

ORDINANCE NO. 796

AN ORDINANCE DEFINING AND PROHIBITING MISCELLANEOUS
CRIMINAL CONDUCT AT THE MONTEREY PENINSULA AIRPORT

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

SECTION 1. 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.

"Airport Manager" means the general manager of the airport or his or her designee.

"Alcoholic Beverage" shall have the meaning defined in California Business and Professions Code section 23004.

"Chief of Police" means the chief of the Monterey Peninsula Airport District Police Department or his or her designee.

"Commercial" means that which relates to the exchange, trading, buying, hiring, or selling of commodities, goods, services or tangible or intangible property of any kind, or any revenue-producing activity on the airport.

"Commercial Vehicle" means any motor vehicle carrying or conveying passengers for commercial purposes, including but not limited to passenger stages, passenger charter party carriers, limousines and taxicabs.

"Cruising" means the operation of any commercial vehicle on any road or driveway serving the terminal building without a valid reservation for a pre-reserved customer for the time and place of said operation, unless such activity is authorized by a permit issued by the District.

"District" means the Monterey Peninsula Airport District.

"FAA" means the United States Department of Transportation, Federal Aviation Administration.

"Fire Chief" means the chief of the Monterey Peninsula Airport District Fire Department or his or her designee.

"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.

"Police Officer" means any peace officer of the Monterey Peninsula Airport District Police Department or any other peace officer acting at the request of the Airport Manager or Chief of Police.

"Pre-Reserved Customer" means a passenger who requests, expects or who has made a reservation for ground transportation service from a specific commercial vehicle operator or as part of other services (e.g., hotel, car rental or convention) prior to the transporting motor vehicle's entry on the airport.

"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 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 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 vehicle operator, delivering literature on the airport discussing or describing ground transportation services to be provided by a commercial vehicle operator to any person on the airport; or offering ground transportation services provided by a commercial 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 2. Hours. Wherever certain hours are set forth in this ordinance they mean Pacific Standard Time or Pacific Daylight Time, whichever is then in current use.

SECTION 3. Advertising. It is unlawful for any person to post, distribute or display signs, banners, advertisements, circulars, pictures, sketches, drawings, printed or other written materials at, on, in or within the airport for any commercial purpose or engage in any other form of commercial speech without the permission of the Airport Manager. In each instance such permission shall be granted only if the Airport Manager first reasonably determines that such activity will not interfere with the safe, efficient and proper operation of the airport and will not detract from the aesthetic appeal of the terminal building or any other public property at the airport. The Airport Manager shall have the right to remove and dispose of any sign, banner, advertisement, circular, picture, sketch, drawing or other commercial message posted, distributed or displayed in violation of this ordinance. This section shall not apply to noncommercial distribution of written or printed materials at the airport.

SECTION 4. Alcoholic Beverages. Possession and consumption of alcoholic beverages at the airport is regulated as follows:

4.1 Consumption of Alcoholic Beverages in Unenclosed Area. It is unlawful for any person to drink or consume any alcoholic beverage in or on any unenclosed private or public property at, on, in or within the airport, including but not limited to any street, sidewalk, walkway, parking area, aircraft ramp, tiedown area, runway, taxiway or other unenclosed place of aircraft storage or movement; in each case unless the Airport Manager has given express permission for the consumption of alcoholic beverages at a specific social event or other occasion identified by date or dates. In each instance such permission shall be granted only if the Airport Manager first reasonably determines that such activity will not interfere with the safe, efficient and proper operation of the airport.

4.2 Consumption of Alcoholic Beverages in Public Buildings. It is unlawful for any person to drink or consume any alcoholic beverage in or within the public portions of the airport terminal building (other than those portions designated as a restaurant and/or bar and private offices at times when such offices are not open to the general public) or in or within any other public building not rented or leased to a private entity; in each case unless the Airport Manager has given express permission for the consumption of alcoholic beverages at a specific social

event or other occasion identified by date or dates. In each instance such permission shall be granted only if the Airport Manager first reasonably determines that such activity will not interfere with the safe, efficient and proper operation of the airport.

4.3 Possession or Consumption of Alcoholic Beverages by Persons Under 21 Years of Age. It is unlawful for any person under the age of twenty-one (21) years to have in his or her possession or drink or consume any alcoholic beverage at any place at, on, in or within the airport, whether or not such place is open to the general public.

4.4 Hosting of Social Gatherings Involving Alcoholic Beverages. It is unlawful for any person to suffer, permit, allow or host a social gathering at any place at, on, in or within the airport where one or more persons under the age of twenty-one (21) years are present and alcoholic beverages are in the possession of, or being consumed by, any person under the age of twenty-one (21) years.

4.5 Alcoholic Beverages-Open Containers. It is unlawful for any person to possess any open container used to contain an alcoholic beverage in any of the places and at any of the times where and when drinking and consumption of alcoholic beverages is prohibited by this section, whether or not any such person is in a motor vehicle.

SECTION 5. Animals. The possession or presence of animals at the airport is regulated as follows:

5.1 Animals to be Confined or on Leash. It is unlawful for any person having charge, care, custody or control over any animal while at, on, in or within any public portion of the airport to fail to keep the animal under control and on a leash or harness, in a cage or shipping or other appropriate container or within a motor vehicle or trailer.

5.2 Animals Not to be Left Unattended in Vehicles. It is unlawful for any person having charge, care, custody or control over any animal to leave any animal in any motor vehicle or trailer at, on, in or within any public portion of the airport without adequate ventilation or in such a manner as to subject the animal to temperatures which adversely affect the animal's health or welfare.

5.3 Animals at Large. It is unlawful to attach, tie, or chain any animal to any real property, improvement to real property

or object at, on, in or within any public portion of the airport whereby the animal is restrained. Any animal so attached, tied or chained for which there is no apparent responsible person immediately present shall be deemed to be running at large. Any stray or unattended animals or animals running at large may be impounded at the expense of the animal's owner.

5.4 Animals in Terminal Building. It is unlawful for any person to bring any animal into the airport terminal building. The following animals shall be exempt from the prohibitions imposed by section 5.4 of this ordinance.

5.4.1 "Seeing eye" guide dogs when used by blind persons or other companion or service dogs when used by other persons with sensory impairment(s) or physical disability(ies), provided that such dogs are at all times kept on a leash or harness and under the control of such person.

5.4.2 Animals that are to be, are being, or have been shipped via air, provided that such animals are at all times kept in an appropriate cage or shipping container while within the airport terminal building.

5.4.3 Animals normally maintained as pets such as dogs, cats, guinea pigs, hamsters, lizards, frogs, tadpoles, aquarium-kept fish, cage-maintained birds, provided that any such animal is not vicious or dangerous to human safety and provided further that any such animal is at all times kept appropriately confined in a cage, box or other suitable container and in the immediate company of a person in control of such animal.

5.4.4 Guard, law-enforcement and search dogs under the control of authorized handlers and present at the airport as authorized by the Airport Manager or Chief of Police.

5.5 Feeding Animals. It is unlawful for any person to feed, or offer food to, or in any manner provide food as sustenance to or to encourage domesticity, to any feral cat or feral dog or any other wild or non-domesticated animal or bird at, on, in or within the airport. Without limiting the generality of the foregoing, bird feeders and the scattering of bird seed is prohibited. The prohibitions of section 5.5 of this ordinance shall not apply to wildlife maintenance programs conducted in accordance with a valid certificate or permit issued by the state or federal government or in connection with a habitat maintenance program approved by the District. In addition, wildlife may be fed by District employees as necessary due to injury or illness between

the time of notification to humane personnel to pick up such wildlife and the time of pick up.

5.6 Interference with Animal Control Measures. It is unlawful for any person to interfere with traps or any other animal control measures placed at, on, in or within the airport.

5.7 Hunting Animals. It is unlawful for any person other than in the conduct of an official act to hunt, pursue, trap, catch, injure or kill any animal on the airport.

5.8 Deposit of Animal Excrement. It is unlawful for any person having ownership, custody or control of a dog or other animal to suffer or permit, either wilfully or through failure to exercise due care or control, the dog or other animal to urinate or deposit excrement on any public property at, on, in or within the airport.

5.9 Failure to Remove Animal Excrement. It is unlawful for any person having ownership, custody or control of a dog or other animal to fail promptly to remove and clean up excrement deposited by the dog or other animal on public property at, on, in or within the airport.

5.10 Persons Bringing Dogs Upon Airport. It is unlawful for any person bringing any dog upon the airport, to not have in his or her immediate possession material and a container with which to clean up promptly and remove any excrement deposited by such dog on any public property at, on, in or within the airport. The prohibitions of section 5.10 of this ordinance shall not apply while such dog is confined in a cage or shipping or other appropriate container or while such dog is confined in a motor vehicle or trailer.

SECTION 6. Climbing. It is unlawful for any person to climb, scale, rappel, parachute from, hang-glide from, suspend from or otherwise ascend or descend, with or without the aid of rope or other climbing equipment, any man-made vertical wall, fence, building, pole, tower or other structure at, on, in or within the airport having a height of greater than five (5) feet, without the permission of the Airport Manager. In each instance such permission shall be granted only if the Airport Manager first reasonably determines that such activity will not interfere with the safe, efficient and proper operation of the airport. The prohibitions of section 6 of this ordinance shall not be applicable to any construction, repair, maintenance or demolition work authorized by the District, the FAA or the owner or tenant of the property involved.

SECTION 7. Commercial Activities. Commercial activity at the airport is regulated as follows:

7.1. Written Permission Required. It is unlawful for any person to engage in or carry on any business or commercial enterprise or commercial activity of any nature whatsoever at, on, in or within the airport (including but not limited to transportation of passengers, freight express or mail for hire; instruction in aviation; sale of fuels, aircraft, aircraft parts or equipment; sale of any foods, beverages or refreshments either in bulk, at wholesale, or retail, whether packaged or unpackaged, fresh, frozen, or preserved; the sale, rental or leasing of any other article or commodity; or photographing, filming or videotaping for any commercial purpose); except with the advance written permission and approval of the District, and in conformity with the requirements of any unexpired and unexpired lease, license, rental agreement, permit or other written authorization issued for such activity. The prohibitions of section 7.1 of this ordinance shall not apply to bona fide coverage by the news media conducting their business in areas authorized by the Airport Manager and in accordance with Airport Directives.

7.2 Cruising and Solicitation. It is unlawful for any commercial vehicle operator to engage in cruising or solicitation at the airport, except as otherwise provided by a valid and unexpired or unexpired agreement, license or permit with or issued by the District. The prohibitions of section 7.2 of this ordinance shall not apply to commercial vehicle operators, the activities of which are limited to delivering customers to the airport or meeting pre-reserved customers at the airport in places designated by the Airport Manager.

SECTION 8. Expectoration. It is unlawful for any person to spit, expectorate or eject from his or her mouth any substance whatsoever upon the floor in any building used by the public or on any sidewalk or walkway at, on, in or within the airport.

SECTION 9. Fires. It is unlawful for any person to make or kindle an open fire for any purpose at any place at, on, in or within the airport, except (a) within barbeque facilities or fire pits provided specifically for such purpose by the District, (b) on non-flammable surfaces within the unenclosed portions of those premises at the airport that are privately rented or leased, or (c) with the permission of the Airport Manager or Fire Chief. The Airport Manager or Fire Chief shall grant permission only after first reasonably determining that such activity will not interfere with the safe, efficient and proper operation of the airport.

SECTION 10. Models. It is unlawful for any person to operate, fly or drive at, on, in or within the airport any model aircraft (whether or not operated by radio) or any model boat, model automobile or other model craft controlled by radio except with the permission of the Airport Manager. In each instance such permission shall be granted only if the Airport Manager first reasonably determines that such activity will not interfere with the safe, efficient and proper operation of the airport.

SECTION 11. Noise.

11.1 General Noise Prohibitions. It is unlawful for any person to make, create or maintain, or cause to be made, created or maintained at any place at, on, in or within the airport between the hours of 9:00 p.m. and 7:00 a.m. any excessive, unnecessary, unnatural, offensive, prolonged or unusually loud noise which disturbs the peace or quiet of any residential, commercial or other occupied neighborhood or would cause discomfort or annoyance to any reasonable person of normal sensitivity residing in, using or occupying any property in such a neighborhood irrespective of whether the source of the sound is an activity prohibited under section 11.2 of this ordinance or whether the sound exceeds the decibel limitation set forth in section 11.3 of this ordinance. The guidelines which may be considered in determining whether a violation of the provisions of this section exists may include, but are not necessarily limited to, the following:

- (a) the volume and intensity of the noise;
- (b) the volume and intensity of the background noise, if any;
- (c) whether the nature of the noise is usual or unusual;
- (d) whether the origin of the noise is natural or unnatural;
- (e) whether the noise is recurrent, intermittent or constant;
- (f) the duration of the noise;
- (g) the proximity of the noise to residential sleeping facilities; and
- (h) the number of people affected by the noise.

11.2 Specific Activities Prohibited. The following activities are prohibited at all places at, on, in or within the airport between the hours of 9:00 p.m. and 7:00 a.m. irrespective of whether any sound created thereby violates the general noise prohibition set forth in section 11.1 of this ordinance or the decibel limitation set forth in section 11.3 of this ordinance.

(a) *Horns, Signaling Devices.* The sounding of any horn or signaling device on any motor vehicle, except as a danger warning and then only for such period of time as is reasonable and necessary.

(b) *Sound Reproduction Equipment.* The using, playing, testing or operating of any radio receiving set, audio amplifier, musical instrument, phonograph, stereo system, tape player, audio disk player or other machine or device for the producing or reproducing of sound other than solely through an earpiece outside the confines of a building, structure or motor vehicle or if inside such confines then in such manner that sound produced therefrom is plainly audible at a distance of one hundred (100) or more feet outside the confines of the building, structure or motor vehicle in which the source of any resulting sound is located.

(c) *Combustion Engine Blower.* The use, operation or testing of a combustion engine blower of a type designed for the purpose of displacing, removing or blowing leaves or any other materials.

(d) *Exhausts.* The discharge of the exhaust of any internal combustion engine, whether stationary or attached to a motor vehicle, except through a properly functioning muffler or other device which will effectively prevent loud or explosive sounds therefrom.

(e) *Motor Vehicles.* The use, operation or testing of any motor vehicle so out of repair, so loaded or in such a manner as to create grating, grinding, rattling or other sound which is plainly audible at a distance of one hundred (100) or more feet from the source of any resulting sound.

(f) *Loading, Unloading.* The creation of any sound in connection with loading or unloading any motor vehicle or the opening, sealing or destruction of bales, boxes, crates or other containers, which is plainly audible at a distance of one hundred (100) or more feet from the source of any resulting sound.

(g) *Construction or Repairing of Buildings or Structures.* The erection, construction, demolition, alteration or repair of any building or structure or any portion thereof except upon the issuance of a permit by the Airport Manager based upon a finding of urgent necessity in the interest of public health and safety.

(h) *Power Tools.* The operation of any presses, punches, sanders, grinders, saws, drills or other power tools outside the confines of a building, structure or motor vehicle or if inside such confines then in such manner that sound produced therefrom is plainly audible at a distance of one hundred (100) or more feet outside the confines of the building, structure or motor vehicle in which the source of any resulting sound is located.

(i) *Compressors.* The operation of any compressor outside the confines of a building, structure or motor vehicle or if inside such confines then in such manner that sound produced therefrom is plainly audible at a distance of one hundred (100) or more feet outside the confines of the building, structure or motor vehicle in which the source of any resulting sound is located.

(j) *Hand Tools.* The use of any hand tools for the purpose of any hammering, pounding, chopping, grinding, sawing, cutting or prying or otherwise manipulating or shaping materials outside the confines of a building, structure or motor vehicle or if inside such confines then in such manner that sound produced therefrom is plainly audible at a distance of one hundred (100) or more feet outside the confines of the building, structure or motor vehicle in which the source of any resulting sound is located.

11.3 Decibel Limitations. It shall be unlawful for any person to engage in any activity at any place at, on, in or within the airport between the hours of 9:00 p.m. and 7:00 a.m. which creates or results in the creation of an increase in the ambient sound level exceeding 65 decibels over the background sound level irrespective of whether any sound created thereby violates the general noise prohibition set forth in section 11.1 of this ordinance and irrespective of whether the source of the sound is an activity prohibited under section 11.2 of this ordinance. Sound shall be measured at a distance of not less than one hundred (100) feet outside the confines of the building, structure or motor vehicle in which the source of the sound is enclosed, or if not so enclosed, then at a distance of not less than one hundred (100) feet from the source of the sound. Sound shall be measured with a sound level meter which meets the standards of the American National Standards Institute. A calibration check of the

instrument shall be made immediately prior to any sound measurement or series of sound measurements being made.

11.4 Exemptions. The following uses and activities shall be exempt from the prohibitions imposed by sections 11.1 through 11.3 of this ordinance:

(a) *Safety Signals.* Noises or sounds of safety signals, warning devices and emergency pressure relief valves;

(b) *Emergency Equipment.* Noises or sounds resulting from any emergency vehicle or equipment responding to an emergency call or acting in time of emergency or in the furtherance of public safety;

(c) *Aircraft.* Noises or sounds resulting from aircraft operation, maintenance, servicing or testing;

(d) *Government Equipment.* Noises or sounds resulting from the operation of any vehicles or equipment owned or operated by the United States, by any state, by any political subdivision of either or by the employees or contractors of any of them in the course of operating, maintaining, servicing or testing any buildings, structures, facilities or equipment owned or operated by any such entity;

(e) *Military Activities.* Noises or sounds resulting from military activities;

(f) *Law Enforcement Activities.* Noises or sounds resulting from law enforcement activities;

(g) *Rescue Activities.* Noises or sounds resulting from activities by the United States Coast Guard or any similar entity engaged in search and rescue operations or training in connection therewith.

SECTION 12. Plants. It is unlawful for any person to dig, remove, destroy, injure or mutilate or cut any tree, plant, shrub, bloom or flower, or any portion thereof, growing on any public property at, on, in or within the airport, without the permission of the Airport Manager or the owner or tenant of the property involved. Without limiting the generality of the foregoing, no person shall disturb any plants within any area designated on the Airport Layout Plan, in the Airport's Master Plan or otherwise as a habitat preservation area except in conformity with a habitat maintenance program approved by the District. The prohibitions of section 12 of this ordinance shall not apply to wildlife

maintenance programs conducted in accordance with a valid certificate or permit issued by the state or federal government or in connection with a habitat maintenance program approved by the District.

SECTION 13. Restrooms. The use of restrooms at the airport is regulated as follows:

13.1 Use by Members of Opposite Sex. It is unlawful for any person to enter or remain in any restroom at, on, in or within the airport that is posted for the use of the opposite sex. The prohibitions of section 13.1 of this ordinance shall not apply to airport employees or contractors when engaged in cleaning, repairing or maintaining restrooms. The prohibitions of section 13.1 of this ordinance shall not apply to firefighters, emergency medical service workers, security personnel or police officers when engaged in their official duties. The prohibitions of section 13.1 of this ordinance shall not apply to children under the age of ten (10) years when accompanied by an older person of the sex for which the restroom is designated while engaged in assisting the younger person in the use of the restroom. The prohibitions of section 13.1 of this ordinance shall not apply to (a) handicapped or disabled individuals when accompanied by a person of the sex for which the restroom is designated while engaged in assisting the handicapped or disabled individual in the use of the restroom or (b) persons assisting handicapped or disabled individuals of the sex for which the restroom is designated in the use of the restroom, provided that the restroom is not then occupied by any other person of the sex for which the restroom has been designated. The prohibitions of section 13.1 of this ordinance shall not apply to use by males of a restroom designated for use by females on those occasions when the adjoining restroom that is designated for use by males is closed for cleaning, repair or maintenance or is fully occupied, provided that the female-designated restroom being used is not actually occupied by one or more females. Similarly,

the prohibitions of section 13.1 of this ordinance shall not apply to use by females of a restroom designated for use by males on those occasions when the adjoining restroom that is designated for use by females is closed for cleaning, repair or maintenance or is fully occupied, provided that the male-designated restroom being used is not actually occupied by one or more males.

13.2. Urination and Defecation. It is unlawful for any person over the age of ten (10) years to willfully urinate or defecate in any place at, on, in or within the airport other than within a restroom or other than by utilizing a toilet, or in the case of urination only, alternatively a urinal.

SECTION 14. Roller Skates, Roller Blades and Skateboards. It is unlawful for any person to ride upon roller blades or roller skates or in or by means of any coaster, skateboard, toy vehicle or similar device upon any street, sidewalk, walkway, parking area, aircraft ramp, tiedown area, runway, taxiway or other unenclosed place of aircraft storage or movement or within the public portion of any public building not rented or leased to a private entity at, on, in or within the airport, in each case unless express permission to do has been given by the Airport Manager. In each instance such permission shall be granted only if the Airport Manager first reasonably determines that such activity will not interfere with the safe, efficient and proper operation of the airport.

SECTION 15. Sleeping and Domestic Habitation. It is unlawful for any person to use or occupy or permit the use or occupancy of any vehicle, boat, camper, trailer, hangar, garage, shed, shop, office, warehouse or other building or structure or any vacant parcel of land for the purpose of domestic habitation or sleep at any place at, on, in or within the airport (including, but not limited to, parking lots and storage yards). The use of property or portions of property leased or rented from the District (a) for which the lease or rental agreement explicitly and specifically authorizes use of the property or portions thereof for domestic habitation or sleep; and (b) on which all facilities called for in said lease or rental agreement to support use of the property or portions thereof as a place of domestic habitation or sleep have been constructed and accepted as complete by the District; shall be exempt from the prohibitions imposed by this section, provided that the use of the property or portions thereof as a place of domestic habitation or sleep is confined strictly to the property or portions thereof so authorized by the explicit and specific provisions of the lease or rental agreement with the District. No assignment or sublease of any such property or portion thereof can authorize any use beyond that authorized by the lease with the District. No lease or rental agreement for the parking or storage of any recreational vehicle shall be deemed to authorize the occupancy of such recreational vehicle for domestic habitation or sleep.

SECTION 16. Trash. It is unlawful for any person to place trash, garbage or refuse into the collection container of another located at, on, in or within the airport without the permission of the other to do so. This section shall not apply to the use by airport patrons of conveniences supplied in the airport terminal building such as trash receptacles.

SECTION 17. Unattended Property. It is unlawful for any person to abandon any personal property on the airport. Any person violating the prohibition of section 17 of this ordinance shall be obligated, upon demand of the Airport Manager, to reimburse the District for all costs and expenses incurred in disposing of such abandoned property, including but not limited to attorneys fees. Without limiting the generality of the foregoing, it is unlawful for any person to leave any box, bag, suitcase, trunk, freight container or any other type of luggage unattended in or around the terminal

building. An article shall be deemed to be unattended if the person who deposited the article cannot see it or is located at a distance greater than twenty (20) feet from the article. An article shall not be deemed unattended if it has been checked with an air carrier for transportation on an aircraft or with a skycap for purposes of delivery to an air carrier.

SECTION 18. Utilities. It is unlawful for any person other than the legitimate customer thereof (i.e., the person responsible for paying the charges for such utility service) to use any utility service found at, on, in or within the airport, including but not limited to electrical service, natural gas service, telephone service, cable television service, satellite entertainment service, water service, sewer service or fuel service; except with the permission of the legitimate customer thereof. The prohibitions of section 18 of this ordinance shall not apply to the use by airport patrons of conveniences supplied in the airport terminal building such as restrooms.

SECTION 19. Weapons and Fireworks.

19.1 Fireworks. It is unlawful for any person to possess at, on, in or within the airport any fireworks of any kind or character including, but not limited to, "Dangerous Fireworks" as defined in California Health and Safety Code section 12505.

19.2 Chemical Defense Spray. It is unlawful for any person to possess at, on, in or within the terminal building any chemical defense aerosol spray, whether or not such spray constitutes an unauthorized tear gas weapon.

19.3 Knives. It is unlawful for any person to possess at, on, in or within those portions of the terminal building (other than those portions designated as a restaurant and/or bar and private offices) any knife whether or not the blade length exceeds four inches and irrespective of whether or not the blade is fixed

or is capable of being fixed in an unguarded position by the use of one or two hands.

19.4 Discharge or Shooting. It is unlawful for any person while at, on, in or within the airport to do any of the following acts:

(a) discharge any firearm or starter gun, whether or not loaded with blank cartridges,

(b) shoot any projectile using any other propellant, explosive or explosive device,

(c) discharge any air gun, paint ball gun, elastic gun, spear gun, flare gun or spring gun, including but not limited to any air rifle, air pistol, BB gun or any other type of weapon operated by compressed air or gas or by mechanical action, or

(d) shoot any bow, crossbow or other mechanical device capable of propelling an arrow, bolt or dart.

19.5 Exemptions. The prohibitions of section 19 of this ordinance shall not apply to duly appointed peace officers, animal control officers, members of the military or security personnel authorized by the District to carry firearms or weapons, in each instance acting in the performance of their duties as such, or to other persons authorized to carry firearms or weapons under state or federal law. The prohibitions of section 19 of this ordinance shall not apply to the carrying of any legal firearm or weapon, which firearm or weapon is encased in a hard-sided, locked container (a) kept at all times in the immediate possession of the person intending to check such firearm or weapon for the purpose of checking such firearm or weapon with an air carrier to be lawfully transported on an aircraft, provided that immediately upon entering any terminal building such person proceeds directly and without delay to the counter of an air carrier to check the firearm or weapon for transportation by such air carrier (b) kept at all times in the immediate possession of the person picking up a checked firearm or weapon after it has been transported by an air carrier provided that immediately upon receiving such firearm or weapon such person removes it without delay from the terminal building or (c) kept in the possession of an air carrier for purposes of transportation as a checked firearm or weapon. The prohibitions of subsection (c) of section 19 of this ordinance shall not apply to the prudent and cautious use of air guns, elastic guns or spring guns (such as air rifles, air pistols or BB guns) when reasonably necessary to clear birds from or discourage birds from nesting in hangars or other buildings, provided that such guns are loaded and

discharged in a manner that does not result in death or permanent injury to any birds.

SECTION 20. Penalties. Every 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 One Hundred Dollars (\$100) for a first violation within any one-year period;

(b) a fine not exceeding Two Hundred Dollars (\$200) for a second violation within any one-year period; or

(c) a fine not exceeding Five Hundred Dollars (\$500) for each additional violation within any one-year period.

SECTION 21. Repeal and Cancellation of Prior Ordinances. Ordinance No. 60 "An Ordinance Regulating the Sale, Distribution and Delivery of Foods or Beverages Upon the Property of the Monterey Peninsula Airport District, Fixing Fees, Providing for the Collection of Said Fees, Providing Punishment for Violation Thereof, and Repealing All Ordinances and Parts of Ordinances In Conflict Herewith," Ordinance No. 242 "An Ordinance of the Monterey Peninsula Airport District Amending Ordinance No. 230 to Provide Rules and Regulations Pertaining to the Control and Movement of Animals While on Airport Property", Ordinance No. 529 "An Ordinance of the Monterey Peninsula Airport District for the Control of Smoking at the Monterey Peninsula Airport", Ordinance 620 "An Ordinance Prohibiting Excessive Noise and Certain Activities Which Produce Noise Within the Monterey Peninsula Airport During Certain Hours", and Ordinance No. 623 "An Ordinance Prohibiting Domestic Habitation or Sleeping Within Vehicles, Buildings and Other Areas at the Monterey Peninsula Airport" are each 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 22. Severability. This ordinance is not the exclusive regulation of miscellaneous criminal offenses with the airport and 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 of 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 23. Effective Date. This ordinance shall take effect thirty (30) days from and after the date of its adoption.

PASSED AND ADOPTED BY THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT: This 20th day of November 2002, by the following roll call vote:

| | | |
|----------------|-------------------|---|
| AYES: | DIRECTORS: | Faul, Fortune, Irwin, Vice-Chair Searle |
| NOES: | DIRECTORS: | None |
| ABSENT: | DIRECTORS: | Chair Foy |

Signed this 20th day of November, 2002



Richard D. Searle, Vice-Chair

A T T E S T



Barbara Sadler
District Secretary