

§ 56. **ENACTMENT AND ENFORCEMENT OF POLICE AND SANITARY REGULATIONS.**

The board shall make and enforce such local police and sanitary regulations relative to the construction, maintenance, operation and use of all public services and public utilities in the district, operated in connection with or for the promotion or accommodation of commerce, navigation, fisheries, and recreation therein as are now vested in the district.

§ 57. **ACQUISITION AND OPERATION OF FACILITIES FOR PROMOTION OF COMMERCE, NAVIGATION, FISHERIES AND RECREATION.**

The board may acquire, construct, erect, maintain or operate within the district, all improvements, utilities, appliances or facilities which are necessary or convenient for the promotion and accommodation of commerce, navigation, fisheries and recreation, or their use in connection therewith upon the lands and waters under the control and management of the board, and it may acquire, maintain and operate facilities of all kinds within the district. (Amended by Stats. 1963, c. 673)

§ 57.5 **TRANSPORTATION VENDOR CONDUCTING BUSINESS ON DISTRICT TIDELANDS; PARKING STRUCTURE FINANCING FEE; CONDITIONS.**

(a) If the district requires any transportation vendor conducting business on district tidelands; including San Diego International Airport, Lindbergh Field, or the airport, in writing, to collect a fee from its customers on behalf of the district for financing a parking structure that is located on district-owned property and adjacent to an intended principally to serve a convention center, all of the following shall apply:

- (1) The fees shall be calculated on a per transaction basis.
- (2) All fees collected for this purpose constitute debts owed to the district by the collecting party. The debts are due and payable to the district quarterly or at any other interval the district may establish to facilitate collection and ensure payment.
- (3) The fee is a transaction fee, not a tax.
- (4) Revenues collected from the fee may not exceed the reasonable costs of financing the construction of the parking structure and may not be used for any other purpose.
- (5) For purposes of this section, a rental car company shall be deemed to be conducting business on district tidelands if it has a business location on district tidelands or it picks up customers at a location on district tidelands.

(b) If the vendor required to collect a fee pursuant to subdivision (a) is a rental car company, then, notwithstanding any other provision of law, including, but not limited to, Section 1936 of the Civil Code, the rental car company shall do all of the following:

- (1) Collect the fee only as permitted by this section.
- (2) Clearly disclose the existence of the fee in any radio, television, or print advertisement that states a rental rate applicable to the location, at which the fee is to be imposed, and the amount of the fee at the location where it is imposed, or a range of fees if the fee is imposed at more than one location.

- (3) Clearly disclose the existence of the fee in a telephonic, in-person, or computer-transmitted quotation that states a rental rate applicable to a location at which the fee is to be imposed and the amount of the fee at the location where it is imposed.
 - (4) Separately identify the fee on its rental agreement.
- (c) If a rental car company conducting business on district tidelands operates a facility not located on district tidelands, then, the rental car company shall be subject to all provisions of subdivisions (a) and (b), but shall collect the fee only from those customers of that facility who do either of the following:
- (1) Are picked up from a location on district tidelands, including the airport, and are transported to the rental car company's business facility via a courtesy ground transportation vehicle for the purpose of entering into a car rental agreement or securing a rental vehicle.
 - (2) Enter into a car rental agreement with the rental car company 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 such customers.
- (d) In the event that the Federal Aviation Administration makes a determination that the provisions of this section are in conflict with federal law requiring a nexus to airport operations, the provisions of this section shall be inoperative. (Added by Stats. 1998, c. 889)

§ 58. SUSPENSION OF RULES AND REGULATIONS IN EMERGENCIES; EMERGENCY REGULATIONS.

In case of emergency the board may suspend, modify or amend any rule or regulation of the board, or it may place in effect any emergency rule or regulations, for periods not exceeding thirty (30) days, and every such ordinance shall so provide.

§ 59. VIOLATIONS; MISDEMEANORS; CONDUCT OF PROSECUTION; JURISDICTION.

Any person who violates the provisions of any ordinance, or any local police or sanitary regulation, of the board shall be guilty of a misdemeanor. The prosecution shall be conducted by the City Attorney of San Diego if the infraction occurred within the corporate limits of the City of San Diego on lands or waters subject to the jurisdiction of the district. The prosecution shall be conducted by the District Attorney of San Diego County if the infraction occurred without the corporate limits of the City of San Diego but otherwise on lands or waters subject to the jurisdiction of the district. The complaint shall be filed in the judicial district within which the infraction occurred.

§ 60. APPLICABILITY OF MUNICIPAL POLICE, FIRE AND SANITARY REGULATIONS.

In the absence of the adoption of any police, fire and sanitary regulations by the district, the police, fire and sanitary regulations of any municipal corporation whose boundaries are adjacent to or contiguous to the territorial limits of the district shall be applicable.