

APPENDIX D VNY NOISE ORDINANCES

The following reproductions of the VNY noise ordinances are from LAWA’s VNY website (under the “Airport Info / Noise Management / Documents / Noise Abatement and Curfew Regulation” tab).

These ordinances, their formal noise and access restriction elements, the sections of this document that discuss them, and the dates on which they were passed by the City Council and approved by the Mayor are as follow:

Ordinance # and Name	Formal Noise or Access Restriction Elements (and Section in this Document that Discusses Them in Detail)	Date Passed by the City Council	Date Approved by the Mayor
155727, Van Nuys Noise Abatement and Curfew Regulation	Ordinance Sec. 2, Curfew (see Section 3.2.6 of this document) Ordinance Sec. 3, Repetitive Aircraft Operations (see Section 3.2.4 of this document) Ordinance Sec. 5, Run-Ups (see Section 3.2.5 of this document)	Aug. 5, 1981	Aug. 10, 1981
171889, Amendment to Van Nuys Noise Abatement and Curfew Regulation	Ordinance Sec. 2.1, Curfew, also known as “Additional Curfew Hour” (see Section 3.2.6 of this document)	Dec. 19, 1997	Jan. 7, 1998
173215, Amendment to Van Nuys Noise Abatement and Curfew Regulation	Ordinance Sec. 5.1, Non-Addition Rule (see Section 3.2.7 of this document)	Apr. 18, 2000	May 5, 2000 (See note)
181106, Amendment to Van Nuys Noise Abatement and Curfew Regulation	Ordinance Sec. 5.2 and 5.3, Maximum Noise Levels and Exemptions from Maximum Noise Levels, also known as “Noisier Aircraft Phaseout” (see Section 3.2.8 of this document)	Feb. 26, 2010	Mar. 9, 2010

Note: As noted at the end of the ordinance: “The Mayor returned said ordinance to the City Clerk on May 5, 2000 without his approval or his objections in writing, being more than 10 days after the same was presented to the Mayor. Said ordinance shall become effective and be as valid as if the Mayor had approved and signed it. (Section 30, City Charter)”

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Disclaimer:

For your convenience and quick reference, we have provided the ordinance establishing a noise abatement and curfew regulation for aircraft operating at Van Nuys Airport, as well as three other ordinances that amend this ordinance. In the event of a discrepancy between the language provided here and the actual applicable ordinances, the language of the actual ordinance shall govern. The four ordinances to which we refer are as follows:

The Basic Curfew Ordinance	155727	The Non-Addition Rule	173215
The Additional Curfew Hour	171889	The Noisier Jet Phase Out	181106

To review a copy the actual ordinances, please refer to the applicable City Webpage listed under each specific ordinance below.

ORDINANCE NO. 155727

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, Federal Aviation Administration, Advisory Circular 36-3A, dated June 11, 1980, attached as Exhibit “A” to this regulation and made a part hereof as though set forth in full, and as said Advisory Circular may be amended from time to time.
- (b) Aircraft – All fixed-wing aircraft driven by one or more propeller, turbojet, or turbo fan engines.
- (c) Airport – Van Nuys Airport.

- (d) Airport Manager – Van Nuys Airport Manager.
- (e) Board – Board of Airport Commissioners of the City of Los Angeles as described in Article XXIV, Section 238, et seq. Of the Charter of the City of Los Angeles.
- (f) dBA – A – weighted sound pressure level.
- (g) Depart – The movement of an aircraft from the time it commences its departure until it is airborne.
- (h) General Manager – General Manager of the Department of Airports, as described and defined in Article VI, Section 70 et seq. And Article XXIV, Section 238, et seq. Of the Charter of the City of Los Angeles.
- (i) Person – An individual, partnership, business, corporation, joint venture, or any entity responsible for an aircraft operation.
- (j) Repetitive Operation – A practice operation, including but not limited to “touch and go” or “stop and go” operations, which utilizes an Airport runway to land where the aircraft after touching down or landing takes off again within five minutes. However, this definition does not include such operations as are necessary because of safety considerations or weather phenomena.
- (k) Run-up – The ground testing or revving of an aircraft engine not immediately connected to contemporaneous air operation.
- (l) “Stop and Go” Operation – The action by an aircraft consisting of a landing, followed by a complete stop on the runway, and then a takeoff from that point.
- (m) “Touch and Go” Operation – The action by an aircraft consisting of a landing and departure on a runway without stopping or exiting the runway.
- (n) For the purposes of this regulation, all times are local Pacific Standard Time, unless Daylight Savings Time is in force and, in such event, it shall be used.

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

- (a) Military aircraft and any government owned or operated aircraft involved in law enforcement, emergency, fire or rescue operations.
- (b) Aircraft whose estimated takeoff noise levels, as set forth in Federal Aviation Administration Advisory Circular 36-3A (or in any revision, supplement or replacement thereof listing the noise levels) are equal to or less than 74 dBA.
- (c) Aircraft of a type or class not included in Advisory Circular 36-3A, for which evidence has been furnished to the Board that the departure noise of said aircraft will not exceed the established noise value limitation of 74.0 dBA set forth in Advisory Circular 36-3A. When furnishing evidence that an aircraft has the ability to depart and not exceed the dBA level of 74.0, the person producing such evidence shall be required to provide appropriate information to validate conclusions and ability to comply with this regulation. The Board reserves the right to validate the aircraft’s compliance ability through utilization of actual flight noise measurements.
- (d) Aircraft which have been identified by the Federal Aviation Administration in writing as having a 74.0 dBA or lower takeoff noise level although such figure is not published in Advisory Circular 36-3A.
- (e) Aircraft engaged in a bona fide medical or life-saving emergency for which acceptable evidence has been submitted in writing to the General Manager within seventy-two (72) hours prior to or subsequent to said departure.

SECTION 3. Repetitive Aircraft Operations.

- (a) No person shall engage in repetitive operations in any propeller powered aircraft between the hours of 10:00 p.m. and 7:00 a.m. of the following day from June 21 through September 15, and between the hours of 9:00 p.m. and 7:00 a.m. of the following day, from September 16 through June 20.
- (b) No person shall engage in repetitive operations in any turbo-jet or fan jet powered aircraft, at any time, at Airport.

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

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

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

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

SECTION 7. Enforcement and Penalties.

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

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

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

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

- (b) Denial of Use of Airport. In the event any person has violated any provision of this regulation three (3) or more times within a three-year period of the first violation, then for a period of three years thereafter, such person shall be deemed a persistent violator and be denied permission to depart from Airport in an aircraft owned, borrowed, rented or leased by such person and denied the right to lease, rent or use space for any aircraft (including tie-down) at Airport.
- (c) Exclusion of Aircraft for Violations. In the event an aircraft has been operated in violation of any provisions of this regulation on three or more occasions within a three-year period of the first violation, whether piloted by the same or different individuals, then it shall be presumed that future operations of said aircraft will result in continued violations. The Airport Manager shall thereafter deny said aircraft permission for a period of three years to tie-down, be based at, or take off from Airport provided, however, that a new owner, who has not operated the aircraft or caused it to be operated in violation of this regulation, shall be entitled to appeal such decision to the Airport Manager upon furnishing satisfactory evidence of a change in both the operating personnel and ownership of such aircraft. Upon receiving such evidence, the Airport Manager shall restore all rights to said aircraft.
- (d) Other Enforcement. The provisions of this regulation may be judicially enforced by injunction or other relief deemed appropriate by any court of competent jurisdiction.

Any person, except employees of the Federal Aviation Administration acting in the course and scope of their employment, who counsels, aids, assists, or abets any other person in the operation of any aircraft in violation of this regulation is subject to the same penalty provisions as are specified in this section.

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

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

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

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 July 29, 1981 and was passed at its meeting of August 5, 1981.

REX E. LAYTON, City Clerk

File No. 73-2158 S1 & S2, 77-4557

[See actual signed ordinance for pertinent names and signatures.]

To view a copy of the actual signed ordinance, please go to the following City Webpage:
http://clkrep.lacity.org/onlinedocs/1973/73-2158_ord_155727.pdf

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ORDINANCE NO. 171889

An Ordinance approving a Regulation adopted by Resolution No. 20030 of the Board of Airport Commissioners of the City of Los Angeles amending Ordinance 155,727 of the City of Los Angeles, known as the Van Nuys Noise Abatement and Curfew Regulation, to add Section 2.1 extending the curfew hours at Van Nuys Airport.

THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:

Section 1. The Regulation, adopted by Resolution No. 20030 of the Board of Airport Commissioners on December 4, 1997, is hereby approved. Said Regulation contained in said Resolution provides an additional curfew hour for aircraft at Van Nuys Airport.

Section 2. Ordinance 155,727 of the City of Los Angeles is hereby amended by adding one new section to read as follows:

Section 2.1. Curfew. Except for aircraft exempted by subdivisions (a) through (e) of Section 2, no aircraft may depart from Van Nuys Airport between the hours of 10:00 p.m. and 11:00 p.m. The provisions of this section shall not be applicable to any aircraft certificated as Stage 3 pursuant to 14 Code of Federal Regulations Part 36.

Section 3. 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 passed by the Council of the City of Los Angeles, at its meeting of DEC 19, 1997.

J. MICHAEL CAREY, City Clerk

File No. 97-1639

[See actual signed ordinance for pertinent names and signatures.]

To view a copy of the actual signed ordinance, please go to the following City Webpage:
http://clkrep.lacity.org/onlinedocs/1997/97-1639_ORD_171889_02-12-1998.pdf

ORDINANCE NO. 173215

An Ordinance approving a Regulation adopted by Resolution 20736 of the Board of Airport Commissioners of the City of Los Angeles amending Ordinance 155,727 of the City of Los Angeles, known as the Van Nuys Noise Abatement and Curfew Regulation, to add Section 5.1 and subsection (gg) to Section 1, thereby adding a Non-addition Rule at Van Nuys Airport.

THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:

Section 1. The Regulation, adopted by Resolution No. 20736 of the Board of Airport Commissioners on July 28, 1999, is hereby approved. Said Regulation contained in said Resolution provides an additional noise abatement regulation for aircraft at Van Nuys Airport.

Section 2. Ordinance 155,727 of the City of Los Angeles is hereby amended by adding one new section and one new subsection to read as follows:

SECTION 5.1. Non-addition.

No person or tenant may tie down, park or hangar any aircraft at Van Nuys Airport, whose Advisory Circular 36-3G takeoff noise level equals or exceeds 77 dBA, for more than thirty (30) days in any calendar year, unless said aircraft is an exempt based aircraft.

EXEMPTION A – STAGE 3: The provisions of this section shall not be applicable to any aircraft certificated as Stage 3 pursuant to 14 Code of Federal Regulations Part 36.

EXEMPTION B – REPAIR AND MAINTENANCE: Notwithstanding the restrictions of Section 5.1, a Stage 2 aircraft with a takeoff noise level in excess of 77 dBA may be parked, tied down or hangared at Airport in excess of the 30 day limit [and such additional time as is necessary] to perform major repairs or refurbishment, required maintenance inspections or systems installations and warranty work (hereinafter “work”) provided all of the following conditions are fully satisfied:

- (a) Prior to the day of arrival of the aircraft at Airport, the Airport Manager receives a written “work notice” containing the anticipated date of arrival, the name of the aircraft owner and operator, the aircraft type and registration “N” number, the name of the company or entity contracted to perform the work, a description of the work to be performed, and an estimate of the duration of the stay; and
- (b) The aircraft is not being charged a tie-down fee or other use fee by an Airport tenant; and

- (c) The aircraft owner or operator obtains a written permit from the Airport Manager authorizing an exemption under this subsection prior to or within 24 hours of arrival of the aircraft at Airport; and
- (d) The aircraft owner or operator complies with all conditions and terms stated in the written permit granted by the Airport Manager, including but not limited to mandatory daytime hours for flight arrivals and departures; and
- (e) The aircraft owner or operator provides written notice of departure to the Airport Manager within 24 hours of departure from the Airport.

EXEMPTION C – REPLACEMENT: Until December 31, 2005, notwithstanding the provisions of Section 5.1, an exempt based stage 2 aircraft, as defined in Section 1, subsection (gg), may be replaced with another stage 2 aircraft exceeding 77dBA (“replacement stage 2 aircraft”), provided all of the following apply:

- a) The stage 2 aircraft being replaced will no longer be based at Airport; and
- b) Calculated on the date of replacement, the replacement stage 2 aircraft has an Advisory Circular 36-3G takeoff noise level not exceeding 85 dBA; and
- c) The replacement stage 2 aircraft, after January 1, 2011, shall not be tied down, parked or hangared at Van Nuys Airport for more than thirty (30) days in any calendar year.

A replacement stage2 aircraft exceeding 77dBA shall not be considered an “exempt based aircraft”, nor shall it continued presence at Van Nuys Airport under Exemption C ever entitle it to “exempt based aircraft” status.

Section 1, Subsection (gg).

- (gg) Exempt Based Aircraft – All aircraft which were parked, tied down or hangared at Airport for ninety (90) days or more during the twelve (12) months immediately preceding December 31, 1999.

Section 3. 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 passed by the Council of the City of Los Angeles, at its meeting of April 18, 2000.

J. MICHAEL CAREY, City Clerk

[See actual signed ordinance for pertinent names and signatures.]

Said ordinance was presented to the Mayor on April 24, 2000; the Mayor returned said ordinance to the City Clerk on May 5, 2000 without his approval or his objections in writing, being more than 10 days after the same was presented to the Mayor.
Said ordinance shall become effective and be as valid as if the Mayor had approved and signed it. (Section 30, City Charter)
C.F. 97-1639-S1

To view a copy of the actual signed ordinance, please go to the following City Webpage:
http://clkrep.lacity.org/onlinedocs/1997/97-1639-S1_ORD_173215_06-10-2000.pdf

ORDINANCE NO. 181106

An ordinance approving a Regulation proposed by Resolution No. 17154 and revised by Resolution 23779 of the Board of Airport Commissioners of the City of Los Angeles amending Ordinance No. 155,727, known as the Van Nuys Noise Abatement and Curfew Regulation, to add Sections 5.2 and 5.3, thereby adopting maximum noise levels for aircraft operations at Van Nuys Airport.

THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:

Section 1. The Regulation, proposed by Resolution No. 17154 of the Board of Airport Commissioners on June 13, 1990, and revised by Resolution No. 23779 is hereby approved. The Regulation contained in Resolution No. 23779 provides an additional noise abatement regulation for aircraft at Van Nuys Airport (VNY).

Sec. 2. Ordinance No. 155,727 of the City of Los Angeles is amended by adding two new sections to read as follows:

SEC. 5.2. Aircraft Operations - Maximum Noise Levels. No person shall pilot, operate, or permit to be operated any aircraft in violation of the following:

- (a) On or after January 1, 2009: No aircraft may arrive or depart the Airport whose Advisory Circular 36-3A, as amended (AC-36-3), takeoff noise level equals or exceeds 85dBA.
- (b) On or after January 1, 2011: No aircraft may arrive or depart the Airport whose AC36-3 takeoff noise level equals or exceeds 83 dBA
- (c) On or after January 1, 2014: No aircraft may arrive or depart the Airport whose AC36-3 takeoff noise level equals or exceeds 80 dBA
- (d) On or after January 1, 2016: No aircraft may arrive or depart the Airport whose AC36-3 takeoff noise level equals or exceeds 77 dBA

SEC. 5.3. Exemptions from Maximum Noise Levels. The following aircraft shall be exempt from the provisions of Section 5.2 of this Regulation:

- (a) Aircraft certified as Stage 3 or Stage 4 pursuant to 14 Code of Federal Regulations Part 36.
- (b) Military aircraft and any government-owned or operated aircraft involved in law enforcement, emergency, fire or rescue operations.
- (c) Aircraft of a type or class not included in AC 36-3 for which evidence has been furnished to the Board that the departure noise of the aircraft will not exceed the applicable takeoff noise

level restriction set forth in Section 5.2 of this Regulation. An applicant for an exemption under this subsection shall provide appropriate information to validate the aircraft's ability to comply with this Regulation. The Board reserves the right to validate the aircraft's compliance ability through the utilization of actual flight noise measurements.

- (d) Aircraft that have been identified by the Federal Aviation Administration in writing as having a lower takeoff noise level than the applicable takeoff noise level restriction in Section 5.2.
- (e) Aircraft engaged in a bona fide medical or life-saving emergency for which acceptable evidence has been submitted in writing to the General Manager within 72 hours prior to or subsequent to the arrival or departure.
- (f) Aircraft exempted by federal or state law for bona fide medical or lifesaving emergency.
- (g) Historic Aircraft: Exemptions shall be provided to historic aircraft under the following conditions:
 - (1) Aircraft of types first flown prior to January 1, 1950, shall be exempt from the provisions of Section 5.2 of this Regulation.
 - (2) Military aircraft of types first flown on or after January 1, 1950, shall be exempt from the provisions of Section 5.2 of the Regulation until January 1, 2016.
 - (3) The Board shall review the exemption provisions related to historic aircraft on or before January 1, 2019, and every ten years thereafter, to consider and recommend appropriate revisions to this section of the Regulation.
- (h) Repair and Maintenance: Until January 1, 2016, exemptions shall be provided to aircraft conducting operations associated with performance of major repairs or major alternations, required maintenance inspections related to major repairs or major alterations, or systems installations and warranty work (collectively, "work") provided all of the following conditions are fully satisfied:
 - (1) Prior to the day of arrival of the aircraft the Airport Manager receives a written "work notice" containing the anticipated date of arrival, the name of the aircraft owner and operator, the aircraft type and registration "N" number, the name of the company or entity contracted to perform the work, a description of the work to be performed and an estimate of the duration of the stay; and
 - (2) The aircraft is not being charged a tie-down fee or other use fee by an Airport tenant; and
 - (3) The aircraft owner or operator obtains a written permit from the Airport Manager authorizing an exemption under this subsection prior to or within 24 hours of arrival of the aircraft at the Airport; and

(4) The application for the aforementioned written permit identifies any flight test operations that will be conducted at VNY that are associated with the work; and

(5) The aircraft owner or operator complies with all conditions and terms stated in the written permit granted by the Airport Manager, including but not limited to mandatory daytime hours for flight arrivals, departures, and any test operations associated with the work; and

(6) The aircraft owner or operator provides written notice of departure to the Airport Manager within 24 hours of departure from the Airport.

For purposes of the exemption, "major repairs" and "major alterations" are defined by FAR Part 43, Appendix A and do not include "preventive maintenance" as defined by FAR Part 43, Appendix A.

- (i) Permanently departing aircraft: A one-time exemption shall be provided to an aircraft departing the Airport on a permanent basis provided the aircraft owner or operator obtains a written permit from the Airport Manager authorizing an exemption and the owner and operator complies with all conditions set forth in that permit.

Sec. 3. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the City Council of the City of Los Angeles, at its meeting of Feb 26, 2010.

JUNE LAGMAY, City Clerk

File No. 09-1112

[See actual signed ordinance for pertinent names and signatures.]

To view a copy of the actual signed ordinance, please go to the following City Webpage:
http://clkrep.lacity.org/onlinedocs/2009/09-1112_ord_181106.pdf