

ORDINANCE NO. 308
ORDINANCE LIMITING THE HOURS OF OPERATION OF THE MONTEREY
PENINSULA AIRPORT DISTRICT

THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT FIND
AS FOLLOWS:

WHEREAS, the Monterey Peninsula Airport District is surrounded on three sides by residential housing, and

WHEREAS, State and Federal law requires the Airport District to decrease the effect of aircraft noise on residents living in the communities surrounding the Airport, and

WHEREAS, aircraft operations between the hours of 11:00 P.M. and 7:00 A.M. have been the subject of noise complaints from residents living in the communities surrounding the Airport, and

WHEREAS, no scheduled commercial flights have been scheduled at the Airport between the hours of 11:00 P.M. and 7:00 A.M. for at least the past five years, and

WHEREAS, Airport surveys have indicated that the numbers of general aviation flights occurring between the hours of 11:00 P.M. and 7:00 A.M. have averaged less than five per week, and

WHEREAS, a closing of the airport, with the exceptions hereafter stated, between the hours of 11:00 P.M. and 7:00 A.M. would have a minimum impact on interstate commerce while providing some relief from noise to nearby residents during normal sleeping hours, and

WHEREAS, certain exceptions to a total ban on aircraft operations between the hours of 11:00 P.M. and 7:00 A.M. should be granted as hereafter provided:

NOW WHEREFORE, the Board of Directors of the Monterey Peninsula Airport District do hereby ordain as follows:

FIRST: That all aircraft operations occurring between the hours of 11:00 P.M. and 7:00 A.M. shall be prohibited with the exceptions of emergency operations, necessary operations by military aircraft, operations by aircraft which meet the lowest take-off and landing levels of Amendment 8 to Federal Air Regulation 36 issued by the Federal Aviation Administration, and to operations

by scheduled commercial carriers which have been delayed due to equipment, weather, or other operational problems beyond the reasonable control of said carriers. In addition, general aviation aircraft which do not ordinarily meet the landing noise levels of Amendment 8 to Federal Air Regulation 36 issued by the Federal Aviation Administration shall be permitted to land at the Airport after 11:00 P.M. and before 7:00 A.M. if:

(1) The arrival of said aircraft was delayed by weather, equipment or other operational problems beyond the reasonable control of the pilot, and

(2) If the pilot has demonstrated to the Manager of the Airport's satisfaction that the aircraft can be operated in a manner which will yield noise levels at or below the landing levels established in Amendment 8 to Federal Air Regulation 36. The permission to land said aircraft shall be subject to such reasonable conditions as may be established by the Manager of the Airport and said permission may be revoked by the Manager at any time.

SECOND: All landings after 11:00 P.M. and before 7:00 A.M. shall be made on Runway 28 unless the aircraft is otherwise directed to use another runway by the FAA Tower.

THIRD: All take-offs after 11:00 P.M. and prior to 7:00 A.M. shall take place from Runway 10 unless the FAA Tower directs the use of some other runway.

FOURTH: That this Ordinance shall be effective thirty (30) days after it has been approved by the Federal Aviation Administration.

FIFTH: That violation of this Ordinance shall be punishable by a fine not exceeding the sum of Five Hundred (\$500.00) Dollars for each violation of the Ordinance.

In the event that any person has been convicted of three (3) or more cumulative violations of the provisions of this Ordinance or of any other Ordinance regulating the operation of aircraft at the Airport (including forfeiture of bail after being arrested or charged by citation or complaint with any such violation within a three (3) year period) then for a period of three (3) years thereafter, such person shall be denied the right to land or take-off from the Airport, except in a bonafide emergency for the preservation of life or property as reasonably determined by the Airport Manager and shall be denied the right to lease, rent or use space for aircraft (including tie-down) at the Airport.

In the event that any aircraft has been operated by any person or persons who have cumulatively been convicted of three (3) or more violations of the provisions of this Ordinance or of any other Ordinance of the Airport regulating the operation of aircraft at the Airport, (including forfeiture of bail after being arrested or charged by citation or complaint with any such violation), then it shall be presumed that operation of such aircraft will result in continued violation of the provisions of valid Ordinances and such aircraft will not be permitted to land or tie-down, be based at or take-off from the airport except in emergencies as reasonably determined by the Airport Manager.

PASSED AND ADOPTED BY THE BOARD OF DIRECTORS OF THE MONTEREY AIRPORT

DISTRICT: This 10th day of January, 1979, by the following roll call vote:

AYES: DIRECTORS: Fry, Nakamura, Schmidt, Smith, Chairman Tourangeau

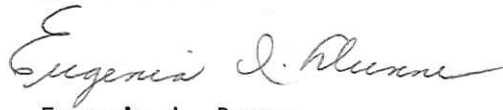
NOES: DIRECTORS: None

ABSENT: DIRECTORS: None

Signed this 10th day of January, 1979


Richard Tourangeau
Chairman

A T T E S T


Eugenia I. Dunne
District Secretary