

ORDINANCE NO. 12003 FEB 2 1977
(New Series)

AN ORDINANCE AMENDING CHAPTER V, ARTICLE 9.5,
DIVISION 2 OF THE SAN DIEGO MUNICIPAL CODE
BY AMENDING SECTION 59.5.0207 RELATING TO
MEMBERSHIP OF BOARD FOR ABATEMENT AND CONTROL
OF NOISE.

BE IT ORDAINED, by the Council of The City of San Diego,
as follows:

Section 1. That Chapter V, Article 9.5, Division 2 of the
San Diego Municipal Code be and the same is hereby amended by
amending Section 59.5.0207 to read as follows:

SEC. 59.5.0207 BOARD FOR ABATEMENT AND CONTROL
OF NOISE

A. Creation of Membership

There is hereby created a Board for Abatement
and Control of Noise which shall consist of eleven
(11) members; one (1) shall be qualified by training
and experience in the field of acoustics; one (1)
shall be qualified by training, experience and regis-
tration in the field of mechanical engineering; one
(1) shall be qualified by training, experience and
licensing in the field of architecture; one (1) shall
be a qualified physician by training, experience and
licensing in the field of physiological effects of
noise; one (1) shall be a qualified audiologist by
training, experience and licensing; one (1) construc-
tion industry contractor; one (1) electronics engineer;
one (1) economist; and three (3) general members of the
public. The members shall be appointed by the Mayor

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and confirmed by the Council. Appointments shall be made for two-year terms and each member shall serve until his successor is duly appointed and qualified. The members shall be appointed in such manner that the terms of not more than six (6) members shall expire in any year. The expiration date of all terms shall be January 1. Vacancies shall be filled for the unexpired term of the member whose place becomes vacant. The Mayor shall designate a chairman during January of each year; however, in the absence of such designation, the Board shall, on or after February 15, select from among its members a chairman. Such members shall serve without compensation.

B. Meetings

1. The Board shall meet regularly once a month, or more often if necessary, for the transaction of business. It shall establish its own rules and procedures necessary or convenient for the conduct of business.

2. Six (6) members of the Board shall constitute a quorum. The affirmative vote of not less than five (5) members shall be necessary for any action of the Board.

C. Powers and Duties

1. The Board shall hear and determine appeals from the rulings and determinations of the Noise Abatement and Control Administrator. Such Board may affirm, modify, or overrule the

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Administrator's rulings and determinations and shall be guided by the same considerations as set forth in Section 59.5.0203 and Division 4 of this article. A decision of the Administrator to refer a matter to the City Attorney for criminal action shall not be appealable to the Board.

2. The Board shall consult with and assist the Administrator in the performance of his duties and responsibilities as set forth herein.

3. The Director of Building Inspection Department shall act as Secretary to the Board. The Secretary shall cause minutes of each meeting of the Board to be kept accurately and distributed promptly. He shall cause appropriate written notice of each forthcoming meeting to be given to all members of the Board and to persons who have business with the Board. He shall procure, prepare, and distribute to members of the Board information which the Board, or any of its members, may require for transaction of business of the Board.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By Jack Katz
Jack Katz
Chief Deputy City Attorney

JK:k:920
1-10-77
Or. Dept.: Mayor

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MICROFILMED MAY 15 1978

Passed and adopted by the Council of The City of San Diego on FEB 2 1977
 by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lee Hubbard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Gade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Joel M. Strobl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jess D. Haro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON
 Mayor of The City of San Diego, California.

EDWARD NIELSEN
 City Clerk of The City of San Diego, California.

(Seal)

By Elizabeth Deeg, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

JAN 19 1977

FEB 2 1977

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

EDWARD NIELSEN
 City Clerk of The City of San Diego, California.

(Seal)

By Elizabeth Deeg, Deputy.

MICROFILMED MAY 15 1978

Office of the City Clerk, San Diego, California

Ordinance Number 12003 Adopted FEB 2 1977

ATTORNEYS

San Diego, City of
202 C St., 12th Floor
San Diego, CA 92101
Attn: Elizabeth Deeg

CERTIFICATE OF PUBLICATION

No.

IN THE MATTER OF

MEMBERSHIP OF BOARD FOR ABATEMENT AND CONTROL OF NOISE

ORDINANCE NO. 12003

(New Series)

AN ORDINANCE AMENDING CHAPTER V, ARTICLE 9.5, DIVISION 2 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 59.5.0207 RELATING TO MEMBERSHIP OF BOARD FOR ABATEMENT AND CONTROL OF NOISE.

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter V, Article 9.5, Division 2 of the San Diego Municipal Code be and the same is hereby amended by amending Section 59.5.0207 to read as follows:

SEC. 59.5.0207 BOARD FOR ABATEMENT AND CONTROL OF NOISE

A. Creation of Membership

There is hereby created a Board for Abatement and Control of Noise which shall consist of eleven (11) members: one (1) shall be qualified by training and experience in the field of acoustics; one (1) shall be qualified by training, experience and registration in the field of mechanical engineering; one (1) shall be qualified by training, experience and licensing in the field of architecture; one (1) shall be a qualified physician by training, experience and licensing in the field of physiological effects of noise; one (1) shall be a qualified audiologist by training, experience and licensing; one (1) construction industry contractor; one (1) electronics engineer; one (1) economist; and three (3) general members of the public. The members shall be appointed by the Mayor and confirmed by the Council. Appointments shall be made for two-year terms and each member shall serve until his successor is duly appointed and qualified. The members shall be appointed in such manner that the terms of not more than six (6) members shall expire in any year. The expiration date of all terms shall be January 1. Vacancies shall be filled for the unexpired term of the member whose place becomes vacant. The Mayor shall designate a chairman during January of each year; however, in the absence of such designation, the Board shall, on or after February 15, select from among its members a chairman. Such members shall serve without compensation.

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1. The Board shall meet regularly once a month, or more often if necessary, for the transaction of business. It shall establish its own rules and procedures necessary or convenient for the conduct of business.

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C. Powers and Duties

1. The Board shall hear and determine appeals from the rulings and determinations of the Noise Abatement and Control Administrator. Such Board may affirm, modify, or overrule the Administrator's rulings and determinations and shall be guided by the same considerations as set forth in Section 59.5.0203 and Division 4 of this article. A decision of the Administrator to refer a matter to the City Attorney for criminal action shall not be appealable to the Board.

2. The Board shall consult with and assist the Administrator in the performance of his duties and responsibilities as set forth herein.

3. The Director of Building Inspection Department shall act as Secretary to the Board. The Secretary shall cause minutes of each meeting of the Board to be kept accurately and distributed promptly. He shall cause appropriate written notice of each forthcoming meeting to be given to all members of the Board and to persons who have business with the Board. He shall procure, prepare, and distribute to members of the Board information which the Board, or any of its members, may require for transaction of business of the Board.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

Introduced on January 19, 1977.

Passed and adopted by the Council of The City of San Diego on February 2, 1977.

AUTHENTICATED BY:

PETE WILSON,
Mayor of The City of San Diego, California.
EDWARD NIELSEN,
City Clerk of The City of San Diego, California.
By ELIZABETH DEEG, Deputy.

(SEAL)
Pub. Feb. 16, 1977

LS 3248

PATRICIA M. DUTRA

I, Patricia M. Dutra, hereby certify that the San Diego Daily Transcript is a daily newspaper of general circulation within the provisions of the Government Code of the State of California, printed and published in the City of San Diego, County of San Diego, State of California; that I am the principal clerk of said newspaper; and the

ORDINANCE NO. 12003

is a true and correct copy of which this certificate is annexed and was published in said newspaper on

February 16, 1977

I certify under penalty of perjury that the foregoing is true and correct at San Diego, California on

February 16, 1977

Patricia M. Dutra

(Signature)

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