

ORDINANCE NO. 8976 (NEW SERIES)

**AN ORDINANCE AMENDING
THE SAN DIEGO COUNTY ADMINISTRATIVE CODE
RELATING TO THE NOISE CONTROL HEARING BOARD.**

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1: Section 670 of the San Diego County Administrative Code is hereby amended to read as follows:

SEC. 670. NOISE CONTROL HEARING BOARD.

There is hereby created and established in the County of San Diego a Noise Control Hearing Board.

- (a) Number of Members. Said Hearing Board shall consist of eight (8) members; one (1) shall be qualified by training and experience in the field of acoustical engineering; one (1) shall be qualified by training and experience in sciences relating to acoustics; and one (1) shall be a qualified audiologist; and five (5) general members of the public.
- (b) Nomination and Appointment. The Board of Supervisors shall appoint each of the eight (8) members of the Hearing Board of which three (3) members shall have special training and experience as specified in subsection (a) above. Each member of the Board of Supervisors shall nominate one person to be considered for appointment as a member of the Hearing Board coming from the general public. Nominations of the three (3) members of the Hearing Board who are required to have special training and experience as specified in subsection (a) above shall be made by the Director of the Department of Planning and Land Use and transmitted to the Board of Supervisors to be considered for appointment.
- (c) Term.
 - (1) Members of the Hearing Board having special qualifications as specified in subsection (a) of this section nominated by the Director of the Department of Planning and Land Use shall be appointed for two-year terms.
 - (2) Each general member of the Hearing Board nominated by a member of the Board of Supervisors shall serve a term which shall run concurrently with the term of the member of the Board of Supervisors who nominated that Hearing Board member. The term shall expire on the date of expiration of the term of the nominating member of the Board of Supervisors, or at such time as he or she ceases to hold office, whichever first occurs. The reelection of a member of the Board of Supervisors for a

succeeding term shall not automatically extend the term of any such member of the Hearing Board.

- (d) Officers. In July of each year, the Hearing Board shall elect a Chairman to serve until a successor is elected in July of the next year.
- (e) Powers and Duties. The Hearing Board shall hear and determine appeals from the ruling, decisions and determinations of the Noise Control Officer, granting or denying applications for noise variances and/or permits. The Hearing Board shall also advise and assist the Noise Control Officer in the performance of his duties and responsibilities. When a violation of Chapter 4, Division 6 of Title 3 (commencing with Section 36.401) of the San Diego County Code is declared to be a public nuisance and sought to be abated in accordance with the Uniform Public Nuisance Abatement Procedure contained in Chapter 2, Division 6 of Title 1 of the San Diego County Code, the Hearing Board shall act as the County Abatement Board.
- (f) Required Meetings. The Hearing Board shall designate a time and place for its regular meetings, and it shall meet more often as may be necessary for the transaction of business. A finding by the Hearing Board that any member has failed to attend three or more meetings without valid excuse shall result in the automatic removal of that member.
- (g) Quorum. Five (5) members shall constitute a quorum.
- (h) Compensation. Members of the Hearing Board shall be compensated as provided by ordinance.
- (i) Minutes. The Hearing Board shall keep written minutes of its meetings, a copy of which shall be filed with the Clerk of the Board of Supervisors.
- (j) Removal. The chairman and members of the Hearing Board shall serve during their terms at the will and pleasure of the Board of Supervisors and the chairman or members may be removed at any time by a majority vote of the Board of Supervisors.

Section 2: The operative date of this Ordinance shall be January 1, 1999.

PASSED, APPROVED AND ADOPTED this 10th day of November, 1998.