personal property of ATA, its employees, commissioners, representatives, agents, residents, visitors and guests, contractors, any law enforcement official, or other member of the public.
6. A person who commits a public nuisance, and other disorderly, lewd or lascivious conduct on ATA property.
7. A person who loiters, or otherwise fails to have any legal business, on ATA property.
8. A person who causes significant littering on ATA property.
9. A person who is not authorized to enter ATA property during non-business hours.
10. A person who commits any action that is defined as trespass under the Pennsylvania Crimes Code.

C. Trespass Determination. As determined by ATA's authorized staff or agent, a person who has engaged in an activity that threatens the health, safety and right to peaceful enjoyment, as discussed in Section II.B. above, may be banned from entering ATA Property.

1. The person being banned may be notified orally or in writing by ATA's staff or agent.

2. Following ATA's determination to ban a person from ATA Property, an ATA Trespass Letter ("the Trespass Letter") will be completed in triplicate by ATA's staff or agent. ATA will make a reasonable effort, but is not required, to deliver the original Trespass Letter to the Trespassed Person. Once the Trespass letter has been delivered, the same shall be distributed to ATA staff and police having jurisdiction over the location of the incident leading to the determination.

A photograph of the Trespassed Person (if available) may be maintained by ATA. The Trespass Letter shall serve as notice that the Trespassed Person shall not enter any ATA Property and that he/she may appeal ATA's determination in accordance with Section IV below.

- a. *In the event that the Trespassed Person is a juvenile, ATA will make a reasonable effort, but is not required, to deliver the original Trespass Letter to the Trespassed Person's parent or legal guardian.*
  - b. *ATA staff or agent shall make a reasonable effort to include the following information in the Trespass Letter:*
    - 1) the full name and address of the offender;
    - 2) the date the Trespass Letter is delivered to the banned individual;
    - 3) the resident/non-resident status of the individual;
    - 4) the development or location at which the incident occurred;
    - 5) the signature of the Police Officer or designated staff person banning the individual;
    - 6) the date, time and place the person was encountered for the offense;
    - 7) the reason(s) for banning; and
    - 8) a description of the individual, to include such information as birth date, social security number, and driver's license or other special identification.
3. The names of all Trespassed Persons will be placed on ATA's Trespass/Banned List which shall be updated quarterly or as often as determined by the Executive Director. The Trespass/Banned List shall be distributed to: 1) the Police Department, 2) ATA property personnel and 3) ATA operations staff.
  4. In the event a Trespassed Person is observed on any ATA Property by ATA staff or agent, he/she should contact the Police Department for assistance.

#### IV. **Appeal Process**

Upon addition to the ATA Trespass List, the Trespassed Person and/or an interested resident may request a hearing to remove the Trespassed Person from the ATA Trespass List.

- A. A request for an appeal of ATA's determination must be submitted to the Executive Director within five (5) days following issuance of the Trespass Letter. ATA will provide the grieving party with the date, time and place of the hearing within a reasonable amount of time. Should the grieving party fail to appear at the hearing, the determination of ATA shall be final.
- B. The Hearing Officer shall be the Executive Director, who will review each appeal and conduct a hearing. Prior to the hearing, the grieving party shall provide ATA with any relevant requested documents. The grieving party may bring a representative and/or relevant witnesses to the hearing.
- C. The Executive Director will make a final determination which will be provided to the grieving party in writing. A copy of the final determination will also be delivered to the Property Manager of the development where the offensive activity had occurred.
  1. If it is the determination of the Executive Director to remove the Trespassed Person from the Trespass List, the Executive Director may remove him/her from the Trespass List immediately or for a probationary period of one (1) year.

#### V. **Removal from Ban List**

Persons listed on the Trespass/Ban List may not be removed by anyone except in consultation with the Executive Director.