

(O-87-39)

ORDINANCE NUMBER O-

16720

(NEW SERIES)

ADOPTED ON

OCT 06 1986

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 8, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 68.0155, 68.0156, 68.0157, 68.0158, 68.0159, 68.0164 AND 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 amending sections 68.0155, 68.0156, 68.0157, 68.0158, 68.0159, 68.0164 and 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) No change.
- (b) No change.
- (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 persons living in the vicinity of the Airport, it is apparent that the landing and takeoff of certain aircraft is causing a noise disturbance in residential areas in close proximity to the Airport; and
- (d) The City Council has directed, by Resolution No. R-261161 adopted July 10, 1984, that single event aircraft

noise level limits be established for day and night hours of operation; and

(e) On October 14, 1985, the City Council adopted Ordinance No. O-16517 (New Series) establishing a maximum noise level of 70 decibels for aircraft operating at Montgomery Field Airport between the hours of 11:30 p.m. and 6:30 a.m.; and

(f) It is desirable that the Montgomery Field Airport nighttime noise level limits and daytime noise level limits be incorporated into a single document; and

(g) It is in the public interest that noise mitigation 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) through (e) No change.

(f) SINGLE EVENT NOISE EXPOSURE LEVEL (SENEL). For the purpose of this Article, the single event noise exposure level (SENEL), in decibels, is the sound exposure level of a single event, such as an aircraft fly-by, measured over the time interval between the initial and final times for which the sound level of a single event exceeds the threshold sound level. For implementation of the provisions of this Division, the threshold sound level shall be at least 20

decibels below the numerical value of the single event noise exposure level limits specified in section 68.0158.

(g) 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.

(h) 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.

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

(j) 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

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

(b) In addition to the provisions of subsection (a) above, the Director, pursuant to his authority under San Diego Municipal Code sections 68.0145 and 68.0123 may impose other restrictions or sanctions which in his opinion will further the goals of the noise abatement program.

SEC. 68.0158 AIRCRAFT NOISE LIMIT

(a) Except as provided in section 68.0159, no aircraft taking off or landing at Montgomery Field Airport between the hours of 6:30 a.m. and 11:30 p.m. of the same day shall exceed a maximum sound level of 88 decibels or a single event noise equivalent level of 94 decibels measured at any point between ground level and twenty (20) feet above ground level outside of the Airport boundary in any area zoned and used for residential purposes.

(b) 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 shall exceed a maximum sound level of 70 decibels or a single event noise equivalent level of 76 decibels measured at any point between ground level and twenty (20) feet above ground level 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) No change.

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

(c) through (f) No change.

SEC. 68.0164 DENIAL OF USE OF AIRPORT

In the event that any person has been convicted by a court of competent jurisdiction or has been determined by the

City Manager or his designate to be in violation three or more times of the provisions of section 68.0158 or 68.0160, or of any other laws, rules or regulations of the City, state or federal government pertaining to the use of the Airport (including forfeiture of bail after being arrested or charged by citation or 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. Such person 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. 68.0168 MANNER OF ENFORCEMENT

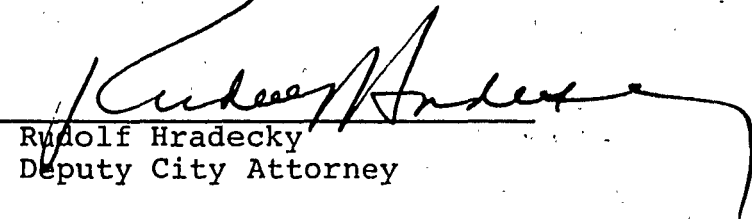
(a) Violations of this Division shall be prosecuted in the same manner as other violations of the San Diego Municipal Code; however, nothing in this Division shall preclude the Noise Abatement officer in his enforcement of the provisions of this Division for which he is responsible, from making efforts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

(b) Violations of section 68.0158 or 68.0160 may be processed by an administrative hearing conducted by the Deputy Director, Airports Division, General Services Department. A copy of the Rules and Procedures for such hearing shall be kept on file in the office of the Deputy Director.

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


Rudolf Hradecky
Deputy City Attorney

RH:mem
08/26/86
Or.Dept:Gen.Svcs.
0-87-39
Form=o.code

STRIKEOUT ORDINANCE

OLD LANGUAGE - STRIKEOUT
NEW LANGUAGE - UNDERLINED

SEC. 68.0155 PURPOSE AND INTENT

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

(a) No change.

(b) No change.

(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 persons living in the vicinity of the Airport, it is apparent that the landing and takeoff of certain aircraft is causing a noise disturbance in residential areas in close proximity to the Airport; ~~particularly at night~~ and

(d) The City Council has directed, by Resolution No. R-261161 adopted July 10, 1984, that single event aircraft noise level limits be established for day and night hours of operation; that airport noise standards compatible with residential standards of living be adopted and enforced; and

(e) On October 14, 1985, the City Council adopted Ordinance No. O-16517 (New Series) establishing a maximum noise level of 70 decibels for aircraft operating at Montgomery Field Airport between the hours of 11:30 p.m. and 6:30 a.m.; ~~The Government of the United States has stated in Report No. FAA/EE 83-2, Aviation Noise Effects, March, 1983, 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 desirable that the Montgomery Field Airport nighttime noise level limits and daytime noise level limits be incorporated into a single document; and

(f g) 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) through (e) No change.

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(f g) 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.

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

(i j) 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

(a) It shall be unlawful and an infraction for any person to operate, pilot, or permit to be operated or piloted ~~or operated~~ an aircraft in violation of §sections 68.0158 or 68.0160.

(b) In addition to the provisions of subsection (a) above, the Director, pursuant to his authority under San Diego Municipal Code sections 68.0145 and 68.0123 may impose other restrictions or sanctions which in his opinion will further the goals of the noise abatement program.

SEC. 68.0158 AIRCRAFT NOISE LIMIT

(a) 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. and 11:30 p.m. of the following same day may shall exceed a maximum sound level of ~~70~~ 88 decibels measured or a single event noise equivalent level of 94 decibels measured at any point between ground level and twenty (20) feet above ground level outside of the Airport boundary in any area zoned and used for residential purposes.

(b) 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 shall exceed a maximum sound level of 70 decibels or a single event noise equivalent level of 76 decibels measured at any point between ground level and twenty (20) feet above ground level outside of the Airport boundary in any area zoned and used for residential purposes.

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(a) No change.

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

(c) through (f) No change.

SEC. 68.0164 DENIAL OF USE OF AIRPORT

In the event that any person has been convicted ~~of~~ by a court of competent jurisdiction or has been determined by the City Manager or his designate to be in violation three or more ~~cumulative violations~~ times of the provisions of §section 68.0158 or 68.0160, or of any other laws, rules or regulations of the City, state or federal government pertaining to the use of the Airport (including forfeiture of bail after being arrested or charged by citation ~~of~~ or 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~~ Such person 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. 68.0168 MANNER OF ENFORCEMENT

(a) 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 Noise 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.

(b) Violations of section 68.0158 or 68.0160 may be processed by an administrative hearing conducted by the Deputy Director, Airports Division, General Services Department. A copy of the Rules and Procedures for such hearing shall be kept on file in the office of the Deputy Director.

RECEIVED
CITY CLERK'S OFFICE
1996 SEP 11 PM 3:07
SAN DIEGO, CALIF.

01133

OCT 06 1986

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

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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"/>
Judy McCarty	<input checked="" 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 Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

(Seal)

By *Maureen O'Connor* 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 22 1986

OCT 06 1986

, and on

~~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 *Maureen O'Connor* Deputy.

Office of the City Clerk, San Diego, California

01134

Ordinance Number

16720

OCT 06 1986

Adopted

RECEIVED
CITY CLERK'S OFFICE
1986 SEP 11 PM 3:07
SAN DIEGO, CALIF.

01135

CERTIFICATE OF PUBLICATION

CITY OF SAN DIEGO
202 C STREET
12TH FLOOR
SAN DIEGO, CA 92101

IN THE MATTER OF
AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 8, DIVISION
1 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS
68.0155, 68.0156, 68.0157, 68.0158, 68.1059, 68.1064 AND,
68.0168 RELATING TO AIRPORTS

NO.

THOMAS D. KELLEHER

I, _____, 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 O-16720 (NEW SERIES)

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 8, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 68.0155, 68.0156, 68.0157, 68.0158, 68.0159, 68.0164 AND 68.0168 RELATING TO AIRPORTS.

This ordinance amends the San Diego Municipal Code relating to flight operations at Montgomery Field Airport. It establishes maximum aircraft noise levels for daytime and nighttime flight operations as follows: Between the hours of 6:30 a.m. and 11:30 p.m., a maximum sound level of 88 decibels or a maximum SENEL of 94 decibels; and between the hours of 11:30 p.m. and 6:30 a.m., a maximum sound level of 70 decibels or a SENEL of 76 decibels. A SENEL is defined as a single event noise equivalent level measured at any point between ground level and 20 feet above ground level and outside the airport boundary in any area zoned and used for residential purposes. Violations of those regulations may be processed administratively or criminally, and may subject the violator to loss of flight and aircraft maintenance and storage privilege at Montgomery Field.

A complete copy of the Ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 12th Floor, City Administration Building, 202 C Street, San Diego, CA 92101.

INTRODUCED ON SEPTEMBER 22, 1986
Passed and Adopted by the Council of The City of San Diego on
OCTOBER 6, 1986

AUTHENTICATED BY: MAUREEN O'CONNOR
Mayor of The City of San Diego, CA
CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, CA

(SEAL)
By MAYDELL L. PONTECORVO, Deputy.
Pub. October 20

59154

ORDINANCE NUMBER O-16720

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 20, 1986.

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

Dated at San Diego, California this 20 day of OCT., 19 86.

Thomas D. Kelleher

(Signature)

01136

5 3/4" X \$10.24 = \$58.88