

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

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

SECTION I

It shall be unlawful for any person, whether as principal, agent or employee, either for himself or for any other person, or for any corporation, or as an officer of any corporation, or otherwise, to sell, distribute or deliver upon the premises of the Monterey Peninsula Airport owned by the Monterey Peninsula Airport District, any foods or beverages either in bulk, at wholesale, or retail, packaged or unpackaged, fresh, frozen or preserved, without complying with any and all regulations for such sale, distribution and delivery upon said premises and without the payment to the Monterey Peninsula Airport District of the fees and charges hereinafter set forth. Each act in violation of this ordinance shall constitute a separate violation of this ordinance.

SECTION II

The fee imposed by this ordinance upon any person for the privilege of selling, distributing or delivering foods or beverages upon the premises of the Monterey Peninsula Airport shall be due and payable at the time of sale, distribution or delivery and shall be deemed a debt to the Monterey Peninsula Airport District and any person, firm or corporation engaging in any activity for which a

fee is fixed by this ordinance, shall be liable in an action brought in the name of said District in any court of competent jurisdiction for the amount of the fees imposed by this ordinance, together with all penalties due thereon, and provided that the further sum of \$50.00 shall be assessed as attorneys' fees for said District and shall be included as recoverable costs in any such action.

SECTION III

It shall be the duty of the Manager of said District to collect the fees herein prescribed at the time of such sale, distribution or delivery.

SECTION IV

Every person, firm or corporation who sells, distributes or delivers the foods or beverages described in Section I of this ordinance upon the premises of the Monterey Peninsula Airport shall pay at the time of such sale, distribution or delivery, a cash sum equal to ten percent (10%) of the gross sales price of the foods or beverages sold, distributed or delivered on the premises of the Monterey Peninsula Airport. For the purpose of this ordinance gross sales price of foods or beverages sold, distributed or delivered on the premises of the Monterey Peninsula Airport shall be the consideration which is charged or received for such foods or beverages, exclusive of sales taxes or excise taxes regardless of whether or not the amount charged or received as such consideration by the person upon whom the fee is hereby imposed either collects or receives such price at the time of sale, distribution or delivery or upon the premises of the Monterey Peninsula Airport or at any other time or place or at all.

SECTION V

If any section, sub-section, sentence, clause or phrase of

this ordinance for any reason be held unconstitutional such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Directors do hereby declare that they would have passed this ordinance and each section, sub-section, sentence, clause and phrase hereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses or phrases be declared to be unconstitutional.

SECTION VI

Any person, firm or corporation violating any provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than \$200.00 or by imprisonment in the county jail in the County of Monterey, State of California, for not more than sixty (60) days or by both such fine and imprisonment.

SECTION VII

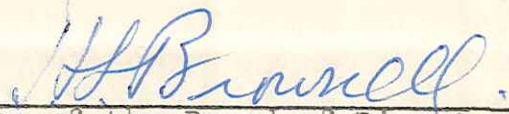
This ordinance shall not apply to any person, firm or corporation who maintains upon the premises of the Monterey Peninsula Airport a fixed place of business by agreement, license or lease from the Monterey Peninsula Airport District.

PASSED AND ADOPTED BY THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT this 6th day of April, 1955, by the following vote:

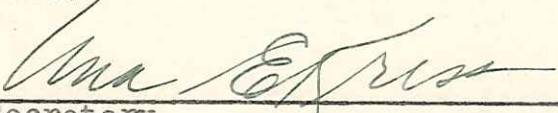
AYES: DIRECTORS : BROWNELL, FINLEY, MATHEWS, WALKER and NELSON

NOES: DIRECTORS : NONE

ABSENT: DIRECTORS : NONE


Chairman of the Board of Directors
of the Monterey Peninsula Airport
District

Attest:


Secretary