



Roll Call Number

14-1669

Agenda Item Number

53

Date October 20, 2014

RESOLUTION GRANTING LIMITED EXEMPTION FROM THE NOISE CONTROL  
ORDINANCE FOR THE OPERATION OF THE AVIATION TECHNOLOGY PROGRAM AT  
THE McCOMBS SCHOOL CAMPUS

WHEREAS, the Des Moines Public Schools constructed a facility upon leased ground at the Des Moines International Airport in 1974 to house an Aviation Technology Program which prepares students for careers in the aviation industry; and,

WHEREAS, the Des Moines Airport Authority Board has required that the Aviation Technology Program vacate its existing facility, and although other sites at the airport were explored, no suitable location at the airport is available; and,

WHEREAS, the Des Moines Public Schools seeks to continue the Aviation Technology Program at a new facility to be constructed on the grounds of the McCombs School campus, which will include an outside testing area that incorporates noise control efforts as further described in the accompanying Council Communication; and,

WHEREAS, the Noise Control Ordinance of the City of Des Moines, codified as Article IV of Chapter 42 of the Des Moines City Code, establishes standards for the control of excessive noise in the city by setting maximum permissible sound levels for various activities to protect the public health, safety and general welfare; and,

WHEREAS, Section 42-250 of the Noise Control Ordinance authorizes the City Council to exclude specific activities from the sound limitations imposed by the ordinance when the City Council "has determined that, because of public acceptance of the activity producing a particular noise, such noise is deemed acceptable to the city residents"; and,

WHEREAS, the Des Moines Schools has requested that the City Council exercise its authority under Section 42-250 to exempt the outside testing area from the Noise Control Ordinance.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa;

1. The City Council hereby makes the following findings regarding the operation of the Aviation Technology Program on the grounds of the Mc Combs School campus:
  - a) The Aviation Technology Program provides the community with valuable training for high school students which prepares them for a career in the aviation industry.
  - b) The success of the program requires that the students be able to test-run the airplane engines they are working on.

( continued )



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- c) It is expected that the tests will be 3 to 5 minutes in length, will typically occur no more than twice a week, and all tests will occur during normal school classroom hours.
2. The City Council hereby finds that subject to the limitations in paragraph 3, below, and in consideration of the valuable benefit provided to the community by the Aviation Technology Program, the test-running of airplane engines in the operation of that program is deemed to be acceptable to the city residents and shall be exempt from the limitations imposed by the Noise Control Ordinance.
  3. The exemption to the Noise Control Ordinance hereby granted shall be subject to the following limitations:
    - a) The engine test-run area shall be operated in substantial compliance with the frequency and duration limitations identified above.
    - b) The engine testing area shall incorporate the noise buffering features identified in the accompanying Council Communication. The plans for the engine testing area shall be subject to review and approved by the Community Development Director for compliance with this requirement prior to issuance of any permits for that portion of the facility.
    - c) The City Council reserves the right to reconsider the granting of this exemption, if it is determined that the Aviation Technology Program is not being operated in substantial compliance with these limitations.

MOVED by Gatto to adopt.

FORM APPROVED:

(Council Communication No. 14- **511** )

Roger K Brown

Roger K. Brown, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
TOTAL	7			

**CERTIFICATE**

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

T. M. Franklin  
Mayor

Diane Rauh  
City Clerk