

155727. a L+C

ORDINANCE NO. _____

An Ordinance approving a Regulation adopted by Resolution No. 12655 of the Board of Airport Commissioners of the City of Los Angeles, which Resolution established a noise abatement and curfew regulation for aircraft operating at Van Nuys Airport and incorporated by reference Advisory Circular 36-3A published by the Federal Aviation Administration.

THE PEOPLE OF THE CITY OF LOS ANGELES

DO ORDAIN AS FOLLOWS:

Sec. 1. The Regulation adopted by Resolution No. 12655 of the Board of Airport Commissioners on June 17, 1981, is hereby approved. Said Regulation contained in said resolution provides for the establishment of a noise abatement regulation for aircraft at Van Nuys Airport and is in words and figures as follows:

VAN NUYS NOISE ABATEMENT AND CURFEW REGULATION

SECTION 1. Definitions:

Except where the context otherwise requires, the following terms, when used in this regulation, shall have the following definitions:

- (a) Advisory Circular 36-3A - Estimated maximum A - Weighted Sound Levels for Airplanes at Part-36 Appendix "C" Locations - Takeoff - as set forth in United States Department of Transportation,

1 Federal Aviation Administration, Advisory Circular
2 36-3A, dated June 11, 1980, attached as Exhibit "A"
3 to this regulation and made a part hereof as though
4 set forth in full, and as said Advisory Circular
5 may be amended from time to time.

6
7 (b) Aircraft - All fixed-wing aircraft driven by one
8 or more propeller, turbojet, or turbo fan engines.

9
10 (c) Airport - Van Nuys Airport.

11
12 (d) Airport Manager - Van Nuys Airport Manager.

13
14 (e) Board - Board of Airport Commissioners of
15 the City of Los Angeles as described in
16 Article XXIV, Section 238, et seq. of the
17 Charter of the City of Los Angeles.

18
19 (f) dBA - A - weighted sound pressure level.

20
21 (g) Depart - The movement of an aircraft from
22 the time it commences its departure until it
23 is airborne.

24
25 (h) General Manager - General Manager of the
26 Department of Airports, as described and
27 defined in Article VI, Section 70, et seq.
28 and Article XXIV, Section 238, et seq. of the

1 Charter of the City of Los Angeles.

2
3 (i) Person - An individual, partnership, business,
4 corporation, joint venture, or any entity
5 responsible for an aircraft operation.

6
7 (j) Repetitive Operation - A practice operation,
8 including but not limited to "touch and go" or
9 "stop and go" operations, which utilizes an Airport
10 runway to land where the aircraft after touching
11 down or landing takes off again within five minutes.
12 However, this definition does not include such
13 operations as are necessary because of safety
14 considerations or weather phenomena.

15
16 (k) Run-up - The ground testing or revving of
17 an aircraft engine not immediately connected
18 to contemporaneous air operation.

19
20 (l) "Stop and Go" Operation - The action by an
21 aircraft consisting of a landing, followed by
22 a complete stop on the runway, and then a take-
23 off from that point.

24
25 (m) "Touch and Go" Operation - The action by an
26 aircraft consisting of a landing and departure
27 on a runway without stopping or exiting the
28 runway.

1 (n) For the purposes of this regulation, all times
2 are local Pacific Standard Time, unless
3 Daylight Savings Time is in force and, in
4 such event, it shall be used.
5

6 SECTION. 2. Curfew. No aircraft may depart from Van
7 Nuys Airport between the hours of 11:00 p.m. and 7:00 a.m.
8 of the following day, except those aircraft listed below:
9

10 (a) Military aircraft and any government-owned or
11 operated aircraft involved in law enforcement,
12 emergency, fire or rescue operations.
13

14 (b) Aircraft whose estimated takeoff noise levels,
15 as set forth in Federal Aviation Administration
16 Advisory Circular 36-3A (or in any revision,
17 supplement or replacement thereof listing the
18 noise levels), are equal to or less than 74 dBA.
19

20 (c) Aircraft of a type or class not included in
21 Advisory Circular 36-3A, for which evidence
22 has been furnished to the Board that the
23 departure noise of said aircraft will not
24 exceed the established noise value limitation
25 of 74.0 dBA set forth in Advisory Circular 36-3A.
26 When furnishing evidence that an aircraft has
27 the ability to depart and not exceed the dBA
28 level of 74.0, the person producing such evidence

1 shall be required to provide appropriate
2 information to validate conclusions and ability
3 to comply with this regulation. The Board
4 reserves the right to validate the aircraft's
5 compliance ability through the utilization of
6 actual flight noise measurements.
7

8 (d) Aircraft which have been identified by the Federal
9 Aviation Administration in writing as having a
10 74.0 dBA or lower takeoff noise level although
11 such figure is not published in Advisory
12 Circular 36-3A.
13

14 (e) Aircraft engaged in a bona fide medical or life-
15 saving emergency for which acceptable evidence has
16 been submitted in writing to the General Manager
17 within seventy-two (72) hours prior to or subsequent
18 to said departure.
19

20 SECTION 3. Repetitive Aircraft Operations.
21

22 (a) No person shall engage in repetitive operations
23 in any propeller powered aircraft between the hours of 10:00 p.m.
24 and 7:00 a.m. of the following day from June 21 through September
25 15, and between the hours of 9:00 p.m. and 7:00 a.m. of the following
26 day, from September 16 through June 20.

27 /////

28 /////

1 (b) No person shall engage in repetitive operations in any
2 turbo-jet or fan jet powered aircraft, at any time, at Airport.

3
4 SECTION 4. Preferential Runway. Between the hours of 11:00 p.m.
5 and 7:00 a.m. of the following day, weather and traffic permitting,
6 all aircraft shall depart on Runway 16R and shall arrive on Runway
7 34L of Airport unless instructed otherwise by the Federal Aviation
8 Administration Air Traffic Controller.

9
10 SECTION 5. Run-ups. No person shall test or run-up an aircraft
11 engine for maintenance purposes between the hours of 7:00 p.m. and
12 7:00 a.m. of the following day. Engine run-ups shall be conducted
13 only in areas designated in writing by the General Manager.

14
15 SECTION 6. Presumption. For the purposes of this regulation, the
16 beneficial owner of an aircraft shall be rebuttably presumed to be
17 the pilot of the aircraft with authority to control the aircraft's
18 operations, except that where the aircraft is leased, the lessee
19 shall be presumed to be the pilot.

20
21 In the case of any pilot training operation in which both an
22 instructor and student pilot are in the aircraft operated in violation
23 of any provision of this regulation, the instructor shall be rebuttably
24 presumed to have caused such violation.

25 /////
26 /////
27 /////
28 /////
29

1 SECTION 7. Enforcement and Penalties.

2
3 (a) Civil Penalties. In addition to any other remedy
4 provided for by this regulation or elsewhere, any person who
5 violates any provision of this regulation shall be liable for
6 a civil penalty not to exceed seven hundred fifty (\$750)
7 dollars.

8
9 Any person who violates any provision of this regulation for a
10 second time within one year of a prior violation shall be liable
11 for a civil penalty not to exceed one thousand five hundred (\$1500)
12 dollars upon such second violation.

13
14 Any person who violates any provision of this regulation for a
15 third or any subsequent time within a three (3) year period shall
16 be liable for a civil penalty not to exceed three thousand five
17 hundred (\$3500) dollars.

18
19 Civil penalties shall be assessed and recovered in a civil
20 action brought in the name of the City of Los Angeles by the City
21 Attorney of Los Angeles in any court of competent jurisdiction in
22 Los Angeles County. Funds recovered thereby shall be placed in
23 the Airport Revenue Fund.

24
25 (b) Denial of Use of Airport. In the event any
26 person has violated any provisions of this regulation three (3)
27 or more times within a three-year period of the first violation,
28 then for a period of three years thereafter, such person shall

1 be deemed a persistent violator and be denied permission to
2 depart from Airport in an aircraft owned, borrowed, rented or
3 leased by such person and denied the right to lease, rent or
4 use space for any aircraft (including tie-down) at Airport.
5

6 (c) Exclusion of Aircraft for Violations. In the
7 event an aircraft has been operated in violation of any provisions
8 of this regulation on three or more occasions within a three-year
9 period of the first violation, whether piloted by the same or
10 different individuals, then it shall be presumed that future
11 operations of said aircraft will result in continued violations.
12 The Airport Manager shall thereafter deny said aircraft permission
13 for a period of three years to tie-down, be based at, or take
14 off from Airport provided, however, that a new owner, who has
15 not operated the aircraft or caused it to be operated in
16 violation of this regulation, shall be entitled to appeal such decision
17 to the Airport Manager upon furnishing satisfactory evidence of
18 a change in both the operating personnel and ownership of such
19 aircraft. Upon receiving such evidence, the Airport Manager
20 shall restore all rights to said aircraft.
21

22 (d) Other Enforcement. The provisions of this
23 regulation may be judicially enforced by injunction or other relief
24 deemed appropriate by any court of competent jurisdiction.
25

26 Any person, except employees of the Federal Aviation
27 Administration acting in the course and scope of their employment,
28 who counsels, aids, assists, or abets any other person in the

1 operation of any aircraft in violation of this regulation is subject
2 to the same penalty provisions as are specified in this section.
3

4 The remedies described herein shall be deemed to be
5 cumulative, and, the election to seek any remedy shall not be
6 deemed to be a waiver of other remedies nor a bar to seek more
7 than one remedy for the same violation of this regulation.
8

9 SECTION 8. Savings Clause. If any section, subsection, sentence,
10 clause or phrase of this regulation is for any reason held to be
11 invalid or unconstitutional by the decision of any court of competent
12 jurisdiction, such decision shall not affect the validity of the
13 remaining portions of this regulation. The City Council hereby
14 declares that it would have passed this regulation and each section,
15 subsection, sentence, clause and phrase thereof, irrespective of
16 the fact that any one or more sections, subsections, sentences,
17 clauses or phrases be declared invalid or unconstitutional.
18

19 SECTION 9. Designated Officers and Employees. The General
20 Manager, and such other City employees as are designated by the
21 General Manager, shall have the duty and authority to enforce
22 the provisions of this regulation.
23

24 /////
25

26 /////
27

28 /////
29

30 /////
31

32 /////
33

Sec. 2 The City Clerk shall certify to the passage of this ordinance and cause the same to be published in some daily newspaper printed and published in the City of Los Angeles.

I hereby certify that the foregoing ordinance was introduced at the meeting of the Council of the City of Los Angeles of JUL 29 1981 and was passed at its meeting of AUG 5 - 1981

REX E. LAYTON, City Clerk,

By

Edward R. Brown
Deputy

Approved _____

AUG 10 1981.

Tom Bradley
Mayor

File No. _____

By *Burn T. ...*

File No.

73-2158^s1+5²

City Clerk Form 23

77-4557