

RESOLUTION NO. 2472

**A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING CHAPTER 95 (AIRPORT) OF THE CODE OF THE TOWN OF PAYSON AND DECLARING SUCH AMENDMENTS TO BE A PUBLIC RECORD.**

**WHEREAS**, the Code of the Town of Payson was declared to be a public record by Resolution Number 1536 of the Town of Payson; and

**WHEREAS**, the Code of the Town of Payson was adopted as a public record by Ordinance Number 588 of the Town of Payson; and

**WHEREAS**, it is the intention of the Town of Payson to amend Chapter 95 of the Code of the Town of Payson relating to the Payson Airport; and

**WHEREAS**, such amendment may be enacted by reference, pursuant to A.R.S. § 9-802,

**NOW, THEREFORE, THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, DO HEREBY RESOLVE AS FOLLOWS:**

- Section 1. Chapter 95 (Airport) of the Code of the Town of Payson is hereby amended, is declared to be a public record, and as amended shall read as set forth in Exhibit A attached hereto.
- Section 2. If any section, subsection, sentence, clause, phrase or portion of Resolution Number 2472 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 Resolution Number 2472. The Town Council of Payson declares that it would have adopted Resolution Number 2472 and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses, phrases, or portions may be declared invalid or unconstitutional.

**PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON** this \_\_\_\_ day of \_\_\_\_\_, 2009, by the following vote:

AYES \_\_\_\_\_ NOES \_\_\_\_\_ ABSTENTIONS \_\_\_\_\_ ABSENT \_\_\_\_\_

\_\_\_\_\_  
Kenny J. Evans, Mayor

ATTEST:

APPROVED AS TO FORM:

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Silvia Smith, Town Clerk

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Samuel I. Streichman, Town Attorney

**EXHIBIT A**

**TO**

**RESOLUTION 2472**

## CHAPTER 95: AIRPORT

### § 95.01 DEFINITIONS.

For the purpose of this subchapter the following definitions shall apply, unless the context clearly indicates or requires a different meaning.

**AIRPORT.** The Payson Municipal Airport.

**FIELD AREA.** That area on the landing area side of the terminal building, including passenger ramp, aircraft parking areas, shops hangars, gasoline storage areas, runways, taxiways, perimeter roads, and all areas separated from roadways, sidewalks, buildings, and highways by means of fencing, no-trespassing signs, or lack of evidence of provisions of proper facilities for convenient, safe, and easy entrance into and around subject land sections and areas or any other specific areas designated by the manager as field areas.

**MANAGER.** ~~The Airport Manager, Town of Payson~~ PAYSON REGIONAL AIRPORT AUTHORITY, AN ARIZONA NONPROFIT CORPORATION.

**PUBLIC AREA.** That area including the various concessions, rest rooms, terminal building lobby section used for public access, roadways, sidewalks and auto parking lots. Office areas and approaches thereto are not public areas.

### § 95.02 GENERAL RULES AND REGULATIONS.

(A) THE MANAGER MAY FROM TIME TO TIME RECOMMEND AND THE TOWN COUNCIL MAY ADOPT AIRPORT CODES, RULES, AND REGULATIONS. ~~The town may issue rules, regulations, orders and instructions as necessary in the administration of this chapter. It may post signs at the airport which state or apply the rules, regulations, orders, or instructions. Each person on the airport grounds shall comply with these orders, regulations, and signs. Each member of the staff of the Manager, as a representative of the Manager, is empowered to require compliance with the provisions of this chapter and all orders and regulations issued by the Manager.~~

(B) The airport shall be OPERATED AS A GENERAL AVIATION AIRPORT. ~~conducted as a public air facility for the promotion and accommodation of civil aviation and associated activities.~~

~~(C) The airport shall be open for public use at such hours and subject to such restrictions as may be determined by the Town Council.~~

(CØ) The privilege of using the airport and its facilities shall be conditioned on the assumption by the user thereof of full responsibility and risk for such use, and by the use of the airport and its facilities, the user thereof releases and agrees to hold the town and its officers and employees harmless, and indemnify them from any liability or loss resulting from such use. The

owners and operators of all aircraft based at the airport shall comply with all of the applicable provisions of A.R.S. Title 28, Chapter 25.

~~—(E) Any permission granted by the town directly or indirectly, expressly or by implication, to enter upon or use the airport or any part thereof, including but not limited to, operators, off-airport users, crew members and passengers, spectators, sightseers, pleasure and commercial vehicles, officers and the employees of airlines, lessees and persons occupying space at the airport, persons doing business with the airport, its lessees, sublessees and permittees and all other persons whatsoever, whether or not of the type indicated, is conditioned upon compliance with these rules, regulations, and procedures; and entry upon or into the airport by one person shall be deemed to constitute an agreement by the person to comply with these rules, regulations and procedures.~~

~~—(F) No off-airport user shall utilize the airport for any revenue-producing commercial aeronautical activity except by conducting business under the terms of a lease and business permit or an easement agreement and business permit, or with the written permission of the Manager.~~

#### § 95.03 AIRCRAFT OPERATIONS.

(A) Compliance with established rules. No person shall conduct any aircraft operation to, on, from, or over the airport except in conformity with all Federal Aviation Administration regulations, the applicable provisions of A.R.S. Title 28, Chapter 25, this subchapter, and rules and regulations established by the Manager.

(B) Take off and land. No person shall take off or land an aircraft on the airport except on a hard surface area, unless otherwise authorized by the Manager.

(C) Traffic patterns. All aircraft traffic shall conform to the established traffic patterns as approved by the FAA and town and posted at the airport.

(D) ~~RESERVED Designated parking area. No person shall park or store an aircraft at the airport except in areas designated by the Manager.~~

(E) Mechanical work. Preventive maintenance work, as defined in 14 CFR 43, may be performed at the airport tie-down areas by the owner or operator of the aircraft. Aircraft owners who possess current mechanic ratings such as A & P and A & I may do additional work in the tie-down areas. All other aircraft maintenance, rebuilding and alterations shall be performed only in areas designated by the MANAGER town.

(F) Demonstration flights. No person shall conduct flight or ground demonstrations at the airport without prior permission of the Manager.

(G) Aircraft boarding. No person shall board or disembark from any aircraft on a runway or in the takeoff or landing area except in an emergency.

(H) ~~RESERVED Transient aircraft. Persons parking transient aircraft shall register their aircraft with the town or its representative as soon as possible after landing at the airport.~~

(I) ~~RESERVED Register aircraft. All owners and operators who desire to base their aircraft at the airport shall register their aircraft with the town or its representative within 30 days of beginning operations. Any change in ownership of the aircraft shall be reported immediately.~~

(J) Unattended aircraft. No person shall leave an aircraft unattended unless it is properly tied down or placed in a hangar.

(K) Aircraft in hangar. No aircraft shall be operated in, or taxied into or out of a hangar.

(L) Airport closure.

(1) If the ~~MANAGER town~~ believes the conditions at the airport, or any portion thereof, are unfavorable for aircraft operations, it may close the airport, or any portions thereof, using applicable FAA procedures as appropriate.

(2) IN THE EVENT OF AN ACCIDENT OR INCIDENT WHERE POLICE DEPARTMENT PERSONNEL ARE ON SCENE, IF THE POLICE SUPERVISOR ON SCENE BELIEVES THE CONDITIONS AT THE AIRPORT, OR ANY PORTION THEREOF, ARE UNFAVORABLE FOR AIRCRAFT OPERATIONS, THE SUPERVISOR MAY CLOSE THE AIRPORT, OR ANY PORTIONS THEREOF, USING APPLICABLE FAA PROCEDURES AS APPROPRIATE.

(3) IF A CLOSURE WAS DIRECTED BY THE POLICE DEPARTMENT, THE REOPENING OF THE AIRPORT, OR ANY PORTION THEREOF, TO AIRCRAFT OPERATIONS SHALL BE COORDINATED BETWEEN THE MANAGER AND THE POLICE SUPERVISOR

(M) Aircraft repairs. No aircraft shall be permitted to impede other air traffic by remaining on any part of the landing or take-off areas for the purpose of repairs.

(N) Interference with aircraft. No person shall interfere or tamper with an aircraft parked or stored at the airport.

(O) Reckless operation. No person shall move an aircraft on the airport in a negligent or reckless manner.

(P) Aircraft blast. No person shall start or taxi any aircraft on the airport in a place where the air or exhaust blast is likely to cause injuries to persons or property.

(Q) Rotocraft. No person shall move a rotocraft at a place on the airport while its rotors are turning unless there is an appropriate and safe clear area from the outer tip of each rotor. Rotocraft shall use a helipad, when vacant, or other designated areas.

§ 95.04 AIRCRAFT ACCIDENT PROCEDURES.

(A) Accident reports. Persons involved in aircraft accidents OR INCIDENTS AS DEFINED IN ICAO ANNEX 13, occurring on the airport grounds shall notify the MANAGER, THE TOWN PUBLIC WORKS DIRECTOR, AND THE PAYSON POLICE DEPARTMENT ~~town and the Police Department~~ as soon after the accident or incident as possible which shall include their names and addresses. When a written report of ~~the~~ AN accident is required by NTSB 830, a copy of the report shall be submitted to the ~~town~~ MANAGER, THE TOWN PUBLIC WORKS DIRECTOR, AND THE PAYSON POLICE DEPARTMENT. THE MANAGER SHALL NOTIFY THE TOWN PUBLIC WORKS DIRECTOR OF ANY ACCIDENTS OR INCIDENTS NOT PREVIOUSLY REPORTED.

(B) Airport damage. Any person damaging property on the airport grounds shall report the damage to the Manager ~~or designated representative or Police Department~~ immediately.

(C) Disabled aircraft. Aircraft owners, their pilot or agent, shall be responsible for the prompt removal of disabled aircraft or parts thereof, as directed by the Manager or the Federal Aviation Administration, to delay such action pending an investigation of the accident. In the event of the failure to promptly remove a disabled aircraft, the Manager will cause the aircraft to be removed at the owner's expense.

§ 95.05 RESERVED ~~MOTOR VEHICLE REGULATIONS.~~

~~—(A)— Licensing and registration. No person shall operate a motorized ground vehicle of any kind on the airport without a valid driver's license.~~

~~—(B)— Operation of motor vehicles.~~

~~—(1)— Motor vehicles shall be operated only in those areas of the airport as may be authorized by the Manager and then only under the rules established by this regulation. In any situation, an aircraft has right-of-way over a motor vehicle, except for emergency vehicles responding to an emergency call (A.R.S. § 28-624)~~

~~—(2)— No person shall operate a motor vehicle on the airport in a negligent or reckless manner.~~

~~—(C)— Vehicle accident. Each operator of a motor vehicle involved in an accident between that vehicle and an aircraft, or in any other motor vehicle accident on the airport that results in personal injury or in total property damage of more than \$50, shall make a full report thereof to the town as soon as possible after the accident. The report must include the name and address of the person reporting.~~

~~—(D)— Vehicle repair. Except as authorized, no person shall clean or make any repairs to motor vehicles anywhere on the airport grounds other than designated shop areas, except those minor repairs necessary to remove the motor vehicle to a proper location.~~

~~—(E) Parking, specific areas:~~

~~—(1) No person shall park or stand a motor vehicle on the airport grounds except in an area specifically designated therefor:~~

~~—(2) No person shall park off the asphalt, on or adjacent to the aircraft ramp area:~~

~~—(3) No person shall park a motor vehicle on a ramp area so as to impede or protrude in the normal flow of taxing aircraft:~~

~~—(4) When parking a motor vehicle on the ramp area it must be parked on asphalt within subject lease-hold boundaries:~~

~~—(5) No person shall park or stand a motor vehicle within 15 feet of a fire hydrant on the airport grounds, or park in such manner as to block any fire gate or entrance:~~

~~—(6) No person shall park a motor vehicle in any marked space in such manner as to occupy more than one space:~~

~~—(7) The town or its agent may remove, at the owner's expense, any motor vehicle which is parked on the airport grounds in violation of this section. The vehicle shall be subject to a lien for the cost of removal:~~

#### § 95.06 RULES OF CONDUCT.

~~—(A) Garbage. No person shall dispose of household garbage, papers, refuse or other such material on the airport grounds:~~

~~—(B) Airport alterations. No person shall alter, make additions to, or erect any building or sign or make any excavations on the airport grounds without the permission of the town, subject to lease provisions:~~

~~—(C) Abandoned property. No person shall willfully abandon any personal property on the airport grounds:~~

~~—(D) Solicitation. No person shall solicit fares, alms or funds for any purpose on the airport grounds without permission of the town or as specified by state and federal law:~~

~~—(E) Advertisement. No person shall post, distribute or display signs, advertisements, circulars or other printed or written matter in the public area of the airport without permission:~~

~~—(F) Animals at airport. No person may enter the airport with a dog or other domestic animal unless the animal is kept restrained by a leash or is confined so as to be completely under control:~~

(AG) Restricted areas. No unauthorized person shall enter any restricted area posted as

being closed to the public.

~~—(H)— Alcoholic beverages. No person shall consume alcoholic beverages on the airport property unless authorized by the town.~~

(Bf) Model aircraft. The flying of model aircraft or launching of model missiles within the airport area is prohibited unless authorized in writing by the Manager. No person shall operate or release any model aircraft, model parachute or missile anywhere on the airport grounds without the written permission of the Manager.

#### § 95.07 RESERVED ~~USE OF ROADS AND WALKS.~~

~~(A)— No person shall travel on the airport grounds except on a road, walk or other place provided for the kind of travel he is doing.~~

~~—(B)— No person shall occupy or place an object on the road or walk on the airport grounds in a manner that hinders or obstructs its proper use.~~

#### § 95.08 FIRE HAZARDS; FUELING OPERATIONS.

(A) Fuel delivery and dispensing. No person shall transport or deliver aviation fuels on the airport grounds, or dispense fuels into aircraft unless he is the holder of a valid permit or agreement issued by the MANAGER ~~town~~ authorizing such activity.

(B) Open-flame operations. Open flames, flame-producing devices or other sources of ignition shall be permitted in designated areas only.

(C) Smoking. No person shall smoke on any apron or ramp, in any hangar or shop, or in any other place on the airport grounds where smoking is specifically prohibited AND SUCH PROHIBITION IS PROPERLY SIGNED. ~~by the town.~~

(D) Storage.

~~—(1)— No person shall store any combustible materials, flammable liquids or other hazardous materials in an aircraft hangar or other building on the airport grounds except in locations and containers approved by the Fire Department.~~

~~(2)— Each lessee of a hangar on the airport grounds shall provide suitable receptacles for storing waste, rags and other rubbish, and shall remove all rubbish from its premises each week.~~

(E) Apron surface areas and floor surface.

(1) Each person to whom space on the airport grounds is leased, assigned, or made available for use shall keep the space free and clear of oil, grease or other foreign materials that could cause a fire hazard or a slippery or otherwise unsafe condition.

(2) No person shall use any material (such as oil absorbents or similar material) that creates an eye hazard when picked up, swirled, or blown about by the blast from an aircraft engine in any passenger loading area or other public area.

(F) Fueling operations.

(1) No person shall fuel or defuel an aircraft while:

(a) Its engine is running or is being warmed by applying external heat;

(b) It is in a hangar or enclosed space;

(c) Passengers are in the aircraft, unless a passenger loading ramp is in place at the cabin door, the door is open, and a cabin attendant is at or near the door. A "No Smoking" sign shall be displayed in the cabin and the rule enforced.

(2) No person shall start the engine of an aircraft on the airport if there is any gasoline or other volatile flammable liquid on the ground beneath it of sufficient quantity to constitute a hazard.

(3) No person shall operate a radio transmitter or receiver, or switch electrical appliances on or off, in an aircraft on the airport while it is being fueled or defueled.

(4) During the fueling of an aircraft on the airport grounds, the dispensing apparatus and the aircraft shall both be grounded in accordance with ALL APPLICABLE LAWS, REGULATIONS, AND INDUSTRY STANDARDS ~~orders and instructions of the town.~~

(5) Each person engaged in fueling or defueling on the airport grounds shall exercise care to prevent the overflow of fuel and shall have readily accessible adequate fire extinguishers.

(6) During the fueling or defueling of an aircraft on the airport grounds, no person shall, within 50 feet of that aircraft, smoke or use any material that is likely to cause a spark or be a source of ignition.

(7) Each hose, funnel or appurtenance used in fueling or defueling an aircraft on the airport grounds shall be maintained in a safe, sound and non-leaking condition and must be properly grounded to prevent ignition of volatile liquids.

(G) ~~RESERVED Payson Fire Code. All persons shall comply with the provisions of the Fire Code as adopted by the town.~~

(H) Inspections. The Town Fire Chief, or his duly authorized representatives, shall inspect monthly, or as often as may be necessary, all buildings and premises for the purpose of ascertaining and causing to be corrected any conditions which would reasonably tend to cause fire or contribute to its spread or endanger life or property from fire. All orders, notices, or recommendations of the Town Fire Chief shall be complied with by all persons without delay.

§ 95.09 RESERVED OBLIGATION OF TENANTS.

~~—(A)— Use of premises. No lessee of airport property shall knowingly allow that property to be used or occupied for any purpose prohibited by this chapter.~~

~~—(B)— Trash containers:~~

~~——(1)—— No tenant, lessee, concessionaire, or agent of any of those doing business on the airport grounds shall keep uncovered trash containers on a sidewalk or road or in a public area of the airport.~~

~~——(2)—— No person shall operate a vehicle for hauling trash, dirt or any other material on the airport grounds unless it is built to prevent its contents from dropping, sifting, leaking, or otherwise escaping.~~

~~—(C)— Storage of equipment. No tenant or lessee of a hangar, shop facility or other operational areas shall store or stack equipment or material in manner to be a hazard to persons or property.~~

~~—(D)— Fire apparatus. Each tenant or lessee of a hangar, shop facility or other operational area specified by the Manager shall supply and maintain adequate and readily accessible fire extinguishers, approved by Underwriters Laboratories for the hazard involved, as the town considers necessary.~~

~~—(E)— Right of inspection. The town, through its authorized representative, shall have the right at all reasonable times to inspect all areas under lease to or occupied by tenants.~~

~~—(F)— Default of obligation. All billings are payable upon presentation. When any tenant, user or grantee, notwithstanding his lease, is formally notified that he is in default of any written or implied obligation to the town, whether it be for breach of performance or service covenants or non-payment, he shall thereafter be billed for all losses or revenue, expenses incurred to re-establish performance of service or other costs, unless the tenant, user or grantee files with the town within ten days of the receipt of the formal notification, a statement that corrective or preventive measures have been initiated and will diligently be carried out. If the promises contained in the statement are not fulfilled, the tenant, user or grantee will be considered in absolute default, and appropriate lawful steps will be initiated by the town.~~

~~—(G)— Litter on surfaces. No person shall leave unsecured items that are utilized for aircraft maintenance, parking or flight on airport surface at any time.~~

§ 95.10 RESERVED. COMMERCIAL OPERATIONS.

~~—(A)— Policy. As the operator and proprietor of the airport, on behalf of the citizens of the town, it is the policy and intent of the town:~~

~~——(1)—— To operate the airport in a businesslike manner with as little cost as possible to the~~

taxpayer through the imposition of fair and reasonable rentals, fees and charges.

~~— (2) — To provide for both private and commercial aviation at the airport to the extent practicable within physical, economical and environmental constraint.~~

~~— (3) — To provide for the full range of on-base aeronautical support through private enterprise consistent with the need for the service and the availability of space and physical facilities.~~

~~— (4) — To protect airport patrons and users from unsafe and inadequate aeronautical service and to maintain and preserve all airport facilities in a safe, secure and orderly condition.~~

~~— (5) — To promote fair competition and not to expose those who have lawfully undertaken to provide commodities and services at the airport to irresponsible, unethical or unauthorized competition.~~

~~— (6) — To permit and provide adequate facilities for owners of general aviation aircraft to work on and service their own aircraft within such limits as may be imposed by this section or airport regulation for purposes of safety, preservation of airport facilities and protection of the public interest.~~

~~— (7) — To promote the utility, educational, and recreational aspects of general aviation.~~

~~— (B) — Prohibition. No person shall engage in any business or commercial activity on the airport without a lease approved by the town, or a sublease from a duly authorized master lessee. For the purpose of this section, a PERSON means any individual or group of individuals, including a company, partnership, corporation or other association. This prohibition shall apply to persons who use the airport as a base for conducting their activity but whose office or other place of business is not situated on the airport. This prohibition does not apply to the following:~~

~~— (1) — Aircraft operations in which the flight originates and terminates elsewhere, and the Payson Municipal Airport is utilized as a temporary stopping place for such purposes as landings, refueling or other aeronautical service, or the embarking or debarking of passengers, except in the case of charter or air taxi airlines.~~

~~— (2) — Company or corporate-owned aircraft where personnel or products are transported free of charge, the trip being merely incidental to the company's principal business and not, in itself, a major enterprise for profit.~~

~~— (3) — Casual or isolated transactions such as sales by the owner.~~

~~— (4) — Independent contract flight instruction.~~

~~— (5) — Independent contract mechanical services.~~

~~— (C) — Definition. For the purpose of this section, a BUSINESS OR COMMERCIAL ACTIVITY includes the following types of activities when done for hire, compensation or~~

reward:

- ~~—— (1) Retail sales of any goods, wares, merchandise or services.~~
- ~~—— (2) Sale, rental or charter of aircraft.~~
- ~~—— (3) Air carrier and air taxi operations.~~
- ~~—— (4) Sale of aviation petroleum products.~~
- ~~—— (5) Sale or service of aircraft parts, avionics, instruments or other aircraft equipment.~~
- ~~—— (6) Flying clubs.~~

#### § 95.11 RATES AND CHARGES.

A schedule of rates and charges for use of the airport and its facilities shall be established by the MANAGER. ~~Council, and each person or organization subject to the rates and charges shall promptly pay the amounts due.~~ A copy of the schedule shall be posted PROMINENTLY AT THE AIRPORT. ~~in the office of the Town Clerk.~~

#### § 95.12 MISCELLANEOUS PROVISIONS.

(A) Property damage, injuries or detrimental activities; abandonment of property. No person shall destroy, deface or disturb in any way airport property; conduct on or at the airport activities that are injurious, detrimental or damaging to airport property or to activities and businesses of the airport; nor shall they abandon any personal property at the airport.

(B) ~~Payment for damages. Any person causing or liable for any damage to town property, shall be required to pay the town on demand, the full cost of repairs. Any person failing to comply with these rules shall be in violation of this regulation and may be refused use of any airport facility until the town has been fully reimbursed for damage done.~~

(C) Lost articles. Any person finding lost articles in public areas of the airport shall immediately deposit them at the office of the Manager. ~~The articles will be turned over to the Police Department. The finder will receive a receipt of found articles.~~

#### § 95.99 PENALTY.

ANY VIOLATION OF THIS CHAPTER SHALL CONSTITUTE A MISDEMEANOR, AND SHALL BE PUNISHED AS SET FORTH IN §10.99 OF THIS CODE.

~~—— (A) Any person who shall violate any of the provisions of §§ 95.01 through 95.12 shall be~~

~~guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed \$2,500, or by imprisonment in the county jail for a period not to exceed six months, or by both fine and imprisonment.~~

~~—(B) In addition to the penalties set forth in the above paragraph, violations of any provision of this §§ 95.01 through 95.12, or of any rule, regulation, order or instruction issued by the Manager pursuant to this chapter, may result in withdrawal of permission by the Manager to use the airport.~~