ORDINANCE NO. 824

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING CHAPTER 95 OF THE CODE OF THE TOWN OF PAYSON AND ADOPTING SUCH AMENDMENTS BY REFERENCE. (AIRPORT)

WHEREAS, Chapter 95 of the Town Code contains provisions regulating the Payson Airport, the Airport's management, and the Airport's users; and

WHEREAS, in December of 2011, the Town Council approved Ordinance 816 creating the Airport Commission and directing the Airport Commission to review and make recommendations on possible amendments to Chapter 9; and

WHEREAS, the Airport Commission has reviewed Chapter 95 during numerous public meetings; and

WHEREAS, the Airport Commission has recommended changes to Chapter 95 as set forth in Exhibit A of Resolution 2681; and

WHEREAS, it is the desire of the Mayor and Common Council, in addition to the amendments set forth in this Ordinance, to amend the Code of the Town of Payson by amending Chapter 95 by reference pursuant to A.R.S. § 9-802,

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

Section 1. That the amendments to Chapter 95 (Airport) of the Code of the Town of Payson set forth in Resolution 2681 were heretofore declared to be a public record by such Resolution, and that the amendments to Chapter 95 are hereby referred to and adopted by this reference as though all the provisions thereof were set forth in full in this Ordinance.

Section 2. That at least three copies of the amendments to Chapter 95, as adopted by this Ordinance shall be filed in the Office of the Clerk of the Town of Payson and the same shall be maintained and kept available for public use and inspection.

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Section 3. That Section 95.99 of the Code of the Town of Payson is hereby amended, and as amended shall read as follows:

§ 95.99 PENALTY.

(A) Any person who violates any provision of this Chapter shall be guilty of a misdemeanor and shall be subject to punishment as provided in Section 10.99 of this Code.

(B) In addition to the penalties set forth in the above paragraph, violations of any provision of §§ 95.01 through 95.15, 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.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON this _____ day of _____, 2012, by the following vote:

AYES _____ NOES _____ ABSTENTIONS _____ ABSENT _____

_____
Kenny J. Evans, Mayor

ATTEST:

_____
Silvia Smith, Town Clerk

APPROVED AS TO FORM:

_____
Timothy M. Wright, Town Attorney

RESOLUTION NO. 2681 IS PROVIDED FOR INFORMATION ONLY AT THE SEPTEMBER 6, 2012 COUNCIL MEETING.

RESOLUTION NO. 2681 WILL BE AGENDIZED AS AN ACTION ITEM AT THE SEPTEMBER 20, 2012 SPECIAL COUNCIL MEETING.

RESOLUTION NO. 2681

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, or portion of this Resolution 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 this Resolution. The Town Council of Payson declares that it would have adopted this Resolution and each section, subsection, or portion thereof, irrespective of the fact that any one (1) or more sections, subsections, 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 _____, 2012, by the following vote:

AYES _____ NOES _____ ABSTENTIONS _____ ABSENT _____

_____

Kenny J. Evans, Mayor

ATTEST:

_____

Silvia Smith, Town Clerk

APPROVED AS TO FORM:

_____

Timothy M. Wright, Town Attorney

EXHIBIT A

TO

RESOLUTION 2681

CHAPTER 95: AIRPORT

Payson Municipal Airport

Section

95.01 Definitions
95.02 General rules and regulations
95.03 Airport Manager
95.04 Aircraft operations
95.05 Aircraft accident procedures
95.06 Motor vehicle regulations
95.07 Rules of conduct
95.08 Campground
95.09 Fire hazards; fueling operations
95.10 Obligation of tenants
95.11 Commercial operations
95.12 Rates and charges
95.13 Residential Through the Fence Activities
95.14 Through the Gate Activities
95.15 Miscellaneous provisions
95.99 Penalty

Cross-reference: Airport Commission, see § 33.25 et seq.

PAYSON MUNICIPAL AIRPORT

§ 95.01 DEFINITIONS.

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

AIRPORT. The Payson Municipal Airport.

BASED AIRCRAFT. Aircraft based in and around the Airport including the Sky Park Industrial Park, and Mazatzal Mountain Airpark subdivisions.

FAA, the Federal Aviation Administration.

MANAGER. Town of Payson, Town Manager, or person designated by the Manager.

MOTOR VEHICLE. A motor vehicle as defined in A.R.S. §28-101(33) that is designed for ground use only.

TRANSIENT AIRCRAFT. Any aircraft not based at or around Payson Airport.

§ 95.02 GENERAL RULES AND REGULATIONS.

(A) *Authority.* The Town, as the Airport owner and sponsor, has the authority and the obligation to issue rules, regulations, orders and instructions (collectively with the provisions of this Chapter, the "Rules") 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.

(B) *Scope.* The Rules shall apply to and be adhered to by all Airport tenants, users, invitees, licensees, Transient Aircraft and other visitors. Town staff, as a representative of the Manager, is empowered to require compliance with the provisions of this chapter and all the Rules.

(C) *Type of airport.* The Airport shall be conducted as a public air facility for the promotion and accommodation of civil aviation and associated activities.

(D) *Hours of operation.* The Airport shall be open for public use at such hours and subject to such restrictions as may be determined by the Town Council.

(E) *Responsibilities of users.* 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, except for cases of gross negligence. 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.

(F) *Other situations.* It is recognized that the Rules may not contemplate every situation that may arise concerning the Airport. Therefore, the Manager has authority to immediately address all situations that may arise at the Airport.

(G) *Compliance.* 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, and sublessees and all other persons whatsoever, whether or not of the type indicated, is conditioned upon compliance with the Rules; and entry upon or into the Airport by any person shall be deemed to constitute an agreement by that person to comply with the Rules.

§ 95.03 AIRPORT MANAGER.

The Manager shall have the following authorities and responsibilities:

(A) Suspend the privileges of any Airport user or facility refusing to comply with the Rules. Appeals of suspensions shall be submitted in writing to the Manager within 30 days of the issuance of the suspension. The Airport Commission will consider the appeal at its next meeting and make a recommendation to the Town Council. The Town Council may uphold, reverse, or modify any suspensions. During the pendency of any appeal, the suspension shall remain in effect.

(B) Restrict operations at the Airport to such portion(s) of the Airport as necessary for special activities, maintenance, or safety. Any part of the Airport which is normally available for use and is temporarily restricted shall be clearly marked in accordance with FAA Standards.

(C) Issue leases or written permission for use of the Airport as authorized by the Rules and other applicable Federal, State, and Local provisions.

(D) Restrict the use of any aircraft, Motor Vehicle, hangar, tie-down, or any other real or personal property of a tenant at the Airport for failure to pay any fees or charges assessed pursuant to the Rules and the approved Rates and Fee Schedule if said fees are delinquent by thirty (30) or more calendar days.

(E) Request the relocation of any aircraft, automobile, or any other personal property on the Airport when necessary to facilitate maintenance operations or hosting public events at the Airport, or to promote safe, orderly, and efficient operation of the Airport.

§ 95.04 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 FAA regulations, the applicable provisions of A.R.S. Title 28, Chapter 25, this chapter, and the Rules.

(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) *Designated parking area.* No person shall park or store an aircraft at the Airport except in areas designated for aircraft parking by the Manager.

(D) *Mechanical work.* Preventive maintenance work, as defined in 14 CFR 43, may be performed in hangars or tie-down areas by the owner or operator of the aircraft. Aircraft owners, or mechanics hired by aircraft owners, who possess current mechanic ratings such as A & P and IA, and aircraft owners who are under the

supervision of a mechanic with such ratings, may do additional work in hangars or tie-down areas. Aircraft owner/builders of experimental aircraft and owners of Light Sport Aircraft (LSA) may perform work authorized by the FAA. All other aircraft maintenance, rebuilding and alterations shall be performed only in areas approved by the Manager.

(E) *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.

(F) *Transient aircraft.* Persons parking transient aircraft overnight shall register their aircraft with the Manager, or at the Fuel Shack.

(G) *Based aircraft.* All owners and operators who desire to base their aircraft at the Airport shall register their aircraft with the Manager within three (3) business days of beginning operations. Any change in ownership/dominion of the aircraft shall be reported in a timely manner.

(H) *Unattended aircraft.* No person shall leave an aircraft unattended unless it is properly secured or placed in a hangar.

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

(J) *Impeding air traffic.* 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.

(K) *Reckless operation.* No person shall move an aircraft on the Airport in a negligent or reckless manner.

(L) *Aircraft blast.* No person shall start, taxi, or operate any aircraft on the Airport in a place where the propeller slip stream, jet blast, or rotor wash is likely to cause injuries to persons or damage to property.

(M) *Rotorcraft.* No person shall move a rotorcraft 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. Rotorcraft shall use a helipad, when vacant, or other designated areas.

(N) *Aerobatic flight.* No aerobatic flight, as defined by FAA regulations, shall be conducted over the runway at the Airport, unless otherwise approved in writing by the Manager.

§ 95.05 AIRCRAFT ACCIDENT PROCEDURES.

(A) *Accident reports.* Persons involved in aircraft accidents occurring on the Airport shall notify the Manager and the Police Department as soon after the accident as possible, and shall include their names, addresses, and phone contacts. When a written report of the accident is required by NTSB 830, a copy of the report shall be submitted to the Manager.

(B) *Airport damage.* Any person damaging property on the Airport grounds shall report the damage to the Manager and/or Police Department as soon as possible.

(C) *Disabled aircraft.* Aircraft owners, their pilot or agent, shall be responsible for the prompt removal from the runway or taxiway of disabled aircraft or parts thereof, unless required or directed by the Manager or the Federal Aviation Administration, or the NTSB 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.

§ 95.06 MOTOR VEHICLE REGULATIONS.

(A) *Authorization.*

(1) No person shall operate a Motor Vehicle on the Airport without a valid driver's license.

(2) Any Airport user wishing to utilize a Motor Vehicle on the Airport shall have completed and passed the prescribed Driver Training Course prior to operating such Motor Vehicle, or be escorted by a driver who has taken such Driver Training Course.

(B) *Operation of motor vehicles.*

(1) Motor Vehicles shall be operated only on paved surfaces of the Airport or other areas as may be authorized by the Manager and then only under the Rules. Except for emergency vehicles responding to an emergency call, an aircraft has right-of-way over a Motor Vehicle. All Motor Vehicles shall yield the right of way to any pedestrians at all times.

(2) No person shall operate a Motor Vehicle on the Airport in a negligent or reckless manner.

(3) All persons who are authorized by the Manager for motor vehicle access to the Airport shall comply with the motor vehicle laws of the state of Arizona and the Rules.

(4) The following speed limits shall be observed by all operators of a Motor Vehicle on the Airport:

- 5 MPH within 10 feet of an aircraft
- 10 MPH on aircraft parking ramps
- 25 MPH on roads and taxiways

(C) *Vehicle accident.* Each operator of a Motor Vehicle involved in an accident between that Motor 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 Manager as soon as possible after the accident. The report must include the name, address, phone number, and insurance information of the person involved in such accident.

(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 areas.* The Manager may designate areas appropriate for Motor Vehicle parking as well as applicable time limits. No person shall park or store a Motor Vehicle on the Airport except in areas specifically designated by the Town. Such designated parking areas shall be marked by appropriate signage. Persons may park their motor vehicles in or near their hangar or tie down while the aircraft is being used or is away from the Airport.

(1) No person shall park a Motor Vehicle on a ramp area so as to impede or protrude into the normal flow of taxiing aircraft.

(2) 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.

(3) No person shall park a Motor Vehicle in such manner as to occupy more than one parking space.

(4) The Manager may remove, at the owner's expense, any Motor Vehicle which is parked on the Airport in violation of this subsection or any other Rule. The Motor Vehicle shall be subject to a lien for the cost of removal.

(F) Gate access: All Motor Vehicles accessing the Airport shall enter and exit the Airport using gate privileges as prescribed by the Manager. Failure to comply with the Rules is deemed as a waiver of privileges otherwise granted by the Manager under this paragraph. All gate users shall ensure the gate is closed before leaving the immediate area of the gate. Bravo Gate is for aircraft use only and shall not be used by Motor Vehicles.

§ 95.07 RULES OF CONDUCT.

(A) *Garbage.* No person shall dispose of household garbage, papers, refuse or other such material on the Airport. Refuse containers provided by the Airport are for Airport-related waste disposal only.

(B) *Airport alterations.* No person shall alter, make additions to, or erect any building or sign or make any excavations on the Airport without the permission of the Manager, subject to lease provisions.

(C) *Abandoned property.* No person shall willfully abandon any personal property on the Airport. Property abandoned for more than thirty (30) calendar days shall become the property of the Town and may be disposed of in any manner provided by law. All costs associated with the disposition of abandoned property will be charged to the person who had prior ownership of the property.

(D) *Solicitation.* No person shall solicit fares, alms or funds for any purpose on the Airport without permission of the Manager 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 (except within leased Airport areas) without permission of the Manager.

(F) *Animals at airport.* No person may enter the Airport with any animal unless such animal is restrained by a leash or is confined so as to be completely under such person's control.

(G) *Restricted areas.* No unauthorized person shall enter any restricted area posted as being closed to the public.

(H) *Model aircraft.* No person shall operate or release any model aircraft, parachute, rocket, or missile anywhere on the Airport without the written permission of the Manager.

(I) *Destruction of Property.* No person shall destroy, damage, or deface or cause to be destroyed, damaged, or defaced any property located at the Airport. Any person causing or being responsible for such damage or destruction shall report such damage or destruction to the Manager and upon demand, shall reimburse the property owner for the full amount of the damage, destruction, or defacement. Any person failing to report and/or reimburse the property owner for such damage, destruction, or defacement may be refused use of the Airport and any facility at the Airport until said report and/or reimbursement is made.

(J) *Interference with aircraft.* No person shall interfere or tamper with an aircraft parked or stored at the Airport.

(K) *Use of premises.* No person shall store any vehicle or craft not related to aviation use in any leased hangar or on any leased or non-leased area of the Airport, except a Motor Vehicle may be parked as provided in subsection 95.06(E). No tenant shall use or allow to be used any leased property at the Airport for any non-aeronautical use.

(L) *Litter.* No person shall leave unsecured items on Airport surfaces at any time.

(M) *Obstruction of pathways.* No person shall occupy or place an object on a road or walkway on the Airport grounds in a manner that hinders or obstructs its proper use.

§ 95.08 CAMPGROUND.

(A) *Use of campground.* Campground users shall abide by the posted campground rules. In addition to any other remedies, violators of campground rules may loose their campground privileges.

§ 95.09 FIRE HAZARDS; FUELING OPERATIONS.

(A) *Fuel delivery and dispensing.* No person shall transport, store, or deliver fuels to be used for aviation purposes on the Airport, or dispense fuels into aircraft unless it is in accordance with this Section.

(B) *Open-flame Operations.* Open flames, flame-producing devices or other sources of ignition shall be permitted in designated areas only, or as approved by the Manager.

(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 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 except in containers made specifically for said storage and in locations approved by the Town, or as otherwise permitted by his/her lease and the Rules. Quantities of lubricants and other fluids required for day to day aircraft maintenance and operation shall not exceed

the quantities allowed by the currently adopted Fire Code. Quantities as allowed by the Fire Department are excluded from this rule.

(2) Each lessee of a hangar on the Airport shall provide suitable receptacles for storing waste, rags and other rubbish, and shall remove all rubbish from such hangar at least weekly.

(E) *Apron surface areas and floor surface:*

(1) Each person to whom area on the Airport is leased, assigned, or made available for used shall keep such area 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 leave any material unattended (such as oil absorbents or similar material) that creates a hazard when picked up, swirled, or blown about by the blast from an aircraft engine.

(F) *Fueling Operations:*

(1) General Requirements:

(a) No person shall fuel or defuel an aircraft while: (i) the aircraft's engine is running or being warmed by an external heat source; (ii) the aircraft is in a hangar or enclosed space; (iii) the filler neck or vent of the fuel tank being filled is within 25 feet of a hangar; or (iv) while passengers or personnel are on board the aircraft.

(b) No person shall smoke or use any material that is likely to cause a spark or be a source of ignition within 50 feet of any aircraft being fueled or defueled.

(c) Any person engaged in fueling or defueling an aircraft on the Airport shall exercise care to prevent the overflow of fuel.

(d) Any person engaged in fueling or defueling an aircraft on the Airport shall have ready access to adequate fire extinguishers.

(2) Commercial fueling. All commercial fueling operations on the Airport shall be in accordance with the requirements of the latest adopted Fire Code and NFPA 407.

(3) Self fueling of Aircraft. Self fueling of aircraft on the Airport is permitted in accordance with the following requirements:

(a) Self fueling from a vehicular mounted fuel tank or from a fueling cart shall be in accordance with latest adopted NFPA 407 with the deletion of NFPA 407 Section 4.3.11.2.

(b) Self fueling from hand-held containers shall be in accordance with the provisions of the Rules.

(c) Approved pumps, either hand operated or power operated, shall be used when aircraft are fueled from any container with a capacity of more than five (5) gallons. Pouring or gravity flow shall not be permitted from a container with a capacity of more than five (5) gallons.

§ 95.10 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 or in any manner prohibited by this Chapter.

(B) *Relocation of property.* Each tenant agrees to relocate his/her aircraft, Motor Vehicle, or other property when requested with reasonable notice in accordance with § 95.03 (E) of these Rules.

(C) *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 the Airport.

(2) No person shall operate a Motor 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.

(D) *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.

(E) *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 Manager determines are necessary.

(F) *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.

(G) *Default of obligation.* All billings are payable upon presentation. When any tenant, user or grantee, notwithstanding his/her lease, is formally notified that he/she 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/she shall thereafter be billed for all losses of 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 default, and appropriate lawful steps will be initiated by the Town.

§ 95.11 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, economic and environmental constraints.

(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 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 unlawful 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. 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 Airport is utilized as a temporary stopping place for such purposes as landings, refueling or other aeronautical service, or the embarking or disembarking 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 owner.

(4) Independent flight instruction, not associated with a fixed base operator (FBO) or specialized aviation service operator (SASO).

(5) Independent mechanical services, not associated with an FBO or SASO.

(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 of aircraft parts, avionics, instruments or other aircraft equipment.

§ 95.12 RATES AND CHARGES.

A schedule of rates and charges for use of the Airport and its facilities shall be recommended by the Airport Commission and approved by the Town Council. Each person subject to the rates and charges shall promptly pay the amounts due. A copy of the schedule shall be posted in the office of the Town Clerk.

§ 95.13 RESIDENTIAL THROUGH THE FENCE ACTIVITIES.

(A) Applicability. This Section applies to all properties located within the Mazatzal Mountain Air Park Subdivisions that have an aircraft hangar, or any aircraft or aircraft related equipment stored on the property.

(B) All property owners shall enter an agreement with the Town regarding the use of Bravo Gate for access between their residential property and the Airport

(C) All property owners as of October 19, 2012 shall execute an appropriate agreement with the Town concerning access between their residential property and the Airport on or before December 31, 2012.

(D) When a person purchases property within the Mazatzal Mountain Air Park Subdivisions, such person shall execute an appropriate agreement with the Town concerning access between the person's residential property and the Airport within 30 days of the property purchase.

(E) No building permit shall be issued for any property within the Mazatzal Mountain Air Park Subdivisions for an aircraft hangar, or any aircraft or aircraft related equipment to be stored on a parcel within the subdivision, until the property owner has executed an appropriate agreement with the Town concerning access between his/her residential property and the Airport.

§ 95.14 THROUGH THE GATE ACTIVITIES.

(A) This Section applies to individuals that have an aircraft stored off the Airport which the owner intends to transport to the Airport by trailer or other means.

(B) All aircraft owners who intend to bring their portable aircraft onto the Airport to use the runway and other facilities shall pay a monthly fee equivalent to a tie-down fee, shall pass the prescribed Driver Training Course, and shall obtain a gate card for either Alpha Gate or Delta Gate.

§ 95.15 MISCELLANEOUS PROVISIONS.

(A) *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.

(A) Any person who violates any provision of this Chapter shall be guilty of a misdemeanor and shall be subject to punishment as provided in Section 10.99 of this Code.

(B) In addition to the penalties set forth in the above paragraph, violations of any provision of §§ 95.01 through 95.15, 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.