

SAN DIEGO METROPOLITAN TRANSIT DEVELOPMENT BOARD
(also known as San Diego Metropolitan Transit System)

CODIFIED ORDINANCE NO. 5
(as amended 5/12/2016)

An Ordinance Relating to the Enforcement
Authorities of Code Compliance Inspectors,
Assistant Code Compliance Supervisors,
the Code Compliance Inspection Supervisor,
and Taxicab Inspectors I & II

The Board of Directors of the San Diego Metropolitan Transit System (MTS) do ordain as follows:

Section 5.1 Statutory Authorities

A. The Metropolitan Transit System has been created by State law (Public Utilities Code Section 120000 through 12054) as a public agency with the authority and duty to plan and construct exclusive public mass transit guideways (Section 120260) and to acquire, construct, maintain, and operate or let a contract to operate public transit systems and related transportation facilities and services (Section 120264).

B. Additionally, the Board is vested with the duty to adopt all ordinances and make all rules and regulations proper and necessary to regulate the use, operation, and maintenance of its property and facilities, including its public transit systems and related transportation facilities and services (Section 120105). The violation of any ordinance, rule, or regulation enacted by the Board relating to evasion of fares in any transit facility owned or controlled by the Board is an infraction and upon a violation after the second conviction is a misdemeanor (Section 120450).

C. The provision of information known to be false to a Code Compliance Inspector, Assistant Code Compliance Supervisor, the Code Compliance Inspection Supervisor, or the Transit Security Administrator (hereinafter cumulatively referred to as Inspectors) is similarly an infraction or misdemeanor (Section 120450.5).

D. The violation of any ordinance, rule, or regulation prohibiting unauthorized operation or manipulation of transit facilities or prohibiting unauthorized tampering or interference with transit facilities is similarly an infraction or misdemeanor (Section 120451).

E. The violation of any ordinance, rule, or regulation prohibiting the unauthorized entering into, climbing upon, holding onto, or in any manner attaching oneself to vehicles operated upon exclusive public mass transit guideways is an infraction or misdemeanor (Section 120452).

F. In implementation of those provisions of State law, the Board has adopted Ordinance No. 13, prohibiting specified conduct onboard transit vehicles and prohibiting specified actions on or about the transit facilities. The Board has further adopted Ordinance No. 2 requiring proof of fare payment by passengers using the San Diego Trolley and Ordinance No. 3, regulating parking in the San Diego Trolley parking lots and other transit facilities.

G. The Board is authorized to contract with cities and the County to license or regulate by ordinance any transportation services within such cities or the unincorporated area (Section 120266) and has done so by adoption of Ordinance No. 11, the enforcement of which will be done by Taxicab Inspectors I & II, and other Taxicab Administration staff designated in Section 5.3.

H. Pursuant to Penal Code Section 836.5, the Board may authorize public officers and employees to arrest a person without warrant, including officers and employees of a nonprofit transit corporation wholly owned by a local agency and formed to carry out the purposes of the local agency and San Diego Trolley, Inc., is such a corporation.

(Section 5.1 amended 11/15/2012)

(Section 5.1 amended 7/12/2001)

(Section 5.1 amended 9/26/1996)

(Section 5.1 amended 1/11/1996)

(Section 5.1 amended 11/10/1994)

(Section 5.1 amended 8/12/1993)

Section 5.2 Purposes

In view of the multitude of regulations applicable to the facilities and vehicles of the San Diego Metropolitan Transit Development Board, it is desirable to clarify and specify the authority of the Inspectors, relative to various acts committed on or about the property.

Section 5.3 Duties and Authorizations

A. Inspectors employed by the San Diego Metropolitan Transit System (MTS) and Inspectors employed by San Diego Trolley, Inc., are hereby vested with the duty to enforce MTS Ordinances No. 2, No. 3, No. 4, No. 11, and No. 13 and the following code sections; Business and Professions Code Sections 4140 and 25662, Health and Safety Code Sections 11364 and 11357(b), and 11532, Public Utilities Code Sections 5411.5, 120450, 120450.5, 120451, and 120452, Penal Code Sections 148, 219.2, 308(b), 369(g), 417.25(a), 470(a), 481.1, 555.1, 555.2, 587(a), 594, 594.1, 594.2, 594.4, 602(f), 602(o), 602(q), 640, 640(a), 640.5, 647(a), 647(c), 647(j), and 653(k), Vehicle Code Sections 5204(a), 21456, 21461(a), 21955, 22500, 22507, 22521, and 22526, San Diego City Municipal Code Sections 56.54 (at transit facilities owned, controlled, or used by the Board, including but not limited to transit centers, rail stations, bus shelters, and bus stops on public and private property), 58.05(b)(1), and 58.05(b)(2), and San Diego County Code of Regulatory Ordinances Section 32.1303. In accordance with Penal Code Section 836.5, Inspectors employed by MTS are authorized to arrest a person without a warrant whenever an Inspector has reasonable cause to believe that the person to be arrested has committed an infraction or misdemeanor in the Inspector's presence which is a violation of the statutes and ordinances which he or she has the duty to enforce.

B. Taxicab Regulatory Inspectors, Regulatory Analysts, and the Taxicab Administrator, employed by MTS, are hereby vested with the duty to enforce MTS Ordinances Nos. 5 and 11, and the following code sections: Penal Code 654.1, Public Utilities Code sections 5360.5, 5371, 5379, 5381.5, 5386.5, 5411 and California Public Utilities Commission General Order 157-D Sections 3.01 and 3.03, San Diego County Regional Airport Authority (SDCRAA) 9.13(a), San Diego Municipal Code (SDMC) 31.0121, 33.1406 and 86.0105 and California Vehicle Code Sections 4000(a)(1) per 260(a), 16502(a), 5204(a), 21100.4, 22507.8, 23123 and 23123.5. In accordance with Penal Code Section 836.5, Taxicab Regulatory Inspectors, and the Taxicab Administrator, employed by MTS are authorized to arrest a

person without a warrant whenever a Taxicab Inspector has reasonable cause to believe that the person to be arrested has committed an infraction or misdemeanor in the Inspector's presence which is a violation of the statutes and ordinances which he or she has the duty to enforce.

C. Right-of-Way Agents, designated by the General Manager and employed by MTS are hereby vested with the duty to enforce MTS Ordinance No. 3 and, in accordance with Penal Code Section 836.5, are authorized to arrest a person without a warrant whenever an agent has reasonable cause to believe that the person to be arrested has committed an infraction or misdemeanor in the Agent's presence which is a violation of the statutes and ordinances which he or she has the duty to enforce.

- (Section 5.3 amended 5/12/2016)***
- (Section 5.3 amended 9/17/2015)***
- (Section 5.3 amended 11/15/2012)***
- (Section 5.3 amended 10/28/2004)***
- (Section 5.3 amended 10/3/2002)***
- (Section 5.3 amended 7/12/2001)***
- (Section 5.3 amended 3/23/2000)***
- (Section 5.3 amended 9/26/1996)***
- (Section 5.3 amended 1/11/1996)***
- (Section 5.3 amended 11/10/1994)***
- (Section 5.3 amended 8/12/1993)***

Section 5.4 Severability

The provisions of this Ordinance are severable, and if any of the provisions, clauses, sentences, subsections, sections, words, or parts thereof is held illegal, invalid, or unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity, unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, sections, words or parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, section, word, or part had not been included therein or such person or circumstance to which the Ordinance or part thereof is held inapplicable has been specifically exempted therefrom.

- Amended: 5/12/2016
- Amended: 9/17/2015
- Amended: 11/15/2012
- Amended: 6/28/2007
- Amended: 10/28/2004

Amended: 10/3/2002
Amended: 8/9/2001
Amended: 3/23/2000
Amended: 9/26/1996
Amended: 1/11/1996
Amended: 11/10/1994
Amended: 8/12/1993
Repealed & Readopted: 12/12/1991
Amended: 2/8/1990
Amended: 10/13/1988
Amended: 10/4/1984
Amended: 2/27/1984
Adopted: 7/25/1983

PASSED, APPROVED AND ADOPTED THIS 12th day of May 2016.



Chairman
San Diego Metropolitan Transit System

This Ordinance amendment was adopted by the following vote:

AYES: Bragg, Cole, Cunningham, Gastil, Gloria, Mathis, McClellan, McWhirter,
Minto, Rios, Roberts, Salas, Sandke, Zapf

NAYES:

ABSENT: Alvarez

ABSTAINING:

ATTEST my hand and the seal of the San Diego Metropolitan Transit System this 12th day of May 2016.



Clerk of the Board
San Diego Metropolitan Transit System

Approved as to form:



General Counsel
San Diego Metropolitan Transit System