

ORDINANCE NO. 620

AN ORDINANCE PROHIBITING EXCESSIVE NOISE AND CERTAIN ACTIVITIES WHICH PRODUCE NOISE WITHIN THE MONTEREY PENINSULA AIRPORT DURING CERTAIN HOURS

WHEREAS, the Monterey Peninsula Airport is situated in close proximity to residential, commercial and other occupied neighborhoods; and

WHEREAS, the making, creation or maintenance of excessive, unnecessary, unnatural, offensive, prolonged or unusually loud noises emanating from the Monterey Peninsula Airport during certain hours are a detriment to the health, comfort, convenience, safety, welfare and prosperity of the residents, users and occupants of adjoining neighborhoods; and

WHEREAS, the conduct of certain activities at the Monterey Peninsula Airport during certain hours is similarly a detriment to the health, comfort, convenience, safety, welfare and prosperity of the residents, users and occupants of adjoining neighborhoods by reason of the sounds likely to be produced by such activities; and

WHEREAS, increases in the ambient sound levels exceeding 65 decibels over the background sound at the Monterey Peninsula Airport during certain hours is similarly a detriment to the health, comfort, convenience, safety, welfare and prosperity of the residents, users and occupants of adjoining neighborhoods;

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DO ORDAIN AS FOLLOWS:

1.0 Definitions.

1.1 "*Aircraft.*" The word "aircraft" as used in this Ordinance shall mean any contrivance now known or hereafter invented, used or designed for carriage of one or more persons in the air. The word "aircraft" shall include, but not be limited to, gliders, propeller driven aircraft, turbo-jet powered aircraft; jet powered aircraft, helicopters and lighter-than-air dirigibles and balloons.

1.2 "*Motor Vehicle.*" The phrase "motor vehicle" as used in this Ordinance shall mean any contrivance now known or hereafter invented, used or designed for motorized carriage of one or more

persons on the surface of the ground including, but not limited to, trucks, automobiles, motorcycles, minibikes, go-carts, and drivable construction equipment.

1.3 "Person." The word "person" as used in this Ordinance shall include the singular and the plural and shall also mean and include any person, firm, corporation, association, club, partnership, joint venture, society or any other form of association or organization, public or private.

2.0 General Noise Prohibition. It shall be unlawful for any person to make, create or maintain, or cause to be made, created or maintained within the Monterey Peninsula Airport between the hours of 9:00 p.m. and 7:00 a.m. any excessive, unnecessary, unnatural, offensive, prolonged or unusually loud noise which disturbs the peace or quiet of any residential, commercial or other occupied neighborhood or would cause discomfort or annoyance to any reasonable person of normal sensitivity residing in, using or occupying any property in such a neighborhood irrespective of whether the source of the sound is an activity prohibited under Section 3.0 of this Ordinance or whether the sound exceeds the decibel limitation set forth in Section 4.0 of this Ordinance. The guidelines which may be considered in determining whether a violation of the provisions of this Section 2.0 exists may include, but are not necessarily limited to, the following:

- (a) the volume and intensity of the noise;
- (b) the volume and intensity of the background noise, if any;
- (c) whether the nature of the noise is usual or unusual;
- (d) whether the origin of the noise is natural or unnatural;
- (e) whether the noise is recurrent, intermittent or constant;
- (f) the duration of the noise;
- (g) the proximity of the noise to residential sleeping facilities; and
- (h) the number of people affected by the noise.

3.0 Specific Activities Prohibited. The following activities are prohibited within the Monterey Peninsula Airport between the hours of 9:00 p.m. and 7:00 a.m. irrespective of whether any sound created thereby violates the general noise prohibition set forth in Section 2.0 of this Ordinance or the decibel limitation set forth in Section 4.0 of this Ordinance.

3.1 *Horns, Signaling Devices.* The sounding of any horn or signaling device on any motor vehicle, except as a danger warning and then only for such period of time as is reasonable and necessary.

3.2 *Sound Reproduction Equipment.* The using, playing, testing or operating of any radio receiving set, audio amplifier, musical instrument, phonograph, stereo system, tape player, audio disk player or other machine or device for the producing or reproducing of sound other than solely through an earpiece (a) outside the confines of a building, structure or vehicle or (b) if inside such confines then in such manner that sound produced therefrom is plainly audible at a distance of twenty (20) or more feet outside the confines of the building, structure or vehicle in which the source of any resulting sound is located.

3.3 *Combustion Engine Blower.* The use, operation or testing of a combustion engine blower of a type designed for the purpose of displacing, removing or blowing leaves or any other materials.

3.4 *Exhausts.* The discharge of the exhaust of any internal combustion engine, whether stationary or attached to a motor vehicle, except through a properly functioning muffler or other device which will effectively prevent loud or explosive sounds therefrom.

3.5 *Motor Vehicles.* The use, operation or testing of any motor vehicle so out of repair, so loaded or in such a manner as to create grating, grinding, rattling or other sound which is plainly audible at a distance of twenty (20) or more feet from the source of any resulting sound.

3.6 *Loading, Unloading.* The creation of any sound in connection with loading or unloading any motor vehicle or the opening, sealing or destruction of bales, boxes, crates or other containers, which is plainly audible at a distance of twenty (20) or more feet from the source of any resulting sound.

3.7 *Construction or Repairing of Buildings or Structures.* The erection, construction, demolition, alteration or repair of any building or structure or any portion thereof except upon the issuance of a permit by the General Manager of the

Monterey Peninsula Airport District based upon a finding of urgent necessity in the interest of public health and safety.

3.8 *Power Tools.* The operation of any presses, punches, sanders, grinders, saws, drills or other power tools (a) outside the confines of a building, structure or vehicle or (b) if inside such confines then in such manner that sound produced therefrom is plainly audible at a distance of twenty (20) or more feet outside the confines of the building, structure or vehicle in which the source of any resulting sound is located.

3.9 *Compressors.* The operation of any compressor (a) outside the confines of a building, structure or vehicle or (b) if inside such confines then in such manner that sound produced therefrom is plainly audible at a distance of twenty (20) or more feet outside the confines of the building, structure or vehicle in which the source of any resulting sound is located.

3.10 *Hand Tools.* The use of any hand tools for the purpose of any hammering, pounding, chopping, grinding, sawing, cutting or prying or otherwise manipulating or shaping materials (a) outside the confines of a building, structure or vehicle or (b) if inside such confines then in such manner that sound produced therefrom is plainly audible at a distance of twenty (20) or more feet outside the confines of the building, structure or vehicle in which the source of any resulting sound is located.

4.0 Decibel Limitations. It shall be unlawful for any person to engage in any activity within the Monterey Peninsula Airport between the hours of 9:00 p.m. and 7:00 a.m. which creates or results in the creation of an increase in the ambient sound level exceeding 65 decibels over the background sound level irrespective of whether any sound created thereby violates the general noise prohibition set forth in Section 2.0 of this Ordinance and irrespective of whether the source of the sound is an activity prohibited under Section 3.0 of this Ordinance. Sound shall be measured at a distance of not less than twenty (20) feet outside the confines of the building, structure or vehicle in which the source of the sound is enclosed, or if not so enclosed, then at a distance of not less than twenty (20) feet from the source of the sound. Sound shall be measured with a sound level meter which meets the standards of the American National Standards Institute.

A calibration check of the instrument shall be made immediately prior to any sound measurement or series of sound measurements being made.

5.0 Exemptions. The following uses and activities shall be exempt from the prohibitions imposed by this Ordinance:

5.1 *Safety Signals.* Noises or sounds of safety signals, warning devices and emergency pressure relief valves;

5.2 *Emergency Equipment.* Noises or sounds resulting from any emergency vehicle or equipment responding to an emergency call or acting in time of emergency or in the furtherance of public safety;

5.3 *Aircraft.* Noises or sounds resulting from aircraft operation, maintenance, servicing or testing;

5.4 *Government Equipment.* Noises or sounds resulting from the operation of any vehicles or equipment owned or operated by the Monterey Peninsula Airport District, the United States Department of Transportation, the Federal Aviation Administration or by the employees or contractors of any of them in the course of operating, maintaining, servicing or testing any buildings, structures, facilities or equipment owned or operated by any such entity;

5.5 *Military Activities.* Noises or sounds resulting from military activities;

5.6 *Law Enforcement Activities.* Noises or sounds resulting from law enforcement activities;

5.7 *Rescue Activities.* Noises or sounds resulting from activities by the United States Coast Guard or any similar entity engaged in search and rescue operations or training in connection therewith.

5.8 *Refuse Collection.* Noises or sounds resulting from refuse collection activities, including without limitation the operation of garbage trucks.

6.0 Penalties and Enforcement. Any person violating any of the provisions of this Ordinance shall be deemed guilty of an infraction punishable:

(a) a fine not exceeding \$100.00 for the first violation within a one-year period;

(b) a fine not exceeding \$200.00 for a second violation within a one-year period; or

(c) a fine not exceeding \$500.00 for each additional violation within a one-year period.

As an additional remedy, the operation or maintenance of any device, instrument, vehicle or machinery in violation of any provision of this Ordinance shall be deemed, and is declared to be, a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

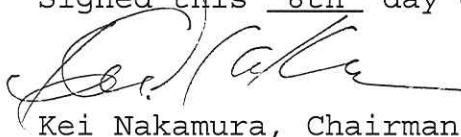
7.0 Severability. If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions of this Ordinance which can be given effect without the invalid provision or application and to this end, the provisions of this Ordinance are declared to be severable.

8.0 Effective Date. This Ordinance shall take effect thirty (30) days from and after the date of its adoption.

PASSED AND ADOPTED BY THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT this 8th day of January, 1997, by the following roll call vote:

AYES:	DIRECTORS:	Haskell, Irwin, Searle, Chairman Nakamura
NOES:	DIRECTORS:	None
ABSENT:	DIRECTORS:	Faul

Signed this 8th day of January, 1997


Kei Nakamura, Chairman

A T T E S T


Barbara Sadler
District Secretary