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ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF LONG BEACH AMENDING AND
RESTATING THE LONG BEACH MUNICIPAL CODE BY
AMENDING CHAPTER 16.43 RELATED TO AIRPORT
NOISE COMPATIBILITY

WHEREAS, the City of Long Beach’s (“City”) Airport Noise Ordinance is codified at Long Beach Municipal Code (“LBMC”) Chapter 16.43 and establishes, amongst other things, a progressive fine structure for violations of the City’s Airport Noise Ordinance; and

WHEREAS, LBMC Chapter 16.43, as adopted in 1995, is exempted from the notice, review, and approval requirements set forth in the Airport Noise and Capacity Act of 1990 (“ANCA”); and

WHEREAS, to maintain the deterrent effect of the fine structure, City desires to increase the fine amounts enumerated in LBMC Section 16.43.090 to adjust for inflation consistent with the United States Bureau of Labor Statistics’ Consumer Price Index (“CPI”) Inflation Calculator and to allow for future automatic adjustments of the fine amounts to account for future inflation/deflation; and

WHEREAS, because LBMC Chapter 16.43 has not been amended since 1995, it contains outdated references which should be amended to reflect current Long Beach Airport (“Airport”) operations; and

WHEREAS, the amendments to LBMC Chapter 16.43 will not reduce or limit aircraft operations within the meaning of 49 U.S.C. § 47524(d)(4) and 14 CFR § 161.7(b)(4), and City is not required to meet the requirements of ANCA and 14 CFR Part 161 for a new airport access restriction;

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1 NOW, THEREFORE, the City Council of the City of Long Beach ordains as
2 follows:

3 Section 1. Chapter 16.43 of the Long Beach Municipal Code entitled
4 "Airport Noise Compatibility" is hereby amended and restated to read as follows:

5 Chapter 16.43

6 AIRPORT NOISE COMBABILITY ORDINANCE

7

8 16.43.010 Definitions.

9 A. "Air Carrier" means a scheduled carrier, certificated under FAR Parts
10 121, 125, or 135, operating aircraft having a certificated maximum takeoff weight
11 of seventy-five thousand (75,000) pounds or more, transporting passengers or
12 cargo.

13 B. "California Noise Standards" means the Noise Standards for
14 California Airports, as set forth in 21 California Code of Regulations, Section 5000
15 et seq. Unless otherwise stated, the terms used in this Chapter shall have the same
16 meanings as set forth in the Noise Standards.

17 C. "Charter operation" means a revenue producing takeoff or landing,
18 operated by a person or entity that is neither an Air Carrier nor a Commuter Carrier,
19 using an aircraft having a certificated maximum takeoff weight of seventy-five
20 thousand (75,000) pounds or more and transporting passengers or cargo.

21 D. "Commuter" and "commuter carrier" means a scheduled carrier,
22 certificated under FAR Part 121 or 135, operating aircraft having a certificated
23 maximum takeoff weight less than seventy-five thousand (75,000) pounds and
24 transporting passengers or cargo.

25 E. "Engine runup" means the operation of an aircraft engine while
26 stationary for the purpose of testing (other than preflight), servicing or repairing
27 such engine.

28 F. "Flight" means one (1) arrival and one (1) departure by an aircraft.

1 G. "General aviation" means aviation activity other than operations by
2 Air Carriers, Commuter Carriers, Industrial operators, Charter operators, and public
3 aircraft.

4 H. "Incompatible property" means property used for residential
5 purposes, schools and churches. Property subject to an easement for noise and
6 property acoustically treated to reduce interior CNEL levels is not rendered
7 compatible as a result of such easement or acoustic treatment.

8 I. "Industrial operation" means one (1) takeoff or one (1) landing of an
9 aircraft over seventy-five thousand (75,000) pounds maximum certificated gross
10 takeoff weight for purposes of production, testing, remanufacturing, or delivery by
11 or under the control of a manufacturer based at the Long Beach Airport. This
12 definition does not include flights into or out of Long Beach for purposes of
13 maintenance, retrofit or repair.

14 J. "Operation" means a takeoff or a landing of an aircraft at the Long
15 Beach Airport.

16 K. "Owner/operator" means the owner of record of an aircraft operating
17 at the Airport and the authorized user of that aircraft if different from the owner.

18 L. "Practice Low Approach" and "Practice Missed Approach" means an
19 action by an aircraft consisting of an approach to or over the Airport for a landing
20 where the pilot intentionally does not make contact with the runway.

21 M. "Public Aircraft" means an aircraft defined in 49 USC § 40102.

22 N. "Stop and Go" means an action by an aircraft consisting of a landing
23 followed by a complete stop on the runway and a takeoff from that point.

24 O. "Touch and Go" means an action by an aircraft consisting of a landing
25 and departure on a runway without stopping or exiting the runway.

26 P. "Training operation" means Touch and Go, Stop and Go, Practice
27 Low Approach, and Practice Missed Approach Operation, or any of them.

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16.43.020 Scope of permission to use the Airport.

Any authorization to conduct operations at the Airport which is granted or continued under this Chapter is not transferable, directly or indirectly. Entities which are jointly owned or which own a controlling interest in another entity shall not be considered separate from the commonly owned or controlled entity. Although the authorizations to conduct operations at the Airport which are granted or continued under this Chapter may be considered to be interests requiring notice and an opportunity for hearing before revocation, such authorizations nevertheless remain public rights to which no user may obtain continuing ownership. Control of any permits issued pursuant to this Chapter may last only so long as the owner/operator complies with the conditions of use, ordinances, rules, and regulations of the City, including compliance with the terms of operating permits and the payment of all fees and charges established from time to time by the City.

16.43.030 Prohibited activities.

A. Training Operations. No Touch and Go, Stop and Go, Practice Low Approach, or VFR Practice Missed Approach shall be conducted at the Airport except between seven a.m. and seven p.m. on weekdays and between eight a.m. and three p.m. on Saturdays, Sundays, New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day; provided, however, that if any such holiday falls on Saturday or Sunday and, as a result, a holiday is observed on the preceding Friday or succeeding Monday, then such Friday or Monday, as the case may be, shall be considered to be a holiday for purposes of this Section. Except for instrument training, Training Operations shall be conducted only on Runways 26R/8L and 26L/8R, unless the FAA directs such Operations on Runway 12/30.

B. Engine Runups. Engine runups shall be permitted only between the hours of seven a.m. and nine p.m. on weekdays and nine a.m. and nine p.m. on

1 weekends and holidays. Such runups may be conducted only at locations
 2 designated for such purposes by the Airport Manager. Nothing in this Section shall
 3 be deemed to require relocation of existing runup facilities for which appropriate
 4 noise buffering devices have been constructed.

5 C. Formation Takeoffs and Landings. Except as necessary in the
 6 manufacture or repair of aircraft, formation takeoffs and landings are prohibited at
 7 Long Beach Municipal Airport.

8 D. Unapproved Charter Flights. No proposed charter operation shall be
 9 conducted unless the written permission of the Airport Manager has been sought
 10 and received before such operation is scheduled to occur.

11
 12 16.43.040 Maximum SENEL limits.

13 A. Subject to the authority of the Airport Manager to adjust permissible
 14 single event noise limits for categories of Airport users in order to reduce such
 15 group's cumulative noise levels, all non-governmental Operations at the Airport
 16 shall meet the following SENEL limits:

	7:00 a.m. to 10:00 p.m.	10:00 p.m. to 11:00 p.m. and 6:00 a.m. to 7:00 a.m.	11:00 p.m. to 6:00 a.m.	Monitoring Station No.
<u>Runway</u>	<u>(Dep/Arr)</u>	<u>(Dep/Arr)</u>	<u>(Dep/Arr)</u>	<u>(Dep/Arr)</u>
30	102.5/101.5	90/90	79/79	9/10
12	102.5/101.5	90/90	79/79	10/9
26R	92/88	*/	*/	6/1
26L	95/93	*/	*/	5/2
8R	95/92	*/	*/	2/5
8L	88/92	*/	*/	1/6

24 * Except in case of emergency or air traffic direction, all aircraft Operations
 25 between the hours of 10:00 p.m. and 7:00 a.m. are limited to runways 30
 26 and 12.

27 B. Violations occurring during the period between ten p.m. and eleven
 28 p.m. which are the result of unanticipated delays beyond their reasonable control

1 of the aircraft Owner/Operator shall be waived upon the presentation of evidence
2 satisfactory to the Airport Manager that the delayed arrival or departure resulted
3 from such circumstances. Delays caused by mechanical failure (but not by routine
4 maintenance), by weather conditions or by air traffic control conditions will be
5 considered beyond the Owner/Operator's control.

6 C. The SENEL limits for the period from six a.m. to seven a.m. and from
7 ten p.m. to eleven p.m. shall be subject to revision at the end of the fourth calendar
8 quarter following the implementation of this Chapter. If, for the period covered by
9 the four (4) calendar quarters following implementation of this Chapter, cumulative
10 aircraft noise has exceeded the level allowed by Subsection 16.43.050.A, these
11 limits shall be reduced to eighty-five (85) SENEL. The SENEL for the period from
12 six a.m. to seven a.m. and from ten p.m. to eleven p.m. shall, however, revert to
13 ninety (90) SENEL if, for any subsequent four (4) quarters, cumulative aircraft noise
14 has not exceeded the level allowed by Subsection 16.43.050.A.

15
16 16.43.050 Cumulative noise limits and noise budgets.

17 A. It is the goal of the City that Incompatible Property in the vicinity of
18 the Airport shall not be exposed to noise above sixty-five (65) CNEL. In determining
19 compliance with this noise goal and with the noise budgets established by this
20 Chapter, a tolerance of one (1) dB CNEL will be applied. In assessing cumulative
21 noise levels for any period less than one (1) year, the Airport Manager shall take
22 into consideration and allow for reasonably anticipated seasonal variations in
23 Operations and noise. The noise of military and Public Aircraft, for which the City
24 bears no liability, will be excluded in calculating CNEL and in assessing compliance
25 with the CNEL goal and CNEL budgets set forth in this Chapter.

26 B. For purposes of this Section, users of the Airport shall be categorized
27 as follows: Air Carriers, Commuter Carriers, Industrial operators, Charter operators,
28 and General Aviation (which includes all other users). Each user group at the

1 Airport will be assigned a noise budget for takeoff and landing noise on Runway
2 30/12.

3 C. Initial noise budgets hereunder for Air Carriers, Commuter Carriers,
4 Charter operators, and General Aviation shall be established determining the actual
5 monitored noise level of each user group for the twelve (12) months ended October
6 31, 1990. In the case of Industrial operators, the baseline November 1, 1989, to
7 October 31, 1990, noise budget shall be established by determining the actual
8 monitored noise level of that user group for the twelve (12) months ended October
9 31, 1990, as augmented to accommodate reasonably projected Operations for
10 manufacturing and flight test purposes by aircraft types which were under design
11 during the base year but had not yet entered service. These noise budgets are
12 selected to comply with the provisions of the Airport Noise and Capacity Act of
13 1990. Noise budgets shall be established by the Airport Manager and shall be
14 published in a Technical Appendix to this Chapter. Administrative review of the
15 decisions of the Airport Manager under this Chapter shall be conducted pursuant
16 to the provisions of Section 16.43.110.

17 D. Following the conclusion of the first calendar quarter after the
18 implementation of this Chapter, and following the conclusion of each calendar
19 quarter thereafter, the Airport Manager shall issue a report assessing compliance
20 with the noise goal set forth in Subsection A above and with the noise budgets
21 established pursuant to Subsection C above.

22
23 16.43.060 Compliance with noise budgets.

24 A. General Aviation Operations.

25 1. If, for the six (6) month period covered by the two (2) calendar
26 quarters following implementation of this Chapter (or for any six (6) month period
27 thereafter), (a) General Aviation's cumulative noise (for such six (6) month period)
28 exceeds the level established pursuant to Subsection 16.43.050.C and (b) overall

1 aircraft noise for such six (6) month period exceeds the level allowed by Subsection
2 16.43.050.A, the GA Noise Committee will be permitted to institute voluntary
3 procedures to reduce General Aviation's cumulative noise. If, for the two (2)
4 calendar quarters following a determination by the Airport Manager that General
5 Aviation noise and total aircraft noise have exceeded the levels permitted by
6 Section 16.43.050, the GA Noise Committee has been unsuccessful in reducing
7 General Aviation noise to the level established pursuant to Subsection 16.43.050.C
8 (and overall airport noise for the prior twelve (12) month period exceeds the level
9 permitted by Subsection 16.43.050.A), the Airport Manager shall, after consultation
10 with the GA Noise Committee, institute such reductions in the maximum SENELs
11 applicable to General Aviation Operations as the Airport Manager determines
12 (recognizing the mandatory reductions in the SENEL limit for operations from six
13 a.m. to seven a.m. and from ten p.m. to eleven p.m. to be enforced pursuant to
14 Section 16.43.040) are necessary for General Aviation to achieve its CNEL budget.
15 On an annual basis for as long as overall airport noise exceeds the level allowed
16 by Subsection 16.43.050.A and General Aviation noise exceeds the level
17 established pursuant Subsection 16.43.050.C, the Airport Manager shall raise or
18 lower the SENEL limits applicable to General Aviation as necessary to achieve the
19 General Aviation CNEL budget; provided, however, that such reductions in the
20 SENEL limits shall not be applicable to flights for maintenance, retrofit or repair
21 performed by a manufacturer with manufacturing facilities at the Airport.

22 2. The Airport Manager shall give at least thirty (30) days' notice
23 of any SENEL reduction required by Subsection A.1. Any Owner/Operator who
24 contests any decision of the Airport Manager hereunder shall be entitled to the
25 administrative hearing and appeal procedures set forth in Section 16.43.110.

26 B. Industrial Operations.

27 1. Pending assessment of compliance with the CNEL budget
28 applicable to Industrial Operations, the number of annual Flights by that user group

1 shall not be increased above the number for the twelve (12) months ended October
2 31, 1990, as adjusted to accommodate Flights for manufacturing and test purposes
3 by aircraft types which were under design during the period from November 1,
4 1989, to October 31, 1990, but had not yet entered service.

5 2. In order to achieve applicable noise budgets, users within the
6 Industrial category will be encouraged to operate at the lowest average noise level
7 consistent with safety. This encouragement will be provided by permitting increases
8 in the number of allowed Industrial Flights if the Industrial user group achieves
9 compliance with the CNEL budget established pursuant to this Chapter, as
10 determined on an annual basis.

11 3. The Airport Manager shall determine, at the end of the fourth
12 calendar quarter following implementation of this Chapter, whether additional
13 flights may be allocated to Industrial operators based on the cumulative noise
14 generated by Industrial users during the prior twelve (12) month period. Additional
15 flights above those permitted under Subsection B.1 shall be awarded only to the
16 extent the Airport Manager determines that initiation of such Flights will not lead
17 the Industrial users, as a group, to exceed the level allowed by Subsection
18 16.43.050.C.

19 4. Flights allocated by the Airport Manager pursuant to
20 Subsection B.3 shall be awarded for a period of one (1) year. In the event the
21 Airport Manager determines: (a) that implementation of Flights awarded under
22 Subsection B.3 has resulted in cumulative noise from Industrial Flights in excess
23 of the Industrial noise budget; and (b) that overall aircraft noise exceeds the level
24 allowed by Subsection 16.43.050.A, the Airport Manager shall revoke such of the
25 flight awards granted under Subsection B.3 as the Airport Manager determines
26 must be revoked in order to achieve compliance with the Industrial noise budget.
27 In making this determination, the first Flights awarded under Subsection B.3 to be
28 eliminated will be those of the operators with the highest average noise levels per

1 Flight during the prior twelve (12) months. In the event that equal priorities exist,
2 the Airport Manager shall conduct a lottery to determine which Flights shall be
3 eliminated.

4 5. No industrial operator will be required to reduce its annual
5 Operations below the number of Operations for the twelve (12) months ended
6 October 31, 1990, as adjusted to accommodate Operations for manufacturing and
7 flight test purposes by aircraft types which were under design during the period
8 from November 1, 1989, to October 31, 1990, but had not yet entered service. The
9 number of annual Industrial Flights below which each Industrial user shall not be
10 reduced shall be set forth in the Technical Appendix to this Chapter.

11 6. In order to minimize Industrial noise, all Industrial flights shall
12 be conducted by aircraft which comply with the standards of FAR Part 36 Stage 3
13 and all Operations shall be scheduled between the hours of seven a.m. and ten
14 p.m.

15 C. Charter Operations.

16 1. In order to minimize noise from Charter Operations, all Charter
17 Operations shall be conducted by aircraft which comply with the standards of FAR
18 Part 36 Stage 3 and all Charter Operations shall be scheduled between the hours
19 of seven a.m. and ten p.m.

20 2. If, for the six (6) month period covered by the two (2) calendar
21 quarters following implementation of this Chapter (or for any six (6) month period
22 thereafter): (a) Charter operators' cumulative noise (for such six (6) month period)
23 exceeds the level established pursuant to Subsection 16.43.050.C; and (b) overall
24 aircraft noise for such six (6) month period exceeds the level allowed by Subsection
25 16.43.050.A, the Airport Manager will attempt to gain voluntary compliance by
26 Charter operators with operating restrictions which will result in compliance with the
27 CNEL goal established for this user group. If, for the two (2) calendar quarters
28 following a determination that Charter operators' noise and total aircraft noise have

1 exceeded the levels permitted by Section 16.43.050, the Airport Manager is
2 unsuccessful in reducing Charter operators' noise to the level established pursuant
3 to Subsection 16.43.050.C (and overall Airport noise for the prior twelve (12) month
4 period exceeds the level permitted by Subsection 16.43.050.A), the Airport
5 Manager shall, after consultation with Charter operators, institute such reductions
6 in the SENEL limits applicable to Charter Operations as the Airport Manager
7 determines (recognizing the mandatory reductions in the SENEL limit for
8 operations from six a.m. to seven a.m. and from ten p.m. to eleven p.m. to be
9 enforced pursuant to Section 16.43.040) are necessary for Charter operators to
10 achieve their CNEL budget. On an annual basis for as long as overall airport noise
11 exceeds the level allowed by Subsection 16.43.050.A and Charter operators' noise
12 exceeds the level established pursuant Subsection 16.43.050.C, the Airport
13 Manager shall raise or lower the SENEL limits applicable to Charter operators as
14 necessary to achieve the Charter operators' CNEL budget.

15 3. The Airport Manager shall give at least thirty (30) days' notice
16 of any SENEL reduction required by Subsection C.2. Any Owner/Operator who
17 contests any decision of the Airport Manager hereunder shall be entitled to the
18 administrative hearing and appeal procedures set forth in Section 16.43.110.

19 D. Commuter Flights.

20 1. Commuter Carriers shall be permitted to operate not less than
21 twenty-five (25) flights per day, the number of Flights authorized on November 5,
22 1990. Pending assessment of compliance with the CNEL budget applicable to
23 Commuter Carriers, Flights by these users shall not be increased above the
24 number permitted as of November 5, 1990.

25 2. In order to achieve applicable noise budgets, users within the
26 Commuter category will be encouraged to operate at the lowest average noise level
27 consistent with safety. This encouragement will be provided by permitting increases
28 in the number of allowed Commuter Flights if the Commuter user group achieves

1 compliance with the CNEL budget established pursuant to this Chapter, as
2 determined on an annual basis.

3 3. Flights which are available for use, but which are unallocated
4 at the time this Chapter becomes effective, shall be allocated on a first-come, first-
5 served basis. Allocations of Flights which are sought by more than one (1) user
6 shall be determined by lottery.

7 4. The Airport Manager shall determine, at the end of the fourth
8 calendar quarter following implementation of this Chapter, whether additional
9 Flights may be allocated to Commuters based on the cumulative noise generated
10 by Commuter Operations during the prior twelve (12) month period. Additional
11 Flights above those permitted under Subsection D.1 shall be awarded only to the
12 extent the Airport Manager determines that initiation of service utilizing those flights
13 will not lead the Commuters, as a group, to exceed the level allowed by Subsection
14 16.43.050.C.

15 5. Flights allocated by the Airport Manager pursuant to
16 Subsection D.4 shall be awarded for a period of one (1) year. In the event the
17 Airport Manager determines: (a) that implementation of Flights awarded under
18 Subsection D.4 has resulted in Commuter cumulative noise in excess of the
19 commuter noise budget; and (b) that overall aircraft noise exceeds the level allowed
20 by Subsection 16.43.050.A, the Airport Manager shall revoke such of the Flight
21 awards granted under Subsection D.4 as the Airport Manager determines must be
22 revoked in order to achieve compliance with the Commuter noise budget. In making
23 this determination, the first Flights awarded under Subsection D.4 to be eliminated
24 will be those of the operators with the highest average noise levels per Flight during
25 the prior twelve (12) months. In the event that equal priorities exist, the Airport
26 Manager shall conduct a lottery to determine which Flights shall be eliminated.

27 6. In order to minimize Commuter noise, all Commuter
28 Operations shall be conducted by aircraft which comply with the standards of FAR

1 Part 36 Stage 3 and all Operations shall be scheduled between the hours of seven
2 a.m. and ten p.m.

3 E. Air Carrier Flights.

4 1. Air Carriers shall be permitted to operate not less than forty-
5 one (41) flights per day, the number of flights authorized on November 5, 1990.
6 Pending assessment of compliance with the CNEL budget applicable to Air
7 Carriers, Flights by these users shall not be increased above the number permitted
8 as of November 5, 1990.

9 2. In order to achieve applicable noise budgets, users within the
10 Air Carrier category will be encouraged to operate at the lowest average noise level
11 consistent with safety. This encouragement will be provided by permitting increases
12 in the number of allowed Air Carrier Flights if the Air Carrier user group achieves
13 compliance with the CNEL budget established pursuant to this Chapter, as
14 determined on an annual basis.

15 3. Flights which are available for use, but which are unallocated
16 at the time this Chapter becomes effective, shall be allocated on a first-come, first-
17 served basis. Allocations of Flights which are sought by more than one (1) user
18 shall be determined by lottery.

19 4. The Airport Manager shall determine, at the end of the fourth
20 calendar quarter following implementation of this Chapter, whether additional
21 Flights may be allocated to Air Carriers based on the cumulative noise generated
22 by Air Carrier Operations during the prior twelve (12) month period. Additional
23 Flights above those permitted under Subsection E.1 shall be awarded only to the
24 extent the Airport Manager determines that initiation of service utilizing those
25 Flights will not lead the Air Carriers, as a group, to exceed the level established
26 pursuant to Subsection 16.43.050.C.

27 5. Flights allocated by the Airport Manager pursuant to
28 Subsection E.4 shall be awarded for a period of one (1) year. In the event the

1 Airport Manager determines: (a) that implementation of Flights awarded under
2 Subsection E.4 has resulted in air carrier cumulative noise in excess of the Air
3 Carrier noise budget; and (b) that overall aircraft noise exceeds the level allowed
4 by Subsection 16.43.050.A, the Airport Manager shall revoke such of the Flight
5 awards granted under Subsection E.4 as the Airport Manager determines must be
6 revoked in order to achieve compliance with the Air Carrier noise budget. In making
7 this determination, the first Flights awarded under Subsection E.4 to be eliminated
8 with be those of the operators with the highest average noise levels per Flight
9 during the prior twelve (12) months. In the event that equal priorities exist, the
10 Airport Manager shall conduct a lottery to determine which Flights shall be
11 eliminated.

12 6. In order to minimize Air Carrier noise, all Air Carrier Operations
13 shall be conducted by aircraft which comply with the standards of FAR Part 36
14 Stage 3 and all operations shall be scheduled between the hours of seven a.m.
15 and ten p.m.

16 F. Administrative Review. Administrative review of the decisions of the
17 Airport Manager under this Section shall be conducted pursuant to the provisions
18 of Section 16.43.110.

19
20 16.43.070 General exemptions.

21 The following categories of aircraft shall be exempt from the provisions of this
22 Chapter:

- 23 A. Public Aircraft, including military aircraft;
24 B. Law enforcement, emergency, and fire or rescue aircraft operated by
25 any governmental entity;
26 C. Aircraft used for emergency purposes during an emergency which
27 has been officially proclaimed by competent authority pursuant to the laws of the
28 United States, the State or the City;

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D. Civil Air Patrol aircraft when engaged in actual search and rescue missions;

E. Aircraft engaged in landings or takeoffs while conducting tests, pursuant to written authorization of the Airport Manager, to determine probable compliance with the provisions of this Chapter. Such tests shall only be authorized for aircraft which, based on material submitted to the Airport Manager, are reasonably expected to be able to comply with the terms of this Chapter;

F. Aircraft experiencing an in-flight emergency; provided, however, that the aircraft Owner/Operator or pilot in command shall, within ten (10) days after a written request from the City, file with the Airport Manager an affidavit documenting the precise emergency condition(s) which necessitated the Operation;

G. Aircraft operating pursuant to explicit air traffic control direction in a manner which would otherwise not comply with the terms of this Chapter.

H. Aircraft conducting operations in response to a medical emergency which has been documented in the manner required by the Airport Manager.

16.43.080 Presumptions for violation responsibility.

A. In the case of any Training Operation in which both an instructor pilot and a student pilot are in an aircraft flown in violation of any of the provisions of this Chapter, the instructor pilot shall be presumed to have caused such violation.

B. For purposes of this Chapter, the beneficial owner of an aircraft shall be presumed to be the pilot of the aircraft with authority to control the aircraft's operation, except where the aircraft is leased, in which case the lessee shall be presumed to be the pilot with authority to control the aircraft's operation. Such presumptions may be rebutted only if the owner or lessee identifies the person who in fact was the pilot in command at the time of the asserted violation.

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C. In each case in which the actual operator of an aircraft can be determined, such operator shall be responsible for compliance with the terms of this Chapter.

D. Employees of corporate owners/operators shall not be issued individual notices of violation unless it is shown that such employees failed to follow company operating procedures.

E. Notices given by the Airport Manager, when sent by United States mail (and not returned) shall be deemed received five (5) days after mailing or when sent by email with return receipt, on the date of return receipt.

16.43.090 Violation enforcement.

A. If the Airport's General Aviation Owner/Operators organize, maintain, and oversee the activity of a General Aviation Noise Committee (the "GA Noise Committee") to encourage voluntary noise abatement efforts, the Airport Manager will provide the GA Noise Committee with reports identifying aircraft Owner/Operators who have violated the provisions of this Chapter.

B. The GA Noise Committee, if formed, will publicize the Airport's noise abatement program and encourage compliance. In the case of General Aviation Owner/Operators which fail to comply with the City's enacted noise restrictions, the Committee shall be permitted to attempt to achieve voluntary compliance. If no Noise Committee is formed or if a General Aviation Owner/Operator does not comply with the City's enacted noise restrictions notwithstanding the Noise Committee's voluntary enforcement efforts, the Airport Manager will proceed with mandatory enforcement through the procedures of this Section 16.43.090, Section 16.43.100 of this Chapter, or both.

C. The Owner/Operator of any aircraft operated contrary to the provisions of this Chapter shall be given written notice by the Airport Manager that a violation has occurred. Said notice shall include a copy of the pertinent provisions

1 of this Chapter and shall state that action must be taken by the Owner/Operator to
2 insure compliance with this Chapter and all Airport regulations. Copies of the
3 notices given by the Airport Manager under this Subsection shall be made available
4 to the GA Noise Committee upon reasonable notice so that the GA Noise
5 Committee may endeavor to obtain voluntary compliance with the City's noise
6 restrictions.

7 D. In the event of a violation of this Chapter after a notice pursuant to
8 Subsection C above has been received or been deemed received, the Airport
9 Manager shall give the Owner/Operator written notice of such violation. Said notice
10 shall also state that the aircraft Owner/Operator must, within fourteen (14) days
11 after such notice has been received or been deemed received, prepare and
12 implement a written compliance program for its Operations at Long Beach Airport
13 and submit said compliance program to the Airport Manager for review. The Airport
14 Manager shall extend this period upon a showing of good cause. The compliance
15 program shall contain feasible steps, consistent with safety, by which the
16 Owner/Operator expects to achieve compliance with the provisions of this Chapter
17 and to minimize the noise of its Operations. The Airport Manager shall not approve
18 or disapprove compliance programs, but may give notice to the Owner/Operator
19 that one (1) or more aspects of a compliance program are inconsistent with this
20 Chapter or with other rules or regulations applicable to users of the Airport. The
21 requirement that a compliance plan shall be prepared, implemented, and submitted
22 to the Airport Manager shall not affect or excuse any violation of this Chapter
23 occurring after the notice given pursuant to this Subsection D has been received or
24 has been deemed received. Copies of the notices given by the Airport Manager
25 under this Subsection shall also be made available to the GA Noise Committee
26 upon reasonable notice.

27 E. A surcharge of two hundred dollars (\$200.00) shall be paid by the
28 Owner/Operator of any aircraft operated on one (1), but only one (1), occasion in

1 violation of this Chapter within twenty-four (24) months after a notice pursuant to
2 Subsection D has been received or has been deemed received.

3 F. After a notice under Subsection D has been received or has been
4 deemed received by an Owner/Operator, a surcharge of six hundred dollars
5 (\$600.00) shall be paid by such Owner/Operator for the second and for each
6 subsequent violation of this Chapter occurring during any twelve (12) month period.

7 G. No surcharge shall be sought for Operations occurring before: (a) a
8 notice pursuant to Subsection C advising said Owner/Operator that the aircraft has
9 failed to comply with this Chapter; and (b) a notice pursuant to Subsection D
10 advising the Owner/Operator of a second violation and of the need for the
11 preparation of a compliance program has been received or been deemed received
12 by the Owner/Operator. The maximum surcharge for an Owner/Operator that has
13 not been the subject of a notice of violation within the previous twelve (12) months
14 shall be two hundred dollars (\$200.00). Owner/Operators with no violations within
15 the previous twenty-four (24) months shall be processed pursuant to Subsection D
16 above.

17 H. Any Owner/Operator who contests any decision of the Airport
18 Manager hereunder shall be entitled to the administrative hearing and appeal
19 procedures set forth in Section 16.43.110.

20 I. The fines enumerated in LBMC 16.43.090.E. and F. above shall be
21 automatically adjusted on July 1, 2025, and on July 1 of each year thereafter,
22 upward or downward, equivalent to the most recent change in the annual average
23 of the Consumer Price Index as published by the United States Department of
24 Labor for the Los Angeles-Riverside-Orange County area. For purposes of
25 calculating the annual inflation/deflation factor under this Section, the base year
26 shall be that year ending with December 31, 2024. Rates shall next be adjusted
27 based on the annually calculated change from the base year.

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16.43.100 Alternative enforcement procedures.

It is a misdemeanor, subject to the penalties applicable to misdemeanors, for the Owner/Operator of an aircraft to exceed any established SENEL limit without a reasonable basis for believing that the aircraft employed would comply with the applicable SENEL limit. Owner/Operators of scheduled Flights utilizing aircraft which comply with the standards of FAR Part 36 Stage 3 shall be presumed, for the purposes of this Section, to possess a reasonable basis for believing that such aircraft can be operated in compliance with applicable SENEL limits.

16.43.110 Administrative hearings and appeals.

A. In any case where a person or entity notified of a violation of this Chapter or a decision of the Airport Manager or his staff under this Chapter which such person or entity contends is erroneous or unjustified, the person shall be entitled to an administrative hearing before the Airport Manager or his designee. The request for such a hearing shall be made within fifteen (15) days following the mailing of notice of the decision to be reviewed or within ten (10) days following actual receipt of notice delivered other than by mail. The Airport Manager shall give notice when the hearing will be conducted (which shall be between fourteen (14) and twenty-one (21) days after the request for a hearing is received). The administrative hearing shall be informal. Witnesses may be called, but written statements may be submitted. All relevant and persuasive evidence shall be considered. The rules of evidence, discovery, and formal trial procedures shall not be applicable. Following the hearing, the Airport Manager shall prepare a record of the proceeding, including a copy of all written materials received and a summary of the oral testimony presented. The Airport Manager shall, within ten (10) days following the hearing, issue a written post-hearing decision. That decision shall be final unless appealed to the City Manager as provided in Subsection B below.

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B. Any final decision of the Airport Manager pursuant to this Chapter shall be appealable to the City Manager by giving written notice to the City Manager within fifteen (15) days following the mailings of a notice of final decision by the Airport Manager. The City Manager or his designee shall give such person or entity at least fifteen (15) days' notice in writing specifying the time and place of the hearing of the appeal, and inviting such person or entity to present any additional argument deemed appropriate in determining whether a violation has occurred. The notice shall be served by U.S. mail, with service being complete upon mailing. The hearing may be held before a hearing officer designated by the City Manager; provided that the designated hearing officer shall not be from the same department as the Airport Manager, and shall be at least a Bureau Manager. The City Manager may, in the alternative, appoint an administrative hearing board consisting of not less than three (3) members of the City's administrative staff, each of whom must meet the same criteria as an administrative Hearing Officer as described above. The appeal will be decided on the basis of the submissions to the Airport Manager, his summary of the evidence presented, and the arguments presented to the City Manager or his designee. The City Manager or his designee shall not be required to accept additional evidence. A written notice of decision shall be issued within fifteen (15) days following the hearing on appeal. The final decision of the City Manager shall be final unless appealed to the City Council within fifteen (15) days after the mailing of notice thereof by the City Manager.

C. Appeals of final decisions of the City Manager under this Chapter shall be conducted as provided in Chapter 2.93 of this Code.

D. The pendency of any proceeding pursuant to Section 16.43.110 shall not affect or excuse any violation of this Chapter occurring during the pendency of such proceedings unless the Airport Manager, the City Manager, or City Council stays the effectiveness of the decision under review.

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OFFICE OF THE CITY ATTORNEY
DAWN MCINTOSH, City Attorney
411 W. Ocean Boulevard, 9th Floor
Long Beach, CA 90802

1 16.43.120 Changes in methods of monitoring noise or calculating noise impacts.

2 Neither the methods nor the devices used in measuring aircraft noise under
3 this Chapter shall be changed or adjusted in any manner which would limit or
4 restrict operations or activities which were permitted by this Chapter when it was
5 initially adopted.

6 Section 2. The City Clerk shall certify to the passage of this ordinance
7 by the City Council and cause it to be posted in three (3) conspicuous places in the City
8 of Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by
9 the Mayor.

10 I hereby certify that the foregoing ordinance was adopted by the City
11 Council of the City of Long Beach at its meeting of _____, 2025 by
12 the following vote:

13
14 Ayes: Councilmembers: _____
15 _____
16 _____
17 _____

18 Noes: Councilmembers: _____
19 _____

20 Absent: Councilmembers: _____
21 _____

22 Recusal(s): Councilmembers: _____
23 _____

24
25 _____
26 City Clerk

27 Approved: _____
28 (Date) Mayor