

**SAN DIEGO UNIFIED PORT DISTRICT**

**ORDINANCE 2871**

**PUBLIC HEARING AND ORDINANCE AMENDING  
SAN DIEGO UNIFIED PORT DISTRICT CODE  
ARTICLE 8, POLICE MEASURES/PARKING  
REGULATIONS AND ENFORCEMENT CODE  
SECTION 8.15 TO ADD FINES FOR VIOLATIONS  
OF SECTIONS 8.16(d)(e)&(f)**

**WHEREAS**, the San Diego Unified Port District (District) is a public corporation created by the Legislature in 1962 pursuant to Harbors and Navigation Code Appendix I (Port Act); and

**WHEREAS**, Section 21 of the Port Act authorizes the Board of Port Commissioners (BPC) to pass all necessary ordinances and resolutions for the regulation of the District; and

**WHEREAS**, consistent with the Public Trust Doctrine, Section 36 of the Port Act specifically gives the Board of Port Commissioners (BPC) the authority to “by ordinance fix the rate[s] . . . or other charges which are appropriate for the use of any of the facilities owned and constructed or services furnished or provided by the [D]istrict” and therefore, it is within the District’s authority to set parking rates on tidelands; and

**WHEREAS**, the San Diego Unified Port District (District) Harbor Police Department (HPD) is charged with administering parking regulations for the District in order to allow public access to tideland areas developed by the District and District tenants; and

**WHEREAS**, the amendments to San Diego Unified Port District Code (UPD Code) Section 8.16 constitute an infraction and shall be fined as provided in UPD Code Section 8.15; and

**WHEREAS**, the proposed amendments set fines for violations of UPD Code Section 8.16(d), (e) and (f);

**WHEREAS**, fines for Sections 8.15 shall be considered by conducting a public hearing.

**NOW, THEREFORE**, the Board of Port Commissioners of the San Diego Unified Port District, does ordain as follows:

Section 1. That Section 8.15 to Article 8 of the San Diego Unified Port

District Code is hereby amended to read as follows:

Section 8.15 (b) – VEHICLE PARKING REGULATED

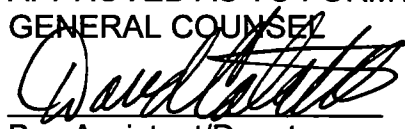
(b) For the purpose of regulating the use of streets and traffic thereon and as a deterrent to illegal parking, the following fees are established:

Port Code	Violation	Rate if paid within 21 days	Rate if paid after 21 days	Rate if paid after 56 days
8.16(a)(d)(e) & (f)	Signs or Curb Markings Other than Red Zones	\$40	\$80	\$90

The owner or operator of said vehicle may elect to mail said fees 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 thereof.

Section 2. This ordinance shall take effect on the 31<sup>st</sup> day from its passage by the Board of Port Commissioners.

APPROVED AS TO FORM AND LEGALITY:  
GENERAL COUNSEL

  
By: Assistant/Deputy

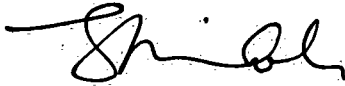
PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 8th day of September, 2016, by the following vote:

AYES: Bonelli, Malcolm, Merrifield, Moore, Nelson, and Valderrama.  
NAYS: None.  
EXCUSED: Castellanos.  
ABSENT: None.  
ABSTAIN: None.



Marshall Merrifield, Chairman  
Board of Port Commissioners

ATTEST:



*for* Timothy A. Deuel  
District Clerk

(Seal)