# Amendments to Airport Ordinance 87-8

**SECTION 1. SUMMARY.** This Ordinance adds various provisions to uncodified County Ordinance 87-8 ("the Airport Regulations"), amends and renumbers various provisions of the Airport Regulations, and adds a new Section 27 to the Airport Regulations.

**SECTION 2. DEFINITIONS.** Section 3 of the Airport Regulations is amended to add the following provisions:

For the purpose of this Ordinance, unless context requires otherwise, the words and phrases used herein shall have the meaning set out in this Section. Federal Aviation Administration definitions shall apply to technical words and phrases if not included herein. Chapter heads and Section heads or titles do not constitute a part of this Ordinance but are for information purposes only.

# A. A-Weighted Sound Level

The sound pressure level, expressed in decibels, that has been filtered, or weighted, to reduce the influence of extremely high or low frequencies to more adequately respond to the human perception of sound.

## **B.** Air Operations Area

The portions of the Airport provided and made available for aircraft and related operations, and shall include aircraft runways, taxiways, ramps, aprons, parking spaces and areas directly associated therewith.

### C. Aircraft

Any apparatus now known or hereafter designed, invented or used for navigation or flight in the air, except a parachute or apparatus used primarily as safety equipment.

### D. Aircraft Operator

Any person or entity who owns, leases, rents, controls, manages or operates an aircraft.

### E. Airport

Any and all airports under the ownership and control of Contra Costa County and including all property and improvements within the boundary lines of said airports.

### F. Airport Management

The Manager of Airports and his duly authorized representatives are collectively referred to as Airport Management.

### G. Based Aircraft

Aircraft (1) which are tied down or hangared at the Airport at a monthly or longer charge; or (2) owned, leased or used by an aircraft operator who maintains a fixed place of business on the Airport; or (3) owned, leased or used by an aircraft operator who uses the Airport for the principal, or a substantial, portion of his or its activity. More than eight (8) landings in any thirty (30) day period shall be deemed a substantial use, unless otherwise determined by the Manager of Airports.

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## H. Based Commercial Aircraft Operator

A commercial aircraft operator who operates at the Airport pursuant to a lease with, or license from, Contra Costa County.

#### I. Business or Commercial Activity

Business or commercial activity is defined to include the use of the Airport for one or more of the following purposes: Carrying passengers, freight, express or mail for hire; instructing in aviation or in any aviation related field for compensation; selling fuels, aviation supplies or materials; renting, selling, maintaining or servicing aircraft; or conducting any other aviation or non-aviation commercial or business activity including the sale of refreshments or any commodity of service; and the offering or soliciting of any act in this Section.

## J. Crash-Fire-Rescue (CFR) or Aircraft Rescue and Fire Fighting (ARFF)

The Crash-Fire-Rescue (CFR) units at the Airport and equipment owned or operated for the purpose of conducting Crash-Fire-Rescue operations.

## K. Commercial Aviation Operator

Any person or entity who owns, controls, operates, manages, or leases any aircraft for any one or more of the following purposes: (1) the transportation by aircraft of persons or property for hire, including, but not limited to, common and contract carriers; (2) the operator of an aircraft utilized for student training to obtain compensation; (3) the operator of an aircraft leased for profit; (4) any person engaged in the business of selling aircraft parts or aircraft accessories; (5) the holder of a certificate for commercial aircraft operation under Federal Aviation Regulations (FAR's); or (6) the operator of any aircraft determined by the Manager of Airports not to be a flying club aircraft, private aircraft, government, or public aircraft as defined in these regulations.

An aircraft operator not otherwise a commercial aircraft operator shall not become one solely as a result of the leasing of his aircraft to a based aircraft operator who operates under a lease with or license from Contra Costa County.

#### L. Decibel

The unit for expressing the relative intensity of sounds.

#### M. Fire District

A County fire protection district in which the Airport is located.

# N. Fixed Base Operator (FBO)

Any person or entity who on or at the Airport engages for hire in the selling, storage, repair, servicing, renting, operating or fueling of aircraft, and who has a real property lease with Contra Costa County.

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## O. Flying Club

A non-profit association, partnership or corporation of five or more members owning or leasing aircraft based at the Airport, in which organization each club member is a bona fide part-owner of the aircraft (in case of owned aircraft), or the holder of a share, but not more than one share, in the organization. The club may not derive greater revenue from the use of its aircraft than the amount necessary for the operation, maintenance and replacement of such aircraft.

#### P. General Aviation

All other aircraft operated at Buchanan Field Airport other than Scheduled Commercial Airlines, Military Operations, and Public or Government aircraft.

# Q. Manager of Airports

That person designated by the Public Works Director of Contra Costa County as the day-to-day executive officer for the operation of the Airport.

#### R. Owner

The registered owner of an aircraft, the person in possession of an aircraft, including, but not limited to, licensees, lessees and other such persons, and any fixed base operator (FBO), flying club or other organization which allows a third party to use an aircraft under an agreement with the registered owner of the aircraft.

### S. Government Aircraft and Public Aircraft

Aircraft owned or operated by federal, state or municipal government, or agencies thereof.

## T. Maximum Landing Weight

The certified maximum gross landing weight for aircraft as prescribed by the Federal Aviation Administration (FAA).

#### U. Person/Entity

Any individual, partnership, corporation, association, joint venture, organization, group or duly authorized representative thereof.

### V. Private Aircraft

Aircraft used solely for the transportation of the owner; the owner's employees, guests, or property; not operated for profit and not otherwise coming within any other definition set forth in these regulations. Such aircraft may be operated by other than the owner without losing its classification as private provided that such use by others does not include commercial operations.

## W. Private Aviation

The operation and use of private aircraft.

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### X. Scheduled Commercial Airline

Any air carrier or commuter airline authorized by federal, state and local law and regulations to operate regularly scheduled commercial air service into and out of Buchanan Field Airport for the purpose of carrying passengers, freight, or for any other commercial purpose.

#### Y. Tenant

Any person or employee of any person having a lease, permit, or agreement with Contra Costa County, or any person who is a sublessee of a lessee and is based at the Airport.

#### Z. Transient Aircraft

Aircraft that are not based aircraft as defined under Paragraph G. of this Section.

### AA. Transient Aircraft Parking Area

Areas on the Airport which the Manager of Airports may, from time to time, designate for parking of transient aircraft. The FBO lessees may also have transient areas of their leased premises.

#### **AB.** Uniform Fire Code

The latest version of the Uniform Fire Code adopted by the County Fire Protection District in which the Airport is located.

# **SECTION 3.** Section 18.U.10 is hereby revised as follows:

Practice landings and takeoffs, training and/or proficiency operations, including but not limited to touch-and-go operations, shall not be conducted between the hours of 10:00 p.m. and 7:00 a.m. local time. This time shall be 10:00 p.m. to 8:00 a.m. on weekends and all holidays observed by Contra Costa County.

**SECTION 4.** Section 27 is added to the Airport Regulations to read as follows:

## **SECTION 27. AIRPORT NOISE RESTRICTIONS**

#### A. Maximum Permitted Noise Level

Unless expressly exempted under Subsection E. of this Section, no person shall pilot, operate, or permit to be operated, any aircraft at Buchanan Field Airport which exceeds a sound level of 78.0 decibels on the A-weighted scale (dBA) on takeoff, under measuring procedures referenced, and at noise levels set forth in U.S. Department of Transportation, Federal Aviation Administration ("FAA") Advisory Circular 36-3 ("AC 36-3"), as amended (March 27, 1986 - or, if later amended, the most recent amendment of AC 36-3), entitled 'Estimated Airplane Noise Levels in A-weighted Decibels."

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# **B.** Maximum Permitted Nighttime Takeoff Noise Levels

Unless expressly exempted under Subsections E. or F. of this Section, no person shall pilot or operate any aircraft at Buchanan Field Airport which exceeds a sound level of 75.0 decibels on the A-weighted scale (dBA) on takeoff, under measuring procedures referenced, and at noise levels set forth in FAA AC 36-3, as amended, during the hours of 10:00 p.m. to 7:00 a.m. (2200 hours to 0700 hours), local time.

# **C.** Determination of Compliance

Compliance with Subsections A. and B. of this Section shall be determined by reference to FAA AC 36-3, including Appendix 1, "Estimated Maximum Aweighted Sound Levels for Airplanes at FAR Part 36 Appendix C Locations (Takeoff)" for all aircraft listed in AC 36-3. An aircraft type and model not listed in FAA AC 36-3 as amended may operate at Buchanan Field Airport if it is in all other ways in compliance with the Airport Regulations as amended.

### D. Prohibited Aircraft List

The Manager of Airports shall maintain, and provide to all Airport tenants and any other person upon request, a list of aircraft types prohibited to use Buchanan Field Airport in compliance with the noise standards set forth in Subsection A. and Subsection B. of this Section, as determined by the procedures specified in Subsections A., B. or C. of this Section ("Prohibited Aircraft List"). Unless exempt from the provisions of Subsection A. of this Section, no aircraft may tiedown, be based at, or otherwise use the landing, takeoff, or other facilities of Buchanan Field Airport if that aircraft is listed in the Prohibited Aircraft List.

#### **E.** Provisions for Testing for Compliance

The owner of an aircraft on the Prohibited List as set forth in Section 27.D. shall have the opportunity to demonstrate compliance with the noise standards set forth in Subsections A. and B. by either of the following means:

- 1. By providing the County with proof that the subject aircraft has been modified in a manner approved by the FAA or would be operated in a manner consistent with safety that would allow it to comply with the requirements of Subsections A. and B., if it were to be tested in accordance with the FAA noise type certification procedures set forth in AC 36-3; or
- 2. By providing the County with proof that the subject aircraft has been tested in accordance with the FAA noise type certification procedures set forth in AC 36-3 and has been determined to be in conformance with the requirements of Subsections A. and B. of this Section.

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#### F. General Section 27 Exemptions

The following categories of aircraft shall be exempt from the provisions of Subsection A. of this Section:

- 1. Aircraft operated by the United States of America or the State of California;
- 2. Law enforcement, emergency, fire, or search and rescue aircraft operated by any county or city of the State of California;
- 3. Aircraft used in support of emergency or emergency relief purposes. In the event of aircraft operations conducted pursuant to this exemption, then, within ten(10) days after conclusion of the emergency, the Manager of Airports shall submit to the Public Works Director a detailed written report regarding the nature and duration of the emergency, and a description of the operations conducted pursuant to this exemption during the emergency period;
- 4. Aircraft having to use the Airport in a bona fide emergency for the preservation of life or property;
- 5. Civil Air Patrol aircraft when engaged in actual search and rescue missions;
- 6. Aircraft engaged in landing(s) or takeoff(s) while conducting tests required by the Manager of Airports or other competent authority pursuant to the development of revised noise standards, and noise or monitoring or management systems;
- 7. Itinerant aircraft engaged in emergency medical evacuation or transport, or engaged in transportation reasonably related to a medical emergency;
- 8. Aircraft engaged by or with the consent of the Count Board of Supervisors for aerial exhibition (air show) or static display purposes at the Airport.

## **G.** Exemptions from Subsection B.

Scheduled air carrier or scheduled commuter airline aircraft shall be governed by their lease agreements and the current Airport Access Plan in lieu of Subsection B. of this Ordinance as it relates to aircraft operations that have been delayed in their scheduled arrival or departure time as a result of equipment failure, bad weather, air traffic control delays, or other similar circumstances beyond the control of the operator, provided that preferential noise abatement arrival Runway 19R or preferential departure Runway 32R can, in the sole Judgement of the pilot-in-command, be safely used by the aircraft for its delayed operation. Any person operating any aircraft pursuant to the exemption authorized by this Subsection shall submit a written report to the Manager of Airports within ten(10) days after the operation setting forth in detail the circumstances justifying the application of this exemption for any such operation.

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### H. Notification

The Manager of Airports requests publication of a Notice to Airmen (NOTAM) setting forth the restrictions of Subsections A. and B. of this Section. The Manager of Airports may also take other steps to provide information to aviation users of the nature and existence of these restrictions. Nothing in this Section shall provide or constitute a defense to any charge for violation of Subsections A. or B. of this Section.

## **SECTION 5.** Section 6.D.4. is added to the Airport Regulations to read:

# 4. Responsibility for Compliance

It shall be the responsibility of all Airport users including, but not limited to, pilots and the owners of aircraft, to comply with Section 27. of this Ordinance. Action enforcing Section 27. of this Ordinance may be taken against either the pilot or owner of any aircraft violating Section 27., as circumstances may require, and in accordance with the following provisions:

- a. If an aircraft is operated in violation of this Ordinance by a person other than the owner of the aircraft, the pilot, and not the owner, shall be subject to the penalties prescribed by this Ordinance, except:
- b. If the pilot of an aircraft cannot be identified, the owner shall be presumed to have been the pilot of the aircraft with authority to control the aircraft's operation, or presumed to have authorized or assisted in the aircraft's operation. Such presumption may be rebutted by identification of the person, if any, who was in fact the pilot at the time of the alleged violation.
- c. In the case of any training flight, including, but not limited to touch-and-go operations, stop-and-go operations, and low or missed approaches, in which both an instructor pilot and a student pilot are in the aircraft which is alleged to have been operated in violation of Section 27. of this Ordinance, the instructor pilot shall be presumed to have caused such violation.

## **SECTION 6.** Section 6.B.1. is added to the Airport Regulations to read:

### **B.1.** Appeal to Noise Violations

Any person aggrieved by an administrative action taken pursuant to Section 27 of this Ordinance may appeal from the action to the Director of Public Works. Said appeal shall be made by filing a written Notice of Appeal with the Director of Public Works, specifying the grounds for appeal, within ten (10) calendar days of the date the action complained of occurred.

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**SECTION 7.** Sections 6.F., G. and H. are added to the Airport Regulations to read:

# F. Enforcement Officials and Employees

In addition to all other persons authorized by law to enforce the Ordinances of the County of Contra Costa, and pursuant to the provisions of Section 836.5 of the California Penal Code and Contra Costa County Ordinance Code Section 14-8.000, those provisions of this Ordinance which are punishable as infractions may also be enforced by the Public Works Director.

# G. Scheduled Commercial Airline Approved Equipment

Scheduled commercial airlines shall operate only that equipment authorized by the Board of Supervisors by lease agreement.

### **H.** Compliance with Noise Restrictions

No one, including the operator of a commercial airline, shall operate equipment that does not comply with the Airport Noise Restrictions for Buchanan Field Airport. The Board of Supervisors may require demonstration flights to prove compliance with this Section.

### **SECTION 7. EFFECTIVE DATE**

NoiseOrd.amn

This Ordinance shall be published once with the names of the members of the Board of Supervisors voting for and against it in the Contra Costa Times, a newspaper of general circulation published in Contra Costa County, promptly after passage by the Board of Supervisors. This Ordinance shall be effective on January 1, 1989.

### PASSED ON October 4, 1988 BY THE FOLLOWING VOTE:

AYES: Supervisors Powers, Fahden, McPeak and Torlakson NOES: None	
ABSENT: Supervisor Schroder ABSTAIN: None	
ATTEST: PHIL BATCHELOR, Clerk of the Board and County Administrator	
By:	
Deputy Clerk	Board Chair
	((seal))
HEW:dg	

8 Revised 9/27/88