

ORDINANCE NO. 755

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 August of 2007, the Town Council approved Resolutions 2318 and 2324 which authorized a lease of the Payson Airport to the Payson Regional Airport Authority, an Arizona non-profit corporation ("PRAA") ("the Lease"); and

WHEREAS, under the Lease, PRAA assumed daily managerial and operational responsibilities at the Payson Airport; and

WHEREAS, paragraph 5.8 of the Lease allows PRAA to recommend Airport Rules and Regulations to the Town of adoption; and

WHEREAS, upon adoption of such Airport Rules and Regulations, along with PRAA's other obligations under the Lease, many provisions of Chapter 95 will no longer be needed during the term of the Lease; and

WHEREAS, the Town desires to remove the managerial and administrative provisions of Chapter 95, contingent upon PRAA recommending and the Town adopting Airport Rules and Regulations; 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 2472 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 Number 755.

Section 2. That at least three copies of the amendments to Chapter 95, as adopted by this Ordinance Number 755 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.

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.

ANY VIOLATION OF THIS CHAPTER SHALL CONSTITUTE A MISDEMEANOR, AND SHALL BE PUNISHABLE 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.~~

Section 4. That the provisions of this Ordinance 755 shall remain in effect only so long as the Lease remains in effect. If the Lease is for any reason terminated, the provisions of this Ordinance 755 shall expire and be null and void.

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:

Silvia Smith, Town Clerk

Samuel I. Streichman, Town Attorney