ORDINANCE NO. 877

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

WHEREAS, A.R.S. § 28-8411 authorizes the towns to own, operate and regulate airports for the use of aircraft within or outside the limits of the town; and

WHEREAS, A.R.S. § 28-8419 authorizes the governing body of a Town to adopt rules and establish fees or charges for use of airport facilities; and

WHEREAS, A.R.S. § 28-8425 authorizes the towns to lease land owned by it or under its control to a person, partnership, association or corporation for airport or terminal purposes pursuant to a lease agreement; and

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 January 25, 2016, the Airport Advisory Commission reviewed the provisions of Chapter 95 related to Use of Premises and made recommendations; and

WHEREAS, the Town desires to amend the provisions of Chapter 95 related to use of the airport premises,

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

Section 1: Section 95.07(K) of the Town Code is amended and shall read as follows:

Section 95 RULES OF CONDUCT.

(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:

1. A motor vehicle may be parked as provided by Section 95.06(E).
2. Limited, non-aeronautical items may be stored as long as these items are incidental to aeronautical use of the space and occupy an insignificant amount of space. Items are considered incidental if they:
   a. Do not interfere with aeronautical use of the space;
   b. Do not displace the aeronautical contents of the space;
   c. Do not impede access to aircraft or other aeronautical contents of the hangar;
   d. Do not require a larger hangar than would otherwise be necessary if such items were not present;

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e. Occupy an insignificant amount of hangar space;
f. Are owned by the hangar owner or tenant;
g. Are not used for non-aeronautical commercial purposes (i.e., the tenant is not conducting a non-aeronautical business from the hangar, including storing inventory);
h. Are not stored in violation of airport rules and regulations.

Section 2. 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 _____, 2016, by the following vote:

AYES _____ NOES _____ ABSTENTIONS ____ ABSENT _____

_____
Kenny J. Evans, Mayor

ATTEST:

_____
Silvia Smith, Town Clerk

APPROVED AS TO FORM:

_____
Hector M. Figueroa, Town Attorney

Prepared by Town of Payson Legal Department
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