

ORDINANCE NO. 912

**AN ORDINANCE REGULATING OPEN ENTRY TAXICAB SYSTEM
AT THE MONTEREY REGIONAL AIRPORT**

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

SECTION 1. Definitions. Unless specifically defined otherwise herein, or unless a different meaning is apparent from the context, the following words or phrases have the meanings set forth below. Words or phrases that are not defined in this ordinance, but that are defined in the California Penal Code, have the meanings set forth therein.

“Airport” means the Monterey Regional Airport and all lands owned or operated by the Monterey Peninsula Airport District (“District”) for airport purposes or activities. “Airport” includes all improvements, facilities and appurtenances.

“Taxicab” means a motor vehicle carrying or conveying passengers for hire or commercial purposes and operating in conformity with the requirements of any unexpired and unexpired agreement, contract, license, permit or other written authorization issued by the District for such activity, but does not include other commercial passenger vehicles as defined in Ordinance 911.

“District” means the Monterey Peninsula Airport District.

“Fiscal Year” means a year commencing on July 1 and ending on the following June 30.

“General Manager” means the General Manager of the airport and District.

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

“Solicitation” means initiating or engaging in a conversation regarding ground transportation services with any person on the airport for the purpose of seeking passengers or customers for a taxicab operator; employing, inducing, arranging for or allowing any person to initiate or engage in a conversation regarding taxicab services with any other person on the airport for the purpose of seeking passengers or customers for a taxicab operator; engaging in any conduct or activity intended to or apparently intended to ask, implore or persuade a passenger or potential passenger to alter his or her previously chosen mode of ground transportation or taxicab operator,

delivering literature on the airport discussing or describing ground transportation services to be provided by a taxicab operator to any person on the airport; or offering ground transportation services provided by a taxicab operator to any person while on the airport. "Solicitation" does not include actions by employees of any airline in arranging for transportation for any passenger of such airline, or such persons contracted to the Airport/District to assist passengers and taxicab operator.

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

SECTION 2. Operation of Taxicabs. Operation of taxicabs at the airport is regulated as follows:

2.1. Permission Required. It is unlawful for any person to use any taxicab to pick up any passenger for hire or for any other commercial purpose at the airport except as provided in the adopted Rules and Regulations for taxicab services on the Airport.

2.2. Solicitation Prohibited. It is unlawful for any taxicab operator to engage in solicitation at the airport.

SECTION 3. Rules and Regulations.

3.1 The District shall adopt, by resolution, Rules and Regulations (Rules) for the operation of taxicabs on Airport property. Said Rules shall be enforced by Airport police and shall have the force of law and are incorporated herein as initially adopted or as periodically amended.

3.2 The Rules shall include requirements for pick up and drop off of Airport passengers, a requirement that taxicabs comply with the mandates of the curbside management company, a fee structure imposed for violation of the Rules and a requirement for the maintenance of proper taxicab identification and electronic sensing devices as mandated and any other Rule established for the orderly management of taxi service.

3.3 A condition of continued permission to access Airport property by a taxicab of taxi company will be compliance with all Rules promulgated by the Directors and said Rules will be administered by the General Manager.

SECTION 4. Insurance. Except as may otherwise be provided in the agreement, contract, license, permit or other written authorization for a taxicab to operate at the airport, there shall be maintained in full force and effect, at no cost to the District, for each taxicab operating at the airport comprehensive form automobile liability insurance and workers compensation insurance where applicable. The minimum terms and limits for such policies shall be as determined by the General Manager, or such other increased limits as may be required by the Regional Taxi Authority ("Authority") for

those operators over which that Authority has regulatory control. Each such policy of insurance shall be issued by an insurance organization authorized by the California Insurance Commissioner to transact the business of insurance within the State of California or by an insurer expressly approved in writing by the General Manager. Each applicant for an agreement, contract, license, permit or other written authorization to operate a taxicab at the airport shall furnish appropriate certificates of insurance meeting the satisfaction of the General Manager upon application and each holder of an agreement, contract, license, permit or other written authorization to operate a taxicab at the airport shall furnish a substitute certificate of insurance meeting the satisfaction of the General Manager no later than 30 days prior to any policy expiration date.

SECTION 5. Penalties. Each person who violates any provision of this ordinance or the Rules as promulgated by the District is guilty of an infraction and upon conviction thereof shall be punishable by:

- (a) a fine not to exceed two Hundred Fifty Dollars (\$250) for a first violation within any one-year period;
- (b) a fine not exceeding Five Hundred Dollars (\$500) for a second violation within any one-year period; or
- (c) a fine not exceeding (\$1000) for each additional violation within any one-year period.
- (d) Three (3) or more violations in any one-year period will result in the loss of Airport privileges for the taxicab operator or company.

SECTION 6. Severability. This ordinance shall supplement and be in addition to the other regulatory codes, statutes and ordinances heretofore or hereafter enacted by the District, the State of California or any other legal entity or agency having jurisdiction. This ordinance shall not be interpreted or construed to permit any activity where or when it is otherwise restricted by other applicable laws. Nothing in this ordinance is intended to make punishable any act or acts which are prohibited by any law of the state or federal government. Nothing in this ordinance shall authorize the maintenance of any public or private nuisance. If any provision, clause, sentence or paragraph of this ordinance or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions of this ordinance which can be given effect without the invalid provision or application and to this end, the provisions of this ordinance are declared to be severable.

SECTION 7. Effective Date. This ordinance shall take effect thirty (30) days from and after the date of its adoption.

ADOPTED BY THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT: This 14th day of December, 2011, by the following roll call vote:

| | | |
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| AYES: | DIRECTORS: | Leffel, Sabo, Miller, Chair Searle |
| NOES: | DIRECTORS: | None |
| ABSTAIN: | DIRECTORS: | None |
| ABSENT: | DIRECTORS: | Nelson |

Signed this 14th day of December 2011



Richard D. Searle, Chairman

ATTEST



Tonja Posey
Acting District Secretary