

METROPOLITAN AIRPORTS COMMISSION

ORDINANCE NO. 90

An Ordinance to promote and conserve the public safety, health, peace, convenience and welfare; to regulate aircraft noise at Minneapolis-St. Paul International Airport by prohibiting operation of aircraft exceeding the noise limits established under federal law for Stage 3 Aircraft as of January 1, 2000, and prescribing the penalty for violation thereof.

WHEREAS, Congress passed the Airport Noise and Capacity Act, 49 U.S.C. §§ 47521-47533, in 1990, which requires that all aircraft that do not meet Stage 3 certification requirements must be phased out by December 31, 1999, but allows carriers to request a waiver delaying such requirements; and

WHEREAS, the Airport Noise and Capacity Act and the associated Department of Transportation regulations allow local airport operators to enact more stringent restrictions on non-Stage 3 aircraft operators; and

WHEREAS, the Commission, having a responsibility under Minnesota Statutes Section 473.602(2) to protect residents of the metropolitan area from excessive aircraft noise, similarly desires to approve an ordinance prohibiting any operation of Stage 2 aircraft at the Minneapolis-St. Paul International Airport after December 31, 1999; and

WHEREAS, the 1996 Minnesota Legislature, expressing concern for aircraft noise levels, passed a law requiring the Commission to prohibit operation of aircraft not complying with Stage 3 noise levels at the Airport after December 31, 1999, Minnesota Statutes Section 473.608, subdivision 24; and

WHEREAS, the Commission has conducted an analysis of such a restriction and complied with United States Code, title 49, section 47524(b) and other applicable federal requirements; and

WHEREAS, the Commission has the authority to adopt ordinances according to Minnesota Statutes Section 473.608, subdivision 17(1).

NOW THEREFORE, the Metropolitan Airports Commission does ordain:

SECTION 1 – DEFINITIONS

- 1.1 Aircraft. A civil subsonic turbojet airplane with a maximum certificated weight greater than 75,000 pounds, or as otherwise defined in 49 U.S.C. § 47528(a).
- 1.2 Airport. Minneapolis-St. Paul International Airport located in Hennepin County, Minnesota.
- 1.3 Commission. The Metropolitan Airports Commission, a public corporation organized and operating pursuant to Chapter 500, Laws of Minnesota 1943 and amendments thereto.
- 1.4 FAA. The Federal Aviation Administration of the U.S. Government or any federal agencies succeeding to its jurisdiction.

- 1.5 Stage 2 Aircraft. An aircraft as determined in accordance with section 36.1(f), Title 14, Code of Federal Regulations, and Federal Aviation Administration Advisory Circular 36-3G, Estimated Airplane Noise Levels in A-Weighted Decibels, or successor documents.
- 1.6 Stage 3 Aircraft. An aircraft as determined in accordance with section 36.1(f), Title 14, Code of Federal Regulations, and Federal Aviation Administration Advisory Circular 36-3G, Estimated Airplane Noise Levels in A-Weighted Decibels, or successor documents.

SECTION 2 – AIRCRAFT NOISE RESTRICTIONS

2.1 Operating Restriction

No person shall operate at the Airport an Aircraft exceeding the noise limits established under federal laws for Stage 3 Aircraft.

2.2 Emergency Exemption

Operators of Stage 2 Aircraft within the continental United States and enroute in the National Airspace System which experience an inflight emergency and must be diverted to the Airport for safety reasons are exempt from this Ordinance.

SECTION 3 – GENERAL PROVISIONS

3.1 Enforcement

Violation of this Ordinance is a misdemeanor as set forth in Minn. Stat. § 473.608, subd. 17(1), or as may be amended.

The penalties prescribed under this Ordinance in no way preclude the Commission from taking any other civil action authorized by law, including injunctive relief or enforcement through a tenant's lease.

3.2 Provisions Severable

If any part or parts of this Ordinance is declared unconstitutional or invalid, this does not affect the validity of the remaining parts of this Ordinance. The Commission declares it would have passed the remaining parts of this Ordinance without the unenforceable provisions.

3.3 Effective Date

This Ordinance is effective as of January 1, 2000.