

San Diego County Regional Airport Authority

CODES



SAN DIEGO
INTERNATIONAL AIRPORT
LET'S GO.

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FOR
CODES
OF THE
SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY**

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5	CONTRACTING AND DEBARMENT	<i>Governs how the Authority contracts with third-party entities for goods and services.</i>
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SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

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ARTICLE 1	-	ADMINISTRATION AND GOVERNANCE
PART 1.0	-	CONSTRUCTION
SECTION 1.01	-	SHORT TITLE

(a) This Code of the Authority contains administrative, regulatory and other ordinances of the Authority, a local governmental entity of regional government. It shall be sufficient to (1) refer to this Code as the “**Code**” in any legal proceeding pursuant to any of its provisions, and (2) designate any ordinance adding to, amending, or repealing this Code as an addition or amendment to or a repeal of this Code.

[Amended by Resolution No. 2019-0015 dated February 7, 2019.]
[Adopted by Resolution No. 2002-02 dated September 20, 2002.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

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ARTICLE 1	-	ADMINISTRATION AND GOVERNANCE
PART 1.0	-	CONSTRUCTION
SECTION 1.03	-	DEFINITIONS AND INTERPRETATION

(a) The following words and phrases whenever used in this Code shall be construed as defined in this section, unless a different meaning is specifically defined or the context otherwise requires:

“**Act**” shall mean the San Diego County Regional Airport Authority Act, as amended by the San Diego County Regional Airport Authority Reform Act of 2007 and any future amendments.

“**Airport**” shall mean the San Diego International Airport located at Lindbergh Field in the County of San Diego.

“**Authority**” shall mean the San Diego County Regional Airport Authority, a local entity of regional government, as created by the Act.

“**Board**” shall mean the Board of Directors and governing board of the Authority, established as specified in Public Utilities Code §170000 *et seq.*

“**City Selection Committee**” shall mean a committee created pursuant to Article 11 (commencing with §50270) of Chapter 1 of Part 1 of Division 1 of Title 5 of the California Government Code. [Cal. Pub. Util. Code §170006(c)]

“**Consolidated Agency**” shall mean the authority resulting from the consolidation of the San Diego Association of Governments and the transit boards pursuant to Chapter 3 (commencing with §132350) of Division 12.7 of the California Public Utilities Code.

“**Code**” shall mean the Code of the Authority, as duly adopted by the Board and as amended from time to time.

“**County**” shall mean the County of San Diego.

“**Executive Director**” shall mean the Executive Director of the Authority or his or her designee.

“**Facilities**” shall mean any and all facilities and airports under the jurisdiction of the Authority.

(b) The following words and phrases whenever used in this Code shall be interpreted as follows, unless the context otherwise requires:

“**Genders**” Any gender includes the other gender.

“**Oath**” includes affirmation.

“**Office**” The use of the title of any officer, employee or any office, or ordinance shall mean such officer, employee, office or ordinance of the Authority, unless otherwise specifically designated.

“**Person**” shall mean a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, limited liability company, business trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.

“**Port**” shall mean the San Diego Unified Port District established under the San Diego Unified Port District Act (Chapter 67 of the Statutes of 1962, First Extraordinary Session).

“**Shall**” and “**May**” “Shall” is mandatory; “May” is permissive.

“**Singular**” and “**Plural**” The singular number includes the plural, and the plural number includes the singular.

“**Tenses**” Words used in the present tense include the past and future tense and vice versa.

“**Use of Words and Phrases**” Words and phrases used in this Code and not specifically defined shall be construed according to the context and approved usage of the language.

“**Written**” shall include printed, typewritten, mimeographed, multigraphed or electronic form.

[Amended by Resolution No. 2008-0029 dated March 6, 2008.]
[Resolution No. 2002-02 dated September 20, 2002.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

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ARTICLE 1 - ADMINISTRATION AND GOVERNANCE

PART 1.0 - CONSTRUCTION

SECTION 1.04 - EFFECT OF HEADING

(a) Headings contained in this Code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any article, part or section hereof.

[Amended by Resolution No. 2018-0106 dated October 4, 2018.]

[Adopted by Resolution No. 2002-02 dated September 20, 2002.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

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ARTICLE 1 - ADMINISTRATION AND GOVERNANCE
PART 1.0 - AUTHORITY AND ENFORCEMENT
SECTION 1.10 - DELEGATION OF AUTHORITY

(a) Whenever a power is granted to, or a duty is imposed upon the President/CEO by the provisions of this Code, such power or duty may be exercised or performed by an assistant or such person as the President/CEO may designate.

Cross References: Authority Policy 1.40 – Power of President/CEO. Pub. Util. Code §170013(b); §170026 (b)

[Amended by Resolution No. 2018-0106 dated October 4, 2018.]

[Adopted by Resolution No. 2002-02 dated September 20, 2002.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

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ARTICLE 1 - ADMINISTRATION AND GOVERNANCE

PART 1.1 - AUTHORITY AND ENFORCEMENT

**SECTION 1.11 - REFERENCES TO ACTS OR OMISSIONS WITHIN THE
AUTHORITY**

(a) This Code shall refer only to the omission or commission of acts within the jurisdiction of the Authority.

[Amended by Resolution No. 2018-0106 dated October 4, 2018.]
[Adopted by Resolution No. 2002-02 dated September 20, 2002.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

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ARTICLE 1 - ADMINISTRATION AND GOVERNANCE

PART 1.1 - AUTHORITY AND ENFORCEMENT

SECTION 1.12 - POLICE AUTHORITY

(a) Nothing in this Code shall be construed to limit the jurisdiction of the police departments within the County of San Diego.

[Amended by Resolution No. 2018-0106 dated October 4, 2018.]

[Adopted by Resolution No. 2002-02 dated September 20, 2002.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

ARTICLE 1 - ADMINISTRATION AND GOVERNANCE

PART 1.1 - AUTHORITY AND ENFORCEMENT

**SECTION 1.13 - EFFECT OF CODE ON PAST ACTIONS AND OBLIGATIONS
PREVIOUSLY ACCRUED**

- (1) Neither the amendment of this Code nor the repeal of any ordinance by any city within the jurisdiction of the Authority shall:
- a. In any manner affect the prosecution for violations of this Code or ordinances, which violations were committed prior to the effective date of this Code; nor
 - b. Be construed as a waiver of any fee, rate, license, charge, fine or penalty at said effective date due and unpaid under such ordinances or this Code, and all rights and obligations under such ordinances or this Code shall continue in full force and effect.

[Amended by Resolution No. 2019-0015 dated February 7, 2019.]

[Adopted by Resolution No. 2002-02 dated September 20, 2002.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

ARTICLE 1 - ADMINISTRATION AND GOVERNANCE

PART 1.1 - AUTHORITY AND ENFORCEMENT

SECTION 1.14 - SERVICE AND PROOF OF NOTICES

(a) Whenever a notice is required to be given under this Code, unless different provisions herein are otherwise specifically made, such notice may be given either by personal delivery thereof to the person to be notified or by deposit with the United States Postal Service in a sealed envelope, postage prepaid, addressed to such person to be notified at his last known business or residence address as the name appears in the public records or other records pertaining to the matter to which such notice is directed. Service by mail shall be deemed to have been completed five days after the time of deposit with the United States Postal Service. Service by personal delivery shall be deemed to have been completed on the day of personal delivery.

(b) Proof of giving any notice may be made by the certificate of any officer or employee of the Authority or by affidavit of any person over the age of 18 years, which shows service in conformity with this Code or other provisions of law applicable to the subject matter concerned.

[Amended by Resolution No. 2018-0106 dated October 4, 2018.]

[Adopted by Resolution No. 2002-02 dated September 20, 2002.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

ARTICLE 1 - ADMINISTRATION AND GOVERNANCE

PART 1.1 - AUTHORITY AND ENFORCEMENT

SECTION 1.15 - VALIDITY OF CODE

(a) If any section, subsection, sentence, clause, phrase or portion of this Code is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, then such decision shall not affect the validity of the remaining portions of this Code. The Board hereby declares that it would have adopted this Code and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

[Amended by Resolution No. 2018-0106 dated October 4, 2018.]

[Adopted by Resolution No. 2002-02 dated September 20, 2002.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

ARTICLE 1 - ADMINISTRATION AND GOVERNANCE

PART 1.1 - AUTHORITY AND ENFORCEMENT

SECTION 1.16 - GENERAL PENALTY

(a) Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Code shall be guilty of a misdemeanor, punishable pursuant to Penal Code §19 unless, at the sole option of the San Diego County Regional Airport Authority, the violation is cited and prosecuted as an infraction under circumstances set forth in California Penal Code §17(d)(1) or (2). [Cal. Pub. Util. Code §170016.]

(b) An “**infraction**” is punishable by:

(1) A fine not exceeding \$100.00 for a first violation, and a misdemeanor for any subsequent violation.

(2) An infraction is not punishable by imprisonment. A person charged with an infraction shall not be entitled to a trial by jury. A person charged with an infraction shall not be entitled to have the public defender or other counsel appointed at public expense to represent him or her unless he or she is arrested and not released on his or her written promise to appear, on his or her own recognizance, or upon a deposit of bail.

(c) A “**misdemeanor**” is punishable by:

(1) Imprisonment in the County jail not exceeding six months; or by a fine not exceeding \$1,000.00; or by both.

(d) Each such person described in Section (a) above, shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Code is committed, continued or permitted by any such person, and he or she shall be punished accordingly.

(e) Payment of a fine shall not excuse payment of any fee required by this Code.

(f) In addition to the foregoing, any violation of the provisions of this Code is deemed to be a public nuisance. Such violations may be abated by civil action or pursuant to applicable administrative abatement procedures.

(g) A violation of any Code section may, at the discretion of the prosecutor, if the violation is initially charged as a misdemeanor rather than an infraction, be prosecuted as an infraction, subject to the procedures described in Subsection (b)(2) above, and Subsection (h) below, when:

(1) The prosecutor files a complaint charging the offense as an infraction, unless the defendant, at the time he or she is arraigned, after being informed of his or her rights, elects to have the case proceed as a misdemeanor; or

(2) The court of relevant jurisdiction, with the consent of the defendant, determines that the offense is an infraction in which event the case shall proceed as if the defendant had been arraigned on an infraction complaint.

(h) Except as otherwise provided by law, all provisions of law related to misdemeanors shall apply to infractions, including, but not limited to, powers of authorized officers, jurisdiction of courts, periods for commencing action and bringing a case to trial and burden of proof.

(i) The Authority may employ necessary personnel to enforce its rules, regulations, Codes and Policies. [Cal. Pub. Util. Code §170016(c).]

[Amended by Resolution No. 2008-0029 dated March 6, 2008.]
[Resolution No. 2002-02 dated September 20, 2002.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

ARTICLE 1 - ADMINISTRATION AND GOVERNANCE

PART 1.1 - AUTHORITY AND ENFORCEMENT

**SECTION 1.17 - ACTS INCLUDE CAUSING, PERMITTING, AIDING OR
ABETTING**

(a) Whenever in this Code any act or omission is made unlawful, it shall include causing, permitting, aiding or abetting such act or omission.

[Resolution No. 2002-02 dated September 20, 2002.]

[Superseded by Resolution No. _____ dated _____.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

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- ARTICLE 1 - ADMINISTRATION AND GOVERNANCE
 - PART 1.1 - AUTHORITY AND ENFORCEMENT
 - SECTION 1.18 - HOLIDAYS
-

(a) The Executive Director or his or her designee of the San Diego County Regional Airport (“**Authority**”) shall provide the holidays observed by the Authority.

[Resolution No. 2002-02 dated September 20, 2002.]

[Superceded by Resolution No. _____ dated _____.]

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SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

- ARTICLE 2** - **ETHICS**
PART 2.0 - **ETHICS AND CONDUCT**
SECTION 2.01 - **PURPOSE**
-

(a) The Authority was established by the State of California to improve air transportation service and planning for the San Diego region; its jurisdiction is countywide. The citizens and businesses of the County of San Diego that the Authority serves are entitled to fair, ethical and accountable regional government. The effective functioning of good government requires that:

- (1) Public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government;
- (2) Public officials shall be independent, impartial and fair in their judgment and actions;
- (3) Public office shall be used for the public good and not for personal gain; and
- (4) Public deliberations and processes shall be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

(b) To this end, the Authority hereby adopts this Code of Ethics and Conduct set forth in Sections 2.01 to 2.16 of this Code (“**Ethics Code**”) governing the conduct of the members of the Board and its Employees. As used in this Article 2, “**Employees**” includes the Authority’s President/CEO, General Counsel, other officers, consultants and all other persons employed by the Authority. The purpose of this Ethics Code is to ensure public confidence in the integrity of the Authority and its effective and fair operation. This Ethics Code shall be broadly construed to effectuate its purposes.

[Amended by Resolution No. 2019-0015 dated February 7, 2019.]

[Adopted by Resolution No. 2002-02 dated September 20, 2002.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

ARTICLE 2 - ETHICS
PART 2.0 - ETHICS AND CONDUCT
SECTION 2.02 - ACT IN THE PUBLIC INTEREST

(a) Recognizing that stewardship of the public interest must be their primary concern, Board members and Employees shall work for the common good of the people of the County of San Diego and not for any private or personal interest, and they shall ensure fair and equal treatment of all persons, claims and transactions coming before the Board.

[Amended by Resolution No. 2019-0015 dated February 7, 2019.]
[Adopted by Resolution No. 2002-02 dated September 20, 2002.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

- ARTICLE 2** - **ETHICS**
PART 2.0 - **ETHICS AND CONDUCT**
SECTION 2.03 - **BOARD NON-INTERFERENCE WITH ADMINISTRATION**
-

(a) Except for the purpose of inquiry into the affairs of the Authority and the conduct of any Authority department or office, the Board and its members shall deal with Authority employees who are subject to the direction and supervision of the President/CEO solely through the President/CEO. Neither the Board nor its members shall: (1) give or attempt to give orders to any Authority officer or employee either publicly or privately; (2) attempt to coerce or influence the President/CEO or any Authority officer or employee with respect to any contract, purchase of supplies, or any other administrative action; or (3) in any manner direct or request the appointment of any person to, or his removal from, office or Authority position by the President/CEO or his or her subordinates.

[Amended by Resolution No. 2018-0106 dated October 4, 2018.]
[Adopted by Resolution No. 2002-02 dated September 20, 2002.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

- ARTICLE 2** - **ETHICS**
PART 2.0 - **ETHICS AND CONDUCT**
SECTION 2.04 - **NON-DISCLOSURE OF CONFIDENTIAL INFORMATION**
-

(a) No Board member or Employee shall disclose any confidential information concerning the properties and airports under the jurisdiction of the Authority, personnel or affairs of the Authority, except as specifically required by law, as evidenced by a final order of a court of competent jurisdiction. This prohibition on disclosure of confidential information shall remain in effect in perpetuity after leaving Authority service. Disclosure to a law enforcement agency of confidential government information concerning conduct that may involve waste, fraud, corruption, criminal activity or a violation of this Ethics Code is not prohibited. For purposes of this Ethics Code, “**confidential**” shall mean information that is not subject to disclosure under the California Public Records Act, or is properly the subject of discussion in closed session pursuant to the Ralph M. Brown Act.

[Amended by Resolution No. 2018-0106 dated October 4, 2018.]
[Adopted by Resolution No. 2002-02 dated September 20, 2002.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

- ARTICLE 2** - **ETHICS**
PART 2.0 - **ETHICS AND CONDUCT**
SECTION 2.05 - **COMPLIANCE WITH LAWS, RULES AND REGULATIONS**
-

(a) Board members and Employees shall comply with the laws of the United States and the State of California and the ordinances, codes, rules and regulations of the Authority in the performance of their public duties. These laws include, but are not limited to: the United States and California constitutions and statutes; and laws pertaining to conflicts of interest, election campaigns, financial disclosure, employer responsibilities and open processes of government.

(b) In the furtherance of public and legislative confidence in integrity and accountability, the Authority shall also conform to applicable provisions of California Government Code §§ 53232-53235.2.

(c) Ethics Training for Board Members and Designated Employees.

(1) Board members and Employees designated below shall take a minimum of two (2) hours of ethics training every two (2) years as set forth in Government Code §§ 53234-53235.2.

(i) Applicability. The provisions of this section regarding ethics training shall apply to each and every Board member and to the following designated Authority employees: President/CEO, General Counsel, Chief Auditor, and all Vice Presidents.

(ii) Board members and designated employees shall complete the required training no later than their one (1) year anniversary with the Authority. When a Board member or a designated employee of the Authority serves more than one agency that is subject to Government Code §§ 53235-53235.2, the training only need be completed once every two (2) years without regard to the number of local agencies with whom the Board member/employee serves.

(2) The ethics training shall at a minimum include the topics specified in Government Code §§ 53234(d), which includes:

(i) Laws relating to personal financial gain by public servants, including laws prohibiting bribery and conflict of interest laws.

(ii) Laws relating to claiming perquisites of office, including gift and travel restrictions, prohibitions against use of public resources for personal or political purposes,

prohibitions against gifts of public funds, mass mailing restrictions, and prohibitions against acceptance of free or discounted transportation by transportation companies.

(iii) Government transparency laws, including financial interest disclosure requirements and open government laws.

(iv) Laws relating to fair process, including common law bias prohibitions, due process requirements, incompatible offices, competitive bidding requirements for public contracts, and disqualification from participating in decisions affecting family members.

(3) If the Authority develops its own curricula to satisfy the requirements regarding ethics training, the Authority General Counsel shall forward the curricula to the Fair Political Practices Commission and the Attorney General for review of the curricula's sufficiency and accuracy.

(4) The Authority, through the Clerk, shall regularly and at least annually inform Board members and designated employees of the availability of ethics training courses that satisfy the requirements of this section. The training may be offered through formal training courses or sets of self-study materials with tests. The courses may be taken in-person, at home, or online.

(5) The Authority, through the Clerk, shall maintain records indicating the date each Board member or designated employee received the required ethics training and the entity that provided the training. The records shall be maintained for a minimum of five (5) years after the date of the training. The records are public records and subject to the California Public Records Act.

[Amended by Resolution No. 2019-0015 dated February 7, 2019.]

[Amended by Resolution No. 2006-0084 dated July 6, 2006.]

[Adopted by Resolution No. 2002-02 dated September 20, 2002.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

- ARTICLE 2 - ETHICS**
PART 2.0 - ETHICS AND CONDUCT
SECTION 2.06 - CONDUCT OF BOARD
-

(a) The professional and personal conduct of Board members must be above reproach and avoid even the appearance of impropriety. Board members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of each other or the public. Board members shall not engage in conduct detrimental to the reputation and good order of the Authority.

(b) Board members shall perform their duties in accordance with all established policies and rules of order governing the deliberation of public policy issues, meaningful involvement of the public and implementation of policy decisions.

(c) Board members shall prepare themselves for public issues, listen courteously and attentively to all public discussions before the Board and focus on the business at hand. They shall refrain from interrupting other speakers, making personal comments not germane to the business of the Board or otherwise interfering with the orderly conduct of meetings.

[Resolution No. 2002-02 dated September 20, 2002.]

[Superceded by Resolution No. _____ dated _____.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

- ARTICLE 2 - ETHICS**
 - PART 2.0 - ETHICS AND CONDUCT**
 - SECTION 2.07 - MAINTENANCE OF POSITIVE WORK ENVIRONMENT**
-

(a) Board members and Employees shall support the maintenance of a positive and constructive work place environment for each other and for citizens and businesses dealing with the Authority.

[Amended by Resolution No. 2018-0106 dated October 4, 2018.]
[Adopted by Resolution No. 2002-02 dated September 20, 2002.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

- ARTICLE 2 - ETHICS**
PART 2.0 - ETHICS AND CONDUCT
SECTION 2.08 - PROHIBITED CONFLICTS OF INTEREST
-

(a) The Authority is required to adopt a Conflict of Interest Code pursuant to Section 87300 of the California Government Code. The Authority's Conflict of Interest Code is contained in Authority Code Section 2.30. The Conflict of Interest Code incorporates many of the provisions of the California Political Reform Act (California Govt. Code §§ 81000-91015) ("California Political Reform Act") pertaining to conflicts of interest.

(b) This Ethics Code incorporates and makes applicable to the Board members and Employees: (1) the Authority's Conflict of Interest Code; and (2) the provisions of the California Political Reform Act, and (3) the regulations of the California Fair Political Practices Commission pertaining to conflicts of interest, including, but not limited to, California Government Code § 84308, which governs any Board member who is running or has run for elective office. In some instances, the provisions of this Ethics Code may be more restrictive than the provisions of the California Political Reform Act or the regulations of the California Fair Political Practices Commission. The provisions of this Ethics Code shall apply in such cases.

(c) By way of summary, a conflict of interest occurs when a Board member or Employee, acting in an official capacity, makes, participates in making or in any way attempts to use his or her official position to influence a decision of the Authority in which he or she knows or has reason to know that he or she has a financial interest. Financial interests include:

(1) A business entity in which a Board member or Employee or an immediate family member has an investment or holds a management position;

(2) Real property in which a Board member or Employee or an immediate family member owns an interest; and

(3) Any person or entity that is a source of income, gifts or loans to a Board member, Employee or an immediate family member.

(d) Notwithstanding a conflict of interest, certain exceptions contained within the California Political Reform Act and the regulations of the California Fair Political Practices Commission may result in the official or Employee not being disqualified.

(e) If a disqualifying conflict exists, the Board member or employee must be disqualified from making, participating in making or attempting to use his or her official position in any way to influence the Authority's decision which involves that financial interest.

(f) Every Board member and employee of the Authority is responsible for knowing the conflict of interest rules and knowing when he or she has a disqualifying conflict of interest. However, Board members and Employees may consult the Authority's Ethics Officer, General Counsel or such other authorized individual designated by the Authority ethics officer ("**Ethics Officer**") when faced with a conflict of interest issue. As soon as a Board member or Employee has a disqualifying conflict of interest, he or she shall:

- (1) Promptly file with the Ethics Officer a signed statement disclosing the nature and extent of the conflict of interest;
- (2) Immediately stop participating further in the matter;
- (3) If an Employee, notify his or her supervisor about the disqualification; and
- (4) If a Board member, set forth the disqualification in the official record of the Authority.

(g) The Authority may prepare supplementary material regarding the applicable conflict of interest rules and distribute such material to Board members and officials and Employees.

[Amended by Resolution No. 2019-0015 dated February 7, 2019.]
[Adopted by Resolution No. 2002-02 dated September 20, 2002.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

- ARTICLE 2 - ETHICS**
PART 2.0 - ETHICS AND CONDUCT
SECTION 2.09 - PROHIBITED OUTSIDE POSITIONS
-

(a) No Board member or employee of the Authority shall be a paid employee (whether full or part time), attorney, agent, broker, officer, director, trustee or consultant for anyone that the Board member or employee knows or should know is doing business or seeking to do business with the Authority or that the Board member or employee knows or should know has or is seeking a license, permit, grant or benefit from or is entering into a contract with the Authority.

[Resolution No. 2002-02 dated September 20, 2002.]
[Superceded by Resolution No. _____ dated _____.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

- ARTICLE 2** - **ETHICS**
PART 2.0 - **ETHICS AND CONDUCT**
SECTION 2.10 - **PROHIBITED RECEIPT OF BENEFITS**
-

(a) Definitions

(1) “**Benefit**” means any Honorarium, Gift or Travel Expense made to, or in the interest of, an individual or a member of the individual’s immediate family. The term Benefits does not include anything that (A) is returned unused to the donor or the donor’s agent or intermediary within thirty (30) calendar days of receipt, (B) is donated to a 501(c)(3) nonprofit organization that is unconnected to the official or official’s immediate family, or (C) falls within an exception to the definition of a gift under the California Political Reform Act or California Fair Political Practices Commission Regulations.

(2) “**Gift**” means any payment that confers a personal benefit on the recipient, to the extent that consideration of equal or greater value is not received and includes a rebate or discount in the price of anything of value unless the rebate or discount is made in the regular course of business to members of the public without regard to official status.

(3) “**Honorarium**” means, except as provided below, any payment made in consideration for any speech given, article published or attendance at any public or private conference, convention, meeting, social event, meal or like gathering. The term Honorarium does not include earned income for personal services that are customarily provided in connection with the practice of a bona fide business, trade or profession, such as teaching, practicing law, medicine, insurance, real estate, banking or building contracting, unless the sole or predominant activity of the business, trade or profession is making speeches.

(4) “**Travel Expenses**” means reasonable payments, advances or reimbursements for travel, including actual transportation and related lodging, food and beverages.

(b) Restrictions on Benefits

(1) No Board member or Employee shall request a Benefit from any person or entity or accept any Benefit intended to influence official duties.

(2) No Board member or Employee shall accept anything of value from anyone, other than the Authority or another Board member or Employee, for doing his or her job.

(3) No Board member or Employee shall accept Benefits aggregating more than one-half (1/2) the amount of gifts permitted under the California Political Reform Act in any calendar year from any single source:

(A) That the Board member or Employee knows or should know is doing business with the Authority or intends to do business with the Authority or has done business with the Authority during the previous twelve (12) months; or

(B) That the Board member or Employee knows or should know has or is seeking a contract, lease, license, permit, grant or benefit from the Authority; or

(C) That the Board member or Employee knows or should know is an agent (whether compensated or not) of any person or entity described in Subsections (A) or (B).

(4) No person designated in the Authority's Conflict of Interest Code shall accept an Honorarium from any source if that person would be required to report the receipt of income or Gifts from that source on his or her statement of economic interests pursuant to the Appendix to the Authority's Conflict of Interest Code.

(c) Acceptance of Benefits

(1) A Benefit is "accepted" when the recipient knows that he or she has either actual possession of the Benefit or takes any action exercising direction or control over the Benefit.

(2) In the case of a rebate or discount, a Benefit is "accepted" when the recipient receives the rebate or discount and knows that the rebate or discount is not made in the regular course of business to members of the public.

(3) Turning a Benefit over to another person does not negate receipt of acceptance of the Benefit.

(d) Exceptions to Restrictions on Benefits

The following are not considered Benefits for the purpose of this Section and are not subject to the restrictions of Subsection (b):

(1) A Gift or loan from an individual's spouse or former spouse; child or step-child; parent; grandparent or great grandparent; grandchild or great grandchild; brother; sister; current or former parent-in-law, brother-in-law, or sister-in-law; nephew; niece; aunt or uncle; including grand nephew, grand niece, grand aunt, or grand uncle, or first cousin including first cousin once removed or the spouse, or former spouse, of any such person other than a former in-law, unless the individual giving the Gift or making the loan is acting as an agent or intermediary for any person not identified in this Subsection (1).

(2) Gifts exchanged between a Board member or Employee and an individual, other than a lobbyist, on holidays, birthdays or similar occasions provided that the presents exchanged are not substantially disproportionate in value;

- (3) Any devise, bequest or inheritance;
- (4) A prize or award received in a bona fide competition not related to the recipient's status as a Board member or Employee of the Authority;
- (5) A personalized plaque or trophy with an individual value that is the greater of \$160 or one half the aggregate amount permitted by the California Fair Political Practices Commission for gifts in a calendar year from a single source;
- (6) Campaign contributions, including rebates or discounts received in connection with campaign activities, although such campaign contributions must be reported in the time and manner required by the California Political Reform Act;
- (7) Admission, food, beverages and similar non-cash nominal Benefits provided to the Board member or Employee at an event at which a Board member or Employee participates in a panel or seminar in his or her official capacity as a Board member or Employee or provides a similar service, provided, however, that such food and beverages must be consumed on the day of the activity in which the Board member or Employee participates;
- (8) Travel Expenses approved by the Board for travel within California provided directly in connection with an event at which a Board member or Employee gives a speech, participates in a panel or seminar or provides a similar service;
- (9) Travel Expenses approved by the Board for travel outside California but within the United States (although such expenses may be reportable on the Board member or Employee's statement of economic interests) if:
 - (A) The travel is reasonably related to a legislative or governmental purpose; and
 - (B) The travel is made in connection with an event at which the Board member or Employee gives a speech, participates in a panel or seminar or provides a similar service; and
 - (C) The lodging and subsistence expenses in this case are limited to the day immediately preceding the day of, and the day immediately following the speech, panel or other similar service.
- (10) Travel Expenses approved by the Board for travel within the United States (although such expenses may be reportable on the Board member or Employee's statement of economic interests) if:
 - (A) The travel is reasonably related to a legislative or governmental purpose; and

(B) The payment is provided by the Authority or any other public agency or a bona fide public or private educational institution, as defined in Section 203 of the Revenue and Taxation Code, or by a nonprofit organization that is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code, or by a person that is domiciled outside the United States and that substantially satisfies the requirements for tax exempt status under Section 501(c)(3) of the Internal Revenue Code.

(11) Travel Expenses that are reasonably necessary in connection with a bona fide business, trade or profession and that satisfies the criteria for federal income tax deduction for business expenses in Sections 162 and 274 of the Internal Revenue Code, unless the sole or predominant activity of the business, trade or profession is making speeches, although such Travel Expenses may be reportable on the Board member's or Employee's statement of economic interests;

(12) Income received as a payment for a comedic, dramatic, musical or other similar artistic performance; and payments received for the publication of books, plays or screenplays, although such income may be reportable on the Board member's or Employee's statement of economic interest;

(13) Income earned for the Board member's or Employee's personal services if the services are provided in connection with a bona fide business, trade or profession — such as teaching, practicing law, medicine, insurance, real estate, banking or building contracting — and the services are customarily provided in connection with the business, trade or profession, although such income may be reportable on the Board member or Employee's statement of economic interests; and

(14) Any exception in this section applicable to a Board member or Employee attending an event in his or her official capacity shall apply equally to any Board member or Employee attending an event in his or her official capacity as an elected or appointed official of another public agency.

[Amended by Resolution No. 2019-0015 dated February 7, 2019.]

[Amended by Resolution No. 03-007 R dated February 6, 2003.]

[Adopted by Resolution No. 2002-02 dated September 20, 2002.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

- ARTICLE 2 - ETHICS**
PART 2.0 - ETHICS AND CONDUCT
SECTION 2.11 - USE OF AUTHORITY POSITION OR RESOURCES
-

(a) No Board member or Employee shall use his or her position or prospective position, or the power or authority of his or her office or position, in any manner intended to induce or coerce any person to provide, directly or indirectly, anything of value that shall accrue to the private advantage, benefit or economic gain of the Board member or Employee or of any other person. As used in this section, the term “private advantage, benefit or economic gain” means any advantage, benefit or economic gain, distinct from that enjoyed by members of the public without regard to official status or not resulting naturally from lawful and proper performance of duties. A Board member or Employee engages in a prohibited use of his or her official position or prospective position when he or she engages in activities other than in the lawful and proper performance of his or her Authority duties.

(b) No Board member or Employee shall use public resources not available to the public in general, such as Authority staff time, equipment, supplies or facilities, for private gain or personal purposes.

(c) No Board member or Employee shall appear on behalf of the private interests of third parties before the Board.

(d) No Board member or Employee shall use any Authority resource, including, but not limited to, offices, telephones and computers, to advocate the election or defeat of any candidate, initiative or referendum, including raising funds therefor.

(e) No Board member or Employee shall advocate the election or defeat of any candidate, initiative or referendum, including raising funds therefor, during hours for which he or she is paid by the Authority.

(f) No Board member or Employee shall knowingly ask, directly or indirectly, any of the following for a political contribution or to do any political activity:

(1) Any Board member or Employee; and

(2) Anyone that the Board member or Employee knows or should know does business or intends to do business with the Authority or has done business with the Authority during the previous twelve (12) months.

(g) As used in this section, the term “advocate the election or defeat of any candidate, initiative or referendum, including raising funds therefor,” shall be broadly construed.

(h) Nothing in this section shall prohibit the use of Authority resources to provide information to the public regarding the possible effects of any ballot measure relating to Authority activities, operations or policies, provided that the information provided constitutes a fair and impartial presentation of relevant facts to aid the electorate in reaching an informed judgment regarding the ballot measure.

[Amended by Resolution No. 2018-0106 dated October 4, 2018.]

[Adopted by Resolution No. 2002-02 dated September 20, 2002.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

- ARTICLE 2** - **ETHICS**
PART 2.0 - **ETHICS AND CONDUCT**
SECTION 2.12 - **EX PARTE CONTACTS**
-

(a) An “**Ex Parte Contact**” is any written or oral communication between a Board member and any Interested Person, other than an individual on the Authority’s staff acting in his or her official capacity, about a matter pending before and within the jurisdiction of the Authority, and which does not occur in a public hearing, workshop or other official proceeding, or appear in the official record of the proceeding on the matter.

(b) Ex Parte Contacts shall be avoided if possible. If an Ex Parte Contact is received by a Board member, he or she shall report it to the Authority Clerk within five (5) days of the contact, or prior to the proceeding on the matter relating to the communication. The Authority Clerk shall ensure that all of the following is a part of the record in the proceeding:

- (1) If the communication is written, the writing; and
- (2) If the communication is oral, a statement by the Authority Clerk or the Board member regarding the substance of the communication.

(c) During the proceeding at which evidence of an Ex Parte Contact is made part of the record, any party to the matter that was not involved in the Ex Parte Contact shall be permitted to comment on the communication on the record.

(d) Notwithstanding the foregoing, in any proceeding involving formal procurement or contracting, no oral or written communications regarding a substantive issue in the proceeding shall be permitted between an Interested Person and any Board member, a Board member’s personal advisor or the President/CEO from any time after the issuance of a Request for Bids, Request for Proposals or Request for Qualifications regarding the procurement or contracting until the Board makes a final decision on the matter or decides not to make a decision on the matter.

(e) As used in this section, “**Interested Person**” means any of the following:

- (1) any applicant, protestant, respondent, petitioner, complainant, defendant, interested party who has made a formal appearance, or the agents or employees of any of them, including persons receiving consideration to represent any of them;
- (2) any person with a financial interest, as described in the California Political Reform Act, in a matter at issue before the Board, or such person’s agents or employees, including persons receiving consideration to represent such a person; or

(3) a representative acting on behalf of any formally organized civic, environmental, neighborhood, business, labor, trade or similar association who intends to influence the decision of a Board member on a matter before the Board, even if that association is not a party to the matter.

[Amended by Resolution No. 2019-0015 dated February 7, 2019.]

[Amended by Resolution No. 03-007 R dated February 6, 2003.]

[Adopted by Resolution No. 2002-02 dated September 20, 2002.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

- ARTICLE 2 - ETHICS**
 - PART 2.0 - ETHICS AND CONDUCT**
 - SECTION 2.13 - REPRESENTATION OF OFFICIAL POSITIONS OF THE AUTHORITY**
-

(a) Board members and Employees shall represent the official policies or positions of the Authority to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, Board members and Employees shall explicitly state they do not represent the Board or the Authority, nor will they allow the inference that they do.

[Amended by Resolution No. 2018-0106 dated October 4, 2018.]
[Adopted by Resolution No. 2002-02 dated September 20, 2002.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

ARTICLE 2 - ETHICS
PART 2.0 - ETHICS AND CONDUCT
SECTION 2.14 - PROTECTION OF EMPLOYEES AGAINST RETALIATION FOR REPORTING VIOLATIONS

(a) No Board member or employee of the Authority shall use or threaten to use any official power or influence to discourage, restrain or interfere with any other person for the purpose of preventing such person from acting in good faith to report or otherwise bring to the attention of the Board or other appropriate agency, office or department any information which, if true, would constitute:

- (1) a work-related violation by a Board member or employee of any law or regulation, including this Ethics Code;
- (2) a gross waste of Authority funds;
- (3) a gross abuse of power;
- (4) a conflict of interest of a Board member or employee;
- (5) a specific and substantial danger to public health or safety due to an act or omission of a Board member or employee; or
- (6) use of an Authority office or position or use of Authority resources for personal gain.

(b) No Board member or employee of the Authority shall use or threaten to use any official authority or influence to effect any action as a reprisal against a Board member or employee who reports or otherwise brings to the attention of the Board or other appropriate agency, office or department, any information regarding the subjects described above in Subsection (a).

(c) Any person who believes that he or she has been subjected to any action prohibited by this section may file a complaint with the Board or the Authority Ethics Officer. The Board or Authority Ethics Officer shall thereupon investigate the complaint in accordance with applicable Authority procedures. Upon the conclusion of its investigation, the Board or the President/CEO where an employee of the Authority is involved, may take appropriate action as otherwise provided by law.

(d) In the event the Board determines that it has a conflict of interest in an investigation of a retaliation complaint, the President/CEO or his or her designee shall refer the investigation of the retaliation complaint to an appropriate ad hoc committee or an outside independent party, who shall take appropriate action as otherwise provided by law.

[Amended by Resolution No. 2019-0015 dated February 7, 2019.]
[Adopted by Resolution No. 2002-02 dated September 20, 2002.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

- ARTICLE 2 - ETHICS**
PART 2.0 - ETHICS AND CONDUCT
SECTION 2.15 - REGISTRATION AND CONDUCT OF LOBBYISTS
-

(a) “**Lobbyist**” means any individual who receives or becomes entitled to receive at least \$100 in any calendar month to communicate, directly or through his or her agents, with any Board member or employee of the Authority for the purpose of influencing any action of the Authority. The preparation and submission of written comments to all Board members or to staff for inclusion in the official records nor addressing the Board at a publicly noticed meeting of the Board shall not constitute lobbying.

(b) All Lobbyists shall register as an Authority Lobbyist with the Authority Clerk within ten (10) days of qualifying as a Lobbyist, using the Authority’s Lobbyist Registration Statement. The Lobbyist Registration Statement shall include the full name, business address and telephone phone number of the Lobbyist and his or her employer, if any, along with the name, address and telephone number of each person who is employing the lobbying services of the Lobbyist. Lobbyist registration shall be valid for one (1) calendar year.

(c) All Lobbyists shall file quarterly Lobbyist Reports listing: (1) each person who is employing the lobbying services of the Lobbyist; (2) compensation received for lobbying the Authority for each employer; (3) expenses paid, incurred, or provided by the Lobbyist; (4) campaign contributions made or delivered by the Lobbyist to any Board member or employee of the Authority; and (5) the specific Authority decision for which the Lobbyist represented each employer.

(d) All Lobbyist Registration Statements and Lobbyist Reports shall be filed under penalty of perjury.

(e) The Board may amend the Lobbyist Registration Statement and the Lobbyist Report in its discretion, provided the revised forms are not inconsistent with this Ethics Code.

(f) No Board member or employee of the Authority shall serve as a Lobbyist while serving the Authority and for a period of two (2) years after leaving the Authority.

[Amended by Resolution No. 2019-0015 dated February 7, 2019.]

[Adopted by Resolution No. 2002-02 dated September 20, 2002.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

- ARTICLE 2** - **ETHICS**
PART 2.0 - **ETHICS AND CONDUCT**
SECTION 2.16 - **ENFORCEMENT**
-

(a) In addition to the criminal, civil and administrative penalties provided in California statutes, including the California Political Reform Act, the Authority shall enforce this Ethics Code to achieve its intended purposes.

(b) Potential violations of this Ethics Code by individual Board Members or the President/CEO, General Counsel, or Chief Auditor shall be investigated impartially and promptly as directed by the Board. The Board shall determine whether a violation has been committed only after a hearing at which the person or persons alleged to have committed the violation shall, with reasonable prior notice of the allegations, be given an opportunity to present a defense. Any meeting of the Board pertaining to an alleged violation by the President/CEO, General Counsel, or Chief Auditor shall comply with the Brown Act.

(c) Except for employees appointed by the Board, potential violations of this Ethics Code by Authority employees shall be investigated promptly and impartially by the Authority Ethics Officer.

i) The President/CEO or his or her designee shall take appropriate action upon completion of the investigation.

(d) The Board shall take the following action upon learning that a violation of this Ethics Code by individual members of the Board or employees appointed by the Board may have occurred:

(1) Form an appropriate ad hoc committee, which may or may not include members of the Board, not including the Board member or members to be investigated for allegedly violating this Ethics Code, or retain an outside independent party;

(2) The appropriate ad hoc committee, or outside independent party, shall investigate the alleged ethical violation, make public findings and recommend penalties;

(3) The full Board, less the Board member (s) subject to the investigation, if any, shall determine the appropriate penalty if a violation of this Ethics Code is found to have occurred; and

(4) Penalties for violating this Ethics Code may include censure, fine, providing restitution and recommending that the person be removed from office, all to the extent permitted and authorized by law.

(5) Actions to enforce violations of this Ethics Code shall be commenced within four years after the date on which the violation occurred or is discovered.

[Amended by Resolution No. 2019-0015 dated February 7, 2019.]
[Adopted by Resolution No. 2002-02 dated September 20, 2002.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

- ARTICLE 2** - **ETHICS**
PART 2.3 - **CONFLICTS OF INTEREST**
SECTION 2.30 - **CONFLICTS OF INTEREST**
-

(a) The California Political Reform Act, Government Code Sections 81000, *et seq.*, requires state and local government agencies to adopt and promulgate Conflict of Interest Codes. The California Fair Political Practices Commission (“FPPC”) has adopted a regulation, 2 Cal. Code of Regs. Section 18730, which contains the terms of a standard model Conflict of Interest Code, which can be incorporated by reference, and which may be amended by the FPPC to conform to amendments in the California Political Reform Act after public notice and hearings. Therefore, the terms of 2 Cal. Code of Regs. Section 18730 and any amendments to it duly adopted by the FPPC, along with the attached Appendix, in which officials and employees are designated and disclosure categories are set forth, are hereby incorporated by reference and constitute the Conflict of Interest Code of the Authority.

(b) Designated employees shall file Statements of Economic Interests with the Authority Clerk which will make the statements available for public inspection and reproduction (Cal. Gov. Code Section 81008). Upon receipt of the completed Statements of Economic Interest, the Authority Clerk shall date stamp and retain the original statements for all designated employees (Cal. Gov. Code Section 87500 (p)). The original Statements of Economic Interest for heads of agencies, and members of boards or commissions (i.e. President/CEO, General Counsel, Chief Auditor, Vice Presidents, Board Member, and Public Committee Members) will be forwarded to the Clerk of the San Diego County Board of Supervisors (Cal. Gov. Code Section 87500 (k) and the Authority will maintain a copy.

(c) Appendices

(1) Appendix A - Designated Employee Positions

LIST OF DESIGNATED POSITIONS	*ASSIGNED DISCLOSURE CATEGORY
Accounting Manager	4
Airport Art Program Manager	4
Airside Operations Duty Manager II	2, 4
Associate Airport Planner	2, 4
Assistant Authority Clerk II	4
Associate Engineer	2, 4
Associate Real Estate Manager	2, 4
Attorney	1

Auditor	1
Board Member	1
Business Development Program Manager	4
Chief Auditor	1
Construction Manager	2, 4
Construction Safety Program Manager	2, 4
Consultant*	1**
Customer Relations Manager	4
Director, Airport Design & Construction	1
Director, Airport Planning & Environmental Affairs	1
Director, Aviation Operations	1
Director, Aviation Security & Public Safety	1
Director, Board Services	1
Director, Counsel Services	1
Director, Facilities Development	1
Director, Facilities Management	1
Director, Financial Management	1
Director, Financial Planning and Budget	1
Director, Ground Transportation	1
Director, Information Technology Services	1
Director, Innovation & Business Development	1
Director, Inter-Governmental Relations	1
Director, Media & Public Relations	1
Director, Talent, Culture & Capability	1
Director, Terminal & Tenants	1
Director, Procurement	1
Financial Analyst II	4
General Counsel	1
Labor Compliance Program Manager	3, 4
Maintenance Project Inspector	3, 4
Management Analyst	4
Manager, Administrative Services	4
Manager, Airport Finance	4
Manager, Airport Planning	2, 4
Manager, Airside Operations	4
Manager, Audit Services	1
Manager, Aviation Security & Law Enforcement	3, 4
Manager, Business Analytic	4
Manager, Business & Systems Applications	4
Manager, Contracts	4

Manager, Emergency Preparedness & Public Safety	3, 4
Manager, Energy & Water Management	4
Manager, Environmental Affairs	2, 4
Manager, Geographic Information System & Computer Aided Design	4
Manager, Ground Transportation	4
Manager, Facilities Management	2, 4
Manager, Information Technology Operations	4
Manager, Information Technology Terminal Services	4
Manager, Insurance & Construction, Risk	2, 4
Manager, Labor Compliance Program	3, 4
Manager, Landside Operations	4
Manager, Learning & Capability	4
Manager, Procurement & Contract Services	4
Manager, Service Desk	4
Manager, Small Business Development	4
Manager, Talent & Rewards	4
Manager, Terminal Concessions	4
Manager, Terminal Operations	4
Manager, Workplace Safety & Risk	4
President/CEO	1
Procurement Analyst	4
Program Manager	4
Project Manager	4
Public Audit, and Art Advisory Committee Members)	1
Quality Control Manager	3, 4
Quieter Home Program Coordinator	2, 4
Real Estate Manager	2, 4
Records & Information Manager	4
Senior Airport Planner	2, 4
Senior Airport Traffic Supervisor	3
Senior Airside Operations Duty Manager	2, 4
Senior Auditor	1
Senior Construction Inspector	3
Senior Director, Finance & Asset Management	1
Senior Director, Marketing & Air Service Development	1
Senior Director, Strategy & Policy	1

Senior Engineering Technician	2,4
Senior Financial Analyst	4
Senior Maintenance Project Inspector	2,3
Senior Management Analyst	3
Senior Manager, Accounting	4
Senior Manager, Airport Finance	4
Senior Manager, Art & Community Partnership	4
Senior Manager, Aviation & Commercial Business	2,3,4
Senior Manager, Information Technology	4
Senior Manager, Marketing	4
Senior Marketing Specialist	4
Senior Project Management Systems Analyst	4
Senior Procurement Analyst	4
Senior Risk Management Analyst	4
Senior Systems Support Analyst	4
Small Business Development Program Coordinator	4
Small Business Development Program Manager	2,4
Vice President, Development	1
Vice President, Finance & Asset Management	1
Vice President, Operations	1
Vice President, Revenue Management & Innovation	1

* Consultants are persons who meet the definition found in 2 Cal. Code of Regs. Section 18700.3.

** Consultants shall disclose pursuant to Category 1, the broadest disclosure category in this Conflict of Interest Code, unless the President/CEO determines in writing that a particular consultant, although a designated employee, is hired to perform a range of duties that are limited in scope and thus is not required to comply with the disclosure requirements described in this Appendix. Such determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The determination of the President/CEO is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code. Nothing herein excuses any such consultant from any other provision of this Conflict of Interest Code.

(2) Appendix B - Disclosure Categories

General Provisions. The Authority has jurisdiction throughout the County. Accordingly, when a designated employee or individual is required to disclose investments, business positions, and sources of income, he or she need only disclose investments in business entities and sources of income that do business in the County, plan to do business in the County, or have done business in the County within the past two (2) years. In addition to other activities, a business entity is doing business within the County if it owns real property within the County. When a designated employee or individual is required to disclose real property, he or she need only disclose that which is located in whole or in part within or not more than two (2) miles outside the boundaries of the County or within two (2) miles of any land owned or used by the Authority.

Definition of Disclosure Categories

Category 1 - **Officials and employees whose duties are broad and indefinable:**

Business positions, investments and sources of income that are either located in or doing business in the County, are planning to do business in the County, or have done business in the County in the past two (2) years.

Interests in real property in the County, including real property within two (2) miles of the boundaries of the County.

Category 2 - **Officials and employees whose decisions may affect real property interests:**

Investments and business positions in business entities, and income from sources that engage in land development, construction, or the acquisition or sale of real property.

Interests in real property in the County, including real property within two (2) miles of the boundaries of the County, or property located within a two (2) mile radius of any property owned or used by the Authority.

Category 3 - **Officials and employees with regulatory powers:**

All investments, business positions, interests in real property and sources of income subject to the regulatory, permit or licensing authority of the Authority.

Category 4 - **Officials and employees whose duties involve contracting or purchasing:**

Investments and business positions in business entities and sources of income including those that provide services, supplies, materials, machinery or equipment of the type utilized by the Authority or any individual department of the Authority.

[Amended by Resolution No. 2018-0090 dated September 13, 2018.]
[Amended by Resolution No. 2016-0072 dated September 15, 2016]
[Amended by Resolution No. 2014-0083 dated September 4, 2014]
[Amended by Resolution No. 2012-0089 dated September 6, 2012]
[Amended by Resolution No. 2010-0090 dated September 2, 2010]
[Amended by Resolution No. 2008-0107 dated September 4, 2008]
[Amended by Resolution No. 2006-0133 dated November 13, 2006]
[Amended by Resolution No. 2004-0097 dated October 4, 2004]
[Adopted by Resolution No. 2002-02 dated September 20, 2002]

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SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

- ARTICLE 5** - **CONTRACTING AND DEBARMENT**
PART 5.1 - **DEBARMENT**
SECTION 5.10 - **DEFINITIONS**
-

(a) For purposes of Sections 5.10 to 5.18 of this Code, certain words and phrases used herein are defined as follows:

(1) "**Affiliate**" means business entities, organizations or individuals who either directly or indirectly:

(A) control one another or have the power to control one another; or

(B) are controlled by a third party or are subject to control by a third party. "**Affiliates**" include chief executive officers and members of boards of directors or their equivalents.

(2) "**Bidder**" means any individual, organization, legal entity, company or affiliate responding to a bid for any project distributed by the Authority.

(3) "**Claim**" includes any request or demand for money, property or services made to any employee, officer or agency of the Authority.

(4) "**Contractor**" means an individual, legal entity, contractor, bidder, vendor or consultant that:

(A) directly or indirectly, submits an offer for or is awarded a contract, or reasonably may be expected to submit an offer for or be awarded, an Authority public works contract; or

(B) conducts business or reasonably may be expected to conduct business with the Authority as an agent or representative of another public works contractor.

(5) "**Debarment**" means action taken by the Board to exclude a Contractor, from contracting with the Authority for a reasonable, specified period of time.

(6) "**Hearing Officer**" is the individual appointed by the Authority to hear the information presented by the Contractor facing debarment.

(7) **"Knowing"** and **"Knowingly"** means that, with respect to information, a person:

- (A) has actual knowledge of the information;
- (B) acts in deliberate ignorance of the truth or falsity of the information; or
- (C) acts in reckless disregard of the truth or falsity of the information.

(8) **"Person"** includes any natural person affiliate, corporation, firm, association, organization, partnership, limited liability company, business or trust.

(9) **"RFQ"** means a Request for Qualifications which is a solicitation for a statement of qualifications which does not include costs.

(10) **"RFP"** means a Request for Proposals which is a solicitation for services which may or may not include costs.

(11) **"RFB"** means a Request for Bids which is a solicitation for bids which includes costs.

[Amended by Resolution No. 2018-0106 dated October 4, 2018.]
[Adopted by Resolution No. 2002-02 dated September 20, 2002.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

ARTICLE 5 - CONTRACTING AND DEBARMENT

PART 5.1 - DEBARMENT

SECTION 5.11 - GROUNDS FOR DEBARMENT, PUBLIC WORKS CONTRACT

(a) In accordance with procedures set forth below and any dispute resolution provisions set forth in the applicable public works contract, a Contractor may be declared ineligible to bid on public works contracts of the Authority for a period not to exceed three years for any of the following reasons:

(1) Two or more computational or other error in bid submission within a two year period;

(2) Unjustified failure or refusal to timely provide or properly execute contract documents;

(3) Unsatisfactory performance of a contract, as determined in the sole and reasonable discretion of the Authority;

(4) Two or more occasions within a five year period of failure to submit bond or insurance documents acceptable to the Authority within the time periods required;

(5) Refusal to properly perform or complete contract work or warranty performance, as determined in the sole and reasonable discretion of the Authority;

(6) Failure to honor or observe contractual obligations or legal requirements pertaining to the contract, as determined in the sole and reasonable discretion of the Authority;

(7) Conviction under a federal or state statute or municipal ordinance for fraud, bribery, theft, falsification or destruction of records, receiving stolen property or of any other similar crime;

(8) Any offense or action that indicates a lack of business integrity and that could directly affect the reliability and credibility of performance of the Contractor on future contracts with the Authority;

(9) Any debarment of the Contractor by another governmental agency;

(10) Failure to timely submit accurate certified payrolls as required by law;

(11) Any serious safety violation, whether or not resulting in citation by OSHA or CALOSHA;

(12) Two or more occasions in a two year period of using an unauthorized/unlisted subcontractor;

(13) Conviction under state or federal antitrust statutes involving public contracts or the submission of bid proposals for any corrupt practices involving the administration or award of a contract with the Authority;

(14) Permanent debarment of the Contractor by another governmental agency;

(15) Knowingly presents or causes to be presented to an officer or employee of the Authority a false claim for payment or approval;

(16) Knowingly makes, uses or causes to be made or used a false record or statement to get a false claim paid or approved by the Authority;

(17) Conspires to defraud the Authority by getting a false claim allowed or paid by the Authority; or

(18) Such other reasons as reasonably may be determined by the Authority's President/CEO or his or her designee.

[Amended by Resolution No. 2019-0015 dated February 7, 2019.]

[Adopted by Resolution No. 2002-02 dated September 20, 2002.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

- ARTICLE 5** - **CONTRACTING AND DEBARMENT**
PART 5.1 - **DEBARMENT**
SECTION 5.12 - **DEBARMENT PROCEDURE**
-

(a) The Director of Procurement or his or her designee (the “**Director**”) of the Authority shall conduct an investigation into the circumstances that may warrant debarment of any Contractor.

(b) After completing such investigation, the Director shall determine whether sufficient facts exist to warrant debarment, and, if so, shall issue a Notice of Intent to Debar to the Contractor.

(c) The Contractor shall be provided with written notice of the proposed action, and the reasons for the proposed action, within 14 days of the Director’s determination that sufficient facts exist to warrant debarment.

(d) The Contractor shall have ten (10) calendar days from the date of issuance of the Notice of Intent to Debar to request in writing to the President/CEO or his or her designee a Hearing on the proposed debarment. If no such request is timely filed, the proposed action shall be final.

(e) If a timely request is submitted, a Hearing shall be conducted no later than ten (10) calendar days after the request is received. The Contractor shall be notified in writing of the time and place of the Hearing.

(f) The Hearing Officer shall be the President/CEO or his or her designee.

(g) The Hearing Officer shall base his or her decision on the record presented by the Authority and such information as the Contractor may present. Strict rules of evidence shall not apply. The VP will provide the Contractor with written notice of the Hearing Officer’s decision.

[Amended by Resolution No. 2019-0015 dated February 7, 2019.]
[Adopted by Resolution No. 2002-02 dated September 20, 2002.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

- ARTICLE 5 - CONTRACTING AND DEBARMENT**
PART 5.1 - DEBARMENT
**SECTION 5.13 - DEBARMENT PROCEDURES FOR MATERIALS, SUPPLIES,
EQUIPMENT, INSURANCE OR PERSONAL SERVICE
CONTRACTS**
-

(a) Authority contracts covered by Sections 5.10 to 5.18 of this Code include materials, supplies, equipment, insurance and personal services contracts entered into with the Authority.

(b) Debarment procedures for materials, supplies, equipment, insurance and personal service contracts are the same as for public works covered by Sections 5.10 to 5.18 of this Code, unless otherwise governed by applicable federal, state or local laws.

[Resolution No. 2002-02 dated September 20, 2002.]
[Superceded by Resolution No. _____ dated _____.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

- ARTICLE 5 - CONTRACTING AND DEBARMENT**
PART 5.1 - DEBARMENT
SECTION 5.14 - GENERAL
-

(a) A Contractor's debarment shall be effective throughout all divisions of the Authority. Debarment prohibits the Authority from entering into or executing contracts with a debarred Contractor. Debarred Contractors shall be placed on a list maintained by the Clerk in accordance with Section 5.15 of this Code.

(b) Debarment constitutes debarment of all divisions or other organizational elements of the Contractor. The Authority may extend the debarment decision to include any Affiliate of the Contractor if the Affiliate is:

- (1) specifically named; and
- (2) given written notice of the proposed debarment and an opportunity to respond.

[Amended by Resolution No. 2018-0106 dated October 4, 2018.]
[Adopted by Resolution No. 2002-02 dated September 20, 2002.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

- ARTICLE 5 - CONTRACTING AND DEBARMENT**
PART 5.1 - DEBARMENT
SECTION 5.15 - LIST OF DEBARRED CONTRACTORS
-

- (a) The President/CEO of the Authority or his or her designee shall:
- (1) Compile a current, consolidated list of all debarred Contractors; said list shall be maintained by the office of the Clerk;
 - (2) Periodically revise and distribute the list and issue supplements; and
 - (3) Establish procedures to provide for effective use of the list of debarred Contractors, to ensure that the Authority does not solicit offers from or award contracts to any entity on the list.
- (b) The list of debarred Contractors shall indicate:
- (1) The names and addresses of all debarred Contractors with cross references when more than one name is involved in a single action;
 - (2) The cause for the action; and
 - (3) The termination date for each listing.

[Amended by Resolution No. 2018-0106 dated October 4, 2018.]
[Adopted by Resolution No. 2002-02 dated September 20, 2002.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

- ARTICLE 5 - CONTRACTING AND DEBARMENT**
PART 5.1 - DEBARMENT
SECTION 5.16 - EFFECT OF LISTING
-

(a) Debarred Contractors are excluded from receiving contracts, and the Authority shall not solicit offers from or award contracts to debarred Contractors. Debarred Contractors and their Affiliates are also excluded from conducting business with the Authority as subcontractors, agents or representatives of other Contractors.

(b) After the opening of bids or receipt of proposals, the Procurement Department shall review the list of debarred Contractors.

(c) Bids received from any listed Contractor in response to an invitation for bids shall be recorded as received. The Director of Procurement shall then reject the bid and notify the contractor in writing.

(d) Proposals, quotations or offers received from any listed Contractor shall not be evaluated for award or included in the competitive process during the period the Contractor is on the list.

(e) Immediately prior to award of a contract, the Director of Procurement or his or her designee shall again review the debarred Contractors' list to ensure that no award is made to a listed Contractor.

(f) If because of inadvertence or misrepresentation on their part, the debarred Contractor or affiliate is awarded a contract, the President/CEO or his or her designee reserves the right to cancel the contract and seek damages in the event performance has begun.

[Amended by Resolution No. 2019-0015 dated February 7, 2019.]
[Adopted by Resolution No. 2002-02 dated September 20, 2002.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

ARTICLE 5 - CONTRACTING AND DEBARMENT

PART 5.1 - DEBARMENT

SECTION 5.17 - CONTINUATION OF EXISTING CONTRACTS

(a) Immediately upon debarment, any existing contracts between the Authority and the Contractor may be terminated.

(b) Notwithstanding the foregoing, the Authority's Board may continue any contract in existence at the time the Contractor is debarred upon advice from the Authority's President/CEO or his or her designee as to the effect of termination of the existing contract.

[Amended by Resolution No. 2018-0106 dated October 4, 2018.]
[Adopted by Resolution No. 2002-02 dated September 20, 2002.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

- ARTICLE 5 - CONTRACTING AND DEBARMENT**
PART 5.1 - DEBARMENT
SECTION 5.18 - SCOPE OF DEBARMENT
-

(a) The fraudulent, criminal or other seriously improper conduct of any officer, director, shareholder, partner, employee or other individuals associated with a Contractor may be imputed to the Contractor when the conduct occurred in connection with the individual's performance of duties for, or on behalf of, the Contractor, or with the Contractor's knowledge, approval or acquiescence. The acceptance of the benefits derived from the conduct by the Contractor shall be evidence of such knowledge, approval or acquiescence.

(b) The fraudulent, criminal or other seriously improper conduct of a Contractor may be imputed to any officer, director, shareholder, partner, employee or other individual associated with the Contractor who participated in, knew of, or had reason to know of the conduct of the Contractor.

(c) The fraudulent, criminal or other seriously improper conduct of one Contractor participating in a joint venture or similar arrangement may be imputed to other participating Contractors if the conduct occurred, for, on approval of, or acquiescence of these Contractors, vendors or consultants. Acceptance of the benefits derived from the conduct shall be evidence of such knowledge, approval or acquiescence.

[Resolution No. 2002-02 dated September 20, 2002.]

[Superseded by Resolution No. _____ dated _____.]

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REAL PROPERTY MANAGEMENT	
<i>[Addresses the Authority's real estate and leasing practices.]</i>	
Section No.	Title
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6.01	Rules and Regulations
	[Reserved] (6.20-6.99)

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

- ARTICLE 6 - REAL PROPERTY MANAGEMENT
 - PART 6.0 - REAL PROPERTY MANAGEMENT
 - SECTION 6.01 - RULES AND REGULATIONS
-

Any person subject to the Rules and Regulations of the San Diego International Airport (as may be amended from time to time, the “**Rules and Regulations**”), who violates or fails to comply with the Rules and Regulations will be deemed to be in violation of this Code. The Executive Director of the San Diego County Regional Airport Authority or his or her designee may promulgate a schedule of fines and penalties for any violation of the Rules and Regulations.

[Resolution No. 2002-02 dated September 20, 2002.]
[Superseded by Resolution No. _____ dated _____.]

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SAFETY AND SECURITY	
<i>[Describes certain safety and security practices relating to the Airport.]</i>	
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7.02	Dangerous Objects
7.03	Smoking
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SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

- ARTICLE 7 - SAFETY AND SECURITY**
PART 7.0 - REGULATION OF CONDUCT
SECTION 7.01 - PERSONAL CONDUCT
-

(a) No Person shall be or become intoxicated or drunk, commit any disorderly, obscene or indecent act, commit any act of nuisance, commit any act of endangerment or any act that may or is likely to endanger Persons or Authority Facilities nor conduct or engage in any form of gambling on such Facilities.

(b) No Person shall attempt entry to or enter upon the sterile, secured, restricted or limited access areas of the Facilities, or any Security Identification Display Area (“SIDA”) of the Facilities, except a Person in compliance with one or more of the following provisions:

(1) Such Person shall complete successfully all portions of the airline passenger pre-boarding inspection process to the satisfaction of the appropriate controlling authority and shall afterwards remain only in authorized locations maintained for passenger embarkation and debarkation, or

(2) Such Person shall be validly badged in accordance with applicable security regulations and shall be an authorized Authority tenant, employee or other authorized Person acting in compliance with all applicable policies, codes, rules, regulations, standards and instructions of the Authority, or

(3) Such Person shall be escorted by either an authorized Authority tenant, employee, or other authorized Persons who is validly badged in accordance with applicable security regulations and such Person and escort shall comply with all applicable policies, codes, rules, regulations, standards and instructions of the Authority.

(c) No Person, including those identified in subsection (b) above, shall introduce, or attempt to introduce, any object that may be used as a weapon to any area under the jurisdiction of the Authority unless acting in compliance with all applicable policies, codes, rules, regulations, standards and instructions of the Authority. Such objects include, but are not limited to, firearms, air rifles and pistols, edged weapons and tools, explosives or incendiaries, clubs or bludgeons, throwing stars, and imitations thereof.

(d) No Person shall willfully tamper, alter, move or otherwise affect any security device, CCTV camera, PIN pad coding box, electromagnetic locking device or other such device, or perimeter fence, gate, or gate tracking device.

(e) No Person shall willfully activate any security or emergency notification device or cause a security or emergency alarm, when no threat to security or emergency condition exists.

(f) No Person shall willfully interfere with or obstruct the duties of any duly authorized and appointed security personnel, employee or representative of the Authority actively engaged in performing duties regarding the security or operation of the Facilities.

[Amended by Resolution No. 2018-0106 dated October 4, 2018.]
[Amended by Resolution No. 2015-0037 dated May 21, 2015.]
[Adopted by Resolution No. 2002-02 dated September 20, 2002.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

- ARTICLE 7 - SAFETY AND SECURITY**
PART 7.0 - REGULATION OF CONDUCT
SECTION 7.02 - DANGEROUS OBJECTS
-

(a) No person, except a peace officer or a member of the Armed Force on official duty, shall carry any weapon, explosive, or inflammable material on or about his or her person, openly or concealed, on the facilities and airports under the jurisdiction of the San Diego County Regional Airport Authority (the “**Authority**”), without the permission of the Authority’s Executive Director or his or her designee.

(b) No person may furnish, give, sell or trade a weapon on Authority property.

(c) For the purposes of this section, the term "**weapon**" includes, but is not limited to, firearms, explosive devices, dirks, bowie knives, blackjacks, switch blade knives, slingshots, metal knuckles or similar devices or instruments.

(d) This section shall not apply to persons transporting for lawful purposes any weapons which are carried in said person's luggage in accordance with the Authority’s codes, policies, rules and regulations and applicable federal, state and local laws.

[Resolution No. 2002-02 dated September 20, 2002.]

[Superseded by Resolution No. _____ dated _____.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

ARTICLE 7 - SAFETY AND SECURITY
PART 7.0 - REGULATION OF CONDUCT
SECTION 7.03 - SMOKING

(a) The following definitions shall apply to this section:

- (1) “Electronic Delivery System” means an electronic device, commonly consisting of a heating element, battery, and electric circuit, that can be used to deliver nicotine or any other substance and uses inhalation to simulate smoking. Electronic Delivery System includes, without limitation, any electronic cigar, cigarette, cigarillo, pipe, or hookah, or other similar product, regardless of name or descriptor.
 - (2) “Tobacco Product” means any: (A) cigar, cigarette, smokeless tobacco, roll-your-own tobacco, liquid nicotine; or (B) other substance delivered by or through an Electronic Delivery System.
 - (3) “Smoking” or “Smoke” means the burning of, carrying of, inhaling from, exhaling from, or the possession of a lighted cigar, lighted cigarette, lighted pipe, or any other matter or substance which contains nicotine, tobacco, or other matter. Smoking also includes the use of an Electronic Delivery System intended to emulate smoking, which permits a person to inhale a vapor, mist or aerosol that may or may not contain nicotine or a Tobacco Product.
 - (4) “Use” means to consume by Smoking, burning, chewing, exhaling, heating, inhaling, vapping, or any other forms of ingestion or inhalation.
- (b) Except in designated smoking areas, no Person shall Smoke or Use any Tobacco Product or Electronic Delivery System at Authority Facilities or in violation of any federal, state, or local law.

[Amended by Resolution No. 2018-0106 dated October 4, 2018.]
[Amended by Resolution No. 2015-0026 dated April 23, 2015.]
[Adopted by Resolution No. 2002-02 dated September 20, 2002.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

- ARTICLE 7 - SAFETY AND SECURITY**
PART 7.0 - REGULATION OF CONDUCT
SECTION 7.04 - DAMAGES AND ALTERATIONS
-

No person shall destroy, injure, deface or disturb in any way, any building, sign, equipment, marker or other structure, trees, flowers, lawn or any other properties on the facilities and airports under the jurisdiction of the San Diego County Airport Authority (the “**Authority**”), including, without limitation, the San Diego International Airport; nor alter, make additions to, erect any building or sign, or make any excavations at such facilities and airports without the Authority’s prior written authorization.

[Resolution No. 2002-02 dated September 20, 2002.]
[Superseded by Resolution No. _____ dated _____.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

- ARTICLE 7 - SAFETY AND SECURITY**
PART 7.0 - REGULATION OF CONDUCT
SECTION 7.05 - TRESPASSING
-

(a) It shall be unlawful for any person, to remain within a passenger terminal at the San Diego International Airport (“Airport”) between the hours of 11:00 p.m. and 6:00 a.m. of the following day after having been requested to leave the terminal by a representative of the San Diego County Regional Airport Authority (“Authority”) or by a duly appointed law enforcement officer. This section does not apply to:

- (1) Any person holding a valid airline ticket for travel within 24 hours;
- (2) Any person in the terminal meeting a specific and identifiable arriving passenger or accompanying a departing ticketed passenger;
- (3) Any Airport employee;
- (4) Any employee of a government entity or an approved business located or doing business within the Airport terminal; and
- (5) Any person whose presence in the terminal is substantially and directly related to the air transportation of passengers or property.

(b) It shall be unlawful for any person, whose actions at the Airport constitute a proximate and cognizable threat to the safety of personnel or to Airport security, to remain on Airport property after having been requested to leave the property by a duly appointed law enforcement officer.

(c) It shall be unlawful for any person to remove any food item, including a beverage, from an unattended table within a food-serving concession area at the Airport and thereafter consume said item where the person neither originally purchased the food item nor received permission from the purchaser of the food item to consume the food item. For the purpose of this section, “food-serving concession area” means any area adjacent to a food-serving business or concession within which are located dining tables for the convenience of the customers of the food-serving business or concession.

[Amended by Resolution No. 2006-0089 dated July 6, 2006.]
[Resolution No. 2002-02 dated September 20, 2002.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

- ARTICLE 7 - SAFETY AND SECURITY**
PART 7.0 - REGULATION OF CONDUCT
SECTION 7.06 - SECURING DEVICES AND DIRECTIVES
-

(a) No person shall in any way tamper or interfere with security alarms, CCTV cameras, locks or closing mechanisms of any door or gate on the facilities or airports under the jurisdiction of the San Diego County Regional Airport Authority (the “**Authority**”), including, without limitation, the San Diego International Airport, nor shall any person otherwise breach any security directives at such facilities and airports.

(b) No person shall in any way attempt to bypass or test any security screening procedures for the purposes of exposing inadequacies of such systems.

(c) The Authority’s Executive Director or his or her designee shall determine those individuals who are not subject to the provisions of this Code.

[Resolution No. 2002-02 dated September 20, 2002.]

[Superseded by Resolution No. _____ dated _____.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

- ARTICLE 7 - SAFETY AND SECURITY**
PART 7.0 - REGULATION OF CONDUCT
SECTION 7.07 - TAMPERING WITH AIRPORT FACILITY EQUIPMENT
-

(a) No person shall tamper, alter, move or otherwise affect any security device, sign, CCTV camera, PIN pad coding box, electromagnetic locking device or other such implement, or perimeter fence gate or gate tracking device located on the facilities or airports under the jurisdiction of the San Diego County Regional Airport Authority (the “**Authority**”). No person may place any object within five feet of the perimeter fence of any facilities or airports under the jurisdiction of the Authority or at any distance that would obscure that portion of such fence.

(b) No person shall activate any security device or cause a security alarm, when no threat to security or emergency condition exists.

(c) Any person inadvertently activating a security alarm or other device shall remain at the location of the activation until an authorized officer of the Authority or other security representatives arrive, determine the cause of the activation and verify the individual’s authority to access that portion of such facilities or airports.

[Resolution No. 2002-02 dated September 20, 2002.]

[Superceded by Resolution No. _____ dated _____.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

- ARTICLE 7 - SAFETY AND SECURITY**
PART 7.0 - REGULATION OF CONDUCT
SECTION 7.08 - CRIMINAL ACTIVITIES
-

(a) No person shall use the facilities and airports under the jurisdiction of the San Diego County Regional Airport Authority (the “**Authority**”) for any criminal activities in violation of this Code and/or applicable federal, state and local laws.

(b) Persons involved in criminal activities on the facilities and airports under the jurisdiction of the Authority in violation of this Code and/or applicable federal, state and local laws may be detained, arrested and prosecuted to the full extent of the law.

[Resolution No. 2002-02 dated September 20, 2002.]
[Superseded by Resolution No. _____ dated _____.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

ARTICLE 7 - SAFETY AND SECURITY
PART 7.0 - REGULATION OF CONDUCT
SECTION 7.09 - GENERAL CLEANLINESS

(a) No person shall dispose of garbage, papers, refuse or other material on the facilities and airports under the jurisdiction of the San Diego County Regional Airport Authority except in the receptacles provided for that purpose, or use a restroom other than in a clean and sanitary manner.

[Resolution No. 2002-02 dated September 20, 2002.]
[Superseded by Resolution No. _____ dated _____.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

ARTICLE 7 - SAFETY AND SECURITY
PART 7.0 - REGULATION OF CONDUCT
SECTION 7.10 - ABANDONMENT

(a) No person shall willfully abandon any personal property on the facilities and airports under the jurisdiction of the San Diego County Regional Airport Authority. Any items left for distribution unattended is prohibited and shall be considered an abandoned item.

[Resolution No. 2002-02 dated September 20, 2002.]
[Superceded by Resolution No. _____ dated _____.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

- ARTICLE 7 - SAFETY AND SECURITY**
PART 7.0 - REGULATION OF CONDUCT
SECTION 7.11 - USE OF BAGGAGE CARTS
-

(a) Use of baggage carts is restricted to persons who have rented the units for transporting their baggage, packages or similar items. No person shall use baggage carts without paying the appropriate fee through the rental device. No person shall tamper with the rental device.

(b) Baggage carts are not allowed on escalators.

(c) Baggage carts may not be removed from the facilities and airports under the jurisdiction of the San Diego County Regional Airport Authority (the “**Authority**”).

(d) Employees, tenants and contractors of the Authority are not allowed to keep nor stow baggage carts.

(e) No unauthorized persons shall dispense or sell baggage carts. It shall be prohibited for any person to come to the facilities and airports under the jurisdiction of the Authority for the express purpose of returning or otherwise using such carts for financial benefits.

[Resolution No. 2002-02 dated September 20, 2002.]
[Superseded by Resolution No. _____ dated _____.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

ARTICLE 7 - SAFETY AND SECURITY
PART 7.0 - REGULATION OF CONDUCT
SECTION 7.12 - RIGHT-OF-WAY

- (a) No Person shall travel on any portion of Authority Facilities except upon the designated roads, sidewalks or other places provided for the particular class of traffic, nor occupy those roads and walks in such a manner that would hinder or obstruct their proper use.
- (1) No Person shall operate any wheeled vehicle in or on any portion of Authority Facilities principally designed for the movement of pedestrian traffic. Such areas include but are not limited to: sidewalks, walkways, and the interior of any building.
- (2) For the purposes of subsection (a) (1) above: a wheeled vehicle includes but is not limited to: unicycles, bicycles, tricycles, skateboards, roller skates, roller blades, wheeled footwear, and wheeled motor vehicles.
- (3) Subsection (a) (1) shall not apply to designated Authority representatives, law enforcement officers acting in the performance of their official duties, tenant employees acting in accordance with their respective lease provisions, or any passenger or member of the public needing a wheeled vehicle for mobility or medical reasons (e.g., stroller, wheelchair, or gurney).
- (b) No Person shall obstruct access to the use of any building, grounds, road, walkway, sidewalk, or other Authority Facilities.
- (c) No Person shall erect any table, chair, easel, mechanical device or structure, or place any object that would obstruct access or egress within or outside any terminal building, or Authority Facility, without the prior written authorization from President/CEO or his or her designee.

[Amended by Resolution No. 2018-0106 dated October 4, 2018.]

[Amended by Resolution No. 2015-0038 dated May 21, 2015.]

[Adopted by Resolution No. 2002-02 dated September 20, 2002.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

ARTICLE 7 - SAFETY AND SECURITY
PART 7.0 - REGULATION OF CONDUCT
SECTION 7.13 - LOST AND FOUND PROPERTY

(a) Any Person finding a lost article in any Authority Facilities shall, as soon as possible, surrender such property to:

- (1) the Lost and Found Facility operated by the Authority;
- (2) an Authority representative on duty at the Authority Facility where the article was found;
- (3) a law enforcement officer on duty at the Authority Facility where the article was found; or
- (4) an appropriate employee of a tenant of the Authority Facility where the article was found.

(b) Unless otherwise agreed to by the Authority, any Person receiving a lost article from the finder, shall take custody and safeguard the article and take appropriate action to cause the article to be surrendered to the Lost and Found Facility operated by the Authority not later than the close of business on the day the Person received the article.

[Amended by Resolution No. 2018-0106 dated October 4, 2018.]

[Amended by Resolution No. 2010-0055 dated May 6, 2010.]

[Adopted by Resolution No. 2002-02 dated September 20, 2002.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

- ARTICLE 7 - SAFETY AND SECURITY**
PART 7.0 - REGULATION OF CONDUCT
SECTION 7.14 - FILMING AND PHOTOGRAPHY
-

(a) No person shall take a still, motion or sound motion picture, photograph or video on the Airport for commercial purposes without prior written permission of the President/CEO. This prohibition does not apply to representatives of the press when photographing, filming, or video recording for news purposes.

(b) No person shall take a still, motion or sound picture, photograph or video on the Airport in a manner which is intended to or does:

- (1) Interfere with the safe operation of the Airport;
- (2) Obstruct or impede any screening or inspection process of passengers, luggage or cargo; or
- (3) Disrupt the operation or activities of the Airport, or of any tenant, licensee, or permittee of the Authority.

[Amended by Resolution No. 2011-0002 dated January 6, 2011.]
[Adopted by Resolution No. 2002-02 dated September 20, 2002.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

- ARTICLE 7 - SAFETY AND SECURITY**
PART 7.2 - EMERGENCY MEASURES
SECTION 7.20 - POWERS OF THE PRESIDENT/CEO
-

(a) In the event of a disaster or emergency, the President/CEO or his or her designee may: (1) utilize city and county departments, law enforcement agencies, local medical resources and disaster preparedness groups for assistance; and (2) issue such directives and take such action as necessary to protect people, property and assets, and promote the safe operation of Authority Facilities.

(b) The President/CEO, in the event of a disaster or emergency, may order all occupants to leave Authority Facilities, or portions thereof, and prevent access to such areas for such time as may be necessary to assure the safety of the public and employees.

(c) The President/CEO, in the event of a disaster or emergency, may close or restrict the use of all airport roadways by vehicular traffic in the interest of public safety.

(d) For purposes of this section, “disaster” or “emergency” includes, without limitation, the actual or threatened existence of conditions such as any hurricane, tornado, storm, high water, earthquake, landslide, mudslide, drought, fire, explosion, civil disturbance, war, terrorist attack and other catastrophe or threats that cause or may cause substantial damage or injury to Persons or property within the Authority’s area of jurisdiction.

[Amended by Resolution No. 2018-0106 dated October 4, 2018.]

[Adopted by Resolution No. 2002-02 dated September 20, 2002.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

ARTICLE 7 - SAFETY AND SECURITY
PART 7.3 - LANDSIDE OPERATIONS
SECTION 7.30 - PEDESTRIAN RIGHT-OF-WAY

(a) The operator of any vehicle shall yield the right-of-way to a pedestrian who crosses a roadway, access way, designated crosswalk or drive located on the facilities or airports under the jurisdiction of the San Diego County Regional Airport Authority (the “**Authority**”), except where the movement of vehicular traffic is being regulated by authorized officers of the Authority or traffic control signals.

[Resolution No. 2002-02 dated September 20, 2002.]
[Superseded by Resolution No. _____ dated _____.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

ARTICLE 7 - SAFETY AND SECURITY
PART 7.4 - AIRPORT FACILITIES
SECTION 7.40 - ASSEMBLIES REGULATED

(a) It shall be unlawful for any company, society, organization or group of persons exceeding 25 in number, to hold, conduct or participate in any celebration, parade, service, picnic, demonstration or exercise on the facilities and airports under the jurisdiction of the San Diego County Regional Airport Authority (the “**Authority**”) without the prior written approval of the Authority’s Executive Director or his or her designee.

[Resolution No. 2002-02 dated September 20, 2002.]
[Superseded by Resolution No. _____ dated _____.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

- ARTICLE 7 - SAFETY AND SECURITY**
PART 7.4 - AIRPORT FACILITIES
SECTION 7.41 - RUBBISH & WASTE DISPOSAL, REGULATED
-

(a) It shall be unlawful for any person to dump any material or throw garbage, offal, rubbish, litter, sewage, refuse or foreign material of any kind upon any lot, tract of land, street, alley, lane, court, sidewalk or place under the jurisdiction of the San Diego County Regional Airport Authority (the “**Authority**”) without the written permission of the Authority’s Executive Director or his or her designee (the “**Executive Director**”).

(b) It shall be unlawful for any occupant, lessee, tenant or licensee of any premises within said area to place, or allow to be placed, or allow to remain on any premises within said area such garbage, offal, rubbish, litter, sewage, refuse or foreign material of any kind without the written permission of the Executive Director.

Nothing in this section shall be construed to limit the operation of any duly ordained regulation of any city whose corporate limits extend into the facilities and airports under the jurisdiction of the Authority.

[Resolution No. 2002-02 dated September 20, 2002.]

[Superseded by Resolution No. _____ dated _____.]

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ARTICLE 8

GENERAL OPERATIONS

[Addresses the general operations and practices relating to the facilities and airports under the Authority's jurisdiction.]

Section No.	Title
8.76	Enforcement
8.77	Administrative and Civil Penalties to be Deposited in the Storm Water Revenue Fund
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8.79	Construction, Application and Severability
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SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

ARTICLE 8 - GENERAL OPERATIONS
PART 8.0 - APPLICATION
SECTION 8.01 - GENERAL APPLICATION

(a) The Codes contained in this Article 8 shall be applicable to all facilities and airports under the jurisdiction of the San Diego County Regional Airport Authority, including without limitation, the San Diego International Airport.

[Resolution No. 2002-02 dated September 20, 2002.]
[Superseded by Resolution No. _____ dated _____.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

- ARTICLE 8 - GENERAL OPERATIONS**
 - PART 8.0 - APPLICATION**
 - SECTION 8.02 - FEES, RATES, LICENSES AND CHARGES**
-

All persons, including, without limitation, tenants, lessees, licensees, concessionaires, car rental agencies, invitees and others, shall pay all applicable fees, rates, licenses and charges that may be established by, as applicable, the Executive Director or the Board of Directors of the San Diego County Regional Airport Authority.

[Resolution No. 2002-02 dated September 20, 2002.]

[Superseded by Resolution No. _____ dated _____.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

- ARTICLE 8 - GENERAL OPERATIONS**
PART 8.1 - AIRCRAFT
SECTION 8.10 - AIRCRAFT OPERATIONS
-

(a) Federal aviation regulations pertaining to aircraft operations shall be observed at all times.

(b) No person shall perform any engine run up at a power setting above idle power between 11:30 p.m. and 6:30 a.m. (2330 - 0630 hours) (local time) at the San Diego International Airport (the “SDIA”).

(c) Practice instrument approaches and touch and go landings are prohibited at the SDIA.

(d) No aircraft shall be parked, stored or repaired on airports under the jurisdiction of the San Diego County Regional Airport Authority (the “**Authority**”) except in the areas designated for such use.

(e) At the direction of the Executive Director of the Authority or his or her designee (the “**Executive Director**”), the operator, owner or pilot of any aircraft on the airports under the jurisdiction of the Authority shall move the aircraft from the place where it is parked or stored to any other place designated on the airports under the jurisdiction of the Authority. In event of the failure or refusal to comply with such directions, the Authority may cause the aircraft to be moved to such place at the operator’s expense and without liability for damage that may result from such moving.

(f) The owner of an aircraft, or part thereof, that is disabled on the airports under the jurisdiction of the Authority shall have it promptly removed to an area designated by the Executive Director, unless he or she is required to delay it pending investigation of an accident. In the event such aircraft, or part thereof, is not removed as directed by the Executive Director, the Authority may remove it at the owner’s expense and without liability for additional damage resulting from the removal.

(g) No person may run an engine of, or taxi, an aircraft on the airports under the jurisdiction of the Authority in a manner that endangers any person or property or so as to compromise or diminish the safety of operations on such airports.

(h) The pilot of an aircraft involved in an accident on the airports under the jurisdiction of the Authority causing personal injury or property damage shall report it fully to the Executive Director within 24 hours of such accident. In the event that he or she is unable to do so, the owner or his or her agent and witnesses shall make such report.

CODE SECTION NO. 8.10

(i) Airport property that is damaged or destroyed by an accident or otherwise shall be paid for by parties responsible therefor.

(j) No aircraft shall be taxied into or out of any hangar.

(k) The Executive Director shall have the authority to detain any aircraft for nonpayment of any charges due the Authority, or for the violation of any codes, rules or regulations of the Authority contained herein.

(l) No person shall park or stand an aircraft or load or unload aircraft passengers on a public landing area, public ramp and apron area, public passenger ramp and apron area, public cargo ramp and apron area, public aircraft parking and storage area or operational area at the airports under the jurisdiction of the Authority except at such places as may be permitted by the Executive Director.

(m) No person shall use an air terminal building gate position at the airports under the jurisdiction of the Authority without permission from the Executive Director.

[Resolution No. 2002-02 dated September 20, 2002.]

[Superceded by Resolution No. _____ dated _____.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

- ARTICLE 8 - GENERAL OPERATIONS**
PART 8.1 - AIRCRAFT
SECTION 8.11 - AIRCRAFT FUELING OPERATIONS
-

(a) Fuelers must meet and comply with all applicable federal, state and local laws regulating the storage, handling and dispensing of aviation fuel.

(b) No aircraft shall be fueled or drained while an engine is running or while the aircraft is in a hangar or an enclosed space.

(c) During all fueling operations, the aircraft shall be grounded by a method approved by the Executive Director of the San Diego County Regional Airport Authority (the “**Authority**”) or his or her designee.

(d) Lighting of an open flame is prohibited within 50 feet of any fueling operation.

(e) Aircraft being fueled shall be positioned so that aircraft fuel system vents or fuel tank openings are not closer than 25 feet to any terminal building, hanger, service building, or enclosed passenger concourse other than a loading walkway.

(f) Fuel trucks shall be parked at least 50 feet from any hangar or building unless engaged in active fueling of an aircraft.

(g) Adequate fire extinguishers shall be within ready reach of personnel engaged in fueling operations. Extinguishers shall not be located near fuel hoses, pumps, meters or valves.

(h) No electrical or radio equipment shall be operated on aircraft during fueling operations in a manner that endangers any person or property on the facilities and airports under the jurisdiction of the Authority.

(i) All fuel dispensing equipment shall be kept in a safe and non-leaking condition.

(j) No aircraft shall be started when there is fuel on the ground under or near the aircraft.

(k) Smoking is prohibited throughout any airport operating area under the jurisdiction of the Authority.

(1) The Authority's Executive Director or his or her designee may adopt and set forth additional rules and regulations relating to aircraft fueling operations.

[Amended by Resolution No. 2011-0131 dated November 3, 2011]
[Adopted by Resolution No. 2002-02 dated September 20, 2002]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

ARTICLE 8 - GENERAL OPERATIONS
PART 8.1 - AIRCRAFT
SECTION 8.12 - FIRES

(a) Smoking or lighting of open flames shall be prohibited in the following locations:

- (1) Areas posted with “No Smoking” signs;
- (2) On ramps or aprons; and
- (3) Within 50 feet of hangars, fuel trucks or fuel loading stations.

(b) No person shall start an open fire any place on the facilities and airports under the jurisdiction of the San Diego County Regional Airport Authority (the “**Authority**”) without permission of the Authority’s Executive Director or his or her designee (the “**Executive Director**”).

(c) No person shall stock or store any material or equipment in such a manner as to constitute a fire hazard.

(d) Except for oil in sealed cans, no inflammable liquids or gases, including gasoline, dope, solvent and thinner, shall be stored in any hangar or building in quantities greater than one gallon; provided, however, separate buildings for such storage may be approved by the Executive Director.

(e) No person shall use a volatile inflammable for cleaning purposes inside any hangar or building.

(f) Tenants shall maintain hangar floors, gasoline pits and trucks clean and free of excess gasoline, grease and other inflammables.

(g) Tenants of all hangars and buildings shall provide suitable fire extinguishers and equipment and they shall be kept in such condition as may be required by the Fire Marshall of the city in which the airport is located.

(h) Aircraft engines shall not be operated, nor shall aircraft electrical or radio equipment be operated in any hangar.

(i) The enactment of this section is not intended to preempt the public health regulations contained in the City of San Diego Municipal Code, Article 5, Division 1,

Sections 45.0101 through 45.0111, entitled “SMOKING PROHIBITED IN CERTAIN PUBLIC AREAS”, and said Municipal Code Sections are hereby adopted and incorporated herein and shall be applicable to any airport under the jurisdiction of the Authority within the territorial limits of the County of San Diego. Every person at any said airport shall comply with the applicable provisions of said Municipal Code Sections, including subsequent amendments thereto, and every lessee of the Authority at any said airport shall post the necessary “No Smoking” signs on its leased premises as required by said Municipal Code Sections and enforce the provisions of said Municipal Code Sections.

[Resolution No. 2002-02 dated September 20, 2002.]
[Superceded by Resolution No. _____ dated _____.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

- ARTICLE 8 - GENERAL OPERATIONS**
PART 8.2 - AUTHORITY FACILITIES
SECTION 8.20 - ANIMALS
-

(a) No person shall bring or allow an animal on the facilities and airports under the jurisdiction of the San Diego County Regional Airport Authority (the “**Authority**”), except as follows:

- (1) Service animals;
- (2) Animals properly crated for shipment by air; and

(3) Domestic animals if restrained by a leash or confined in such a manner as to be under the positive control of the owner or handler; provided, however, that such domestic animals shall not be allowed in airport terminal buildings or passenger loading areas.

(b) No person shall enter any terminal or the air operating area of any facility or airport under the jurisdiction of the Authority with a dog or other animal except a guide dog permitted under federal, state or local laws, or one properly confined in a suitable container for shipment.

(c) No person shall permit any animal to urinate or defecate upon the sidewalks or upon the floor of any facilities or airports under the jurisdiction of the Authority.

(d) No person shall feed or perform any other act to encourage the congregation of birds or other animals on any facility or airport under the jurisdiction of the Authority.

(e) No person shall hunt, pursue, trap, catch, injure or kill any animal on any facility or airport under the jurisdiction of the Authority other than in the conduct of their official duties.

[Resolution No. 2002-02 dated September 20, 2002.]

[Superseded by Resolution No. _____ dated _____.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

- ARTICLE 8 - GENERAL OPERATIONS**
PART 8.2 - AUTHORITY FACILITIES
SECTION 8.21 - ALCOHOL
-

For purposes of this section, the following terms shall be defined as indicated:

(a) “**Alcoholic Beverage**” includes alcohol, spirits, liquor, wine, beer and every liquid or solid containing alcohol, spirits, wine or beer, and which contains 0.05% or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed or combined with other substances.

(b) Unless the Executive Director or his or her designee (the “**Executive Director**”) of the San Diego County Regional Airport Authority (the “**Authority**”) has issued a special event permit, or unless otherwise permitted, it shall be unlawful for any person or persons to consume any alcoholic beverage at any time upon any facilities and airports under the jurisdiction of the Authority.

(c) Unless the Executive Director has issued a special event permit, or unless otherwise permitted, it shall be unlawful for any person or persons to possess any can, bottle or other receptacle containing any alcoholic beverage that has been opened, or a seal broken, or the contents of which have been partially removed, at any time, on any facilities and airports under the jurisdiction of the Authority.

(d) The Executive Director may designate from time to time certain public property and public right of way located on facilities or airports under the jurisdiction of the Authority, as described in Subsections (b) and (c) above, to be used for alcohol consumption on a short-term or long-term basis; the use of said public property and public right of way for alcohol consumption shall only be allowed under permit from the Authority and the boundaries thereof shall be posted.

[Resolution No. 2002-02 dated September 20, 2002.]

[Superceded by Resolution No. _____ dated _____.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

- ARTICLE 8 - GENERAL OPERATIONS**
PART 8.4 - BUSINESS AND COMMERCIAL ACTIVITIES
SECTION 8.40 - EXPRESSIVE ACTIVITIES
-

(a) No person shall engage in any of the following activities on the facilities and airports under the jurisdiction of the San Diego County Regional Airport Authority (the “**Authority**”), except as provided in subsection (b) below:

- (1) Sell or distribute any merchandise, including, but not limited to jewelry, food stuffs, candles, flowers, badges and clothing;
- (2) Solicit and receive alms;
- (3) Solicit and receive funds;
- (4) Conduct surveys or solicit information from the general public;
- (5) Conduct or participate in any parading, picketing, marching, patrolling, demonstrating and/or assembling; or
- (6) Seek petition signatures.

(b) The activities set forth in subsection (a) may be conducted on the facilities and airports under the jurisdiction of the Authority in areas designated by the Authority’s Executive Director or his or her designee (the “**Executive Director**”) from time to time; provided, that persons desiring to engage in one of the above listed activities first must obtain a permit from the Executive Director. Such permits shall be issued in accordance with procedures established by the Executive Director.

(c) If any person engages in any of the activities prohibited above without a permit, then the Executive Director shall advise such person of this section and its restrictions therein and shall request the person to cease conducting the prohibiting activities.

(d) No person shall interfere with, impede or obstruct the work or activities of the Authority’s personnel, tenants, lessees or other persons.

(e) No person shall interfere with, impede or obstruct the movement or activities of the general public.

(f) Any violation of the provisions of this section shall constitute a misdemeanor.

(g) The Executive Director may seek relief from the appropriate court to restrain or

enjoin any violation of this section.

[Resolution No. 2002-02 dated September 20, 2002.]
[Superseded by Resolution No. _____ dated _____.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

- ARTICLE 8 - GENERAL OPERATIONS**
PART 8.4 - BUSINESS AND COMMERCIAL ACTIVITIES
SECTION 8.41 - BUSINESS AND COMMERCIAL ACTIVITIES REGULATED
-

(a) It shall be unlawful for any person to engage in any performance as an entertainer or engage in any business or commercial activity on any of the facilities or airports under the jurisdiction of the San Diego County Regional Airport Authority (the “**Authority**”), except as authorized by a valid grant, franchise, lease, certificate or permit from the Authority.

(b) Every person violating any of the provisions of this section shall be guilty of a misdemeanor.

[Resolution No. 2002-02 dated September 20, 2002.]

[Superceded by Resolution No. _____ dated _____.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

- ARTICLE 8** - **GENERAL OPERATIONS**
PART 8.4 - **BUSINESS AND COMMERCIAL ACTIVITIES**
SECTION 8.42 **CAR RENTAL AGENCIES**
-

All car rental agencies shall be authorized to transact business on the facilities and airports under the jurisdiction of the San Diego County Regional Airport Authority (the “**Authority**”) only if a license agreement therefore is first obtained from the Authority. The license agreement shall limit the airport car rental agency to the activity and privilege of courtesy vehicle pick-up of an airport customer at the airport under the jurisdiction of the Authority for delivery of a rental car off the airport when the customer has requested the rental car agency to come into the airport for such purpose, or when the customer enters into a car rental agreement with the rental car agency within 24 hours of arrival at the airport and rental car arrangements or reservations were made using a telephone located at an airport information board by said customer. Customer pick-up (and subsequent drop-off) shall be limited to those terminal curbs and areas as designated by the Authority’s Executive Director or his or her designee. The license agreement shall also require the airport car rental agency to pay fees, including a percentage fee as established by the license agreement which is approved by the Authority’s Board of Directors.

[Resolution No. 2002-02 dated September 20, 2002.]
[Superseded by Resolution No. _____ dated _____.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

- ARTICLE 8 - GENERAL OPERATIONS**
PART 8.5 - ENVIRONMENTAL
SECTION 8.50 - COMPLIANCE WITH ENVIRONMENTAL LAWS
-

(a) All persons subject to this Code shall comply with and conform to any and all applicable federal, state and local environmental laws and regulations, including, without limitation, any federal state and local environmental laws and regulations relating to the transportation of radioactive materials.

[Resolution No. 2002-02 dated September 20, 2002.]
[Superseded by Resolution No. _____ dated _____.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

ARTICLE 8 - **GENERAL OPERATIONS**
PART 8.5 - **ENVIRONMENTAL**
SECTION 8.51 - **HAZARDOUS MATERIALS**

(a) No person, without prior written approval from the Executive Director or his or her designee (the “**Executive Director**”) of the San Diego County Regional Airport Authority (the “**Authority**”), shall keep, transport, handle or store at, in or upon any of the facilities or airports under the jurisdiction of the Authority, including, without limitation, the San Diego International Airport (collectively, the “**Facilities**”), any cargo of explosives, or other hazardous materials that are barred from loading in or for transportation by civil aircraft in the United States under regulations promulgated by the Federal Aviation Administration or the regulations of any other authorized federal, state or local agency having jurisdiction. Advance written notice of at least 24 hours shall be given to the Executive Director to permit full investigation and clearances of any operation requiring a waiver of this rule. Compliance with said regulations shall not constitute or be construed to constitute a waiver of the required notice or an implied permission to keep, transport or store such explosives or other dangerous materials at, in, or upon the Facilities.

(b) No person may offer, and no person knowingly may accept, any hazardous materials for shipment at any of the Facilities without the prior written approval of the Executive Director. Any and all shipments of hazardous materials must be handled and stored in full compliance with the current provisions of F.A.R. Paragraph 139.321. Any person who has been authorized by the Executive Director to transport hazardous materials shall have designated personnel at the Authority who are authorized and responsible for receiving and handling such shipments in compliance with all applicable federal, state and local laws.

(c) Any person engaged in the transportation of hazardous materials shall provide storage facilities which reasonably ensure against unauthorized access, exposure to persons, or damage to shipments while in or on any of the Facilities.

[Resolution No. 2002-02 dated September 20, 2002.]
[Superceded by Resolution No. _____ dated _____.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

- ARTICLE 8** - **GENERAL OPERATIONS**
PART 8.7 - **STORM WATER CONTROL**
SECTION 8.70 - **GENERAL PROVISIONS**
-

(a) General. Sections 8.70 to 8.79 of this Code shall be known as the “**San Diego County Regional Airport Authority Storm Water Management and Discharge Control**” and the “**Storm Water Code**” and may be so cited. Capitalized terms not otherwise defined in this Section are defined in Section 8.71 of the Storm Water Code.

(b) Objectives. The Storm Water Code sets forth uniform requirements and prohibitions for dischargers and places of discharge to the Storm Water Conveyance System, and the Receiving Waters, necessary to adequately enforce and administer all applicable laws, standards and orders that provide for the protection, enhancement and restoration of water quality. Through a program employing watershed-based approaches that includes environmental and economic considerations, the Authority seeks to reduce pollution entering San Diego Bay from Storm Water Discharges and to protect and promote the public health, safety and general prosperity of its tenants, the public and to protect the natural resources and environment with the attainment of the following objectives:

(1) To reduce Storm Water Runoff pollution by implementing storm water pollution prevention Best Management Practices (BMPs) to control potential pollutants, and by complying with all other applicable National Pollutant Discharge Elimination System (NPDES) Permit requirements;

(2) To eliminate or control and reduce Non-Storm Water Discharge to the Storm Water Conveyance System and Receiving Waters to the Maximum Extent Practicable;

(3) To comply with all applicable federal and state laws, standards and orders applicable to Storm Water and Urban Runoff pollution control;

(4) To prohibit any discharge which may interfere with the operation of, or cause damage to the Storm Water Conveyance System, or contribute to the impairment of the beneficial use or violation of a water quality objective of the Receiving Waters;

(5) To prohibit illegal discharges and illicit connections to the Storm Water Conveyance System and Receiving Waters; and

(6) To develop and implement effective educational outreach programs designed to educate the public, Authority employees and tenants on issues of Storm Water and Urban Runoff pollution prevention.

(c) Scope. The Storm Water Code provides for the prevention, control, treatment, diversion and regulation of Discharges to the Storm Water Conveyance System and Receiving Waters, through a program of education and enforcement of general and specific prohibitions and requirements. The Storm Water Code applies to all dischargers and places located on any property within the Authority's jurisdiction that discharge Storm Water or non-Storm Water into any Storm Water Conveyance System or Receiving Waters. Except as otherwise provided herein, the President/CEO or his or her designee shall administer, implement and enforce the provisions of the Storm Water Code.

(d) Violations. Any person violating any of the provisions or failing to comply with the mandatory requirements of the Storm Water Code, shall be subject to the enforcement provisions declared in Code 8.76.

[Amended by Resolution No. 2018-0053 dated June 7, 2018.]

[Adopted by Resolution No. 2002-02 dated September 20, 2002.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

- ARTICLE 8** - **GENERAL OPERATIONS**
PART 8.7 - **STORM WATER CONTROL**
SECTION 8.71 - **DEFINITIONS AND ABBREVIATIONS**
-

(a) For the purpose of Sections 8.70 to 8.80 of this Code (the “**Storm Water Code**”), the following words and phrases are defined and shall be construed as hereinafter set out, unless it is apparent from the context that they have a different meaning:

- (1) “**Authority**” means the San Diego County Regional Airport Authority, a local entity of regional government.
- (2) “**Basin Plan**” means the Comprehensive Water Quality Control Plan for the San Diego Basin, adopted by the California Regional Water Quality Control Board, San Diego Region in September 1994, and all subsequent amendments.
- (3) “**Best Available Technology Economically Achievable**” (BAT), as defined by United States Environmental Protection Agency (U.S. EPA), means a technology-based standard established by the Clean Water Act (CWA) as the most appropriate means available on a national basis for controlling the direct discharge of toxic and nonconventional pollutants to navigable waters, the BAT effluent limitations guidelines, in general, represent the best existing performance of treatment technologies that are economically achievable within an industrial point source category or subcategory.
- (4) “**Best Conventional Pollutant Control Technology**” (BCT), as defined by U.S. EPA, means a technology-based standard for the discharge from existing industrial point sources of conventional pollutants including biochemical oxygen demand (BOD), total suspended sediment (TSS), fecal coliform, pH, oil and grease.
- (5) “**Best Management Practices**” (BMPs) means schedules of activities, prohibition of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, structural or hardscape features that detoxify and remove pollutants or reduce flow, and other management practices to prevent or reduce to the Maximum Extent Practicable (MEP) the discharge of pollutants directly or indirectly to waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage and leaks, sludge or waste disposal, or drainage from raw materials storage.
- (6) “**Clean Water Act**” (CWA) means the Federal Water Pollution Control Act enacted in 1972 by Public Law 92-500 and amended by the Water Quality Act of 1987 933

U.S.C. §§1251-1387). The Clean Water Act prohibits the discharge of pollutants to waters of the United States unless said discharge is in accordance with a NPDES Permit.

(7) “**Commercial Activity**” means any public or private activity involved in the storage, transportation, distribution, exchange or sale of goods and/or commodities or providing professional and/or non-professional services.

(8) “**Construction Activity**” is defined as clearing, grading or excavation that results in soil disturbance. Construction activity does not include routine maintenance to maintain original line and grade, hydraulic capacity or the original purpose of the facility, nor does it include emergency construction activities required to immediately protect public health and/or safety.

(9) “**Control**” means to minimize, reduce or eliminate by technological, legal, contractual or other means, the discharge of pollutants from an activity or activities.

(10) “**Discharge**” means any release, spill, leak, pump, flow, escape, dumping, or disposal of any liquid, semi-solid or solid substance.

(11) “**Hazardous Material(s)**” means any substance whether solid, liquid, or gaseous in nature: (i) the presence of which requires investigation or remediation or (ii) which is or becomes defined as a hazardous waste, hazardous substance, pollutant or contaminant under any applicable federal, state, or local statute, regulation, rule or ordinance or amendments thereto including, without limitation, the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. §§9601-9675), the Resource Conservation and Recovery Act (42 U.S.C. §§6901-6992), the Clean Air Act (42 U.S.C. §§7401-7642), and the Clean Water Act, and state and federal regulations relating to stormwater discharges, including without limitation, 40 CFR Part 122; or (iii) the presence of which causes or threatens to cause a nuisance or poses or threatens to pose a hazard to the health or safety of persons: or (iv) without limitation, which contains gasoline, diesel fuel, other petroleum hydrocarbons, natural gas liquids, polychlorinated biphenyls (PCBs), asbestos, or lead-based paint.

(12) “**Hazardous Waste(s)**” includes any waste or combination of wastes as defined in the Code of Federal Regulations 40 CFR Part 261, 49 CFR Part 171 or the California Code of Regulations, 22 CCR §66261, et seq.

(13) “**Illegal Discharge**” means any Discharge to the Storm Water Conveyance System that is prohibited under federal, state or local statutes, ordinances, codes or regulations or degrades the quality of Receiving Waters. Illegal Discharges include all Non-Storm Water Discharges except Discharges pursuant to an NPDES Permit or Discharges that are exempted or conditionally exempted by such NPDES Permit or granted as a special waiver or exemption by the Regional Water Quality Control Board.

(14) “**Illicit Connection**” means any man-made conveyance that is connected directly to the Storm Water Conveyance System or Receiving Waters, excluding roof-drains and other similar connections, that serves as a pathway for any Illegal Discharge.

(15) “**Impervious Surface**” means any man-made or modified surface that

prevents or significantly reduces the entry of water into the underlying soil, resulting in runoff from the surface in greater quantities and/or at an increased rate, when compared to natural conditions prior to development. Examples of places that commonly exhibit impervious surfaces include parking lots, driveways, roadways, storage areas and rooftops. The imperviousness of these areas commonly results from paving, compacted gravel, compacted earth and oiled earth.

(16) **“Industrial Activity”** means any public or private activity which is associated with any of the 11 categories of activities defined in 40 CFR 122.26(b)(14) and required to obtain a NPDES Permit.

(17) **“Industrial/Commercial Facility”** means any facility involved and/or used in either the production, manufacture, storage, transportation, distribution, exchange or sale of goods and/or commodities, and any facility involved and/or used in providing professional or non-professional services. This category of facility includes, but is not limited to, any facility defined by the Standard Industrial Classifications (SIC). Facility ownership (federal, state, municipal, private) and profit motive of the facility are not factors in this definition.

(18) **“Jurisdictional Runoff Management Program (JRMP) Document”** means a written description of the specific jurisdictional runoff management measures and programs that the Authority will implement to comply with the NPDES Permit for the Authority’s municipal separate storm sewer system (MS4 or Storm Water Conveyance System) and ensure that storm water pollutant discharges in runoff are reduced to the maximum extent practicable (MEP) and do not cause or contribute to a violation of water quality standards.

(19) **“Maximum Extent Practicable”** (MEP) means the standard for implementation of Storm Water management programs to reduce Pollutants in Storm Water. MEP refers to Storm Water management programs taken as a whole. It is the MEP taking into account equitable considerations and competing facts, including but not limited to, the gravity of the problem, public health risk, societal concern, environmental benefits, Pollutant removal effectiveness, regulatory compliance, public acceptance, ability to implement, cost and technical feasibility. Section 402(p) of the CWA requires that municipal permits “. . . shall require controls to reduce the discharge of Pollutants to the MEP, including management practices, control techniques and systems, design and engineering methods, and such other provisions as the Administrator of the United States Environmental Protection Agency or the state determines appropriate for the control of said Pollutants.”

(20) **“NPDES Permit”** means a permit relating to the National Pollutant Discharge Elimination System issued by the U.S. EPA, State Water Resources Control Board, or California Regional Water Quality Control Board pursuant to the CWA that authorizes Discharges to waters of the United States and/or water of the State of California and requires the reduction of Pollutants in the Discharge.

(21) **“Non-Storm Water Discharge”** means any Discharge to a municipal Storm Water Conveyance System or Receiving Waters that is not composed entirely of Storm Water.

(22) **“Process Water”** shall mean water which contains Hazardous Materials

or Solid Waste from any point or non-point source subject to the Clean Water Act, amendments thereto, and regulations promulgated pursuant thereto, including without limitation, requirements of the National Pollution Discharge Elimination System Program (“NPDES”), and the State of California Porter-Cologne Water Quality Control Act.

(23) “**Pollutant**” means any “pollutant” defined in §502(6) of the CWA or incorporated into the California Water Code §13373 and any Hazardous Materials, Solid Wastes, and Process Waters (as such terms are defined herein).

(24) “**Pollution Prevention**” means source reduction, preventing or reducing waste where it originates, at the source, including practices that conserve natural resources by reducing or eliminating pollutants through increased efficiency in the use of raw materials, energy, water and land.

(25) “**President/Chief Executive Officer**” means the President/CEO of the Authority or his/her duly authorized representative(s) designated to administer, implement and enforce the provisions of the Storm Water Code.

(26) “**Receiving Waters**” means any water, surface or underground, including saline waters within the boundaries of the State [California Water Code §13050(e) including Diego Bay.

(27) “**Regional Board**” means the California Regional Water Quality Control Board, San Diego Region.

(28) “**Solid Waste**” has the same meaning as in the Resource Conservation and Recovery Act and includes sewage.

(29) “**Storm Water**” or “**Stormwater**” means water that originates from atmospheric moisture (rainfall or snowfall) and that falls onto land, water or other surfaces. Stormwater runoff is that portion of precipitation that flows across a surface and into the storm drain system or directly into receiving water. Without any change in its meaning, this term can be spelled or written as one word or two separate words.

(30) “**Storm Water Code**” means Sections 8.70 to 8.79 of this Code.

(31) “**Storm Water Conveyance System**” means any facilities or any part thereof, including streets, gutters, conduits, natural and artificial drains, channels and watercourses that are used for the purpose of collecting, storing, transporting or disposing of Storm Water and are located within the Jurisdiction of the Authority.

(32) “**Storm Water Management Plan**” (SWMP) means a document which combines the Authority’s Industrial Storm Water Pollution Prevention Plan (SWPPP) and Municipal Jurisdictional Runoff Management Program (JRMP) into one document and which describes the Authority’s on-site program activities to eliminate or reduce Pollutant Discharges to the Storm Water Conveyance System and Receiving Waters, to the applicable maximum extent practicable (MEP) or BAT/BCT standard.

(33) “**Storm Water Pollution Prevention Plan**” (SWPPP) means a document which describes the on-site program activities to eliminate or reduce Pollutant Discharges to the Storm Water Conveyance System and Receiving Waters to the applicable MEP or BAT/BCT standard.

(34) “**Storm Water Runoff**” means that part of precipitation (rainfall or snowmelt) which travels across a surface to the Storm Water Conveyance System or Receiving Waters.

(35) “**Toxic Materials**” means any material(s) or combination of materials which directly or indirectly causes or contributes to acute or chronic toxicity to any living organism.

(36) “**Untreated**” means non-Storm Water runoff, wastewater or wash waters that have not been subjected to any applicable treatment control, Best Management Practices or are not in compliance with conditions of a separate or general NPDES Permit.

(37) “**Urban Runoff**” means surface water flow produced by storm and non-storm events. Non-storm events include flow from residential, commercial or industrial activities involving the use of potable and non-potable water.

(38) “**Water Quality Control Plan for the San Diego Basin**” (Basin Plan) means a document that designates beneficial uses for water bodies in the San Diego region and establishes water quality objectives and implementation plans to protect those beneficial uses.

(39) “**Water Quality Improvement Plan**” (WQIP) means the document required by the NPDES Permit for the Authority’s municipal separate storm water sewer system (Storm Water Conveyance System) that guides the Authority’s jurisdictional runoff management programs (JRMPs) towards achieving the outcome of improved water quality for discharges into the Storm Water Conveyance System and Receiving Waters.

[Amended by Resolution No. 2018-0053 dated June 7, 2018.]

[Adopted by Resolution No. 2002-02 dated September 20, 2002.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

- ARTICLE 8 - GENERAL OPERATIONS**
PART 8.7 - STORM WATER CONTROL
SECTION 8.72 - POLLUTANT DISCHARGE CONTROL
-

(a) General Discharge Prohibitions. Except as allowed under a general or separate National Pollutant Discharge Elimination System (NPDES) Permit, no person shall Discharge, cause, permit or contribute to the Discharge of any of the following to the Storm Water Conveyance System or Receiving Waters (capitalized terms used in this Section are defined in Section 8.71 of this Code):

(1) Any liquids, solids or gases which by reason of their nature or quantity are flammable, reactive, explosive, corrosive or radioactive, or by interaction with other materials could result in fire, explosion or injury;

(2) Any solid or viscous materials that could cause obstruction to the flow or operation of the Storm Water Conveyance System or Receiving Waters;

(3) Any noxious or malodorous liquid, gas or solid in sufficient quantity, either singly or by interaction with other materials, which creates a public nuisance, hazard to life, or inhibits authorized entry of any person into the Storm Water Conveyance System or Receiving Waters;

(4) Any medical, infectious, toxic or hazardous material or waste; or

(5) Other Pollutants that injure or constitute a hazard to human, animal, plant, or fish life, or create a public nuisance.

(b) Controlling the Discharge of Pollutants Associated with Industrial or Commercial Activities. Except as allowed under a general or separate NPDES Permit, the following prohibitions apply to all persons operating or performing any industrial or commercial activities within the jurisdiction of the Authority.

(1) No person shall Discharge, cause or permit the discharge of Untreated wastewater from steam cleaning, mobile auto washing, mobile carpet cleaning, acoustic ceiling application and paint or paint wash-down from other such mobile commercial or industrial operations into the Storm Water Conveyance System or Receiving Waters.

(2) No person shall discharge, cause or permit any Discharge of Untreated runoff containing grease, oil, antifreeze, other fluids from machinery, equipment, tools or motor vehicles, or hazardous substances into the Storm Water Conveyance System or Receiving

Waters.

(3) No person shall discharge, cause or permit the Discharge of Untreated runoff from the washing of Toxic Materials from paved or unpaved areas into the Storm Water Conveyance System or Receiving Waters.

(4) No person shall Discharge, cause or permit the Discharge of wastewater from washing out of concrete trucks into the Storm Water Conveyance System or Receiving Waters.

(5) No person shall Discharge, cause or permit the Discharge of Untreated wash water from gas stations, auto repair garages or from other types of automotive facilities into the Storm Water Conveyance System or Receiving Waters;

(6) No person shall Discharge, cause or permit the Discharge of Untreated runoff from the washing of impervious surfaces into the Storm Water Conveyance System. This provision shall apply unless the washing is specifically required by state or local health and safety codes or unless the Discharge is conditionally exempt as street or sidewalk washing as provided in the Storm Water Code; or

(7) No person shall Discharge, cause or permit the Discharge of food wastes from the washing of any floor coverings such as duck boards, grates, mats or rugs from any commercial kitchen, or from any other commercial food preparation or processing activity, into the Storm Water Conveyance System or Receiving Waters.

(8) Other Pollutants that injure or constitute a hazard to human, animal, plant, or fish life, or create a public nuisance.

(9) No person shall throw, deposit, leave, cause or permit to be thrown, deposited, placed or left, any refuse, rubbish, garbage, or other discarded or abandoned objects, articles and accumulations, in or upon any street, gutter, alley, sidewalk, storm drain, inlet, catch basin, conduit or other drainage structures, business place, or upon any public or private lot of land owned, leased or controlled by the Authority;

(10) No person shall dispose or cause the disposal of leaves, dirt or other landscape debris into the Storm Water Conveyance System or Receiving Waters;

(11) No person shall spill, dump or dispose any pesticide, fungicide or herbicide, into the Storm Water Conveyance System or onto any surface from where they could reach the Storm Water Conveyance System or the Receiving Waters;

(12) No person shall leave, dispose, cause or permit the disposal of hazardous wastes in such a manner that results in a spill, leak or drainage of such wastes onto any sidewalk, street or gutter that Discharges into, or flows with any other runoff into the Storm Water Conveyance System or Receiving Waters;

(13) No person shall store fuels, chemicals, fuel and chemical wastes, animal wastes, garbage, batteries and any toxic or hazardous materials in a manner which allows the

runoff of Pollutants from such materials or wastes into the Storm Water Conveyance System or Receiving Waters; and

(14) No person shall dispose, Discharge, or permit the Discharge of any sanitary or septage wastes from any source into the Storm Water Conveyance System or Receiving Waters.

[Amended by Resolution No. 2018-0053 dated June 7, 2018.]
[Adopted by Resolution No. 2002-02 dated September 20, 2002.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

- ARTICLE 8 - GENERAL OPERATIONS**
PART 8.7 - STORM WATER CONTROL
SECTION 8.73 - ELIMINATION OF ILLEGAL DISCHARGES AND ILLICIT CONNECTIONS
-

(a) Prohibition of Illegal Discharges. No person shall Discharge Non-Storm Water to the Storm Water Conveyance System, unless authorized by a separate or general NPDES Permit or if the Discharge is conditionally exempted by the Municipal or Industrial Storm Water National Pollutant Discharge Elimination System (NPDES) Permits, as provided or as subsequently amended or if granted as a special waiver or exemption by the Regional Board. Capitalized terms not defined in this Section are defined in Section 8.71 of this Storm Water Code.

(1) Conditionally Exempt Discharges. The following Non-Storm Water Discharges must be addressed as illicit discharges into the Storm Water Conveyance System, unless they are permitted under a separate NPDES Permit or they are identified as not being a source of Pollutants and all appropriate BMPs are implemented to prevent Pollutants associated with such discharges to the Storm Water Conveyance System as may be authorized and approved by the President/CEO.

- (A) Discharges from lawn and landscape irrigation in areas that utilize integrated pest management practices or do not use chemical pesticides or herbicides;
- (B) Water line flushing;
- (C) Discharges from potable water sources;
- (D) Foundation drains;
- (E) Footing drains;
- (F) Air conditioning, compressor, and refrigeration condensate;
- (G) Water from crawl space pumps;
- (H) Discharge or flows from emergency firefighting activities and non-emergency fire prevention testing/flushing;
- (I) Rising ground waters or tidal action;
- (J) Uncontaminated groundwater infiltration

(K) Incidental windblown mist from cooling towers; and

(L) Other categories approved by the Executive Officer of the Regional Board or an authorized representative.

(b) Illicit Connections. It is prohibited to establish, use, maintain or continue illicit drainage connections to the Authority's Storm Water Conveyance System, and to commence or continue any Illegal Discharges to the Authority's Storm Water Conveyance System. This prohibition applies to connections made in the past. Improperly installed or defective rain diversion systems or devices that release Pollutants into the Storm Water Conveyance System shall be considered illicit connections and shall be subject to removal or modifications. After notification of the illicit connection, a person has 30 days or prior to the next predicted rain event, whichever is sooner, to remove or modify such connection. Any extension of time for removal or modification must be approved by the President/CEO.

(c) Storm Water Conveyance Connection Written Approval. No approval for any Storm Water conveyance connection shall be issued until the President/CEO is satisfied that the Discharge from the permitted connection will be in compliance with the provisions of the Storm Water Code and all applicable federal and state Discharge regulations or requirements.

[Amended by Resolution No. 2018-0053 dated June 7, 2018.]

[Adopted by Resolution No. 2002-02 dated September 20, 2002.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

- ARTICLE 8** - **GENERAL OPERATIONS**
PART 8.7 - **STORM WATER CONTROL**
SECTION 8.74 - **REDUCTION OF POLLUTANTS IN STORM WATER**
-

To provide for the public health, safety and general welfare and to protect the natural resources, any person engaged in activities which will, or may, result in Pollutants entering Storm Water, Storm Water Conveyance System or Receiving Waters, shall undertake measures to reduce Pollutant Discharges to the MEP or BAT/BCT standard, whichever is applicable. Capitalized terms not defined in this Section are defined in Section 8.71 of this Code. The following minimal requirements shall apply at any facility and/or airport under the jurisdiction of the Authority:

(a) Pollutant Discharge, BMPs and Pollutant Discharge Prevention Procedures.

(1) Trash. Any person or entity providing receptacles for litter or refuse shall provide adequate covers to ensure against any leaking, dripping, sifting or otherwise escaping of any materials.

(2) Commercial Activities. All owners or operators of premises where Pollutants from business related activities may enter the Storm Water Conveyance System must reduce such Pollutants to the MEP standard. If the President/CEO determines that Pollutants are not reduced to the MEP standard, the President/CEO may require the business to develop and implement a SWPPP. Business activities that may require a SWPPP include maintenance, repair, storage, manufacturing, assembly, equipment operations, vehicle loading or fueling, washing or de-icing of planes, or cleanup procedures which are carried out partially or wholly out of doors.

(3) Industrial Activities. All owners or operators of premises where pollutants from business related activities may enter the Storm Drain Conveyance System must reduce such pollutants to the BAT/BCT standard. If the President/CEO determines that Pollutants are not reduced to the BAT/BCT standard, the President/CEO may require the business to develop and implement an SWPPP. Business activities that may require a Storm Water Pollution Prevention Program (SWPPP) include maintenance,, repair, storage, manufacturing, assembly, equipment operations, vehicle loading or fueling, washing or de-icing of planes, or cleanup procedures which are carried our partially or wholly out of doors.

(4) Parking Lots and Impervious Surfaces. Persons owning or operating a parking lot or impervious surfaces used for similar purposes shall prevent the Discharge of Pollutants to the Storm Water Conveyance System through a program of regular sweeping or other effective measures. Sweepings debris or cleaning residue from parking lots or other impervious surfaces shall not be swept or otherwise made or allowed to go into any gutter or roadway or portion of the Storm Water Conveyance System.

(5) New Development and Redevelopments. Any person performing construction work on property owned, leased, or controlled by the Authority shall prevent Pollutants from entering the Storm Water Conveyance System by complying with all applicable federal, state, and local ordinances, applicable provisions of any NPDES Permit issued by the State Water Resources Control Board or the Regional Board. The President/CEO will require controls on the volume and rate of Storm Water runoff from new developments and redevelopments as may be reasonably necessary to minimize the Discharge and transport of Pollutants.

(6) Compliance with General Permits. Each industrial discharger, discharger associated with construction activity, or other discharger subject to any general or individual Storm Water NPDES Permit issued by the United States Environmental Protection Agency, the State Water Resources Control Board, or the Regional Board, shall be aware of and comply with all the requirements of such permit and the Storm Water Management Plan (SWMP).

(7) Compliance with Best Management Practices. Every person undertaking any activity or use of a premise which may cause or contribute to Storm Water pollution or contamination, illegal discharges or Non-Storm Water Discharges, shall comply with BMPs guidelines or pollution control requirements as will be reasonably established by the President/CEO.

(6) Containment and Notification of Spills. Any person owning or occupying a premises who has knowledge of any significant release of Pollutants or Non-Storm Water from those premises which might enter the Storm Water Conveyance System shall immediately take all necessary action to contain the release and minimize any Non-Storm Water Discharge. Such person shall notify the Executive Director of the occurrence and/or San Diego County Department of Environmental Health, and any other appropriate agency, within 24 hours of the incident's occurrence.

(b) Identification and Reduction of Pollutant Discharge. Use of testing, monitoring, sampling, and mitigation procedures to identify and reduce Pollutant Discharge may be required by the President/CEO as follows:

(1) Testing, Monitoring and Mitigation. Testing, monitoring and/or mitigation is required by the state construction and industrial permits, and municipal permit for storm water discharges, and will be conducted according to those NPDES Permits. Additionally, testing,, monitoring and/or mitigation may be ordered if:

(A) Illegal Discharges have not been eliminated after written notice from an authorized representative of the President/CEO;

(B) Repeat violations have been documented by written notices from an authorized representative of the President/CEO; and/or

(C) The President/CEO determines there is a threat or potential threat or nuisance to human health or the environment.

(2) Monitoring Elements. Monitoring ordered pursuant to this section may

include the following:

(A) Routine visual monitoring of Storm Water and Non-Storm Water flows;

(B) Routine visual monitoring of premises for spills or Pollutant Discharges;

(C) Maintaining a log of monitoring dates, potential Pollutant sources and mitigation measures taken; and/or

(D) Reasonable laboratory monitoring for Pollutants, if determined to be necessary.

(3) Cessation of Monitoring. Required sampling, testing, monitoring and/or mitigation may be stopped after conditions requiring monitoring or mitigation no longer exist and the President/CEO has been notified at least 72 hours prior to cessation. The required activity may not cease if notice to continue is issued by the President/CEO.

(4) Consistency with other Agencies. BMPs and other Pollutant reduction elements shall be compatible with other agency's programs and procedures, as applicable. The Storm Water Code is not intended to duplicate, diminish or take precedence over other agency program requirements.

[Amended by Resolution No. 2018-0053 dated June 7, 2018.]

[Adopted by Resolution No. 2002-02 dated September 20, 2002.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

- ARTICLE 8** - **GENERAL OPERATIONS**
PART 8.7 - **STORM WATER CONTROL**
SECTION 8.75 - **AUTHORITY TO INSPECT**
-

(a) Authority to Inspect. Whenever it is necessary to investigate the source of any Discharge to any street, inlet, gutter or Storm Water Conveyance System within the jurisdiction of the Authority, to verify compliance with this Storm Water Code, or to enforce any of its provisions, or perform any duty imposed by this Storm Water Code or other applicable law, the President/CEO is hereby authorized to enter such property at any reasonable time and perform such inspection or investigation. Prior to performing any authorized inspections, entry to property shall be obtained as follows:

(1) If such building or premises is occupied, the President/CEO shall first present proper credentials of identification and obtain either the consent of the owner or occupant of the property or shall obtain an administrative warrant or criminal search warrant or other mechanism allowed by law to secure entry and inspect the building or premises; or

(2) If such building or premises is unoccupied, the President/CEO shall make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry, explaining the reasons therefor. If such entry is refused or cannot be obtained because the owner or other person having charge or control of the building or premises cannot be found, the President/CEO shall have recourse to every remedy provided by law to secure entry and inspect the building or premises.

(3) Notwithstanding the foregoing, if the President/CEO has reasonable belief that the Discharges emanating from the premises are so hazardous, unsafe or dangerous as to require immediate inspection or remedial actions to abate conditions that endanger the public health and safety, the President/CEO shall have the right to immediately enter the premises. Any reasonable means may be used to effect such entry to make the necessary inspection or abate the dangerous condition, whether the property is occupied or unoccupied and whether or not formal permission to inspect has been obtained. If the property is occupied, the President/CEO shall first present proper credentials of identification to the occupant and demand entry, explaining the reasons therefor and the purpose of the inspection.

(A) In accordance with this subsection, no person shall refuse, resist, restrict, delay or interfere with the President/CEO in the performance of his or her duties.

(b) Inspection Duties. Upon securing entry into a property, the President/CEO shall be allowed to perform the following duties during an inspection:

(1) To inspect, take samples of any area runoff, process Discharge or

materials within any exposed operational or storage area and perform tests for the purpose of determining the potential for the contribution of Pollutants to the Storm Water Conveyance System or Receiving Waters;

(2) To place on the property of the inspected facility or site any such devices as are necessary to sample, monitor, measure and record flows of Discharge or threatened Discharge;

(3) To inspect, examine and copy all records of the owner or occupant of inspected property that pertains to any Discharge to the Storm Water Conveyance System, including records relating to; chemicals or processes presently or previously occurring on the site; a NPDES Permit; an application to obtain coverage under a NPDES Permit; waste Discharge records; waste manifests; SWPPPs; monitoring and or inspection plans, tests and results; any corrective actions implemented; any records or plans relating to Discharge connections to the Storm Water Conveyance System; and any other information required to carry out the provisions of this Storm Water Code;

(4) To photograph any materials, storage or process areas, wastes, waste containers, vehicles, connections, BMPs, treatment systems, Discharge locations or any violations discovered during the inspection; and

(5) To abate, correct or prevent Pollutants from entering the Storm Water Conveyance System or surface waters.

(c) Defined Terms. Capitalized terms not defined in this Section are defined in Section 8.71 of this Code.

[Amended by Resolution No. 2018-0053 dated June 7, 2018.]
[Adopted by Resolution No. 2002-02 dated September 20, 2002.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

- ARTICLE 8** - **GENERAL OPERATIONS**
PART 8.7 - **STORM WATER CONTROL**
SECTION 8.76 - **ENFORCEMENT**
-

(a) Violations and Enforcement. Violations of this Storm Water Code are deemed a threat and direct harm to public health, safety and welfare, and the environment. The President/CEO is authorized to enforce this Storm Water Code as follows:

(1) Cease and Desist Orders. Issue written and/or verbal orders to stop Illegal Discharges and/or remove Illicit Connections;

(2) Notice and Order to Clean, Test or Abate. Issue written and/or verbal orders to perform activities to clean and/or abate the impacts to Authority property resulting from a violation, or to test and monitor for pollutants that may be Discharged as a result of a violation.

(b) Administrative Authority. The President/CEO or designee (“Enforcement Officer”) may enforce the Storm Water Code in an administrative action. A civil penalty may be imposed if the administrative action results in a finding of a violation.

(1) Notice of Violation. When the Enforcement Officer observes or has notice of a violation, the Enforcement Officer may issue a Notice of Violation to the violator. The Notice shall contain:

- (A) the date, time, location, nature of the violation;
- (B) the name of the individual issuing the Notice of Violation, the names of victims and/or witnesses, and the Authority Code(s) section(s) violated;
- (C) the nature of any action required to correct the violation and/or potential administrative penalty and the timeframe for completing the corrective action and/or satisfying any penalty; and
- (D) the manner in which the Notice of Violation may be appealed.

(2) Responsibility and Liability. The person in violation of the Storm Water Code shall be responsible for taking corrective action and satisfying any penalty.

(c) Judicial Authority, Arrest and Issuance of Citations. If use of any administrative authority under the Storm Water Code is deemed not effective by the President/CEO, the assistance of an authorized peace officer may be enlisted to arrest violators as provided in California Penal Code, Chapter 5, 5c, and 5d, Title 3, Part 2 (or as amended) and/or a citation and notice to appear may be issued as prescribed in Chapter 5c, Title 3, Part 2 of the California Penal Code, including immunities prescribed in Section 836.5 of the California Penal Code, which are applicable to the President/CEO acting in course and scope to this Storm Water Code.

(d) Contribution, Concealment and Continuing Violations. The following constitute a violation of this Storm Water Code:

- (1) Causing, permitting, aiding, or abetting non-compliance with any part of this Storm Water Code,
- (2) Concealing a violation of this Storm Water Code, and
- (3) A separate violation takes place for each day a condition of non-compliance with this Storm Water Code exists.

(e) Penalties.

(1) Administrative Penalties. At the discretion of the President/CEO, non-compliance with this Storm Water Code may result in suspension, revocation or termination of any license, permit, agreement or privilege issued or allowed by the Authority, and/or the assessment of the following civil penalties:

(A) Monetary Penalties. Unless specifically identified in the Storm Water Code, monetary penalties of up to \$10,000 may be imposed per violation, per day,

(B) Any subsequent violation(s) of the same provision(s) within ninety (90) days of the first violation may be assessed increased penalties of up to \$20,000 per violation per day,

(C) Additional penalties may include the cost incurred by the Authority to investigate and/or clean up any pollutants discharged as a result of the violation,

(D) Failure to pay an administrative penalty within thirty (30) days may result in temporary or permanent denial of access to restricted areas of Authority property, loss of permission to be on Authority property, and/or the termination or suspension of any and all rights, privileges, permits, or other agreements at Authority property or with the Authority.

(2) Infractions. The President/CEO may charge any violation of this Storm Water Code as an infraction at its discretion. Violation of any provision of this Storm Water Code that is deemed to be an infraction shall be punishable as prescribed by State statutes and other applicable laws, as follows: every violation that is charged as an infraction is punishable by fine not to exceed \$100 for the first violation and \$250 for the second violation of the same provision within one year of the first violation. Any subsequent violation(s) of the same provision, occurring any time after the second violation of the same provision, may be punishable as a misdemeanor.

(3) Civil Actions. In addition to other penalties and remedies permitted in this Storm Water Code, the President/CEO may elect to enforce this Storm Water Code as part of any civil action.

(4) Remedies Not Exclusive. Penalties and remedies under this Storm Water Code are in addition to and do not supersede or limit any and all other remedies available by law. The remedies provided herein are cumulative and not exclusive.

(f) Appeals. Administrative penalties may be appealed in writing to the President/CEO within ten (10) business days of the date on the notice of violation. Any request for appeal shall state the basis of the appeal and include all supporting facts. If an appeal is not filed within the ten (10) days, the administrative penalty shall become effective and any appeal filed thereafter will be denied for failure to exhaust administrative remedies.

(1) The President/CEO may, without a hearing, immediately reverse a timely appealed administrative penalty based on the written appeal, the notice of violation, and/or any other supporting documents.

(2) When an appeal is timely filed and is not immediately reversed by the President/CEO, it shall be assigned for review to a Vice President or his/her designee (“**Hearing Officer**”). The matter shall be heard no later than thirty (30) calendar days from the date of receipt of the request for appeal, or at a date mutually agreed upon by all parties. The hearing shall be conducted as an informal administrative proceeding with the rules or evidence relaxed from strict judicial practice; e.g., hearsay evidence may be admissible. All parties may, but are not required to, be represented by legal counsel, witnesses shall be sworn and be subject to cross-examination, and cumulative or repetitive evidence may be excluded. Any party may record the hearing or hire a court reporter, at their own expense.

(3) The Hearing Officer shall issue a written Administrative Enforcement Order that:

- (A) upholds the administrative penalty specified in the notice of violation;
- (B) reverses or modifies the decision which is the subject of the appeal; or
- (C) makes a different decision.

(4) The Administrative Enforcement Order shall contain findings of fact and state reasons for the decision. A copy of the decision shall be furnished to the parties within ten (10) business days of the conclusion of the hearing.

(5) The Administrative Enforcement Order may be appealed in writing to the President/CEO within ten (10) business days of the date on the Hearing Officer's written decision. The decision of the President/CEO shall be based solely on the record of the underlying decision (i.e. the Hearing Officer's findings of fact and stated reason for the decision, and the documents and evidence considered by the Hearing Officer.). The President/CEO may uphold the Administrative Order, reverse or modify the decision which is subject to appeal, or make a different decision. If an appeal of the Administrative Enforcement Order is filed within ten (10) days after it is issued by the Hearing Officer, the Administrative Enforcement Order shall become final and any appeal filed thereafter will be denied for failure to exhaust administrative remedies.

(6) The decision of the President/CEO shall be the final administrative order. There shall be no rehearing or reconsideration. The final decision shall be subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6.

(7) When a timely appeal has been filed, the administrative penalty shall be stayed pending the decision(s) of the Hearing Officer and/or the President/CEO. However, when, in the opinion of the President/CEO, there is a clear and immediate threat to public safety, the Authority may enforce a suspension or revocation prior to a hearing being held. The penalized party may then request a hearing from the President/CEO within ten (10) business days of receipt of notification that the suspension or revocation is not stayed. If no expedited hearing is requested, the appeal shall proceed in the ordinary course and the suspension or revocation shall remain in effect ending the outcome of the appeal process.

(g) Capitalized terms not defined in this Section are defined in Section 8.71 of this Code.

[Amended by Resolution No. 2018-0053 dated June 7, 2018.]
[Adopted by Resolution No. 2002-02 dated September 20, 2002.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

- ARTICLE 8 - GENERAL OPERATIONS**
 - PART 8.7 - STORM WATER CONTROL**
 - SECTION 8.77 - ADMINISTRATIVE AND CIVIL PENALTIES TO BE DEPOSITED
IN THE STORM WATER REVENUE FUND**
-

(a) Any administrative and civil penalties collected by the Authority as a result of violations of this Storm Water Code shall be deposited in the Storm Water Program Revenue Fund or such other fund as determined by the Authority's President/CEO or his or her designee.

[Amended by Resolution No. 2018-0053 dated June 7, 2018.]

[Adopted by Resolution No. 2002-02 dated September 20, 2002.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

- ARTICLE 8** - **GENERAL OPERATIONS**
PART 8.7 - **STORM WATER CONTROL**
SECTION 8.78 - **STORM WATER AND URBAN RUNOFF POLLUTION**
EDUCATION
-

(a) As part of the Storm Water Management Program of the Authority, the President/CEO or his or her designee shall develop and implement a public informational outreach program to educate tenants and business persons who operate within the jurisdiction of the Authority, including Authority employees, about the provisions of this Storm Water Code, the detrimental effects of Storm Water and Urban Runoff Pollution and the means for controlling such Pollution and adverse effects from the velocity and volume of storm flows. This program shall include, but not be limited to written or printed materials, audio and visual materials, posters, signs, films, videos, training courses, workshops, public service announcements and any other applicable or appropriate educational tools or materials. Capitalized terms not defined in this Section are defined in Section 8.71 of this Code.

[Amended by Resolution No. 2018-0053 dated June 7, 2018.]

[Adopted by Resolution No. 2002-02 dated September 20, 2002.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

- ARTICLE 8 - GENERAL OPERATIONS**
PART 8.7 - STORM WATER CONTROL
SECTION 8.79 - CONSTRUCTION, APPLICATION AND SEVERABILITY
-

(a) This Storm Water Code shall be construed to assure consistency with the requirements of the Federal Clean Water Act and acts amendatory thereof or supplementary thereto, applicable implementing regulations applicable National Pollutant Discharge Elimination System (NPDES) Permit and any amendment, revision or reissuance thereof.

(b) Should any portion of this Storm Water Code be declared invalid by a court of competent jurisdiction, the remainder shall continue in full force and effect and shall be interpreted in such manner as to effectuate the objectives set forth in this Storm Water Code.

[Amended by Resolution No. 2018-0053 dated June 7, 2018.]

[Adopted by Resolution No. 2002-02 dated September 20, 2002.]

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ARTICLE 9

SAN DIEGO INTERNATIONAL AIRPORT

[Addresses operational matters relating specifically to the San Diego International Airport.]

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SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

ARTICLE 9 - **SAN DIEGO INTERNATIONAL AIRPORT**
PART 9.0 - **APPLICATION**
SECTION 9.01 - **GENERAL APPLICATION**

(a) The Codes contained in this Article 9 shall be applicable, as appropriate, to all other facilities and airports under the jurisdiction of the San Diego County Regional Airport Authority.

[Resolution No. 2002-02 dated September 20, 2002.]

[Superseded by Resolution No. _____ dated _____.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

- ARTICLE 9** - **SAN DIEGO INTERNATIONAL AIRPORT**
PART 9.1 - **GROUND TRANSPORTATION**
SECTION 9.11 - **TRANSPORTATION SERVICE REGULATIONS**
-

(a) No person shall operate, drive or cause to be operated or driven any Taxicab, Vehicle for Hire, Charter Vehicle, TNC Vehicle, scheduled ground transportation service, hotel or other courtesy vehicle or any other commercial ground transportation service (except as provided in Section 9.23 of this Code) over and upon the non-dedicated private streets for the transportation of persons and baggage from or within the Airport without all valid and necessary permits issued by the Authority.

(b) Certain words and phrases used in this Article 9 are defined as follows, unless the context requires a different meaning:

(1) “**Charter Vehicle**” shall mean any vehicle issued a Charter-Party Carrier of Passengers Certificate by the California Public Utilities Commission.

(2) “**Courtesy Vehicle**” shall mean any vehicle used by a hotel, rental car company, off-airport parking lot or any other service transporting passengers where there is no charge for said services.

(3) “**Hearing Officer**” shall mean the individual or individuals appointed by the Authority to hear the evidence and information regarding Permit Holders facing administrative action.

(4) “**Non-Dedicated Streets**” shall mean streets under the control and jurisdiction of the Authority and not dedicated to any other governmental agency.

(5) “**Permit Holder**” shall mean any individual, company, organization, entity or affiliate permitted to operate ground transportation service vehicles within the San Diego International Airport.

(6) “**Taxicab**” shall mean any passenger vehicle designed to carry no more than eight persons, excluding the driver, used to carry passengers for hire and licensed as such by a local authority.

(7) “**TNC Vehicle**” shall mean any passenger vehicle engaged in providing Transportation Network Company services and issued a Transportation Network Company permit by the California Public Utilities Commission.

(8) **“Vehicle for Hire”** shall mean any vehicle issued a Passenger Stage Corporation Certificate by the California Public Utilities Commission.

[Amended by Resolution No. 2014-0073R, dated July 7, 2014.]

[Amended by Resolution No. 2012-0083 dated July 12, 2012.]

[Adopted by Resolution No. 2002-02 dated September 20, 2002.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

- ARTICLE 9** - **SAN DIEGO INTERNATIONAL AIRPORT**
PART 9.1 - **GROUND TRANSPORTATION**
SECTION 9.12 - **GROUND TRANSPORTATION PERMITS**
-

The President/CEO or his or her designee of the Authority may issue permits authorizing ground transportation service for the transportation of persons and baggage from or within the Airport. A valid permit is permission for the person to whom it is given, including said person's employee, driver or agent, to transport, by a vehicle to which a decal or trade dress is affixed, passengers and baggage over and upon the non-dedicated private streets within the Airport, in accordance with the rules, regulations, and standing time limits established and designated by the President/CEO from time to time.

(a) Vehicle Restrictions.

(1) Beginning July 1, 2012, the total number of authorized vehicle decals for Taxicab permits shall not exceed 450 for the Airport. A reserve list shall be retained and may be used by the President/CEO for possible replacements. The President/CEO has the discretion to determine the number of Taxicabs that may serve the Airport each day.

(2) The total number of authorized Vehicle for Hire operators shall not exceed nine.

(3) The total number of authorized TNC permittees shall not exceed ten.

(4) No Vehicle for Hire operator may transfer a vehicle decal except as provided in Section 9.19 of this Code. Authorized Vehicle for Hire operators may increase the number of vehicle decals for their fleet each calendar year by the higher of two vehicles or 10% of their then existing fleet.

(5) No Taxicab, Charter Vehicle, Vehicle for Hire, Courtesy Vehicle, or TNC vehicle shall be operated at the Airport without the appropriate current Airport-issued vehicle decal or approved vehicle trade dress and having passed inspection as provided by this Code. No Taxicab, Charter Vehicle, Vehicle for Hire, Courtesy Vehicle, or TNC Vehicle more than ten (10) years old shall be allowed to operate at the Airport.

(6) The Board reserves the right to increase or decrease the number of ground transportation service permits or otherwise further limit or restrict the days or times for operation of the Permit Holders as provided herein or as may be provided pursuant to a duly adopted resolution.

(b) Permit Terms and Fees.

A ground transportation service permit may be issued any time during the calendar year and shall not exceed the expiration date. Irrespective of the date of issuance of any permit, every ground transportation service permit shall expire at the end of the permit term period during which it was issued unless any such permit is sooner terminated, suspended, revoked or cancelled. No permit shall be extended nor shall any permit be renewed or transferred except as provided in this Code.

(1) Trip fees or any other fees and charges for a ground transportation service provider shall be set by resolution of the Board.

(c) Vehicle Identification.

All authorized Airport Commercial Ground Transportation Service Provider vehicles shall display an approved vehicle decal or trade dress and have an Authority-approved and operable Automated Vehicle Identification (“AVI”) transponder or Global Positioning System (“GPS”) unit.

(1) No person shall remove, damage or tamper with a vehicle decal or AVI transponder or GPS unit unless given written authorization by the Authority.

(2) No person shall evade or attempt to evade an Airport AVI reader or GPS system.

(3) No TNC shall operate a vehicle at the Airport without the Authority-approved trade dress.

(d) Vehicle Inspections.

Each vehicle for which there is a vehicle decal, permit or trade dress shall pass inspection at an Authority-approved Inspection Station prior to operating at the Airport, and shall be subject to further inspection at other times as required by the President/CEO.

[Amended by Resolution No. 2016-0095 dated October 20, 2016]

[Amended by Resolution No. 2015-0066 dated July 1, 2015]

[Amended by Resolution No. 2014-0073R dated July 7, 2014]

[Amended by Resolution No. 2012-0083 dated July 12, 2012]

[Amended by Resolution No. 2011-0065R dated June 2, 2011]

[Amended by Resolution No. 2011-0012 dated January 6, 2011]

[Adopted by Resolution No. 2002-02 dated September 20, 2002.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

- ARTICLE 9** - **SAN DIEGO INTERNATIONAL AIRPORT**
PART 9.1 - **GROUND TRANSPORTATION**
SECTION 9.13 - **DRIVER REQUIREMENTS**
-

(a) Except as provided in Section 9.23 of this Code, no person shall drive or operate a commercial ground transportation vehicle at the Airport for the purpose of picking up passengers, except pursuant to a valid ground transportation permit (“Permit”) issued by the Authority. For purposes of this Article, a commercial ground transportation vehicle shall include, but not be limited to, a Charter Vehicle, Courtesy Vehicle, Taxicab, Vehicle for Hire, and TNC Vehicle.

(b) Every Permittee holding a commercial ground transportation permit shall conduct a background check, as required by the Authority and state law, on all its Drivers. Permittees shall not allow any person, as defined below, to operate a commercial ground transportation vehicle at the Airport.

(1) Any person required to register as a sex offender pursuant to the California Sex Offender Registration Act (California Penal Code §290, *et seq.*);

(2) Any person required to register with the chief of police pursuant to California Health and Safety Code §11590, *et seq.*;

(3) Any person convicted of a felony;

(4) Any person convicted of violating any of the following:

(i) California Vehicle Code §23152 or §23153;

(ii) The vehicle code of another state or jurisdiction for driving a vehicle upon a highway while under the influence of an intoxicating liquor, drugs or narcotics;

(iii) California Vehicle Code §23103 or §23104; or

(iv) The vehicle code of another state or jurisdiction for reckless driving.

(5) Any person who has been convicted of a crime, the nature of which the Authority determines indicates the applicant’s unfitness to operate a commercial ground transportation vehicle for hire in a safe and lawful manner, including, but not limited to, assault or battery, or any form thereof;

(6) Any person who is addicted, as defined in California Welfare and Institutions Code §3009, to any substance prohibited by the Uniform Controlled Substances Act unless enrolled and successfully participating in a drug treatment program approved by a court of relevant jurisdiction;

(7) Any person who, within the twelve (12) months immediately preceding the submission of an application pursuant to this section, is convicted of, or held by any final administrative determination to be a negligent driver pursuant to California Vehicle Code §12810.5;

(8) Any person who provides false information.

(9) Any person who alters, falsifies, forges, duplicates or in any manner reproduces or counterfeits, or displays or causes to be displayed any driver identification.

(c)

(1) The provisions of Subsections (b)(1), (b)(2), (b)(3), (b)(4) and (b)(5) above shall not apply when five (5) years have elapsed from the later of:

(i) the last date of applicant's discharge from a jail or penal institution;

(ii) the last date of applicant's discharge from parole; or

(iii) the last date on which applicant was placed on probation.

(2) For the purposes of Subsection (b) above, conviction includes, but is not limited to, a plea or verdict of guilty, a finding of guilty by a court or jury in a trial, a plea of *nolo contendere*, or a forfeiture of bail.

(3) The President/CEO shall determine the appropriate background check required prior to authorizing drivers to operate at the Airport pursuant to any Permit.

(4) Permit holders shall comply with the reasonable requests of the President/CEO to audit the efficacy of background checks conducted on drivers operating at the Airport pursuant to any Permit.

(5) A Taxicab Driver who is in possession of a valid Taxicab Driver's Identification Card issued by the San Diego County Sheriff's Department may be deemed in compliance with the background check requirements of this Code.

(6) A TNC Driver who has met the state of California Public Utilities Commission's minimum background check requirements may be deemed in compliance with the background check requirements of this Code.

[Amended by Resolution No. 2018-0059 dated June 7, 2018]
[Amended by Resolution No. 2015-0066 dated July 1, 2015]
[Amended by Resolution No. 2014-0073R dated July 7, 2014]
[Amended by Resolution No. 2009-0019 dated February 5, 2009]
[Adopted by Resolution No. 2002-02 dated September 20, 2002.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

- ARTICLE 9** - **SAN DIEGO INTERNATIONAL AIRPORT**
PART 9.1 - **GROUND TRANSPORTATION**
SECTION 9.14 - **INSURANCE**
-

(a) No person shall operate, drive, or cause to be operated or driven any Taxicab, Vehicle for Hire, Charter Vehicle, TNC Vehicle, scheduled ground transportation service, hotel or other courtesy vehicle or any other commercial ground transportation service (except as provide in Section 9.23 of this Code) (“**Insured Drivers**”) over and upon the non-dedicated private streets for the transportation of persons and baggage from or within the Airport unless they establish and maintain in effect the forms of financial responsibility for public liability and workers’ compensation specified in this Section.

(1) Insured Drivers shall maintain a valid policy of automobile liability insurance executed and delivered by a company authorized to carry on insurance business in the State of California, with an AM Best Company financial rating acceptable to the President/CEO. The minimum terms and limits of said policy shall be set from time to time by the President/CEO. The terms of the policy shall provide that the insurance company assumes financial responsibility for injuries to persons, property and employees caused by the operation of the Insured Drivers and their authorized drivers and Airport Ground Transportation Service Permitted vehicles.

(2) Insured Drivers shall maintain a valid policy of workers’ compensation insurance for all its employees and shall include a waiver of subrogation endorsement in favor of the Authority.

(b) A valid certificate of insurance issued by the company providing the insurance policy required under the provisions of this section shall be filed with and approved by the President/CEO. This certificate, with appropriate endorsements to the underlying policies, shall provide that the Authority and its officers, employees and agents are named as additional insureds. It shall also provide that the insurer will notify the Authority at least 30 days prior to a reduction in coverage or cancellation of the policy. The certificate also shall state:

- (1) The insurance policy number;
- (2) The type and limits of coverage, including any deductibles or self-insured retention;
- (3) The specific vehicle(s) insured for vehicle liability coverage;

- (4) The effective dates of the policy; and
- (5) The certificate's date of issue.

(c) An Insured Driver may satisfy the requirements of this Code Section where the holder of a valid ground transportation permit maintains the required insurance covering the Insured Driver.

[Amended by Resolution No. 2015-0066 dated July 1, 2015]
[Amended by Resolution No. 2014-0073R dated July 7, 2014]
[Adopted by Resolution No. 2002-02 dated September 20, 2002.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

ARTICLE 9 - SAN DIEGO INTERNATIONAL AIRPORT
PART 9.1 - GROUND TRANSPORTATION
SECTION 9.15 - VEHICLE REGISTRATION

(a) No Airport Ground Transportation Service Permit shall be issued to a Taxicab, Vehicle for Hire, Charter Vehicle or Courtesy Vehicle without proof of valid vehicle registration provided to and approved by the Authority.

(b) California vehicle registration required above shall list the Driver, Permit Holder or the Permit Holder's "dba" as the registered owner. If a vehicle is leased or rented, then a copy of a valid lease or rental agreement shall be provided to and approved by the Authority prior to any permit being issued.

[Amended by Resolution No. 2015-0066 dated July 1, 2015]
[Amended by Resolution No. 2014-0073R dated July 7, 2014]
[Adopted by Resolution No. 2002-02 dated September 20, 2002.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

- ARTICLE 9** - **SAN DIEGO INTERNATIONAL AIRPORT**
PART 9.1 - **GROUND TRANSPORTATION**
SECTION 9.16 - **FINANCIAL OWNERSHIP AND OPERATING RECORDS**
-

(a) Every holder of an Airport Ground Transportation Service Permit shall maintain:

- (1) Financial records in accordance with good accounting practices;
- (2) Ownership records; and
- (3) Operating records in a form, and at intervals, which shall be determined from time to time by the San Diego County Regional Airport Authority (the “**Authority**”).

(b) Ownership and operating records shall be made available to the Authority upon demand at any reasonable time. The Permit Holder shall retain operating records for a minimum of six months from the date the records are created.

(c) For the purposes of this Section, ownership records shall include, but are not limited to the following:

- (1) Copies of the Articles (or Certificate) of Incorporation as filed with the Secretary of State of the entity's state of incorporation;
- (2) Records identifying all corporate officers and board members. A corporation shall report any change in corporate officers or members of its board within ten days of the effective date of such change;
- (3) A stock register recording the issuance or transfer of any shares of the corporate stock; and
- (4) The registration cards issued by the State of California Department of Motor Vehicles to the Permit Holder for all vehicles operating on Authority property under the authority of a Ground Transportation Service Permit.

(d) For the purposes of this Section, operating records shall include, but are not limited to the following:

- (1) Typed or written radio dispatch records;
- (2) Any log that describes the trips transporting passengers and baggage to and from the San Diego International Airport;

(3) Copies of the daily trip log required pursuant to Metropolitan Transit Development Board Ordinance 11;

(4) Waybills as defined under the California Public Utilities Commission General Order 157; and

(5) Any other similar records.

(e) In order to ensure compliance with the foregoing sections, the Authority shall perform annual audits of each Ground Transportation Service Permit Holder.

(f) If found to be out of compliance, the Ground Transportation Service Permit Holder may be subject to revocation of permit as set forth in this Code.

[Resolution No. 2002-02 dated September 20, 2002.]

[Superceded by Resolution No. _____ dated _____.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

ARTICLE 9 - SAN DIEGO INTERNATIONAL AIRPORT
PART 9.1 - GROUND TRANSPORTATION
SECTION 9.17 - COMPLAINTS

(a) Every Airport Ground Transportation Service Permit Holder shall respond within ten days to any written complaint concerning transportation services provided or arranged by the Permit Holder to or from the San Diego International Airport.

(b) A Permit Holder also shall respond within ten days to any inquiries from the San Diego County Regional Airport Authority regarding service complaints and provide copies of any requested correspondence and records.

[Resolution No. 2002-02 dated September 20, 2002.]
[Superseded by Resolution No. _____ dated _____.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

ARTICLE 9 - SAN DIEGO INTERNATIONAL AIRPORT
PART 9.1 - GROUND TRANSPORTATION
SECTION 9.18 - DISABLED PASSENGER SERVICES

(a) Every Vehicle for Hire operator shall provide in its service fleet for the San Diego International Airport, at a minimum, at least one wheelchair lift-equipped vehicle. Each operator shall provide wheelchair lift-equipped vehicles according to the following schedule when adding to or replacing airport vehicles in its fleet:

(1) One to 50 authorized vehicles requires one wheelchair-lift equipped vehicle.;

(2) 51 to 100 authorized vehicles requires two wheelchair-lift equipped vehicles; and

(3) Operators may subcontract to provide wheelchair-lift equipped vehicles. Operators shall obtain prior written approval from the San Diego County Regional Airport Authority for any agreements between the operator and subcontractors providing wheelchair-lift equipped vehicles.

[Resolution No. 2002-02 dated September 20, 2002.]

[Superseded by Resolution No. _____ dated _____.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

ARTICLE 9 - SAN DIEGO INTERNATIONAL AIRPORT
PART 9.1 - GROUND TRANSPORTATION
SECTION 9.19 - ISSUANCE AND TRANSFER

- (a) Issuance of Commercial Ground Transportation Permits, vehicle decals and driver permits
- (1) Commercial Ground Transportation Service Permits, vehicle decals and Driver Permits are issued by the Authority for the purpose of granting the privilege to conduct business and provide commercial ground transportation services at the Airport.
 - (2) A Commercial Ground Transportation Service Permit, vehicle decal and Driver Permit is personal to the individual to whom it is issued.
 - (3) The Authority has absolute discretion to authorize the issuance of Commercial Ground Transportation Permits, vehicle decals and/or Driver Permits on an annual basis.
 - (4) The Authority may exercise its discretion to not authorize the renewal of Commercial Ground Transportation Service Permits, vehicle decals and /or Driver Permits or to change the way Commercial Ground Transportation Service Permits, vehicle decals and/or Driver Permits are granted or allocated at any time.
 - (5) Holders of Commercial Ground Transportation Service Permits, vehicle decals and Driver Permits shall have no expectation of or right of renewal in any Commercial Ground Transportation Service Permit, vehicle decal or driver permit.
 - (6) The President/CEO may require, as a condition of issuing a Commercial Ground Transportation Service Permit, that the holder of said Permit join an Authority-approved industry association where said association is all of the following:
 - (i) A legal entity consisting of a minimum number, to be determined by the President/CEO, of holders of similar Commercial Ground Transportation Service Permits; and
 - (ii) Open to all holders of similar Commercial Ground Transportation Service Permits on a fair, equitable and non discriminatory basis; and
 - (iii) A party to a memorandum of agreement with the Authority concerning ground transportation operations at the Airport; and

(iv) In compliance with such other requirements as determined by the President/CEO as being in the best interests of the Authority.

(b) Transferability.

(1) The holder of a Commercial Ground Transportation Service Permit, vehicle decal or Driver Permit shall not in any manner, directly or indirectly, by operation or law or otherwise, sell, assign, hypothecate, transfer, or encumber (“**transfer**”) in whole or in part said Permit, decal or Driver Permit without the prior, express written consent of the President/CEO.

(i) In the event the holder of a Commercial Ground Transportation Service Permit, vehicle decal and/or Driver Permit is a corporation, partnership or legal entity other than a natural person, the prior written consent of the President/CEO shall be required for any transfer of any stock, interest, ownership or control of that corporation, partnership or legal entity.

(ii) The President/CEO may deny any request to transfer a Commercial Ground Transportation Service Permit, vehicle decal and/or Driver Permit in his or her absolute discretion.

(2) Taxicabs and TNC Vehicles. In the event the Board exercises its discretion to issue Commercial Ground Transportation Service Permits for Taxicabs or TNC Vehicles (“**Taxicab/TNC Permits**”) for any subsequent one-year period after June 30, 2014, the holder of any Taxicab/TNC Permit no longer wishing to operate under said Taxicab/TNC Permit must do one of the following:

(i) Return the Taxicab/TNC Permit to the Authority; or

(ii) Transfer the Taxicab/TNC Permit to an Authority-approved recipient (“**Transferee**”), and

a. Pay the Authority a one-time transfer fee of \$3,000,

b. Secure the prior written consent of the President/CEO, and

c. Advise the Transferee in a writing approved by the Authority that the Taxicab/TNC Permit is no longer transferrable and must be returned to the Authority if the Transferee no longer wishes to operate under the Taxicab/TNC Permit.

(3) Vehicles for Hire.

(i) If the holder of a Commercial Ground Transportation Service Permit for Vehicles for Hire proposes to transfer all vehicle decals issued to the holder, the vehicle decals may be transferred to any one person or entity provided that person or entity is approved by the California Public Utilities Commission and the prior written consent of the President/CEO is obtained.

- (ii) If the holder of a Commercial Ground Transportation Service Permit for Vehicles for Hire proposes to transfer only a portion of its vehicle decals, the vehicle decals may only be transferred to another person or entity holding a current valid Commercial Ground Transportation Service Permit for Vehicles for Hire and only after first obtaining the prior written consent of the President/CEO.

[Amended by Resolution No. 2014-0073R dated July 7, 2014]
[Amended by Resolution No. 2011-0048 dated April 7, 2011.]
[Adopted by Resolution No. 2002-02 dated September 20, 2002.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

ARTICLE 9 - SAN DIEGO INTERNATIONAL AIRPORT
PART 9.2 - GROUND TRANSPORTATION
SECTION 9.20 - LIMITATIONS

(a) The Board of Directors of the San Diego County Regional Airport Authority may make any changes to these Sections 9.01 to 9.20, inclusive, of this Code, including, without limitation, the manner in which any Ground Transportation Service Permit Holder or vehicle decal is determined, regulated and replaced.

[Resolution No. 2002-02 dated September 20, 2002.]
[Superseded by Resolution No. _____ dated _____.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

- ARTICLE 9** - **SAN DIEGO INTERNATIONAL AIRPORT**
PART 9.2 - **GROUND TRANSPORTATION**
SECTION 9.21 - **VEHICLE CONDITION**
-

(a) Vehicle Condition.

(1) No person shall operate, drive, or cause to be operated or driven any Taxicab, Vehicle for Hire, Charter Vehicle, TNC Vehicle, scheduled ground transportation service, hotel or other courtesy vehicle or any other commercial ground transportation service over and upon the non-dedicated private streets of the Airport unless it is in safe operating condition and in good repair. Its lighting equipment shall be in good working order. There shall be no cracked or broken windshields, windows or mirrors. The muffler and exhaust system shall be adequate to prevent excessive or unusual noise and shall not emit excessive smoke, flame, gas or oil. Exterior paint and markings shall not be faded or discolored. The vehicle shall have in operational condition, a heater, air conditioner and defroster. The vehicle shall be maintained in a clean condition, both with regard to the interior and exterior. In any vehicles required to have a taximeter, the person driving shall make certain that: the taximeter is in proper recording position at all times; the meter reading is visible to any passenger; and the meter light is burning during hours of darkness. The vehicle shall be further maintained in condition as provided in accordance with rules and regulations established by the President/CEO.

(2) The Authority may inspect any vehicle. If the inspection reveals that such vehicle is not in reasonable good repair or operating condition, from the standpoint of the safety, health and comfort of passengers, then the vehicle shall be ordered out of service by an Airport Traffic Officer or other Airport representative until such time as remedial repairs and corrections have been made. When such repairs and corrections have been made, such vehicle shall be re-inspected by an Airport-approved inspection service with proof of the repair and correction to determine whether or not proper repairs and corrections have been made and in no case shall the vehicle be permitted to resume its operation until such repairs and corrections have been made.

(b) Identification.

(1) Personal/Individual. All persons operating a commercial ground transportation vehicle at the Airport shall have and be in possession of proof of insurance in full force and effect equal to the requirements of the Authority, a valid driver's license of the class required issued by the State of California and, any required identification card. The Driver shall present any of these documents upon the demand of an authorized officer of the Authority or any peace officer.

(2) Vehicle. The vehicle shall be registered in the State of California and properly display, as approved by the President/CEO, the required exterior markings, state license

plates, approved trade dress and licensing decals.

(c) Pickup Areas.

(1) No person shall stop, park or stand any vehicle while awaiting for any passenger or employment at any location on Airport property other than at an authorized stand, designated area, line or zone. Passenger pickups shall take place only at designated stands and zones after following authorized procedures as may be established by the President/CEO and within vehicle standing time limits and parking regulations. The above rules may be waived for disabled passengers.

(2) No person shall solicit any customer's patronage in any manner while on Airport property or in an Airport terminal building.

(3) Taxicab and Vehicle for Hire drivers shall use only the assigned Taxicab or Vehicle for Hire line and stand as respectively designated by the President/CEO. Taxicab or Vehicle for Hire line means an area at the Airport designated by sign or other suitable means which is reserved for Taxicabs or Vehicles for Hire only while waiting to advance in turn to a vacancy at a Taxicab or Vehicle for Hire stand. "Taxicab and Vehicle for Hire stand" means an area on Airport property so designated and reserved for parking only while waiting to pick up passengers for hire.

(4) Before entry onto Airport property without passengers or after discharging passengers on Airport property, every Taxicab or Vehicle for Hire operator shall proceed to the off-Airport hold lot as designated by the President/CEO and wait with the vehicle at the hold lot until an authorized officer or designate issues a time-stamped dispatch ticket and dispatches the vehicle and operator to the Airport. The vehicle operator shall give the valid dispatch ticket to an authorized officer or designate on duty at the Airport before the operator is authorized to pick up or engage any passenger for hire. Picking up any passenger for hire after or while leaving off any other passenger without proceeding through the designated hold lot and being issued a valid dispatch ticket is prohibited. The President/CEO, from time to time, may establish, change or modify the rules, regulations and dispatch procedures for operation of the off-Airport hold lots.

(5) Notwithstanding any other regulation, any prospective passenger may select for hire any Taxicab or Vehicle for Hire, wherever located at the stand.

(6) The driver of each Taxicab or Vehicle for Hire in a Taxicab or Vehicle for Hire line shall at all times, until engaged for hire, remain in the driver's seat at the wheel of the vehicle or outside and within close proximity of the vehicle, except in case of emergency or personal necessity.

(7) The driver of each Taxicab or Vehicle for Hire at the Taxicab or Vehicle for Hire stand shall at all times, until engaged for hire, remain in the driver's seat at the wheel of the vehicle; provided, however, when engaged for hire, the driver may assist a passenger and load baggage into the vehicle. In case of an emergency or personal necessity, the driver may leave a Taxicab which is at the Taxicab stand.

(8) After a Taxicab exits a Taxicab stand, each vehicle at its rear shall at once be moved toward the head of the Taxicab stand and the Taxicab at the head of the Taxicab line shall be moved forward to occupy the vacancy in the Taxicab stand. Likewise, each vehicle to the rear in the Taxicab line shall be moved toward the head of the Taxicab line.

(9) No owner or operator of a Taxicab, Vehicle for Hire or Charter Vehicle, or TNC shall at any time while at the Airport by words, gesture or otherwise, solicit, persuade or urge or attempt to solicit, persuade or urge any person to use or hire any vehicle.

(10) If the driver of a Taxicab occupying the position at the head of the Taxicab stand refuses to accept and transport a passenger for hire or refers the passenger to a different Taxicab, the Taxicab and driver who refused or referred the passenger shall immediately be dispatched to the rear of the Taxicab line and the driver shall immediately remove the Taxicab from the head of the Taxicab stand.

(d) Driver's Examination.

The President/CEO may, but is not required to, issue or reissue a Driver's Permit to a person who has successfully passed an examination as given and required by the Authority, upon payment of the appropriate fee. The President/CEO also shall have the right to reexamine persons holding a Driver's Permit at intervals that the President/CEO deems advisable. Except in the event of reissuance as provided above, each applicant for a permit required by this provision and each driver must:

- (1) Be able to converse in the English language;
- (2) Hold a valid and effective driver's identification card as provided by the County of San Diego Code if operating a Taxicab; and
- (3) Successfully complete an approved Airport Customer Service Course.

(e) Driver Attire and Personal Hygiene.

All drivers of commercial ground transportation vehicles shall comply with the clothing and hygiene requirements as established by the President/CEO.

(f) Duty to Transport Passengers. The person operating a ground transportation service shall not refuse to transport any passenger, including baggage, requiring transportation and shall take all passengers to their requested destination using the most direct available route on all trips unless otherwise specifically requested by the passenger; provided, however, nothing herein shall require any person to provide ground transportation service contrary to any municipal or state permit or certificate regarding ground transportation or its Authority authorized permit. Furthermore, a driver is not required to transport any such passengers when: the driver has already been dispatched on another call; when such passengers appears to be under the influence of intoxicating liquor, or disorderly; or when the passenger may cause the vehicle to become damaged, stained or foul smelling.

(g) Non-Discrimination. In providing ground transportation services on Airport property, no person shall discriminate against any person or class of persons by reason of sex, color, race, creed, religion, physical or mental disability, veteran status, medical condition, marital status, age, sexual orientation, pregnancy or national origin. The accommodations and services shall be made available to the public on fair and reasonable terms.

(h) Fares and Receipts. No driver shall collect, demand, receive or arrange for any compensation in an amount greater than that approved or allowed by the appropriate fare setting governmental agency or commission for the ground transportation service. Upon request, the driver shall give a passenger making payment a receipt showing the amount of fare paid, the driver's correct name and correct vehicle license number and Authority permit number. There shall be no fare or charge to the passenger by a Courtesy Vehicle.

(i) Conformance with Laws. Any authorized ground transportation service shall be provided in conformance and obedience of:

- (1) All lawful orders or instruction from authorized officers of the Authority;
- (2) Any and all rules and regulations now in force or which may be changed, added, modified or adopted by the Authority for operation of transportation services at the Airport; and
- (3) Any and all laws, ordinances, statutes, rules, regulations, orders, permits or certificates from the Airport, any governmental authority, municipal, state or federal, lawfully exercising authority over such person holding an Authority permit, including persons, employees, drivers and agents.

[Amended by Resolution No. 2016-0092 dated October 20, 2016]
[Amended by Resolution No. 2015-0066 dated July 1, 2015]
[Amended by Resolution No. 2014-0073R dated July 7, 2014]
[Adopted by Resolution No. 2002-02 dated September 20, 2002.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

- ARTICLE 9** - **SAN DIEGO INTERNATIONAL AIRPORT**
PART 9.2 - **GROUND TRANSPORTATION**
SECTION 9.22 - **SUSPENSION, REVOCATION, DENIAL AND FINE OF GROUND TRANSPORTATION PERMITS AND SERVICES**
-

(a) The Executive Director or his or her designee (the “**Executive Director**”) of the San Diego County Regional Airport Authority (the “**Authority**”) shall suspend, revoke or deny the Ground Transportation Service Permit or driver permit, as applicable, for failure to comply with any of the provisions of Sections 9.01 to 9.13, inclusive, of this Code pertaining to ground transportation services. Any such suspension or revocation shall be separate from any civil or criminal proceedings and shall not be a basis for relief of liability or responsibility pursuant to the proceedings. The action of the Executive Director shall be subject to the appeals provisions provided herein.

(b) Upon a determination by the Executive Director that a Permit Holder, operator of a vehicle or Taxicab, or applicant falls within the provisions of subsection (a) above, the Permit Holder or applicant, as the case may be, shall be notified of the suspension, revocation or denial and the manner in which such action may be appealed.

(c) The Permit Holder or applicant shall be notified that they may file a written appeal with the Executive Director. Each appeal must be perfected by a letter addressed to the Executive Director and delivered to the Authority Clerk, or postmarked with the United States Postal Service, within ten business days of the date notice of the decision of the Executive Director addressed to the party making the appeal is placed with the United States Postal Service, which letter of appeal must state that an appeal from the decision of the Executive Director is desired. If no appeal is filed within the said ten days, it shall be grounds to deny a hearing and any untimely filed appeal shall be dismissed by the Hearing Officer. A suspension or revocation shall immediately become effective if an appeal is not timely filed within the ten business days. If an appeal is timely filed, the revocation or suspension shall be stayed pending the final determination of the appeal. In the event the permit, which is the subject of the action, expires and a new permit is issued to the same operator prior to the suspension or revocation taking effect and being fully carried out, or prior to final decision on appeal, the new permit shall be issued conditioned upon and shall be subject to the pending suspension or revocation. If no appeal is taken, said new permit shall be so suspended or revoked. If on appeal and suspension or revocation is the final decision, the new permit shall be so suspended or revoked. There shall be no requirement for further notice or hearing regarding the new permit.

(d) When an appeal is timely filed, the Executive Director shall cause the appeal to be assigned to a Hearing Officer. The matter shall be heard no later than 60 calendar days from the date of the filing of the appeal. The Hearing Officer shall notify the parties in writing of the time, date and place of the hearing. The notice shall be sent to the appellant by registered or

certified mail, or hand-delivery. The Hearing (the “**Hearing**”) is an informal administrative proceeding with the rules of evidence relaxed from strict judicial practice. In that regard, hearsay evidence is admissible. All parties may be represented by legal counsel, witnesses shall be sworn and be subject to cross-examination, and cumulative or repetitive evidence should not be admitted. The Hearing Officer may subpoena witnesses and establish additional procedures within the provisions of California Government Code Sections 11507.5 through 11511 and as may be required to serve the interest of justice. The Hearing Officer may uphold the suspension, revocation or denial or reverse or modify the decision which is the subject of the appeal, or make a different decision. A copy of the decision of the Hearing Officer specifying findings of fact and reasons for the decision shall be furnished to the parties within ten business days of the conclusion of the Hearing.

(e) The final decision of the Hearing Officer shall be the final administrative remedy. There shall be no rehearing or reconsideration. The final decision shall be subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6.

(f) An exception to the hearing provisions above shall be made when, in the opinion of the Authority, there is a clear and immediate threat to the safety and protection of the public, the Authority may suspend or revoke a permit prior to a Hearing being held. The Authority shall prepare a written notice of suspension or revocation which includes a statement of the action, a concise explanation of the reasons for the action, the statutory basis relied upon for such action, and an explanation of the Permit Holder’s right to request a Hearing from the Authority. Such notice shall be either sent by certified mail to the Permit Holder or be personally delivered. The Permit Holder may request a Hearing from the Authority within five business days of receipt of notification that the permit has been suspended or revoked in the manner provided above in Subsection (c). The Hearing Officer shall notify the appellant of time and place of such Hearing and the Hearing shall be conducted in the manner prescribed in this Section. The Hearing shall be held not more than 15 business days from the date of receipt of said request for Hearing. The suspension or revocation shall not be stayed during pendency of said appeal Hearing.

(g) It shall be unlawful for any person to operate any Ground Transportation Service Vehicle from a facility or airport under the Authority’s jurisdiction providing any ground transportation from such facility or airport during the period of any suspension or revocation of the permit or the driver’s permit.

(h) No person shall use or give permission to use any vehicle or Taxicab to provide any ground transportation service from a facility or airport under the Authority’s jurisdiction during the period of any suspension or revocation of the permit.

(i) When a permit has been suspended or revoked, the operation of any vehicle or taxicab authorized by such permit shall cease.

(j) Whenever any person or permit holder acquires an address different from the address previously given the Authority, the person shall within ten business days thereafter notify the Authority, in writing, of the old and new address.

[Resolution No. 2002-02 dated September 20, 2002.]
[Superseded by Resolution No. _____ dated _____.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

ARTICLE 9 - SAN DIEGO INTERNATIONAL AIRPORT
PART 9.2 - GROUND TRANSPORTATION
SECTION 9.23 - GROUND TRANSPORTATION PERMIT - EXCEPTION

(a) No ground transportation permit shall be required for the operation of ground transportation services for the transportation of persons and baggage from the San Diego International Airport (the “**Airport**”) to any government-owned public transportation system.

(b) No permit shall be required for the transportation of persons and baggage from the Airport by a vehicle operated for the transportation of passengers pursuant to a tour charter party license issued by the California Public Utilities Commission operating under an agreement or contract, with a passenger capacity of 25 persons or greater.

[Resolution No. 2002-02 dated September 20, 2002.]
[Superseded by Resolution No. _____ dated _____.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

ARTICLE 9 - SAN DIEGO INTERNATIONAL AIRPORT
PART 9.2 - GROUND TRANSPORTATION
SECTION 9.24 - VIOLATIONS

- (a) Violations of any of the provisions of Sections 9.01 to 9.24, inclusive, of this Code shall be charged as a misdemeanor and subject to:
- (1) Imprisonment in the county jail not exceeding six months;
 - (2) A fine not exceeding one thousand dollars (\$1,000);
 - (3) Having their vehicle impounded; or
 - (4) Having any combination of subsections (1), (2), and (3) above imposed.

[Amended by Resolution No. 2014-0073R dated July 7, 2014]
[Resolution No. 2002-02 dated September 20, 2002.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

ARTICLE 9 - SAN DIEGO INTERNATIONAL AIRPORT
PART 9.2 - GROUND TRANSPORTATION
SECTION 9.25 - SEVERABILITY

(a) If any provision of Sections 9.01 to 9.24, inclusive, of this Code or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of said sections which can be given effect without the invalid provisions or application and to this end the provisions of said sections are severable.

[Resolution No. 2002-02 dated September 20, 2002.]

[Superseded by Resolution No. _____ dated _____.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

ARTICLE 9 - SAN DIEGO INTERNATIONAL AIRPORT
PART 9.3 - LANDSIDE OPERATIONS
SECTION 9.30 MOTOR VEHICLES

(a) Unless authorized by the Executive Director of the San Diego County Regional Airport Authority (the “**Authority**”) or his or her designee (the “**Executive Director**”), no highway vehicle shall be operated except on roadways and in parking areas specifically designated for such vehicles.

(b) When aircraft are parked on the ramp or apron for the purpose of loading or unloading, no vehicle or aircraft shall be driven between the aircraft and the loading gate or fence.

(c) All vehicles operating within the landing area of the airports under the jurisdiction of the Authority shall be painted a bright yellow or display an orange and white checkered flag not less than three square feet, or have other distinguishing markings as approved by the Authority.

(d) Any accident involving injury or property damage shall be reported to the Executive Director.

(e) No vehicle shall be parked or operated on the facilities and airports under the jurisdiction of the Authority in violation of posted signs.

(f) All fire gates and entrances shall be kept clear of vehicles at all times.

(g) The driver of any vehicle shall not approach closer than 100 feet to any runway or taxiway nor cross any runway or taxiway without prior approval from the control tower. A violation of this provision shall constitute a misdemeanor.

(h) No person shall drive any vehicle in excess of posted speed signs and in no event in excess of 15 miles per hour, unless otherwise posted. A violation of this provision shall constitute a misdemeanor.

(i) The driver of any vehicle shall yield the right of way to any aircraft. A violation of this provision shall constitute a misdemeanor.

(j) Unless otherwise provided, any applicable state and local laws relating to the operation of motor vehicles on the public highways thereof, apply to the operation of motor vehicles on the facilities and airports under the jurisdiction of the Authority.

(k) No person operating a Taxicab or discharging from said Taxicab any passenger for hire in front of the passenger shall accept or solicit any passenger for hire in front of said passenger until after said Taxicab has proceeded in turn through and appropriate Taxicab holding area and Taxicab loading zone as designated by the Executive Director.

(l) No person shall operate any vehicle that: (1) is so constructed, equipped, or loaded, or which is in such physical or mechanical condition, as to endanger persons or property; or (2) that has attached thereto an object or equipment (including that which is being towed) that drags, swings, or projects so as to be hazardous to persons or property.

(m) Unless prior written approval is obtained from the Executive Director, only those motor vehicles licensed to travel on the public highways of the State of California shall be permitted on the roadways, access roads, apron or other vehicular traffic areas of the facilities and airports under the jurisdiction of the Authority.

(n) No person shall clean or make repairs to vehicles anywhere on the facilities and airports under the jurisdiction of the Authority other than in areas designated for this purpose, except for minor repairs necessary with respect to a temporarily disabled vehicle.

[Resolution No. 2002-02 dated September 20, 2002.]

[Superseded by Resolution No. _____ dated _____.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

ARTICLE 9 - SAN DIEGO INTERNATIONAL AIRPORT
PART 9.3 - LANDSIDE OPERATIONS
SECTION 9.31 - SPEED REGULATIONS - MOTOR VEHICLES

(a) It shall be unlawful to operate any vehicle on the facilities and airports under the jurisdiction of the San Diego County Regional Airport Authority in excess of posted speed limits.

[Resolution No. 2002-02 dated September 20, 2002.]

[Superseded by Resolution No. _____ dated _____.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

ARTICLE 9 - SAN DIEGO INTERNATIONAL AIRPORT
PART 9.3 - LANDSIDE OPERATIONS
SECTION 9.32 - VEHICLE PARKING REGULATED

(a) The Executive Director of the San Diego County Regional Airport Authority or his or her designee is hereby instructed to have lines or markings painted or placed upon the curb or upon the street for the purpose of designating parking spaces. Vehicles shall park within the lines or markings so established. It shall be unlawful to park any vehicle across any such line or marking or to park said vehicle in such position that the same shall not be entirely within the area so designated by such lines or markings.

[Resolution No. 2002-02 dated September 20, 2002.]

[Superceded by Resolution No. _____ dated _____.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

- ARTICLE 9** - **SAN DIEGO INTERNATIONAL AIRPORT**
PART 9.3 - **LANDSIDE OPERATIONS**
SECTION 9.33 - **PARKING AND VEHICLE REGULATIONS – ENFORCEMENT**
-

(a) Jurisdiction. The Authority is authorized pursuant to §21100 and 22500 *et. seq.* of the California Vehicle Code, §170016 of the California Public Utilities Code, and other applicable laws to enact and appoint personnel to enforce parking regulations at the Airport.

(b) Authorization.

(1) Airport Traffic Officers (“ATOs”) and other Authority personnel designated by the President/CEO that are assigned to the enforcement of the Authority’s codes, applicable section of the California Vehicle Code, and other applicable laws relating to illegal parking and related violations within the jurisdiction of the Authority are authorized to issue written notices of violation thereof stating the vehicle license number, make of vehicle, the time and date of illegal parking, street location and reference to the appropriate section violated together with fixing a time and place for appearance by the registered owner to answer said notice. Such notice shall be attached to said vehicle in a conspicuous place upon the vehicle so as to be easily observed by the person in charge of such vehicle upon his or her return thereto.

(2) The President/CEO may authorize representatives of regulatory agencies to enforce their own regulations on Airport property.

(c) Penalty. For the purposes of regulating the use and safety of streets, parking and traffic and as a deterrent to illegal parking, the following penalties are established:

Type Violation	Authority Code Section(s)	Penalty Within		
		30 Days of Issuance	After 30 Days	After 65 Days
Out-of-Stall	9.32(a); 9.34(e)	\$ 35.00	\$ 70.00	\$ 80.00
Unauthorized Airport Parking, Stopping, or Standing	9.30(e); 9.30(f); 9.30(n); 9.34(a); 9.34(c); 9.34(d); 9.34(f); 9.34(k)	\$ 67.00	\$ 134.00	\$144.00
No Valid Employee Lot Permit	9.34(l)	\$35.00	\$ 70.00	\$ 80.00
Unauthorized Commercial Airport Parking, Stopping, or Standing	9.34(m)	\$250.00	\$ 250.00	\$250.00

(d) Payment of Penalties. The owner or operator of a cited vehicle for a parking code violation may elect to mail the applicable penalties within the time established for payment thereof in accordance with the information specified in the notice of violation; provided, however, said owner or operator shall be and remain responsible for the delivery and payment thereof.

(e) Failure to Pay. Failure to pay the appropriate penalty as provided herein or failure to contest the violation in accordance with the information specified in the notice of violation will result in proceeding against the registered owner and or the vehicle operator for violation of the appropriate code section in accordance with the provisions of §40220 of the California Vehicle Code.

(f) State Mandate Surcharges. The President/CEO is authorized to adopt procedures and delegate authority for the collection of additional mandated surcharges or fees imposed pursuant to applicable state or municipal law.

[Amended by Resolution No. 2016-0093 dated October 20, 2016]

[Amended by Resolution No. 2014-0073R dated July 7, 2014]

[Amended by Resolution No. 2011-0003 dated January 6, 2011.]

[Adopted by Resolution No. 2002-02 dated September 20, 2002.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

ARTICLE 9 - SAN DIEGO INTERNATIONAL AIRPORT
PART 9.3 - LANDSIDE OPERATIONS
SECTION 9.34 - PARKING RESTRICTIONS

(a) No person shall stop, stand or park any vehicle on facilities or airports under the jurisdiction of the Authority, including the Airport (collectively, the “**Facilities**”), in violation of posted signs or curb markings.

(b) The Authority’s President/CEO is authorized to determine such parking restrictions and locate such signs or curb markings as are necessary or appropriate to give notice of any restriction and the applicable hours, times or days any such restriction is effective.

(c) No person shall park a vehicle within any public vehicular parking area except upon the payment of such parking fees and charges as prescribed by the Authority.

(d) No person shall enter or use a motor vehicle parking facility or parking space contrary to its posted or restricted use.

(e) No person shall park or leave a vehicle unattended in any motor vehicle parking facility or parking space without having positioned said vehicle in a designated stall or area in such a manner as not to obstruct the proper movement of other vehicles in the parking facility or utilization by other vehicles or driveways or adjacent parking spaces.

(f) The President/CEO has the authority to store vehicles parked in vehicular parking areas, for non payment of parking charges.

(g) No person, unless authorized by the President/CEO, or the authorized parking facility operator, shall remove a claim check from a parking facility claim check dispensing machine, other than as an operator of a vehicle entering a parking facility, in which case, such person shall remove only one claim check from the dispensing machine.

(h) It shall be unlawful for any person to remove a claim check or checks from, or to otherwise operate, a parking facility claim check dispensing machine, for the purpose of avoiding or enabling another person to avoid payment of the lawful charge of the use of such parking facility.

(i) No person shall remove or attempt to remove a vehicle from a parking facility by presenting a claim check other than the claim check originally dispensed to the operator at the time the vehicle entered such parking facility.

(j) No person shall present a parking claim check requiring payment of parking fees

upon exiting a motor vehicle parking facility which does not indicate an accurate record of the length of time said vehicle was actually within the parking facility; inaccuracies of time recording equipment excepted.

(k) No person shall park any vehicle in any space marked “reserved” without a valid permit issued by the Authority. All such vehicles shall be allowed only within space or area specifically assigned to them. Parking shall be allowed only within spaces that comply with said designation, and then only for the times officially indicated by such authorized signs.

(l) No person shall park or operate a vehicle on any parking facility established for the use of persons employed at the Authority unless such vehicle has properly affixed thereto a valid and un-expired parking decal or hang tag.

(m) No person shall stop, stand or park, or cause to be stopped, standing, or parked, any commercial ground transportation vehicle on Facilities in violation of posted signs or curb markings.

[Amended by Resolution No. 2014-0073R dated July 7, 2014]
[Resolution No. 2002-02 dated September 20, 2002.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

- ARTICLE 9** - **SAN DIEGO INTERNATIONAL AIRPORT**
PART 9.3 - **LANDSIDE OPERATIONS**
SECTION 9.35 - **IMPOUNDING OF ILLEGALLY PARKED VEHICLES**
-

(a) The authorized officers of the San Diego County Regional Airport Authority (the “**Authority**”) shall have the right to remove any vehicle found parked in violation of posted signs. In removing vehicles, authorized officers of the Authority shall follow the provisions of Section 22850, *et seq.* of the California Vehicle Code establishing the procedure to remove and store vehicles. No vehicle may be removed under the provisions of this section unless signs are posted in the regulated areas which give notice of the restrictions as to parking governing the area in which said vehicle may be found and indicating that vehicles parked in violation will be removed.

[Resolution No. 2002-02 dated September 20, 2002.]
[Superceded by Resolution No. _____ dated _____.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

ARTICLE 9 - SAN DIEGO INTERNATIONAL AIRPORT
PART 9.2 - GENERAL VEHICLE REGULATIONS
SECTION 9.36 - LOADING AND UNLOADING OF VEHICLES

(a) No person shall stop a vehicle for the purpose of loading, unloading, or any other purpose, on Airport property other than in areas specifically designated for such use, and only in the manner prescribed by signs, markings, voice recordings, or other means provided.

[Amended by Resolution No. 2018-0106 dated October 4, 2018.]

[Adopted by Resolution No. 2002-02 dated September 20, 2002.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

- ARTICLE 9** - **SAN DIEGO INTERNATIONAL AIRPORT**
PART 9.3 - **LANDSIDE OPERATIONS**
SECTION 9.37 - **AUTHORIZATION TO MOVE VEHICLES**
-

(a) The Executive Director or his or her designee of the San Diego County Regional Airport Authority (the “**Authority**”), has the authority to remove from any area on the facilities and airports under the jurisdiction of the Authority, including, without limitation, the San Diego International Airport, any vehicle which is disabled, abandoned or parked in violation of these rules and regulations, or which presents an operational or security problem to any other area of such facilities and airports and may store the same at the owner’s or operator’s expense and without liability for damage which may result while removing, towing or storing.

[Resolution No. 2002-02 dated September 20, 2002.]

[Superceded by Resolution No. _____ dated _____.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

- ARTICLE 9** - **SAN DIEGO INTERNATIONAL AIRPORT**
PART 9.4 - **AIRFIELD OPERATIONS**
SECTION 9.40 - **AIRPORT USE REGULATION AT SAN DIEGO INTERNATIONAL AIRPORT**
-

(a) Overview. This Section 9.40 sets forth the regulations of the San Diego County Regional Airport Authority (the “**Authority**”) restricting and regulating the use of the San Diego International Airport (the “**Airport**”) by certain types of aircraft, and restricting the use of the Airport during certain times of the day. The Authority is the certificated operator of the Airport. This Section 9.40 is a continuation of preexisting regulations governing the Airport originally adopted by the Board of Port Commissioners of the San Diego Unified Port District (the “**Port**”) on June 5, 1979, and Airport Regulations adopted by Port Resolutions 85-201, 87-206, and 87-207, as first adopted in a comprehensive form in 1988. These regulations continue to be supplemental to, and not in replacement of, any other duly adopted or authorized rules, policies, regulations and ordinances governing the use of the Airport.

(b) Background. This Section 9.40 restates and continues in effect the preexisting “Amended Airport Use Regulations” first adopted in a comprehensive form in 1988 by the Board of the Port, the then owner and operator of the Airport, and the predecessor in interest to the Authority. This Section 9.40 is adopted by the Authority in furtherance of, and consistent with, the transfer of the Airport from the Port to the Authority, as provided in the San Diego County Regional Airport Authority Act. This transfer occurred on January 1, 2003.

This Section 9.40 reflects that the Authority is vested with enforcement authority consistent with the transfer of title and ownership of the Airport to the Authority pursuant to California Public Utilities Code §§170056 and 170062, maintaining those substantive portions of the preexisting regulations governing the Airport originally adopted by the Port that are still relevant and deleting now irrelevant material. This Section 9.40 modifies the preexisting regulations governing the Airport originally adopted by the Port in a manner that does not reduce or limit aircraft operations or affect aircraft safety.

(c) Effective Date. This Section 9.40 restates the provisions of the preexisting Airport Use Regulations governing the Airport, which became effective on January 1, 1989, except for the provisions of subsections (f)(1)(B) and (f)(2)(B) of this Section 9.40 which prohibit certain departures between 6:30 and 7:00 a.m., and which prohibit publication of certain gate departure times between 9:45 p.m. and 6:45 a.m., respectively. Subsections (f)(1)(B) and (f)(2)(B) became effective April 1, 1989.

(d) Definitions. As used in this Section 9.40, the terms set forth below shall be deemed to have the following meanings:

(1) **“Engine Run-Up”** shall mean the operation of one or more aircraft engines at the Airport for the purpose of, or in connection with, testing, servicing or repairing an aircraft and its subsystems, including, but not limited to, any of its engines.

(2) **“FAA”** shall mean the Federal Aviation Administration of the United States Department of Transportation, and any successor federal agency.

(3) **“Gate Departure Time”** for Regularly Scheduled Commercial Operators shall mean: (i) for passenger carrying operators, the published departure time of any regularly scheduled commercial air carrier operation at the Airport; and (ii) for all-cargo operators, the time at which the aircraft conducting a departure from the Airport is scheduled by such air-cargo operator to receive permission from the FAA Ground Control facility at the Airport (or other comparable FAA tower function) to enter the system of taxiways and runways at the Airport in preparation for departure from the Airport.

(4) **“Limited Operations Hours”** shall mean the period each day between 6:30 a.m. and 7:00 a.m. (0630 to 0700 hours), and the period between 10:00 p.m. and 11:30 p.m. (2200 to 2330 hours) (local time).

(5) **“Person”** shall mean one or more human beings, legal entities or other artificial persons, including, without limitation, any airline, association, partnership, business trust, corporation, estate, or other legal entity, and any combination of human beings, legal entities or both.

(6) **“Regularly Scheduled Commercial Operator”** shall mean:

(A) **Passenger Operations.** Any Person engaged in scheduled passenger carrying operations at the Airport with aircraft operating at gross weights of 75,000 or more pounds and: (i) with four (4) or more departures during any weekly period which are published or listed in the Official Airline Guide, or advertised by any other means, as being available to the general public upon the payment of an established fare(s); or (ii) which have entered into contracts with any Person or group of Persons to conduct passenger carrying operations to or from the Airport which result in four (4) or more departures per week during any three (3) weeks of any calendar quarter; and

(B) **Cargo Operations.** Any Person operating aircraft at the Airport at gross weights of 75,000 pounds or more for purposes of carrying cargo to or from the Airport, and which operate four (4) or more departures per week at the Airport during any three (3) weeks of any calendar quarter.

(7) **“Stage 3 Aircraft”** shall mean an aircraft that meets at least one of the definitions of the following subsections:

(A) **Certificated Aircraft.** For aircraft which have been certificated under Federal Aviation Regulation (“FAR”) Part 36, an aircraft which, at the time of its manufacture, or, if modified, subsequent to its modification, has been formally and officially

certificated by FAA as a “Stage 3 airplane” within the meaning of Section 36.1(f)(6) of FAR Part 36 (14 C.F.R. {36.1(f)(6) [1987]}).

(B) **Uncertificated Aircraft.** For aircraft not certificated by FAA under FAR Part 36, an aircraft which is identified under FAA Advisory Circulars (“ACs”) AC36-2C and/or AC36-3G (as in effect as of the date of adoption of this Section 9.40, and as later may be amended, revised or replaced by superseding ACs) as generating noise levels at the FAR Part 36 take-off measuring point of 89 dB EPNdB or less.

(C) **Non-Stage 3 Certificated Aircraft.** For aircraft which are certificated by the FAA under FAR Part 36, but which have not been certificated as a Stage 3 Aircraft, an aircraft that has been expressly certificated by the Authority’s Executive Director or his or her designee (the “**Executive Director**”) under Section 9.40(i) to be a “Stage 3 Aircraft” for purposes of this Section 9.40.

(e) Prohibition Against Certain Aircraft Types. No Person shall operate any aircraft at the Airport which generates more than 104 EPNdB under FAR Part 36 test procedures, as measured at the FAR Part 36 takeoff measuring point (6500 meters from brake release). For purposes of this Section 9.40, the values listed in FAA AC 36-2C (for uncertificated aircraft) under the column entitled “Take-off M/Est. EPNdB” and under applicable FAR Part 36 test procedures (for certificated and international aircraft) (as in effect as of the date of adoption of this Section 9.40, and as later may be amended, revised or replaced by superseding ACs), in the section “Noise Levels - EPNdB”, under the column headed “Take-off” shall be conclusive with respect to any aircraft listed in any such AC. See also FAR Part 36 (14 C.F.R. {36.1(f)(6) [1987]}).

(f) Time of Day Restrictions.

(1) Nighttime Departures.

(A) All Aircraft. No Person shall operate any aircraft on departure from the Airport between 11:30 p.m. and 6:30 a.m. (2330 and 0630 hours) (local time).

(B) Non-Stage 3 Aircraft. No Person shall operate any aircraft on departure from the Airport between 10:00 p.m. and 11:30 p.m. (2200 to 2330 hours), or between 6:30 a.m. and 7:00 a.m. (0630 to 0700 hours) (local time) unless such aircraft is a Stage 3 Aircraft.

(2) Scheduled Gate Departure Times.

(A) Stage 3 Aircraft. No Person shall schedule, or advertise for departure, a Gate Departure Time for any Stage 3 Aircraft between 11:15 p.m. and 6:15 a.m. (2315 and 0615 hours) (local time). The provisions of this Section 9.40(f)(2) do not modify the restrictions of Sections 9.40(f)(1)(A) or (B).

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(B) Non-Stage 3 Aircraft. No Person shall schedule, or advertise for departure, a Gate Departure Time for any non-Stage 3 Aircraft between 9:45 p.m. and 6:45 a.m. (2145 and 0645 hours) (local time).

(3) Engine Run-Ups. No Person shall perform any Engine Run-Up at a power setting above idle power between 11:30 p.m. and 6:30 a.m. (2330 and 0630 hours) (local time).

(4) Exceptions.

(A) Emergency and Mercy Flights. The prohibitions of Section 9.40(f)(1) shall not be applicable to any aircraft operation at the Airport that is conducted in an emergency situation or to any mercy flight authorized in advance by the Executive Director or senior Airport official on duty (collectively, an “**Emergency or Mercy Flight**”).

(B) Engine Run-Ups. The prohibition of Section 9.40(f)(3) shall not be applicable to an Engine Run-Up necessary to allow an aircraft engaged in an Emergency or Mercy Flight to comply with any safety, legal or regulatory obligations or requirements prior to commencing the Emergency or Mercy Flight.

(g) Minimum Operations Mix Requirements.

(1) Semi-Annual Reporting Requirements.

(A) Form 41. Not later than March 31 of each year, beginning March 31, 1989, each Regularly Scheduled Commercial Operator shall file with the Clerk of the Authority a true and correct copy of its report to the United States Department of Transportation (“**DOT**”), for the preceding calendar year, of the Regularly Scheduled Commercial Operator’s DOT RSPA Form 41, Schedule B-43. Not later than January 21 and July 21 of each year, beginning January 21, 1989, each Regularly Scheduled Commercial Operator also shall file with the Clerk of the Authority a report or schedule which accurately identifies the number of airplanes of each separate aircraft type and model operated by the Regularly Scheduled Commercial Operator as of the preceding January 1 or July 1, respectively.

(B) Supplemental Information. With respect to the semi-annual reports required by Section 9.40(g)(1)(A), and the required filing of a copy of the Form 41, Schedule B-43, the Regularly Scheduled Commercial Operator also shall: (i) make entries (and appropriate and legible annotations to each aircraft entry on Schedule B-43) which describe the aircraft’s certificated “Stage” classification under FAR Part 36; (ii) provide a separate list or schedule of each aircraft which the Regularly Scheduled Commercial Operator has ordered, and for which he has received a scheduled delivery date from the aircraft manufacturer, and the expected delivery of each such aircraft; and (iii) provide a separate list or schedule of each aircraft which the Regularly Scheduled Commercial Operator expects to remove from its service during the following three (3) year period. The supplemental list of aircraft to be removed from service shall state the date on which the air carrier expects to remove each such aircraft from its service.

(C) Form 41 Substitute. Any Regularly Scheduled Commercial Operator not required by federal law or regulations to file a Form 41, Schedule B-43, shall

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comply with Sections 9.40(g)(1)(A) and (B) by filing with the Clerk of the Authority a substitute schedule containing all information required by Form 41, Schedule B-43, and the supplemental information required by Section 9.40(g)(1)(B).

(D) Form 41 Replacement. The Authority may prepare and make available forms, including forms in replacement of Form 41, Schedule B-43, to be used for purposes of Sections 9.40(g)(1)(A) and (B). If the Authority prepares such replacement form(s), they shall be used for purposes of complying with Sections 9.40(g)(1)(A), (B) and (C).

(E) Monthly Reporting Requirements. Not later than the 21st day of each month, each Regularly Scheduled Commercial Operator shall file with the Airport Noise Information Office at the Airport a schedule that reflects the number of landings for each type and model of that Regularly Scheduled Commercial Operator's aircraft that landed at the Airport in the preceding month. A copy of the Authority form which is used for reporting landing fees to the Authority, may be used for purposes of complying with this Section 9.40(g)(1)(E).

(2) No Regularly Scheduled Operator shall conduct operations at the Airport with aircraft that are not Stage 3 Aircraft.

(3) Violation of Section 9.40(g)(2) may, at the discretion of the Authority, and in addition to any and all other remedies available to the Authority, result in the imposition of administrative penalties and termination of all future operation privileges of the Person pursuant to Section 9.40(h)(4).

(h) Administrative Penalties. In addition to any and all other remedies which may be available to the Authority in respect of any violation of this Section 9.40, any Person which violates this Section 9.40 shall be subject to the following civil penalties:

(1) Violations of Section 9.40(e). In the event of any violation of Section 9.40(e), the Person(s) committing such violation shall be assessed a penalty of Ten Thousand Dollars (\$10,000), and all the Airport operating privileges of any such Person(s) shall be terminated.

(2) Violation of Section 9.40(f).

(A) In the event of the first violation of any provision of Section 9.40(f) during any calendar six month period, the Person(s) committing the violation each may be assessed Two Thousand Dollars (\$2,000) as a condition to the privilege of engaging in any further operations at the Airport.

(B) In the event of a second violation of Section 9.40(f) during any calendar six month period, the Person(s) committing the second violation may each be assessed Six Thousand Dollars (\$6,000) as a condition to the privilege of engaging in any further operations at the Airport.

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(C) In the event of a third violation of Section 9.40(f) during any calendar six month period, the Person(s) committing the third violation each may be assessed Ten Thousand Dollars (\$10,000) as a condition to the privilege of engaging in any further operations at the Airport. Also, each penalized violation of these Regulations by the Person(s) shall be multiplied by the number of penalized violations by the Person(s) in the previous six month compliance period. In addition, the operating privileges of any such Person at the Airport may be terminated, or limited, on such terms and conditions, and for such period of time, as the Authority's Board (the "**Board**"), after notice and opportunity to be heard, determines is appropriate under the circumstances.

(3) Violations of Section 9.40(g)(1). Any Person failing to file with the Authority the reports required by Section 9.40(g)(1) by the date such reports are due may be assessed Five Hundred Dollars (\$500) for each day such reports are late. If the required reports are not filed within thirty (30) days of the date on which they would be due under Section 9.40(g)(1), the Person failing to file the required report(s) may be assessed One Thousand Dollars (\$1,000) for each succeeding day until the required report(s) are filed, and the operating privileges of any such Person at the Airport may be terminated, or limited, on such terms and conditions, and for such period of time, as the Board, after notice and opportunity to be heard, determines is appropriate under the circumstances.

(4) Violations of Section 9.40(g)(2). Any Person(s) violating Section 9.40(g)(2) may be assessed Ten Thousand Dollars (\$10,000) for each violation. In addition, the operating privileges of any such Person(s) at the Airport may be terminated, or limited, on such terms and conditions, and for such period of time, as the Board, after notice and opportunity to be heard, determines is appropriate under the circumstances.

(i) Aircraft Qualification Procedures.

(1) Opportunity for Qualification. Any Person wishing to use an aircraft in regular service at the Airport which is not certificated as a Stage 3 Aircraft by the FAA, but which the requesting Person believes has been modified in a manner which permits the aircraft to operate regularly at the Airport at or below Stage 3 noise levels, may request special certification by the Authority. The request shall be a request for a determination by the Authority that the aircraft is a Stage 3 Aircraft within the meaning of Section 9.40(d)(7)(C).

(2) Application Procedures. Any Person requesting Authority certification of an aircraft under Section 9.40(i)(1) shall submit a written request for such certification to the Executive Director. The written request shall be accompanied by all information available to the Regularly Scheduled Commercial Operator regarding the noise performance characteristics of the aircraft for which certification has been requested.

(3) Aircraft Testing Procedures. The Executive Director (and the Deputy Director, Airport Noise Mitigation with the approval of the Executive Director), shall establish appropriate testing procedures affording any Person making a request for Authority certification under Section 9.40(i)(1) to demonstrate to the satisfaction of the Authority that the aircraft for which an Authority certification request has been made can operate at the Airport as a Stage 3 Aircraft within the meaning of Section 9.40(d)(7)(A).

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(4) Certification Action. The Deputy Director, Airport Noise Mitigation, shall report the results of any test conducted pursuant to Section 9.40(i)(3) to the Executive Director, who shall then act promptly to approve or deny the request for certification. In granting any Authority certification of an aircraft as a Stage 3 Aircraft within the meaning of Section 9.40(d)(7)(A), the Executive Director may impose such conditions as he deems to be appropriate and consistent with the provisions, policies and intent of this Section 9.40.

(j) Partial Invalidity. In the event any court of competent jurisdiction determines that any portion or provision of this Section 9.40 is invalid, illegal or unenforceable, or temporarily enjoins enforcement or application of any provision of this Section 9.40, all other provisions of this Section 9.40 shall remain enforceable and in effect unless and until revoked, suspended or modified by the Board; and all obligations of any Person under any provision of this Section 9.40 not affected by any such court ruling or order shall remain in full force and effect.

(k) No Waiver or Implied Policy. Specific actions taken in respect of the enforcement of this Section 9.40 are within the discretion of the Authority. Any failure by the Authority to take any act or action in strict enforcement of this Section 9.40, inadvertent or otherwise, or any affirmative waiver of enforcement by the Authority in a specific instance after consideration of any special request or circumstances, shall not constitute the establishment of any express or implied policy of the Authority in respect of the enforcement of this Section 9.40, and shall not be relied on by any Person in making any determination, or taking any action, to violate any provision of this Section 9.40.

[Amended by Resolution No. 2006-0040 dated April 3, 2006.]

[Resolution No. 03-027 dated May 1, 2003.]