

**ORDINANCE NO. 911**

**AN URGENCY ORDINANCE TO REPEAL AND REPLACE ORDINANCE 910 [ORDINANCE REGULATING THE OPERATION OF COMMERCIAL PASSENGER VEHICLES OTHER THAN TAXICABS AT THE MONTEREY PENINSULA AIRPORT]**

**THE BOARD OF DIRECTORS OF MONTEREY PENINSULA AIRPORT DISTRICT DO ORDAIN AS FOLLOWS:**

**SECTION 1. Findings.** Pursuant to the Monterey Peninsula Airport District Act section 6(3), the Board of Directors (Board) does find as follows:

(1) The Board did on April 13, 2011 adopt Ordinance 910 establishing fees for the operation of commercial passenger vehicles on the Monterey Peninsula Airport (Airport),

(2) Board Members assigned to the Finance Committee and Airport staff did determine after substantial input from operators of commercial passenger vehicles that such fees are prohibitive,

(3) That based upon discussions with operators there exists a threat to service at the Airport by said operators which constitutes a threat to public peace,

(4) To alleviate said threat it is necessary to repeal Ordinance 910 and replace said ordinance voiding the requirement that current fees for commercial passenger vehicles be enforced as of July 1, 2011,

(5) That pursuant to the enabling legislation this Ordinance shall take effect immediately upon adoption,

**SECTION 2. Definitions.** Unless specifically defined otherwise herein, or unless a different meaning is apparent from the context, the following words or phrases have the meanings set forth below, Words or phrases that are not defined in this ordinance, but that are defined in the California Penal Code, have the meanings set forth therein,

"Airport" means the Monterey Peninsula Airport and all lands owned or operated by the Monterey Peninsula Airport District for Airport purposes or activities, "Airport" includes all improvements, facilities and appurtenances,

"Commercial Passenger Vehicle" means any motor vehicle carrying or conveying passengers for hire or commercial purposes, including but not limited to passenger stages, passenger charter party carriers, limousines, shuttles, hotel, motel and similar courtesy vehicles, but does not mean taxicabs operating in conformity with the requirements of any unexpired and untermiated agreement, contract, license, permit or other written authorization issued by the District for such activity.

"District" means the Monterey Peninsula Airport District.

"Fiscal Year" means a year commencing on July 1 and ending on the following June

"General Manager" means the General Manager of the Airport and District.

"Person" shall include the singular and the plural and shall also mean and include any individual, firm, company, corporation, association, joint stock association, club, partnership, joint venture, society or any other form of association or organization, public or private or body politic and includes any trustee, receiver, committee, assignee or other representative or employee thereof.

"Solicitation" means initiating or engaging in a conversation regarding ground transportation services with any person on the Airport for the purpose of seeking passengers or customers for a commercial passenger vehicle operator; employing, inducing, arranging for or allowing any person to initiate or engage in a conversation regarding ground transportation services with any other person on the Airport for the purpose of seeking passengers or customers for a commercial passenger vehicle operator; engaging in any conduct or activity intended to or apparently intended to ask, implore or persuade a passenger or potential passenger to alter his or her previously chosen mode of ground transportation or commercial passenger vehicle operator, delivering literature on the Airport discussing or describing ground transportation services to be provided by a commercial passenger vehicle operator to any person on the Airport; or offering ground transportation services provided by a commercial passenger vehicle operator to any person while on the Airport. "Solicitation" does not include actions by employees of any airline in arranging for transportation for any passenger of such airline.

"Terminal Building" means all buildings and structures located within the Airport and open to the public for the purpose of flight ticket purchase, public lobby, waiting, baggage check-in and those other services related to public air travel.

**SECTION 3. Operation of Commercial Passenger Vehicles.** Operation of commercial passenger vehicles at the Airport is regulated as follows:

3.1. **Written Permission Required.** It is unlawful for any person to use any commercial passenger vehicle to pick up any passenger for hire or for any other commercial purpose at the Airport except with the advance written permission and approval of the District, and in conformity with the requirements of any unexpired and unexpired agreement, contract, license, permit or other written authorization issued by the District for such activity. The prohibitions of section 3.1 of this ordinance shall not apply to commercial vehicle operators, the activities of which are limited to delivering customers to the Airport.

3.2. **Solicitation Prohibited.** It is unlawful for any commercial passenger vehicle operator to engage in solicitation at the Airport, except as otherwise provided by a valid and unexpired or unexpired agreement, contract, license, permit or other written authorization issued by the District.

3.3. **Parking in Front of Terminal Building Prohibited.** Except for discharging passengers, it is unlawful for any commercial passenger vehicle operator to park any commercial passenger vehicle on any roadway adjacent to the terminal building, except as otherwise provided by a valid and unexpired or unexpired agreement, contract, license, permit or other written authorization issued by the District.

**SECTION 4. Fees.** The Board will annually establish fees and charges for the operation of commercial passenger vehicles and the effective date of such fees and charges by Resolution. However, the frequency of adoption of a resolution establishing fees and charges is within the sole discretion of the Board.

Any commercial passenger vehicle operator holding a valid and unexpired or unexpired agreement, contract, license, permit or other written authorization issued by the District may apply for temporary authorization to add one or more commercial passenger vehicles to serve anticipated increases in passenger volume during a golf tournament, music festival, convention or other special event. The application shall (a) identify the special event along with its starting and ending dates, (b) identify the vehicle or vehicles to be temporarily authorized to operate at the Airport, (c) include evidence of ownership of or a copy of the rental or other agreement by which the operator is acquiring the use of such vehicle or vehicles, and (d) include proof of insurance meeting the requirements set forth in Section 5 below.

**SECTION 5. Insurance.** Except as may otherwise be provided in the agreement, contract, license, permit or other written authorization for a commercial passenger vehicle to operate at the Airport, there shall be maintained in full force and effect, at no cost to the District, for each commercial passenger vehicle operating at the Airport comprehensive form automobile liability insurance and workers compensation insurance where applicable. The minimum terms and limits for such policies shall be as determined by the General Manager, or such other increased limits as may be required by the California Public Utilities Commission for those operators over which that commission has regulatory control. Each such policy of insurance shall be issued by an insurance organization authorized by the California Insurance Commissioner to transact the business of insurance within the State of California or by an insurer expressly approved in writing by the General Manager. Each applicant for an agreement, contract, license, permit or other written authorization to operate a commercial passenger vehicle at the Airport shall furnish appropriate certificates of insurance meeting the satisfaction of the General Manager upon application and each holder of an agreement, contract, license, permit or other written authorization to operate a commercial passenger vehicle at the Airport shall furnish a substitute certificate of insurance meeting the satisfaction of the General Manager no later than 30 days prior to any policy expiration date.

**SECTION 6. Penalties.** Each person who violates any provision of this ordinance is guilty of an infraction and upon conviction thereof shall be punishable by:

(a) a fine not to exceed Two Hundred Fifty Dollars (\$250) for a first violation within anyone-year period;

(b) a fine not exceeding Five Hundred Dollars (\$500) for a second violation within anyone-year period; or

(c) a fine not exceeding One Thousand Dollars (\$1,000) for each additional violation within anyone-year period.

**SECTION 7. Repeal and Cancellation of Portion of Prior Ordinance.** Section 7.2 of Ordinance No. 796 "An Ordinance Defining and Prohibiting Miscellaneous Criminal Conduct at the Monterey Peninsula Airport" (which section generally prohibited solicitation by commercial passenger vehicle operators, but excepted picking up prereserved customers) is

hereby repealed. All other ordinances and parts of ordinances in conflict with this ordinance, to the extent of such conflict and no further, are each hereby repealed.

**SECTION 8. Severability.** This ordinance shall supplement and be in addition to the other regulatory codes, statutes and ordinances heretofore or hereafter enacted by the District, the State of California or any other legal entity or agency having jurisdiction. This ordinance shall not be interpreted or construed to permit any activity where or when it is otherwise restricted by other applicable laws. Nothing in this ordinance is intended to make punishable any act or acts which are prohibited by any law of the state or federal government. Nothing in this ordinance shall authorize the maintenance of any public or private nuisance. If any provision, clause, sentence or paragraph of this ordinance or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions of this ordinance which can be given effect without the invalid provision or application and to this end, the provisions of this ordinance are declared to be severable.

**SECTION 9. Effective Date.** This ordinance shall take effect immediately upon adoption.

**ADOPTED BY THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT:** This 30th day of June 2011, by the following roll call vote:

<b>AYES:</b>	<b>DIRECTORS:</b>	Leffel, Miller, Nelson, Sabo, Chair Searle
<b>NOES:</b>	<b>DIRECTORS:</b>	None
<b>ABSTAIN:</b>	<b>DIRECTORS:</b>	None
<b>ABSENT:</b>	<b>DIRECTORS:</b>	None

Signed this 30<sup>th</sup> day of June 2011



Richard D. Searle, Chairman

ATTEST



Charles R. Hayes  
District Secretary