

(O-85-227)

ORDINANCE NUMBER O- 16517 (NEW SERIES)

ADOPTED ON OCT 14 1985

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 8, DIVISION 1, OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING SECTION 68.0154 AND BY ADDING SECTIONS 68.0155, 68.0156, 68.0157, 68.0158, 68.0159, 68.0160, 68.0161, 68.0162, 68.0163, 68.0164, 68.0165, 68.0166, 68.0167, 68.0168 RELATING TO AIRPORTS.

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

Section 1. That Chapter VI, Article 8, Division 1, of the San Diego Municipal Code be and the same is hereby amended by repealing Section 68.0154 as follows:

SEC. 68.0154 INTERIM CURFEW FOR AIRPORT AT MONTGOMERY FIELD
AIRPORT

Section 2. That Chapter VI, Article 8, Division 1, of the San Diego Municipal Code be and the same is hereby amended by adding Sections 68.0155, 68.0156, 68.0157, 68.0158, 68.0159, 68.0160, 68.0161, 68.0162, 68.0163, 68.0164, 68.0165, 68.0166, 68.0167, 68.0168 to read as follows:

SEC. 68.0155 PURPOSE AND INTENT

The Council of The City of San Diego finds and declares that:

(a) The City of San Diego is the proprietor and operator of Montgomery Field Airport located within the City of San Diego's corporate limits; and

(b) The City as the Airport proprietor has the authority to adopt reasonable rules regulating the use of such Airport; and

(c) As the result of testimony at hearings held by the City Council on the adoption of the Montgomery Field Airport Master Plan, and complaints received by City officials from person living in the vicinity of the Airport, it is apparent that the landing and takeoff of certain aircraft is causing a noise disturbance in certain residential areas in close proximity to the Airport, particularly at night; and

(d) The City Council has directed that airport noise standards compatible with residential standards of living be adopted and enforced; and

(e) The Government of the United States has stated in Report No. FAA-EE 85-2, Aviation Noise Effects, March, 1985, that a level of noise not exceeding 55 decibels in the interior of a residential dwelling, which corresponds to an exterior sound level of 70 decibels, based on acoustical studies of residential dwellings with windows open in the City of San Diego, will not disturb the sleep of a reasonable person of normal sensitivity; and

(f) It is in the public interest that noise mitigation and aircraft control measures set forth in this Division be adopted to insure the peace and tranquility of such residential neighborhoods without impairing the ability of the Airport to serve the general aviation needs of the community.

SEC. 68.0156 DEFINITIONS

For the purpose of this Division, the following definitions shall apply:

- (a) DECIBEL. A unit measure of sound (noise) level.
- (b) EMERGENCY. Any unanticipated landing or departure reasonably necessary to protect persons or property from exposure to damage or danger.
- (c) LANDING. The flight of an aircraft from the time it descends below 1,000 feet above ground level for its landing approach until it is taxied from the runway.
- (d) LOW APPROACH. An action by an aircraft consisting of an approach over the Airport for a landing where the pilot intentionally does not make contact with the runway.
- (e) MAXIMUM SOUND LEVEL. In decibels, is the highest sound level reached at any instant using slow weighting as defined in American National Standard ANSI S1.4-1983 entitled "Specifications of Sound Level Meters" during the time interval used in measuring the sound exposure level of a single event.
- (f) SOUND EXPOSURE LEVEL. The level of sound accumulated during a given event, with reference to a duration of one second. More specifically, sound exposure level, in decibels, is the level of the time-integrated A-weighted squared sound pressure for a stated time interval or event, based on the reference pressure of 20 micronewtons per square meter and reference duration of one second.

(g) TAKEOFF. The flight of an aircraft from the time it commences its departure on the runway until it has attained an altitude of 1,000 feet above the ground level.

(h) STOP AND GO. The action by an aircraft consisting of a landing followed by a complete stop on the runway and takeoff from that point.

(i) TOUCH AND GO. The action by an aircraft consisting of a landing and a departure on a runway without stopping or exiting the runway.

SEC. 68.0157 PENALTIES

It shall be unlawful and an infraction for any person to operate, pilot, or permit to be piloted or operated an aircraft in violation of Sections 68.0158 or 68.0160.

SEC. 68.0158 AIRCRAFT NOISE LIMIT

Except as provided in Section 68.0159, no aircraft taking off or landing at Montgomery Field Airport between the hours of 11:30 p.m. and 6:30 a.m. of the following day may exceed a maximum sound level of 70 decibels measured outside of the Airport boundary in any area zoned and used for residential purposes.

SEC. 68.0159 AIRCRAFT NOISE LIMIT EXEMPTION

The following aircraft shall be exempt from the provisions of Section 68.0158:

(a) Aircraft operated by the United States of America or the State of California.

(b) Law enforcement, emergency, fire or rescue aircraft operated by county or city.

(c) Aircraft used for emergency purposes during an emergency which has been officially proclaimed by competent authority pursuant to the laws of the United States, said state or city.

(d) Civil Air Patrol aircraft when engaged in actual search and rescue missions.

(e) Aircraft engaged in landings or takeoffs while conducting tests under the direction of the Noise Abatement officer.

(f) Aircraft used for the emergency medical transportation of sick or injured people when the nighttime operation of the aircraft is essential for the health or welfare of the patient.

SEC. 68.0160 PROHIBITED OPERATIONS

No touch and go operation, stop and go operation, or a low approach shall be permitted at Montgomery Field Airport between the hours of 11:30 p.m. and 6:30 a.m.

SEC. 68.0161 CULPABILITY OF INSTRUCTOR PILOTS

In the case of any training flight in which both an instructor pilot and a student pilot are in the aircraft which is flown in violation of any of the provisions of this Division, the instructor pilot shall be presumed to have caused such violation.

SEC. 68.0162 CULPABILITY OF AIRCRAFT OWNER OR LESSEE

For purposes of this Division, the beneficial owner of an aircraft shall be presumed to be the pilot of the aircraft with authority to control the aircraft's operations, except

that where the aircraft is leased, the lessee shall be presumed to be the pilot. Such presumption may be rebutted only if the owner or lessee identifies the person who in fact was the pilot at the time of the asserted violation.

SEC. 68.0163 DESIGNATED OFFICERS AND EMPLOYEES

The City Noise Abatement officer and any other City employee as are designated by the Noise Abatement officer, all acting under the direction and control of the City Manager, shall have the duty and authority to enforce the provisions of this Division.

SEC. 68.0164 DENIAL OF USE OF AIRPORT

In the event that any person has been convicted of three or more cumulative violations of the provisions of Section 68.0158 or of any other laws, rules or regulations of the City, state or federal pertaining to the use of the Airport (including forfeiture of bail after being arrested or charged by citation of complaint with any such violation) within a three-year period, then for a period of three years thereafter, such person shall be denied the right to land or takeoff from the Airport, except in bona fide emergencies for the preservation of life or property as reasonably determined by the Airport Deputy Director. They shall also be denied the right to lease, rent or use space for aircraft (including tie-down) at the Airport insofar as the City has the right to deny the use of the Airport.

SEC. 68.0165 UNLAWFUL TO USE AIRPORT AFTER USE DENIED

It shall be a misdemeanor for any person to land an aircraft on or takeoff an aircraft from the Airport or lease or rent space (including tie-down) for aircraft at the Airport after the use of the Airport has been denied in accordance with the provision of Section 68.0164.

SEC. 68.0166 REGISTRATION OF AIRCRAFT

(a) The Airport Deputy Director shall keep a register of aircraft based at the Airport. The names, addresses and other reasonable identification, as determined by the Airport Deputy Director, of the legal and beneficial owners, the lessee (if any), the operators and the authorized pilots of each such aircraft shall be entered in the register.

(b) For purposes of this Division, an aircraft which remains at the Airport for a period longer than 24 consecutive hours or for a cumulative time of more than 72 hours in any 30 day period shall be deemed to be based at the Airport.

(c) It shall be unlawful for any owner, lessee, operator or pilot of any aircraft based at the Airport to fail to register such aircraft with the Airport Deputy Director.

SEC. 68.0167 SEVERABILITY OF PROVISIONS

If any section, subsection, sentence, clause or phrase of this Division is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of


the remaining portions of this Division. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SEC. 68.0168 MANNER OF ENFORCEMENT

Violations of this Division shall be prosecuted in the same manner as other violations of the San Diego Municipal Code; however, nothing in this Division shall preclude the Nose Abatement officer in his enforcement of the provisions of this Division for which he is responsible, from making efforts to obtain voluntary compliance by way of warning notice or educational means.

Section 3. 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 
John K. Riess
Deputy City Attorney

JKR:mem:532
6/20/85
Or.Dept:Bldg.Insp.
O-85-227
Form=o.none

Passed and adopted by the Council of The City of San Diego on OCT 11 1985
by the following vote:

| Councilmen | Yeas | Nays | Not Present | Ineligible |
|-----------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| Bill Mitchell | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Bill Cleator | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Gloria McColl | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| William Jones | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Ed Struiksma | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mike Gotch | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| District 7 - vacant | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Uvaldo Martinez | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mayor Roger Hedgecock | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

AUTHENTICATED BY:

ROGER HEDGECOCK

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By Ellen Board, 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

SEP 30 1985

OCT 14 1985

~~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.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By Ellen Board, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-16517 Adopted OCT 14 1985

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City Clerk of The City of San Diego, California.

(Seal)

By Ellen Bovard, Deputy.

Office of the City Clerk, San Diego, California

Ordinance
Number

0-16517

Adopted

OCT 14 1985

CERTIFICATE OF PUBLICATION

THE CITY OF SAN DIEGO
OFFICE OF THE CITY CLERK
202 "C" STREET
12TH FLOOR
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 8 DIVISION 1,
OF THE SAN DIEGO MUNICIPAL CODE

RECEIVED OCT 14 1985
 ADDED ON OCT 14 1985
 A COMMUNICATIONS ALLOCATION CHAPTER VI, ARTICLE II, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY REFERRAL OF THE SAN DIEGO BOARD OF CITY ADMINISTRATORS TO THE CITY COUNCIL OF THE CITY OF SAN DIEGO, CALIFORNIA. 05.0102, 05.0103, 05.0104, 05.0105, 05.0106, 05.0107, 05.0108, 05.0109, 05.0110, 05.0111, 05.0112, 05.0113, 05.0114, 05.0115, 05.0116, 05.0117, 05.0118, 05.0119, 05.0120, 05.0121, 05.0122, 05.0123, 05.0124, 05.0125, 05.0126, 05.0127, 05.0128, 05.0129, 05.0130, 05.0131, 05.0132, 05.0133, 05.0134, 05.0135, 05.0136, 05.0137, 05.0138, 05.0139, 05.0140, 05.0141, 05.0142, 05.0143, 05.0144, 05.0145, 05.0146, 05.0147, 05.0148, 05.0149, 05.0150, 05.0151, 05.0152, 05.0153, 05.0154, 05.0155, 05.0156, 05.0157, 05.0158, 05.0159, 05.0160, 05.0161, 05.0162, 05.0163, 05.0164, 05.0165, 05.0166, 05.0167, 05.0168, 05.0169, 05.0170, 05.0171, 05.0172, 05.0173, 05.0174, 05.0175, 05.0176, 05.0177, 05.0178, 05.0179, 05.0180, 05.0181, 05.0182, 05.0183, 05.0184, 05.0185, 05.0186, 05.0187, 05.0188, 05.0189, 05.0190, 05.0191, 05.0192, 05.0193, 05.0194, 05.0195, 05.0196, 05.0197, 05.0198, 05.0199, 05.0200, 05.0201, 05.0202, 05.0203, 05.0204, 05.0205, 05.0206, 05.0207, 05.0208, 05.0209, 05.0210, 05.0211, 05.0212, 05.0213, 05.0214, 05.0215, 05.0216, 05.0217, 05.0218, 05.0219, 05.0220, 05.0221, 05.0222, 05.0223, 05.0224, 05.0225, 05.0226, 05.0227, 05.0228, 05.0229, 05.0230, 05.0231, 05.0232, 05.0233, 05.0234, 05.0235, 05.0236, 05.0237, 05.0238, 05.0239, 05.0240, 05.0241, 05.0242, 05.0243, 05.0244, 05.0245, 05.0246, 05.0247, 05.0248, 05.0249, 05.0250, 05.0251, 05.0252, 05.0253, 05.0254, 05.0255, 05.0256, 05.0257, 05.0258, 05.0259, 05.0260, 05.0261, 05.0262, 05.0263, 05.0264, 05.0265, 05.0266, 05.0267, 05.0268, 05.0269, 05.0270, 05.0271, 05.0272, 05.0273, 05.0274, 05.0275, 05.0276, 05.0277, 05.0278, 05.0279, 05.0280, 05.0281, 05.0282, 05.0283, 05.0284, 05.0285, 05.0286, 05.0287, 05.0288, 05.0289, 05.0290, 05.0291, 05.0292, 05.0293, 05.0294, 05.0295, 05.0296, 05.0297, 05.0298, 05.0299, 05.0300, 05.0301, 05.0302, 05.0303, 05.0304, 05.0305, 05.0306, 05.0307, 05.0308, 05.0309, 05.0310, 05.0311, 05.0312, 05.0313, 05.0314, 05.0315, 05.0316, 05.0317, 05.0318, 05.0319, 05.0320, 05.0321, 05.0322, 05.0323, 05.0324, 05.0325, 05.0326, 05.0327, 05.0328, 05.0329, 05.0330, 05.0331, 05.0332, 05.0333, 05.0334, 05.0335, 05.0336, 05.0337, 05.0338, 05.0339, 05.0340, 05.0341, 05.0342, 05.0343, 05.0344, 05.0345, 05.0346, 05.0347, 05.0348, 05.0349, 05.0350, 05.0351, 05.0352, 05.0353, 05.0354, 05.0355, 05.0356, 05.0357, 05.0358, 05.0359, 05.0360, 05.0361, 05.0362, 05.0363, 05.0364, 05.0365, 05.0366, 05.0367, 05.0368, 05.0369, 05.0370, 05.0371, 05.0372, 05.0373, 05.0374, 05.0375, 05.0376, 05.0377, 05.0378, 05.0379, 05.0380, 05.0381, 05.0382, 05.0383, 05.0384, 05.0385, 05.0386, 05.0387, 05.0388, 05.0389, 05.0390, 05.0391, 05.0392, 05.0393, 05.0394, 05.0395, 05.0396, 05.0397, 05.0398, 05.0399, 05.0400, 05.0401, 05.0402, 05.0403, 05.0404, 05.0405, 05.0406, 05.0407, 05.0408, 05.0409, 05.0410, 05.0411, 05.0412, 05.0413, 05.0414, 05.0415, 05.0416, 05.0417, 05.0418, 05.0419, 05.0420, 05.0421, 05.0422, 05.0423, 05.0424, 05.0425, 05.0426, 05.0427, 05.0428, 05.0429, 05.0430, 05.0431, 05.0432, 05.0433, 05.0434, 05.0435, 05.0436, 05.0437, 05.0438, 05.0439, 05.0440, 05.0441, 05.0442, 05.0443, 05.0444, 05.0445, 05.0446, 05.0447, 05.0448, 05.0449, 05.0450, 05.0451, 05.0452, 05.0453, 05.0454, 05.0455, 05.0456, 05.0457, 05.0458, 05.0459, 05.0460, 05.0461, 05.0462, 05.0463, 05.0464, 05.0465, 05.0466, 05.0467, 05.0468, 05.0469, 05.0470, 05.0471, 05.0472, 05.0473, 05.0474, 05.0475, 05.0476, 05.0477, 05.0478, 05.0479, 05.0480, 05.0481, 05.0482, 05.0483, 05.0484, 05.0485, 05.0486, 05.0487, 05.0488, 05.0489, 05.0490, 05.0491, 05.0492, 05.0493, 05.0494, 05.0495, 05.0496, 05.0497, 05.0498, 05.0499, 05.0500, 05.0501, 05.0502, 05.0503, 05.0504, 05.0505, 05.0506, 05.0507, 05.0508, 05.0509, 05.0510, 05.0511, 05.0512, 05.0513, 05.0514, 05.0515, 05.0516, 05.0517, 05.0518, 05.0519, 05.0520, 05.0521, 05.0522, 05.0523, 05.0524, 05.0525, 05.0526, 05.0527, 05.0528, 05.0529, 05.0530, 05.0531, 05.0532, 05.0533, 05.0534, 05.0535, 05.0536, 05.0537, 05.0538, 05.0539, 05.0540, 05.0541, 05.0542, 05.0543, 05.0544, 05.0545, 05.0546,

I, Michael L. Ungashick, am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE NUMBER 0-16517 (NEW SERIES)

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

October 28, 1985

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 28th day of Oct., 19 85.

Michael L. Spasich
(Signature)

$$27/8 \times 2 \times 9.76 = 56.12$$

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