ORDINANCE NO. 849

AN ORDINANCE OF THE MAYOR AND COUNCIL OF PAYSON, ARIZONA, AMENDING CHAPTER 95 (AIRPORT) OF THE TOWN CODE RELATING TO THROUGH THE FENCE ACCESS TO THE AIRPORT.

WHEREAS, the Town owns and operates the Payson Airport ("the Airport"); and

WHEREAS, Chapter 95 of the Town Code regulates activities at the Airport; and

WHEREAS, on March 10, 2014, the Airport Advisory Commission reviewed the provisions of Chapter 95 related to Through the Fence Access and made recommendations; and

WHEREAS, the Town desires to amend the provisions of Chapter 95 related to Through The Fence Access to the Airport,

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

Section 1. The Definition of "Through The Fence Access" is added to Section 95.01 of the Town Code and shall read as follows:

Through The Fence Access or TTFA – (1) The taxiing of an aircraft on to or off of the Airport via a taxi way and aircraft gate or (2) Utilizing a motor vehicle to transport an aircraft on to or off of the Airport.

Section 2. Section 95.13 of the Town Code is amended and shall read as follows:

95.13 THROUGH THE FENCE ACCESS.

(A) This section applies to all Through The Fence Access.

(B) Mazatzal Mountain Air Park Through The Fence Access.

(1) All property owners in a Mazatzal Mountain Air Park subdivision shall enter into an agreement with the town regarding Through The Fence Access.

(2) When a person purchases developed property within the Mazatzal Mountain Air Park subdivisions, such person shall execute an appropriate agreement with the town regarding Through The Fence Access within 30 days of the property purchase.

JUN 19 2014

Second Public Hearing 7

(3) No building permit shall be issued for any property within the Mazatzal Mountain Air Park subdivisions until the property owner has executed an appropriate agreement with the town regarding Through The Fence Access.

(4) A property owner shall be exempt from airport access fees if:

(a) The property owner does not store a legally flyable aircraft on his/her property; or

(b) A licensed pilot does not reside on the property.

(C) All Other Through The Fence Access.

(1) Persons utilizing Through The Fence Access. All persons utilizing Through The Fences Access shall enter an agreement with the town regarding such Through The Fence Access.

(2) Aircraft related businesses Utilizing Through The Fence Access.

(a) Any aircraft related business utilizing Through The Fence Access or whose customers utilize Through The Fence Access shall enter an agreement with the town regarding such Through The Fence Access.

(b) An aircraft related business may be exempt from paying the airport access fee if the owner of each aircraft utilizing Through The Fence Access has an agreement with the Town.

Section 3. Section 95.14 of the Town Code is amended and shall read as follows:

95.14 RESERVED.

Section 4. If any portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON this ____ day of _____, 2014, 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