

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 California Penal Code §19 unless, at the sole option of the 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 a fine not exceeding \$100.00 for a first violation. An infraction is not punishable by imprisonment.

(1) A person charged with an infraction shall not be entitled to a trial by jury or to have the public defender or other counsel appointed at public expense to represent them unless they are arrested and not released on their written promise to appear, on their own recognizance, or upon a deposit of bail.

(c) A “**misdemeanor**” is punishable by 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 they 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)(1) above, and Subsection (h) below, when:

(1) The prosecutor files a complaint charging the offense as an infraction, unless the defendant, at the time they are arraigned, after being informed of their 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(d).]

[Amended by Resolution No. 2022-0093 dated November 3, 2022.]

[Amended by Resolution No. 2008-0029 dated March 6, 2008.]

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