MARANA TOWN COUNCIL
REGULAR COUNCIL MEETING
NOTICE AND AGENDA
11555 W. Civic Center Drive, Marana, Arizona 85653
Council Chambers, June 6, 2017, at or after 7:00 PM

Ed Honea, Mayor
Jon Post, Vice Mayor
David Bowen, Council Member
Patti Comerford, Council Member
Herb Kai, Council Member
Carol McGorray, Council Member
Roxanne Ziegler, Council Member

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Marana Town Council and to the general public that the Town Council will hold a meeting open to the public on June 6, 2017, at or after 7:00 PM located in the Council Chambers of the Marana Municipal Complex, 11555 W. Civic Center Drive, Marana, Arizona.

ACTION MAY BE TAKEN BY THE COUNCIL ON ANY ITEM LISTED ON THIS AGENDA. Revisions to the agenda can occur up to 24 hours prior to the meeting. Revised agenda items appear in *italics*.

As a courtesy to others, please turn off or put in silent mode all electronic devices.

Meeting Times

Welcome to this Marana Town Council meeting. Regular Council meetings are usually held the first and third Tuesday of each month at 7:00 PM at the Marana Municipal Complex, although the date or time may change and additional meetings may be called at other times and/or places. Contact the Town Clerk or watch for posted agendas for other meetings. This agenda may be revised up to 24 hours prior to the meeting. In such a case a new agenda will be posted in place of this agenda.

Speaking at Meetings

If you are interested in speaking to the Council during the Call to the Public or Public Hearings, you must fill out a speaker card (located in the lobby outside the Council Chambers) and deliver it to the Town Clerk prior to the convening of the meeting.

All persons attending the Council meeting, whether speaking to the Council or not, are expected to observe the Council rules, as well as the rules of politeness, propriety, decorum and good conduct. Any person interfering with the meeting in any way, or acting rudely or loudly will be removed from the meeting and will not be allowed to return.

Accessibility
To better serve the citizens of Marana and others attending our meetings, the Council Chambers are wheelchair and handicapped accessible. Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting the Town Clerk at (520) 382-1999. Requests should be made as early as possible to arrange the accommodation.

Agendas
Copies of the agenda are available the day of the meeting in the lobby outside the Council Chambers or online at www.maranaaz.gov under Agendas and Minutes. For questions about the Council meetings, special services or procedures, please contact the Town Clerk, at 382-1999, Monday through Friday from 8:00 AM to 5:00 PM.

This Notice and Agenda Posted no later than 24 hours prior to the meeting, at the Marana Municipal Complex, 11555 W. Civic Center Drive, the Marana Operations Center, 5100 W. Ina Road, and at www.maranaaz.gov under Agendas and Minutes.

REGULAR COUNCIL MEETING

CALL TO ORDER AND ROLL CALL

PLEDGE OF ALLEGIANCE/INVOCATION/MOMENT OF SILENCE

APPROVAL OF AGENDA

CALL TO THE PUBLIC
At this time any member of the public is allowed to address the Town Council on any issue within the jurisdiction of the Town Council, except for items scheduled for a Public Hearing at this meeting. The speaker may have up to three minutes to speak. Any persons wishing to address the Council must complete a speaker card located outside the Council Chambers and deliver it to the Town Clerk prior to the commencement of the meeting. Individuals addressing a meeting at the Call to the Public will not be provided with electronic technology capabilities beyond the existing voice amplification and recording capabilities in the facilities. Pursuant to the Arizona Open Meeting Law, at the conclusion of Call to the Public, individual members of the Council may respond to criticism made by those who have addressed the Council, and may ask staff to review the matter, or may ask that the matter be placed on a future agenda.

PROCLAMATIONS

1 Proclaiming June 14, 2017 as the 242nd Birthday of the United States Army (Jocelyn C. Bronson)

MAYOR AND COUNCIL REPORTS: SUMMARY OF CURRENT EVENTS

MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

PRESENTATIONS

P1 Relating to Budget; presentation of third quarter results for the Town's General Fund and other selected major funds for the 2016-17 fiscal year (Erik Montague)

CONSENT AGENDA

The Consent Agenda contains items requiring action by the Council which are generally routine items not requiring Council discussion. A single motion and affirmative vote will approve all items on the Consent Agenda, including any resolutions or ordinances. Prior to a motion to approve the Consent Agenda, any Council member may remove any item from the Consent Agenda and that item will be discussed and voted upon separately.

C1 Resolution No. 2017-048: Relating to Development; accepting for maintenance certain public roadway improvements serving Hidden Springs subdivision (Keith Brann)

C2 Resolution No. 2017-049: Relating to Intergovernmental Relations; endorsing the proposed consolidation of Mountain Vista Fire District and Golder Ranch Fire District (Frank Cassidy)

C3 Resolution No. 2017-050: Relating to the Police Department; exempting undercover vehicles used by the Marana Police Department in felony investigations or activities of a confidential nature from Arizona state laws related to the designation of political subdivision motor vehicles; authorizing the Chief of Police to renew existing vehicle registrations for these undercover vehicles and to obtain vehicle registrations for new undercover vehicles to be used in felony investigations or activities of a confidential nature (Libby Shelton)

C4 Resolution No. 2017-051: Relating to Municipal Court; approving the appointment of Kimberly Epling as a civil traffic violation hearing officer for the Marana Municipal Court (Laine Sklar)

C5 Approval of the May 2, 2017 Regular Council Meeting Minutes, May 9, 2017 Study Session Meeting Minutes and May 16, 2017 Regular Council Meeting Minutes (Jocelyn C. Bronson)

LIQUOR LICENSES

BOARDS, COMMISSIONS AND COMMITTEES

COUNCIL ACTION

A1 Ordinance No. 2017.014: Relating to Finance; amending the Town of Marana Comprehensive Fee Schedule; and designating an effective date (Erik Montague)

ITEMS FOR DISCUSSION/POSSIBLE ACTION

D1 Relating to Legislation and Government Actions; discussion and possible action regarding all pending state, federal, and local legislation/government actions and on recent and upcoming meetings of the other governmental bodies (Gilbert Davidson)

D2 Relating to Marana Regional Airport; consideration, discussion, and direction regarding proposed comprehensive rewrite of Title 15 (Marana Regional Airport) of the Marana Town Code (Steve Miller)

D3 Relating to Administration; discussion, consideration and possible action regarding a new Employment Agreement between the Town of Marana and Gilbert Davidson (Jane Fairall)

EXECUTIVE SESSIONS

Pursuant to A.R.S. § 38-431.03, the Town Council may vote to go into executive session, which will not be open to the public, to discuss certain matters.

E1 Executive Session pursuant to A.R.S. §38-431.03 (A)(3), Council may ask for discussion or consultation for legal advice with the Town Attorney concerning any matter listed on this agenda.

E2 Executive Session pursuant to A.R.S. §38-431.03 (A)(1) to discuss and evaluate the performance of Town Manager Gilbert Davidson.

FUTURE AGENDA ITEMS

Notwithstanding the mayor's discretion regarding the items to be placed on the agenda, if three or more Council members request that an item be placed on the agenda, it must be placed on the agenda for the second regular Town Council meeting after the date of the request, pursuant to Marana Town Code Section 2-4-2(B).

ADJOURNMENT

Council-Regular Meeting **1**

Meeting Date: 06/06/2017

Submitted For: Jocelyn C. Bronson, Town Clerk

From: Suzanne Sutherland, Assistant to the Town Clerk

Date: June 6, 2017

Subject: Proclaiming June 14, 2017 as the 242nd Birthday of the United States Army (Jocelyn C. Bronson)

Attachments

Proclaiming June 14, 2017 as the 242nd Birthday of the United States Army

MARANA AZ
ESTABLISHED 1977

PROCLAMATION

Recognizing the 242nd Birthday of the United States Army

WHEREAS on June 14, 1775, the Second Continental Congress, representing the citizens of 13 American colonies, authorized the establishment of the Continental Army; and

WHEREAS the collective expression of the pursuit of personal freedom that caused the authorization and organization of the United States Army led to the adoption of the Declaration of Independence and the codification of our country's basic principles and values in the Constitution; and

WHEREAS for the past 242 years, the Army's central mission has been to fight and win our Nation's wars; and

WHEREAS the motto of "Duty, Honor, Country" is the creed by which the American solider lives and serves; and

WHEREAS no matter what the cause, location or magnitude of future conflicts, Americans can rely on their Army to produce well-trained, well-led and highly motivated soldiers to carry out the missions entrusted to them; and

WHEREAS many citizens in the Marana community have proudly served and made the ultimate sacrifice for our country's freedom while serving in the United States Army and other branches of our Nation's military.

NOW, THEREFORE, the Mayor and Council of the Town of Marana commend the soldiers of the United States Army, past and present, and recognize the historic significance of

June 14, 2017 as the 242nd Birthday of the United States Army

and express the appreciation of the citizens of the Town of Marana to the United States Army for their service over the past 242 years.

Dated this 6th day of June, 2017.

Ed Honea

Ed Honea, Mayor

ATTEST:

Jocelyn C. Bronson

Jocelyn C. Bronson, Town Clerk

Council-Regular Meeting **P1**

Meeting Date: 06/06/2017

To: Mayor and Council

From: Erik Montague, Finance Director

Date: June 6, 2017

Strategic Plan Focus Area:
Commerce, Community, Heritage, Recreation, Progress & Innovation

Strategic Plan Focus Area Additional Info:
Strategic Plan III, Principle Statement 3 - We will invest in a well-managed government that provides reliable services and quality amenities for citizens and businesses.

Initiative 15 - Maintain a structurally balanced budget using appropriate resources with associated expenses.

Subject: Relating to Budget; presentation of third quarter results for the Town's General Fund and other selected major funds for the 2016-17 fiscal year (Erik Montague)

Discussion:

Staff will present a summary of the Town's third quarter financial results (July - March) for the Town's General Fund and other selected major funds for fiscal year 2016-17.

Please find the Financial Brief for the third quarter following this communication which provides a broad, preliminary overview of the first quarter results for the General Fund and other selected major funds.

Staff Recommendation:

Presentation of third quarter results only.

Suggested Motion:

Presentation of third quarter results only.

Attachments

FY17 3rd Qtr Budget Brief

FY 2016-17

Financial Brief – 3rd Quarter 2017



Prepared by:

Finance Department

FY 2016-17

Contents

Summary 3

General Fund 4

Transaction Privilege Taxes 4

Intergovernmental 6

Licenses, Fees and Permits 7

Expenditures 8

Bed Tax Fund 9

Highway User Revenue Fund (HURF) 10

Water Fund 12

Waste Water Fund 13

½ Cent Sales Tax Fund 14

Summary

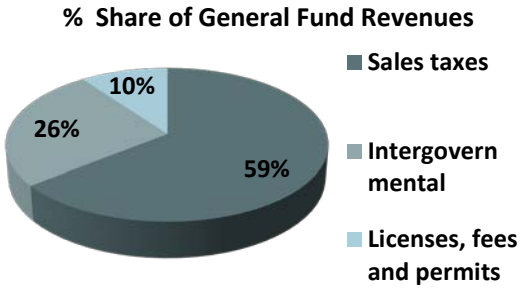


This financial brief is intended to provide a broad overview and status of revenues and expenditures for the Town's General Fund, as well as other selected major funds. Major funds General Fund, Bed Tax Fund, HURF Fund, and Water Fund revenues are in line with expectations through the third quarter (July – March). Revenues for the Waste Water Fund are lagging lightly, but are expected to normalize. ½ Cent Sales Tax Fund is subject to seasonal variation, however revenues are expected to approach budget by the end of fiscal year. Overall revenues for the quarter are trending as expected. Additionally, expenditures for most Major Funds are below expectations for the period. However, they are expected to return closer to normal as purchases continue. The variance in HURF and ½ Cent Sales Tax expenditures is attributable to below normal expenditures in contracted services and capital outlay through the third quarter but is expected to normalize as projects commence.

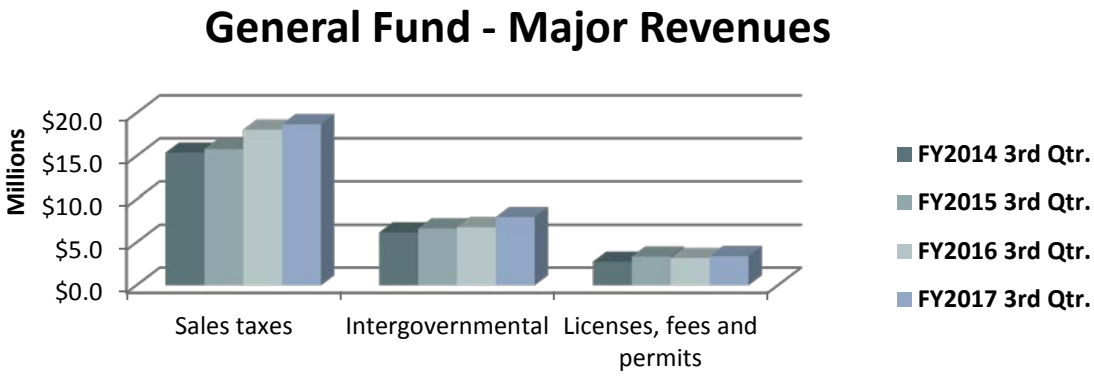
	Revenues			Expenditures			
	FY2017 Budgeted Revenue	FY2017 YTD Revenue	Percentage of Budget	FY2017 Budgeted Expenditures	FY2017 YTD Expenditures	Percentage of Budget	Net Revenue Over/Under
GENERAL FUND	41,218,185	31,464,939	76%	48,685,836	26,427,493	54%	5,037,446
BED TAX	937,884	773,712	82%	940,649	740,925	79%	32,788
HURF	3,100,763	2,260,351	73%	3,867,177	1,392,237	36%	868,114
1/2 CENT SALES TAX	6,000,000	3,776,248	63%	7,092,271	912,038	13%	2,864,209
WATER	4,563,759	3,452,190	76%	4,842,301	3,279,059	68%	173,131
WASTE WATER	1,159,696	788,376	68%	1,169,736	755,778	65%	32,599

General Fund

General Fund is the Town's primary operating fund. Its revenues are extremely sensitive to fluctuations in the regional and national economies. You will notice in the chart to the right that the three major categories presented make up 95 percent of the overall revenues for the General fund. As illustrated for the third quarter we are largely collecting as expected. Licenses, fees and permits are expected to continue improving in future quarters. Below are details regarding revenues and their framework.

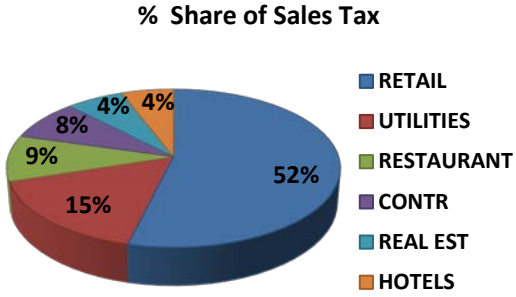


General Fund Revenues	Fiscal Year 2017 Budget	Sum of FY2017 3rd Qtr.	Percentage of Budget
Sales taxes	$24,156,385	$18,693,715	77%
Intergovernmental	$10,805,072	$7,952,380	74%
Licenses, fees and permits	$4,040,385	$3,396,691	84%



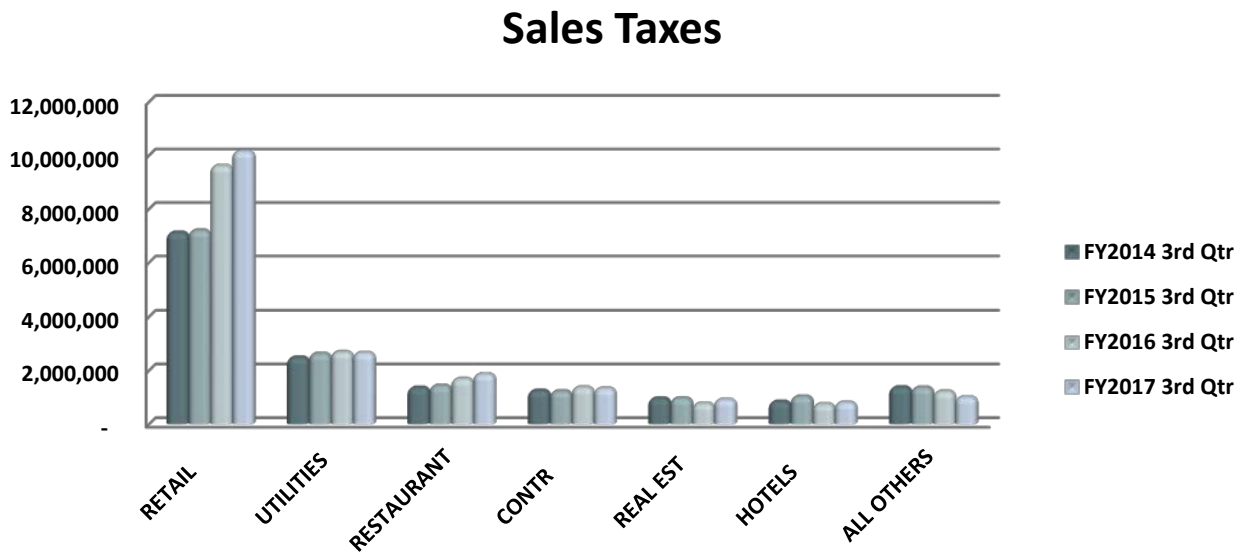
Transaction Privilege Taxes

Overall tax collections (excluding the restricted portions allocated to other funds) are within expectations. Retail tax represents the largest tax category which at 26% of budgeted revenues. Additionally, other categories like utilities, restaurants and construction are also trending within expectations for this quarter. It is significant to note, that there is some seasonality in certain



transaction privilege taxes and it is anticipated that these category largely approach expectations by the end of this fiscal year.

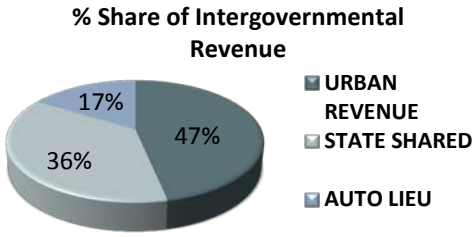
Sales Tax Category	Fiscal Year 2017 Budget	Sum of FY2017 3rd Qtr.	Percent of Budget
Retail	$12,652,000	$10,148,856	80%
Utilities	$3,664,160	$2,649,399	72%
Restaurant	$2,159,275	$1,857,905	86%
Contr.	$1,977,750	$1,325,792	67%
Real Est	$1,030,750	$911,698	88%
Hotels	$972,025	$797,835	82%
All Others	$1,700,425	$1,002,229	59%



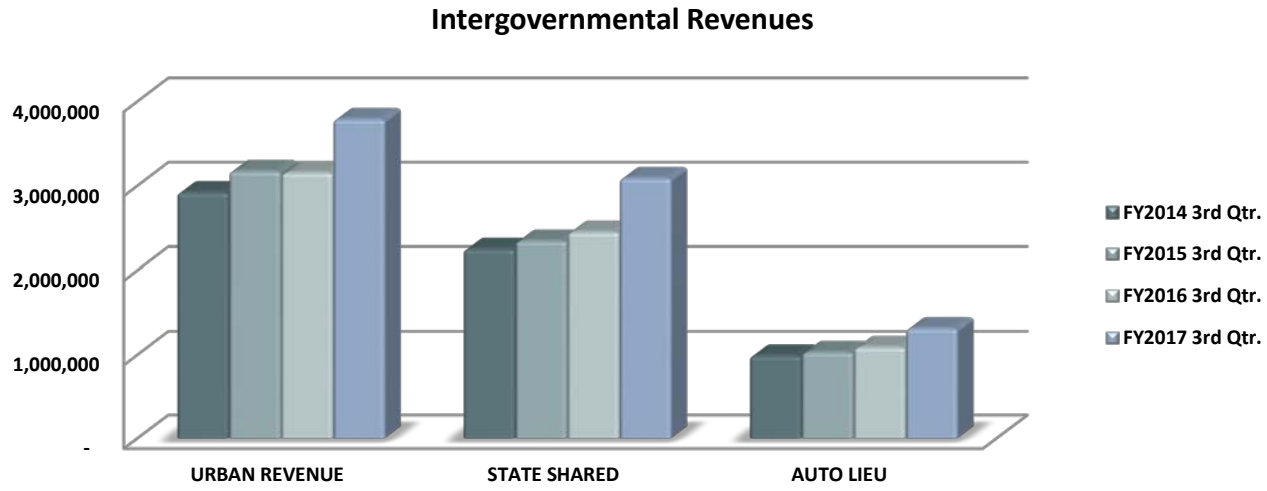
The graph above compares the third quarter of this fiscal year to the same quarter in previous years. This graph is intended to provide a representation of trend for major categories of tax collection revenues. The most significant change is a year-over-year (YoY) increase in retail collections and is primarily related to a modest improvement in collections for certain major retailers. It is important to note that the number presented here does not include the additional ½% in restricted revenues for the public safety facility. Those revenues are recorded in a separate fund.

Intergovernmental

The Intergovernmental revenue category represents amounts received from the shared revenue program. Theses revenues are distributed monthly based upon population estimates. These revenue sources are subject to the overall economic conditions of the State and are subject to fluctuations. This revenue source is also subject to changes made by the State legislature. Overall, revenues are trending within expectations.



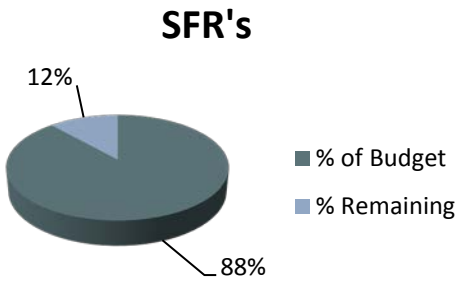
Intergovernmental Revenues	FY2014 3rd Qtr.	FY2015 3rd Qtr.	FY2016 3rd Qtr.	FY2017 Budget	FY2017 3rd Qtr.	Percentage of Budget
URBAN REVENUE	2,922,075	3,174,184	3,156,975	5,057,824	3,790,944	75%
STATE SHARED	2,249,415	2,346,817	2,451,109	3,891,291	3,090,437	79%
AUTO LIEU	992,022	1,032,790	1,092,564	1,770,957	1,315,326	74%



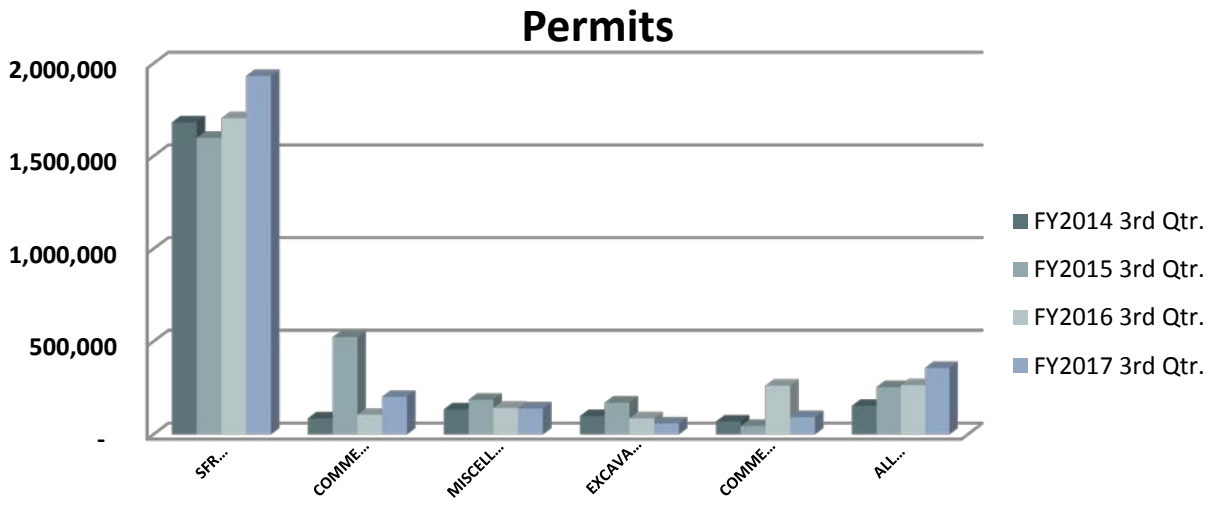
Illustrated in the graph above you will see the year over year third quarter trend from 2014 to present. This graphic is intended to demonstrate trend for the intergovernmental revenue collections, as observed above most all categories are seen an uphill direction.

Licenses, Fees and Permits

This revenue category represents the third largest revenue source for the General Fund. Single Family Residential (SFR) permits amount for the largest portion within this category. Currently SFR revenue is within expectations at 81% of the budgeted total. SFR permits of 486 issued through the third quarter represents 88% of the 550 permits budgeted for the current fiscal year. Excavation is currently under budget however, this category is expected to approach budget expectations this fiscal year.



Permit Category	Fiscal Year 2017 Budget	Sum of FY2017 3rd Qtr.	Percent of Budget
SFR PERMITS - NEW	$2,381,385	$1,932,052	81%
COMMERCIAL PERMITS - NEW	$150,000	$202,249	135%
MISCELLANEOUS PERMITS	$150,500	$139,267	93%
EXCAVATION AND GRADING PERMTS	$100,000	$58,731	59%
COMMERCIAL PERMITS - EXISTING	$85,000	$92,702	109%
ALL OTHERS	$263,500	$357,586	136%

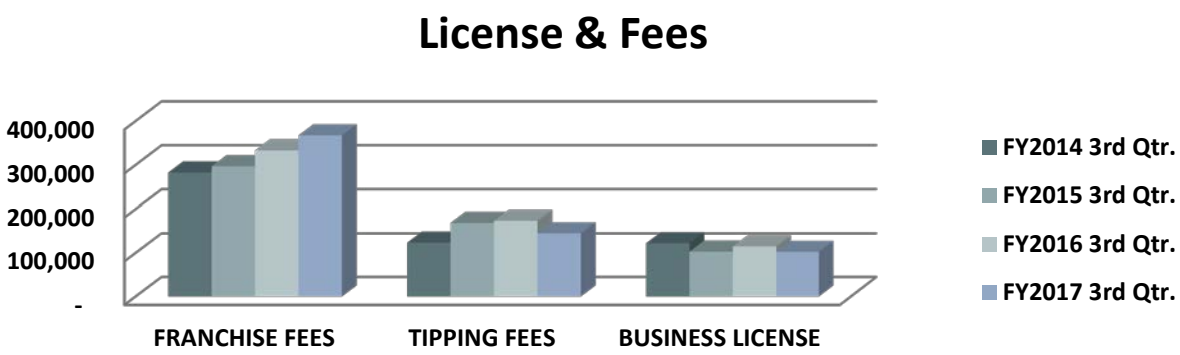


The graph above compares the third quarter revenues of this fiscal year to the same quarter in previous years. The change in new SFR permits revenue is due to the difference in the

valuation of SFR permits issued in fiscal year 2015 as opposed to those issued in other fiscal years. It is important to note that the variation in existing commercial permits is due to the number of Marana Center tenant improvements which recently occurred.

Other fee revenue categories are within budget expectations for the third quarter.

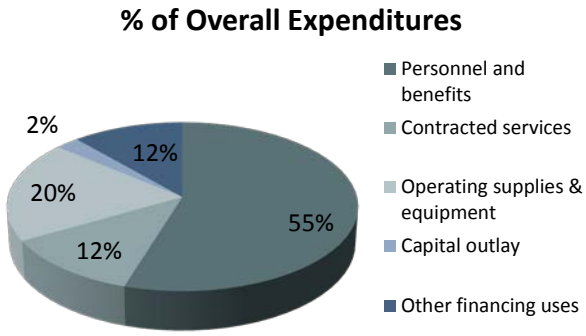
Fee Category	Fiscal Year 2017 Budget	Sum of FY2017 3rd Qtr.	Percent of Budget
BUSINESS LICENSE	$160,000	$102,282	64%
FRANCHISE FEES	$400,000	$367,097	92%
TIPPING FEES	$350,000	$144,724	41%



The graph above compares the third quarter revenues of this fiscal year to the same quarter in previous years for license and fees.

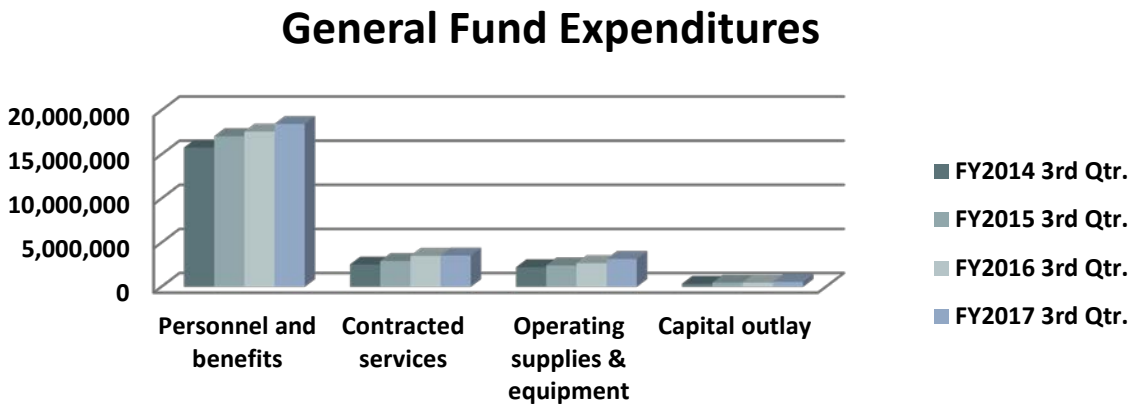
Expenditures

The General expenditures are presented in five main categories, which are shown in the pie chart to the right. Personnel and benefits represent the largest portion of the budget and the current period expenditure spend of 69% is largely within expectations. Contracted services are also within spending expectations at 61%. Operating supplies, capital outlay, and other financing uses are currently significantly below budget expectations, but are expected to approach budget by the end of the fiscal year as significant programs and projects are completed. Other financing uses are associated with required budgetary transfers for debt



service, grant cash match and contributions toward certain capital projects. This category is expected to approach budget expectations by the end of the fiscal year as debt service transfers will be made in June for July 2017 debt service payments.

Expenditures	Fiscal Year 2017 Budget	Sum of FY2017 3rd Qtr.	Percentage of Budget
Personnel & benefits	$26,675,415	$18,451,151	69%
Operating supplies & equipment	$9,460,257	$3,148,935	33%
Contracted services	$5,794,855	$3,534,102	61%
Other financing uses	$5,564,145	$739,164	13%
Capital outlay	$1,191,164	$554,140	47%

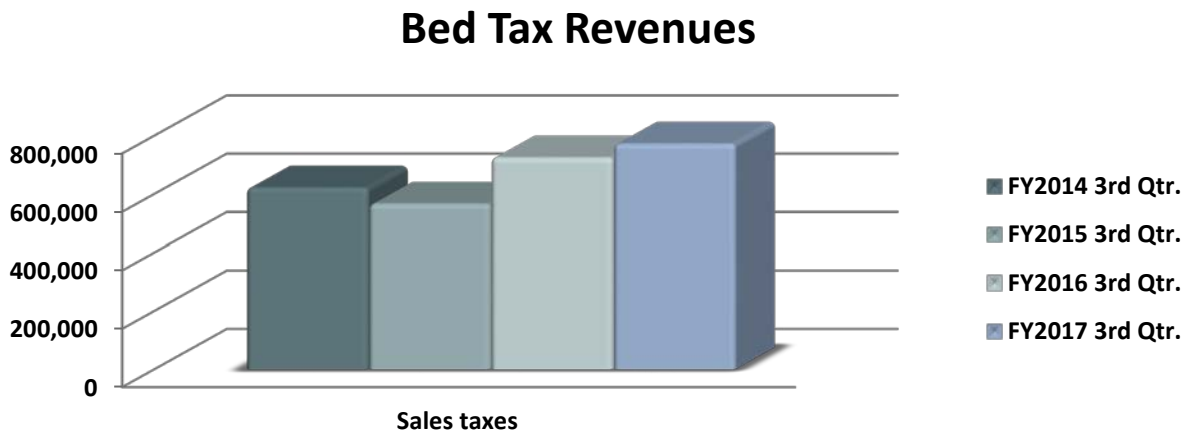


The graph above compares the third quarter General Fund expenditures of this fiscal year to the same quarter in previous years. Most of the categories are showing modest increases year over year as properly included in the appropriate year's budget.

Bed Tax Fund

This fund accounts for the collection of the discriminatory portion of bed tax revenues which are restricted for tourism initiatives. The Town continues to advance key initiatives like the new Discover Marana website. As mentioned earlier for this category in the General Fund, this revenue category is subject to some seasonal variation and revenues are expected to approach budget in the end of the fiscal year. Revenues and expenditures are currently aligning and revenues currently exceed expenditures modestly by $32,788.

Bed Tax Revenues	FY2014 3rd Qtr.	FY2015 3rd Qtr.	FY2016 3rd Qtr.	FY2017 Budget	FY2017 3rd Qtr.	Percentage of Budget
Sales taxes	622,650	567,416	726,044	937,884	773,712	82%
Total Revenues	**622,650**	**567,416**	**726,044**	**937,884**	**773,712**	**82%**
Expenditures						
Personnel and benefits	16,124	20,917	65,419	94,327	52,600	56%
Contracted services	583,334	562,953	673,002	739,322	660,077	89%
Operating supplies & equipment	22,262	39,922	60,504	107,000	28,248	26%
Total Expenditures	**621,721**	**623,793**	**798,925**	**940,649**	**740,925**	**79%**
Net Over/Under	**929**	**(56,377)**	**(72,881)**	**(2,765)**	**32,788**	



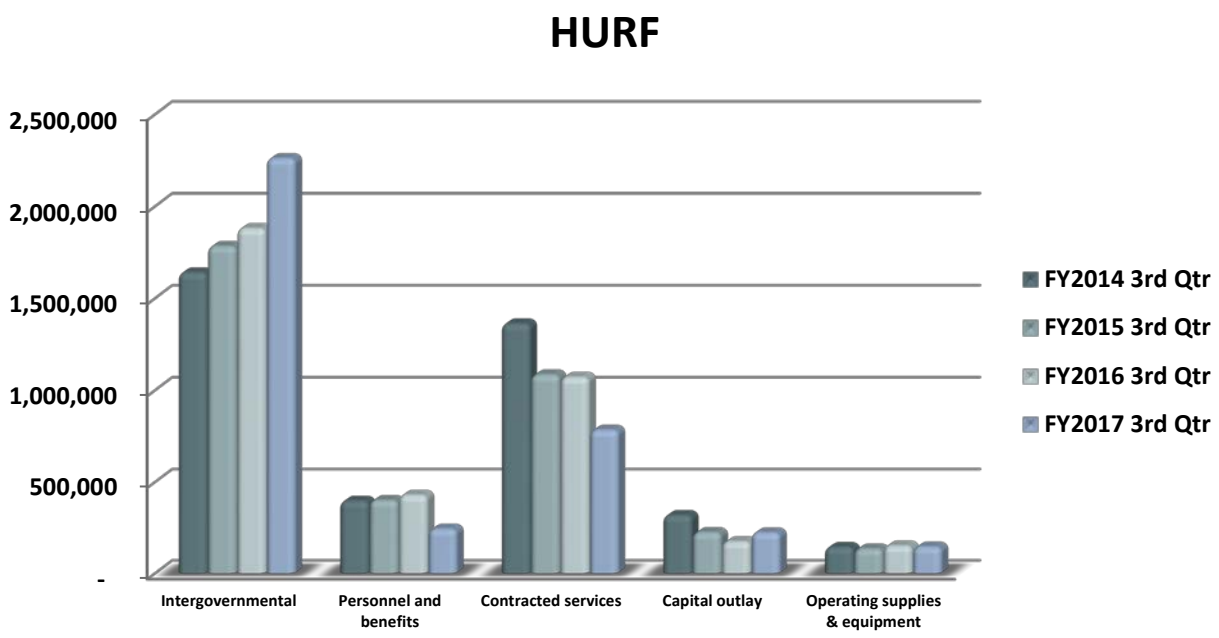
Highway User Revenue Fund (HURF)

HURF is set by the collection of various fees and taxes from users of the States roads and highways which the State of Arizona collects. An excise tax is charged on fuel purchases on a per gallon basis. Cities and towns receive a percentage of the highway users revenues based on two factors: population estimates acquired through the most recent census survey, and gasoline sales within each county. These funds are restricted solely for street and highway purposes. This is the primary source of revenue used to maintain our transportation system.

HURF revenues (intergovernmental) are within expectations for the third quarter of the fiscal year at $2,260,351 or 73%. Additionally, revenues exceed expenditures by $868,114 for the

third quarter. On the other hand expenditures are below expectations, although are expected to approach expectations as significant programs and projects occur by the end of fiscal year.

HURF Revenues	FY2014 3rd Qtr.	FY2015 3rd Qtr.	FY2016 3rd Qtr.	FY2017 Budget	FY2017 3rd Qtr.	Percentage of Budget
Intergovernmental	1,638,988	1,782,356	1,879,909	3,093,263	2,260,351	73%
Investment income	1,070	1,396	3,817	7,500	-	0%
Total Revenues	**1,640,057**	**1,783,752**	**1,883,725**	3,100,763	2,260,351	
Expenditures	**FY2014 3rd Qtr.**	**FY2015 3rd Qtr.**	**FY2016 3rd Qtr.**	**FY2017 Budget**	**FY2017 3rd Qtr.**	**Percentage of Budget**
Personnel and benefits	395,738	398,940	428,329	355,308	242,600	68%
Contracted services	1,361,237	1,084,162	1,071,126	2,479,582	783,490	32%
Operating supplies & equipment	142,071	133,790	150,580	190,700	144,281	76%
Capital outlay	317,231	223,266	173,285	841,587	221,866	26%
Total Expenditures	**2,216,276**	**1,840,157**	**1,823,320**	3,867,177	1,392,237	
Net Revenue Over/Under	**(576,219)**	**(56,405)**	**60,405**	**(766,414)**	**868,114**	

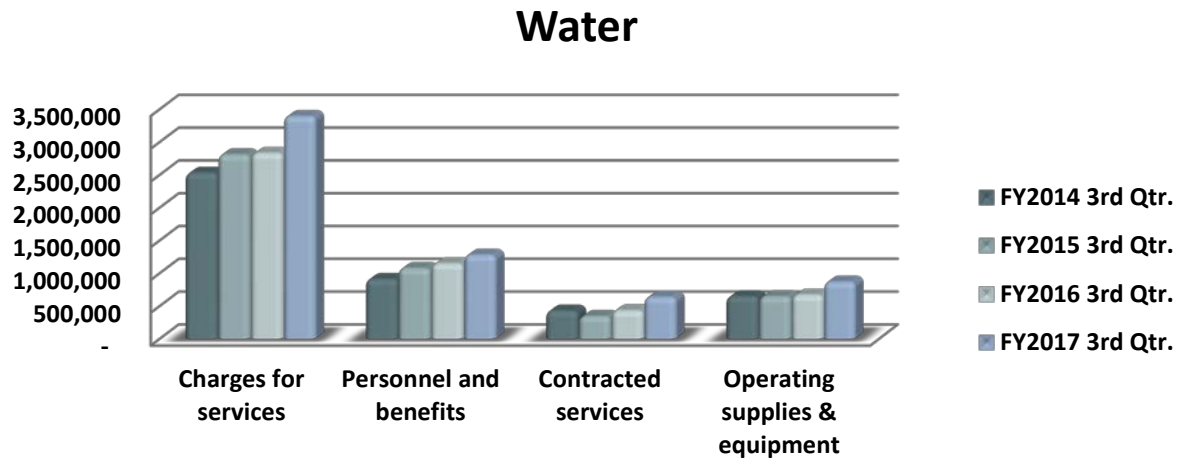


Water Fund

The Town provides a potable water system service to residences and businesses within the service area. The revenue generated is used to cover the costs of administration, operations, maintenance and replacement of the water collection, treatment and delivery system. Overall, the Water Fund is currently receiving and spending its resources as expected. The biggest revenue share within the fund is charges for services (water sales) which are within expectations at $3,393,751 or 79% of its budgeted revenue through the third quarter. Through the current quarter, Water revenues exceed expenses by $173,131.

Monthly Service Fee	
Meter Size	Rate
5/8"	$ 19.09
1"	46.35
1.5"	50.44
2"	58.62
4"	139.05

WATER REVENUES	Fiscal Year 2017 Budget	Sum of FY2017 3rd Qtr.	Percentage of Budget
Charges for services	$4,311,258	$3,393,751	79%
Miscellaneous	$ -	$22,238	100%
Licenses, fees and permits	$25,000	$36,201	145%
Other financing sources	$222,501	$0	0%
Total Revenue	**$4,563,759**	**$3,452,190**	**76%**
EXPENDITURES			
Personnel and benefits	$1,821,711	$1,278,139	70%
Contracted services	$1,148,533	$635,337	55%
Operating supplies & equipment	$1,346,403	$868,879	65%
Capital outlay	$99,000	$81,140	82%
Debt service	$426,654	$415,564	97%
Total Expenditures	**$4,842,301**	**$3,279,059**	**68%**
NET OVER/UNDER	**$(278,542)**	**$173,131**	



Illustrated in the graph to the above, you will see the third quarter year over year trend from 2014 to present. This graphic is intended to demonstrate trend for the water revenue and expenditures. Most all categories are seeing an increase. As the Town continues to grow so too will its costs.

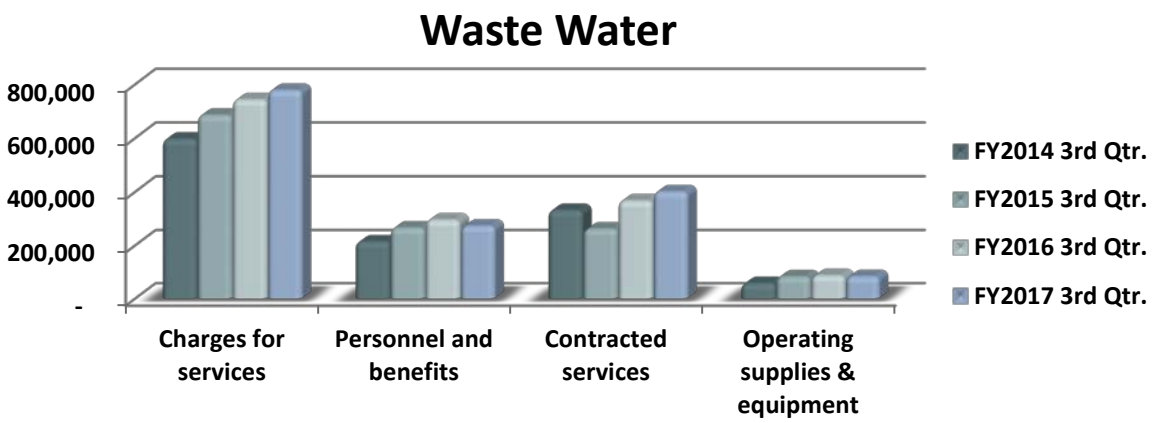
Waste Water Fund

Monthly Service Fee	
Meter Size	Rate
Per meter	$12.63

Volume Rate	
Rate	
Per 1,000 gallons	$ 4.71

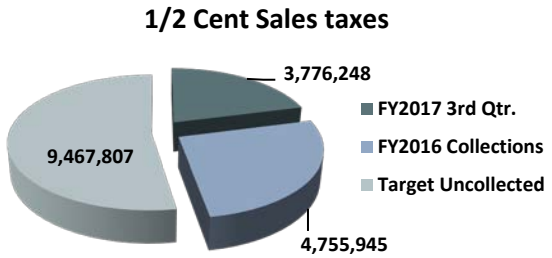
The Town charges a fee to each sewer system user having a sewer connection or otherwise discharging sewage, industrial waste or other liquids into the Town's sanitary sewer system. The revenue generated is used to cover the costs of administration, operations, maintenance and replacement of the collection and treatment system. The Town is currently receiving and spending its resources, as expected. Charges for services are the fund's largest revenue category which is within expectations at $777,857 or 67% of its budgeted total. Expenditures are with expectations and anticipate to remain balanced in the future. Currently revenues exceed expenditures by $32,599 through the third quarter.

WASTE WATER REVENUES	Fiscal Year 2017 Budget	Sum of FY2017 3rd Qtr.	Percentage of Budget FY2017
Charges for services	$1,156,696	$777,857	67%
Miscellaneous	$0	$0	0%
Licenses, fees and permits	$3,000	$10,519	351%
Total Revenue	**$1,159,696**	**$788,376**	**68%**
EXPENDITURES			
Personnel and benefits	$369,422	$272,762	74%
Contracted services	$664,254	$400,096	60%
Operating supplies & equipment	$136,060	$82,920	61%
Total Expenditures	**$1,169,736**	**$755,778**	**65%**
NET OVER/UNDER	**$(10,040)**	**$32,599**	



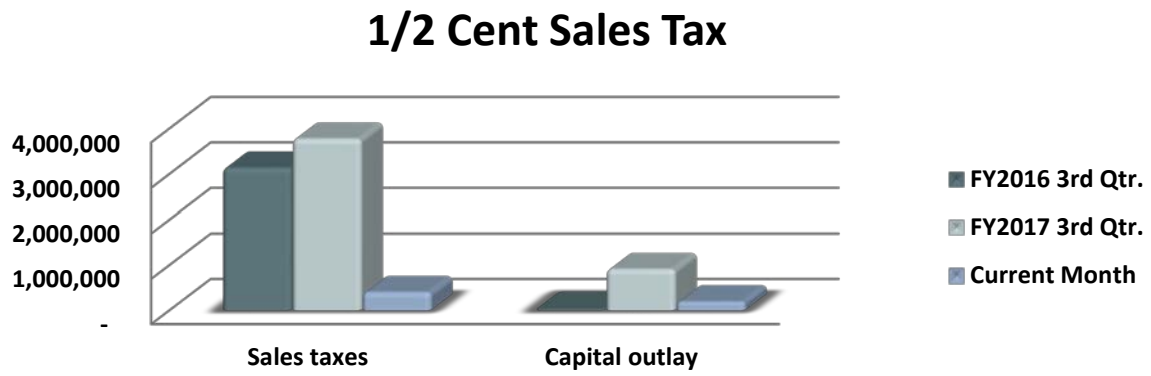
Illustrated in the graph to the above, you will see the third quarter year over year trend from 2014 to present. This graphic is intended to demonstrate trend for the waste water revenue and expenditures. Most all categories are seeing an uphill direction. As the Town continues to grow so too will its costs.

½ Cent Sales Tax Fund



The Town Council adopted on April 28th, 2015 Ordinance 2015.011 to amend the Town Tax Code by increasing the tax rate on certain activities by one-half cent for the new police facility. A collection of $18,000,000 shall be collected to build the public safety facility and then the Town will notify the Arizona Department of Revenue to cease collection. The ½ cent sales tax revenue classification is subject to some seasonal variation and revenues are expected to approach budget by the end of fiscal year. Currently, revenue collection is 63% of the budgeted total with expenditures 13% of the budgeted total. With the ground breaking commencing in June of 2017 it is expected that expenditures will significantly increase beginning the first quarter for fiscal year 2018.

½ CENT SALES TAX	FY2016 3rd Qtr.	FY2017 Budget	FY2017 3rd Qtr.	Current Month	% of Budget
Sales taxes	3,134,598	6,000,000	3,776,248	402,228	63%
Total Revenue	**3,134,598**	**6,000,000**	**3,776,248**	**402,228**	**63%**
EXPENDITURES					
Capital outlay	32,490	7,092,271	912,038	195,090	13%
Total Expenditure	**32,490**	**7,092,271**	**912,038**	**195,090**	13%
NET OVER/UNDER	**3,102,108**	**(1,092,271)**	**2,864,209**	**207,138**	



The graph above compares the current year's third quarter to last year's as well as the current month's ½ cent sales tax revenues and expenditures. Revenues are expected to approach budget in the near future and similarly for expenditures as the project is initiated and then constructed.

Council-Regular Meeting **C1**

Meeting Date: 06/06/2017

To: Mayor and Council

Submitted For: Keith Brann, Town Engineer

From: Gus Myers, Engineering Technician

Date: June 6, 2017

Strategic Plan Focus Area:
Not Applicable

Subject: Resolution No. 2017-048: Relating to Development; accepting for maintenance certain public roadway improvements serving Hidden Springs subdivision (Keith Brann)

Discussion:

By approving this resolution, the Town will accept for maintenance 660 linear feet of Tortolita Road that was constructed by the developer of the Hidden Springs subdivision.

Staff Recommendation:

Staff recommends adoption of Resolution No. 2017-048, accepting for maintenance the Tortolita Road public improvements constructed by the developer of the Hidden Springs subdivision.

Suggested Motion:

I move to adopt Resolution No. 2017-048, accepting for maintenance the Tortolita Road public improvements constructed by the developer of the Hidden Springs subdivision.

Attachments

Resolution No. 2017-048

Map of improvements

MARANA RESOLUTION NO. 2017-048

RELATING TO DEVELOPMENT; ACCEPTING FOR MAINTENANCE CERTAIN PUBLIC ROADWAY IMPROVEMENTS SERVING HIDDEN SPRINGS SUBDIVISION

WHEREAS Hidden Springs Subdivision is located on an approximately 10 acre parcel of land located north of Moore Road and west of Dove Mountain Boulevard Road; and

WHEREAS Sonoran Business Development Inc. has completed certain public roadway improvements acceptable to Town standards as required to serve the Hidden Springs Subdivision.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA that the Town accepts for maintenance public roadway improvements with an estimated value of $29,935, including approximately 660 linear feet of new roadway, as depicted in the set of approved engineering plans prepared by the engineering firm Physical Resource Engineering under job number 06081 entitled "N. Tortolita Road Extension Plan and Profile ENG0608-016" dated 21 March 2007.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 6th day of June, 2017.

Mayor Ed Honea

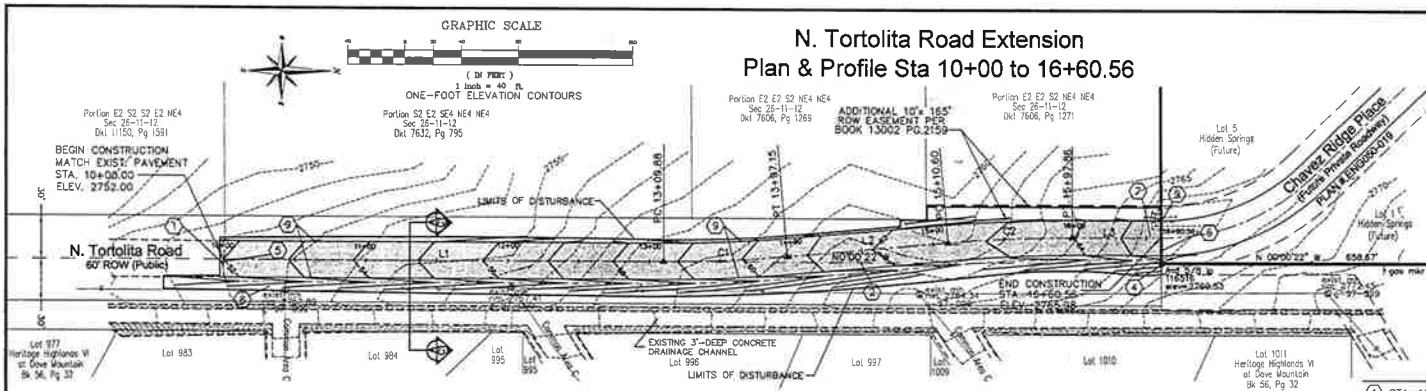
ATTEST:

Jocelyn C. Bronson, Town Clerk

APPROVED AS TO FORM:

Frank Cassidy, Town Attorney

N. Tortolita Road Extension
Plan & Profile Sta 10+00 to 16+60.56



Location Map

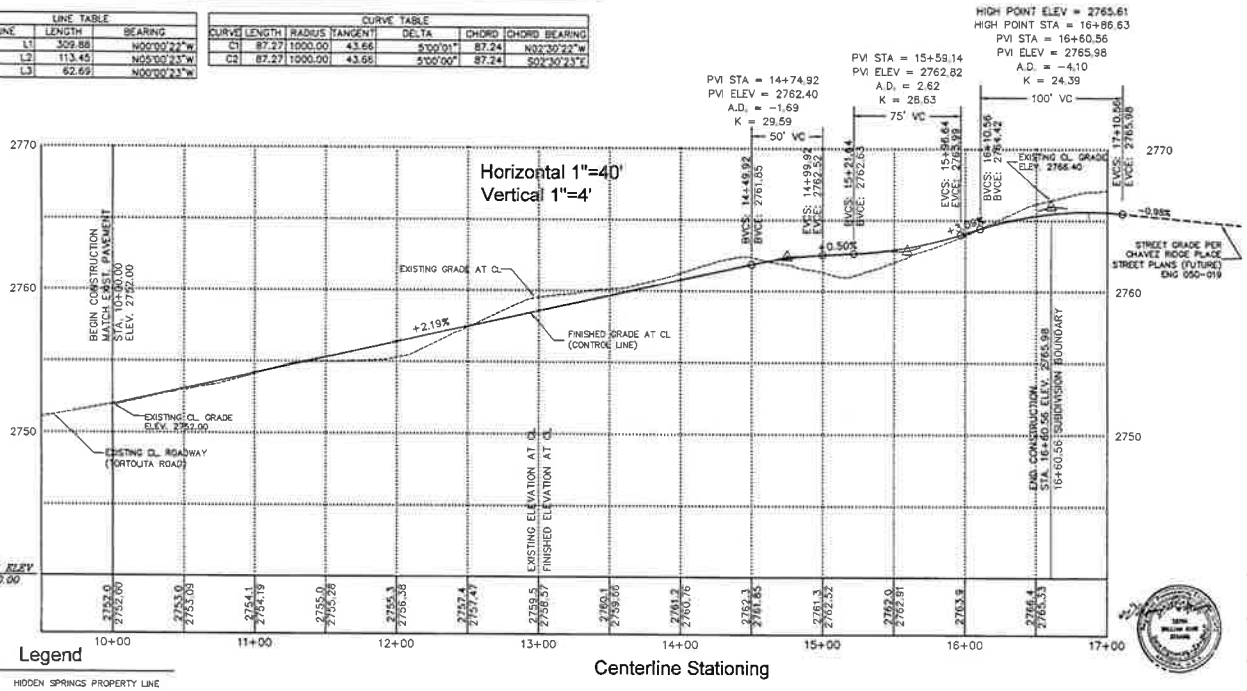


SCALE: 3"=1 MILE
A PORTION OF SECTION 26,T11S,R12E
G&SRM, PIMA COUNTY, ARIZONA

Road Centerline Alignment Data

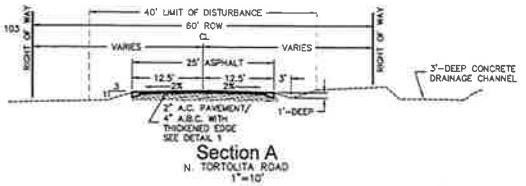
LINE TABLE		
LINE	LENGTH	BEARING
L1	309.88	N00°00'22"W
L2	113.45	N05°00'23"W
L3	62.69	N00°00'23"W

CURVE TABLE						
CURVE	LENGTH	RADIUS	TANGENT	DELTA	CHORD	CHORD BEARING
C1	87.27	1000.00	43.66	5°00'01"	87.24	N02°30'22"W
C2	87.27	1000.00	43.66	5°00'00"	87.24	S02°30'23"E

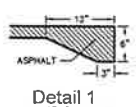


Legend

- HIDDEN SPRINGS PROPERTY LINE
- FOUND PROPERTY CORNER
- NEW SURVEY MONUMENT PC/COT STD. DTL. 103
- STREET CENTERLINE
- EXISTING CONCRETE
- EXISTING ELEVATION CONTOUR
- FINISHED ELEVATION CONTOUR
- LIMITS OF DISTURBANCE
- NEW ASPHALT PAVEMENT
- EXISTING SEWER LINE
- EXISTING SEWER M.H.



Section A
N. TORTOLITA ROAD
1"=10'



Detail 1
THICKENED EDGE
NTS

ACCEPTANCE: **AS BUILT**

TOWN OF MARANA SUBDIVISION ENGINEER — P.E. — 3/26/07 DATE

TOWN OF MARANA PLANNING DEPARTMENT — AICP — 3-27-07 DATE

TETRA TECH, INC. CONTRACTING ENGINEER FOR TOWN OF MARANA — P.E. — 3/21/07 DATE

Keyed Notes

1. STA. 10+00 IS LOCATED 1,318.80' AT S00°00'22"E FROM THE NORTHWEST CORNER OF SECTION 25, T11S, R12E, A GLO BRASS CAPPED PIPE, ALONG WEST LINE OF SAID SECTION.
2. BASIS OF BEARING: WEST LINE OF SECTION 25, T11S, R12E, BEING S00°00'22"E PER HERITAGE HIGHLANDS VI OF DOVE MOUNTAIN, BOOK 56, PAGE 32
3. BASIS OF ELEVATIONS: GLO BRASS-CAPPED MONUMENT AT THE NORTHWEST CORNER OF SECTION 31, T11S, R13E, G&SRM. ELEVATION=2726.21 NVGD 1929 PER BK 51, PG 20, M&P.
4. PERMANENT BENCHMARK: SOUTHWEST CORNER OF HIDDEN SPRINGS SUBDIVISION, A 5/8" IRON PIN TAGGED "116516". ELEVATION=2769.53.
5. SAWCUT EXISTING ROAD 2' SOUTH OF END OF PAVEMENT (STA 10+00). CONSTRUCT NEW 25'-WIDE ASPHALT ROAD PER SECTION A, THIS SHEET. FIELD ADJUST GRADES AS REQUIRED TO PROVIDE SMOOTH-RIDING TRANSITION TO EXISTING PAVING.
6. CONNECT NEW ROAD TO CHAVEZ RIDGE PLACE (FUTURE 24'-WIDE ASPHALT) AT STA. 16+60.56. PROVIDE VERTICAL CURVE AS SHOWN TO TRANSITION TO CHAVEZ RIDGE ROAD DESIGN AS SHOWN ON "ON-SITE" PAVING IMPROVEMENTS PLAN FOR HIDDEN SPRINGS LOTS 1-5", INITIATED BY TRIMBLE ENGINEERING SERVICES, PLC, DATED 03/2006 AND COMPLETED FOR CONSTRUCTION BY PHYSICAL RESOURCES ENGINEERING, INC. DATED 09/2006.
7. TRANSITION FROM 25'-WIDE PAVEMENT TO 24-WIDE BETWEEN STA. 16+50 AND 16+60.56.
8. GRADER DITCH FLOWS TO FOLLOW HISTORIC PATH.
9. SEE DETAIL 1 FOR THICKENED EDGE OF PAVEMENT

General Notes

1. THE DESIGN SPEED FOR THIS ROAD IS 25 MPH. DESIGN VEHICLE IS WB-40.
2. THE CONSTRUCTION AND TESTING METHODS FOR THIS PROJECT SHALL CONFORM TO PIMA COUNTY/COT STANDARD SPECIFICATIONS FOR PUBLIC IMPROVEMENTS, 2003 EDITION (PC/COT SSPI).
3. THE AGGREGATE BASE COURSE SHALL CONFORM TO PC/COT SSPI SECTION 303, 2003 EDITION.
4. THE ASPHALT CONCRETE SHALL CONFORM TO PC/CPT SSPI NO. 406, MIX #2 (SUB. MIX 4.0% VOIDS).
5. THE WORK ON THIS PROJECT SHALL CONFORM TO THE GRADING STANDARDS, TITLE 19 OF THE TOWN OF MARANA (TOM) LAND DEVELOPMENT CODE.
6. THE CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE OCCUPATIONAL SAFETY AND HEALTH (OSHA) STANDARDS.
7. THE CONTRACTOR SHALL OBTAIN ALL PERMITS REQUIRED BY GOVERNMENTAL AGENCIES.
8. ANY REVISION OF THESE PLANS SHALL BE APPROVED BY TOM DEVELOPMENT SERVICES PRIOR TO CONSTRUCTION.
9. A COPY OF THE APPROVED PLANS SHALL BE KEPT ON SITE IN AN EASILY ACCESSIBLE LOCATION DURING CONSTRUCTION.
10. SHOULD UNANTICIPATED CONDITIONS BE ENCOUNTERED DURING CONSTRUCTION WHICH ARE BEYOND THE SCOPE OF THIS DESIGN, THE ENGINEER SHALL SUBMIT THE NECESSARY REVISED AND/OR SUPPLEMENTAL IMPROVEMENT PLANS FOR REVIEW AND APPROVAL BY TOM SUBDIVISION ENGINEER.
11. UPON COMMENCEMENT OF WORK, TRAFFIC CONTROL DEVICES SHALL BE POSTED AND MAINTAINED BY THE CONTRACTOR UNTIL THE WORK IS COMPLETED. WARNING SIGNS, BARRICADES, ETC. SHALL BE IN ACCORDANCE WITH THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES (MUTCD), CURRENT EDITION, PURSUANT TO ARIZONA REVISED STATUTE 28-650.
12. A QUALIFIED ARIZONA REGISTERED PROFESSIONAL ENGINEER MUST CERTIFY THAT THIS PROJECT WAS CONSTRUCTED IN SUBSTANTIAL CONFORMANCE WITH THE APPROVED PLANS PRIOR TO REQUEST FOR FINAL INSPECTION/CERTIFICATE OF OCCUPANCY OR THE RELEASE OF ASSURANCES.
13. ARS §41-844 & ARS §41-865 REQUIRE THAT THE ARIZONA STATE MUSEUM BE NOTIFIED IN THE EVENT HUMAN REMAINS OR FUNERARY OBJECTS ARE DISCOVERED DURING GROUND-DISTURBING ACTIVITIES OR CONSTRUCTION.
14. A TYPE 2 GRADING AND ROW PERMIT WILL NEED TO BE OBTAINED FROM THE TOWN OF MARANA PRIOR TO THE START OF CONSTRUCTION.
15. IN COMPLIANCE WITH TITLE 06.03.02L, ALL UTILITIES SHALL BE UNDERGROUND EXCEPT ELECTRICAL TRANSMISSION LINES CARRYING 69Kv OR MORE.

ENG0608-016

SHEET / OF	1 / 1
DWG NO.:	C1
DESIGNED BY: SDC DRAWN BY: SDC DATE: 03/19/2007 JOB No.: 06081 SCALE: 1"=40' 1"=4	

N. Tortolita Road Extension
Plan and Profile
STA 10+00 to 16+60.56

Connecting to Chavez Ridge Place
Located in NE4 of Section 26, T11S, R12E, G&SRM, Pima County, Arizona

PHYSICAL RESOURCE ENGINEERING, INC.
P.O. BOX 36985
4855 N. FLOWING WELLS
TUCSON, AZ. 85705
PHONE (520)690-1669
FAX (520)690-1769

Marana Regular Council Meeting 06/06/2017

EXHIBIT A

Council-Regular Meeting **C2**

Meeting Date: 06/06/2017

To: Mayor and Council

From: Frank Cassidy, Town Attorney

Date: June 6, 2017

Strategic Plan Focus Area:
Not Applicable

Subject: Resolution No. 2017-049: Relating to Intergovernmental Relations; endorsing the proposed consolidation of Mountain Vista Fire District and Golder Ranch Fire District (Frank Cassidy)

Discussion:

Mountain Vista Fire District Chief Cheryl Horvath has notified the Town of the District's proposed consolidation with Golder Ranch Fire District. A portion of Mountain Vista Fire District is located in the town limits of Marana, so the Mountain Vista Fire District's Board of Directors may only approve the consolidation if it is endorsed by the Marana Town Council.

Chief Horvath's communication states: "This consolidation will allow for Mountain Vista Fire District to align resources with Golder Ranch and create a more efficient response system. It would also expand GRFD's Certificate of Need (CON) to include MVFD's response area, providing the residents of MVFD in the Town of Marana ambulance transportation by the consolidated district."

A map of Mountain Vista Fire District is provided as backup. It shows the District's location relative to Golder Ranch Fire District and the Town of Marana.

Staff Recommendation:

Staff recommends adoption of Resolution No. 2017-049, endorsing the proposed consolidation of Mountain Vista Fire District and Golder Ranch Fire District.

Suggested Motion:

I move to adopt Resolution No. 2017-049, endorsing the proposed consolidation of Mountain Vista Fire District and Golder Ranch Fire District.

Attachments

Resolution No. 2017-049
MVFD Map

MARANA RESOLUTION NO. 2017-049

RELATING TO INTERGOVERNMENTAL RELATIONS; ENDORSING THE PROPOSED CONSOLIDATION OF MOUNTAIN VISTA FIRE DISTRICT AND GOLDER RANCH FIRE DISTRICT

WHEREAS the Town of Marana has received from Mountain Vista Fire District a notice of a proposed consolidation of Mountain Vista Fire District and Golder Ranch Fire District; and

WHEREAS Mountain Vista Fire District includes property located within the town limits of the Town of Marana; and

WHEREAS A.R.S. § 48-822 (C) (8) provides that the Board of Directors of Mountain Vista Fire District shall approve the creation of the consolidated district only if the Town Council of the Town of Marana endorses the creation by ordinance or resolution; and

WHEREAS the Mayor and Council of the Town of Marana find that adoption of this resolution is in the best interests of the citizens of Marana.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, that the proposed consolidation of Mountain Vista Fire District and Golder Ranch Fire District is hereby endorsed by the Town of Marana in accordance with A.R.S. § 48-822 (C) (8).

IT IS FURTHER RESOLVED that the Town Manager and staff are hereby directed and authorized to undertake all other and further tasks required or beneficial to carry out this resolution.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 6th day of June, 2017.

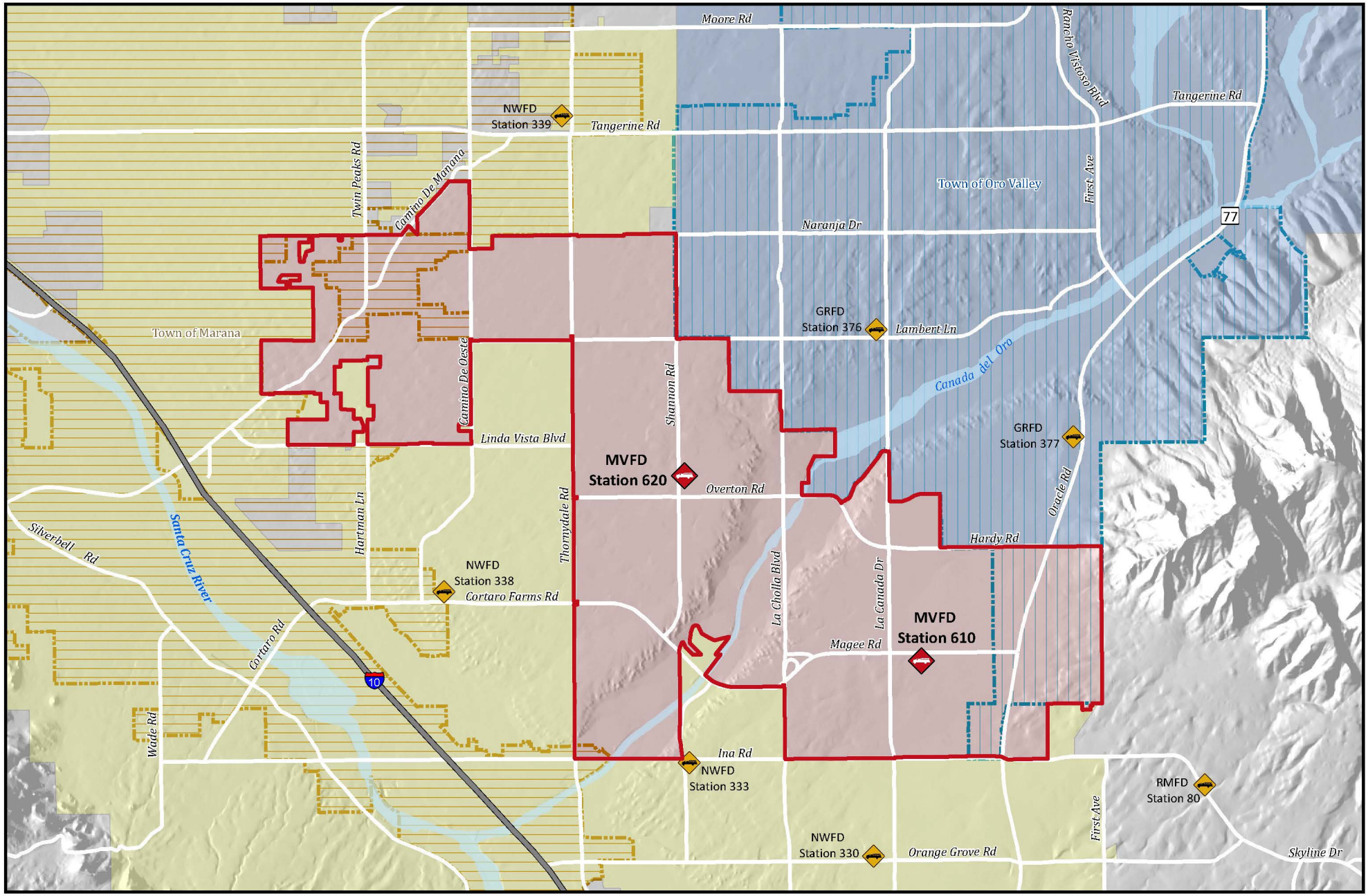
Mayor Ed Honea

ATTEST:

Jocelyn C. Bronson, Town Clerk

APPROVED AS TO FORM:

Frank Cassidy, Town Attorney



Mountain Vista Fire District

Current Boundary and Surrounding Districts Map - September 2013

Mountain Vista Fire District Boundary Effective 9/16/2013

Mountain Vista Fire District Stations

Neighboring Fire District/ Department Stations

Golder Ranch Fire District Boundary

Northwest Fire District Boundary

Town of Marana

Town of Oro Valley

N

1 0.5 0 1 Miles

Map created by TerraSystems Southwest, Inc. using Pima County GIS datasets. Initial Fire District data also provided by Pima County (1/2013 update) and updated in Sept 2013 by TSSW. All data shown is approximate and suitable for general reference or planning purposes only.

Council-Regular Meeting **C3**

Meeting Date: 06/06/2017

To: Mayor and Council

From: Libby Shelton, Senior Assistant Town Attorney

Date: June 6, 2017

Strategic Plan Focus Area:
Community

Subject: Resolution No. 2017-050: Relating to the Police Department; exempting undercover vehicles used by the Marana Police Department in felony investigations or activities of a confidential nature from Arizona state laws related to the designation of political subdivision motor vehicles; authorizing the Chief of Police to renew existing vehicle registrations for these undercover vehicles and to obtain vehicle registrations for new undercover vehicles to be used in felony investigations or activities of a confidential nature (Libby Shelton)

Discussion:

State law (A.R.S. §38-538) provides that all vehicles used by a political subdivision for official use must bear the name of the political subdivision and the words "for official use only." However, A.R.S. §38-538.03 allows the governing body of a political subdivision to exempt official vehicles that are used for felony investigations or activities of a confidential nature from these requirements. Undercover police vehicles may be exempted under this provision. Per the statute, the Council may grant the exemption for only one year at a time. This agenda item will grant the exemption from the provisions of A.R.S. §38-538 to the Marana Police Department's undercover police vehicles for the upcoming year. The item also authorizes the Chief of Police to take all necessary action to renew existing vehicle registrations for undercover police vehicles and to obtain vehicle registrations fro any new undercover police vehicles.

Staff Recommendation:

Staff recommends adoption of Resolution No. 2017-050, exempting the Marana Police Department's undercover police vehicles from Arizona state laws related to the designation of political subdivision motor vehicles and authorizing the Chief of Police to renew existing vehicle registrations for undercover police vehicles and obtain vehicle registration for new undercover police vehicles.

Suggested Motion:

I move to adopt Resolution No. 2017-050, exempting the Marana Police Department's undercover police vehicles from Arizona state laws related to the designation of political subdivision motor vehicles and authorizing the Chief of Police to renew existing vehicle registrations for undercover police vehicles and obtain vehicle registration for new undercover police vehicles.

Attachments

Resolution No. 2017-050

MARANA RESOLUTION NO. 2017-050

RELATING TO THE POLICE DEPARTMENT; EXEMPTING UNDERCOVER VEHICLES USED BY THE MARANA POLICE DEPARTMENT IN FELONY INVESTIGATIONS OR ACTIVITIES OF A CONFIDENTIAL NATURE FROM ARIZONA STATE LAWS RELATED TO THE DESIGNATION OF POLITICAL SUBDIVISION MOTOR VEHICLES; AUTHORIZING THE CHIEF OF POLICE TO RENEW EXISTING VEHICLE REGISTRATIONS FOR THESE UNDERCOVER POLICE VEHICLES AND TO OBTAIN VEHICLE REGISTRATIONS FOR NEW UNDERCOVER POLICE VEHICLES TO BE USED IN FELONY INVESTIGATIONS OR ACTIVITIES OF A CONFIDENTIAL NATURE

WHEREAS A.R.S. § 38-538.03 provides that the governing body of a political subdivision may grant an exemption for not more than one year from Arizona state law regulating the designation of political subdivision motor vehicles for motor vehicles used in felony investigations or activities of a confidential nature; and

WHEREAS the Town of Marana Police Department uses a number of undercover police vehicles in felony investigations and in activities of a confidential nature and maintains a list of those vehicles, which list includes the year, make, model and identification number of each vehicle; and

WHEREAS the Mayor and Council of the Town of Marana feel it is in the best interests of the public to exempt these vehicles from state laws regulating the designation of political subdivision motor vehicles.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA AS FOLLOWS:

SECTION 1. The Town Council hereby exempts the undercover motor vehicles used by the Marana Police Department in felony investigations or activities of a confidential nature from state laws regulating the designation of political subdivision motor vehicles for a period of one year.

SECTION 2. The Chief of Police is hereby directed and authorized to undertake all other and further tasks required or beneficial to carry out the terms, obligations, and objectives of this resolution, including maintaining a list of the vehicles in question, which list shall include the year, make, model and identification number of each vehicle, and renewing existing vehicle registrations for Marana Police Department undercover vehicles used in felony investigations and in activities of a confidential nature and obtaining vehicle registrations for new Marana Police Department undercover vehicles to be used in these activities.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 6th day of June, 2017.

Mayor Ed Honea

ATTEST:

Jocelyn C. Bronson, Town Clerk

APPROVED AS TO FORM:

Frank Cassidy, Town Attorney

Council-Regular Meeting **C4**

Meeting Date: 06/06/2017

To: Mayor and Council

From: Laine Sklar, Town Magistrate

Date: June 6, 2017

Strategic Plan Focus Area:
Not Applicable

Subject: Resolution No. 2017-051: Relating to Municipal Court; approving the appointment of Kimberly Epling as a civil traffic violation hearing officer for the Marana Municipal Court (Laine Sklar)

Discussion:

A.R.S. Section 28-1553 and Marana Town Code Section 5-2-3 provide that the Town Magistrate, with the approval of the Town Council, may appoint one or more hearing officers to preside over civil traffic violation cases. For a number of years, in the interests of efficiency and timely customer service, a civil traffic violation hearing officer has been appointed to assist with signing minute entries pertaining to civil traffic cases, as well as signing orders amending civil traffic cases, when the judge is unavailable. Court Supervisor Sandy Celaya served as the court's civil traffic violation hearing officer on an as-needed basis from 2012 to 2016. Ms. Celaya's appointment has expired and she has retired from Town employment. Therefore, the court is in need of a new civil traffic violation hearing officer.

Kimberly Epling has worked as a court clerk in the Marana Municipal Court since 2012 and has proven to be detail-oriented, efficient, and reliable. Ms. Epling's primary responsibilities as a court clerk involve working on civil traffic violation cases. Ms. Epling has attended the Arizona Supreme Court's Civil Traffic Hearing Officer training program and is qualified to serve as a civil traffic violation hearing officer. Town Magistrate Laine Sklar recommends appointing Kimberly Epling to serve as a civil traffic violation hearing officer for the Marana Municipal Court.

Staff Recommendation:

Staff recommends approving the appointment of Kimberly Epling as a civil traffic violation hearing officer.

Suggested Motion:

I move to adopt Resolution No. 2017-051, approving the appointment of Kimberly Epling as a civil traffic violation hearing officer for the Marana Municipal Court.

Attachments

Resolution No. 2017-051

MARANA RESOLUTION NO. 2017-051

RELATING TO MUNICIPAL COURT; APPROVING THE APPOINTMENT OF KIMBERLY EPLING AS A CIVIL TRAFFIC VIOLATION HEARING OFFICER FOR THE MARANA MUNICIPAL COURT

WHEREAS Section 5-2-3 of the Town Code provides that the Town Magistrate, with the approval of the Town Council, may appoint one or more hearing officers to preside over civil traffic violation cases; and

WHEREAS the term of the previous civil traffic violation hearing officer has expired; and

WHEREAS the Town Magistrate wishes to appoint Kimberly Epling to serve as a civil traffic violation hearing officer on as-needed basis; and

WHEREAS the Town Council finds that Kimberly Epling possesses the requisite skill and character to perform as a civil traffic violation hearing officer.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, AS FOLLOWS:

SECTION 1. The Town Council hereby approves the appointment of Kimberly Epling to serve as a civil traffic violation hearing officer on an as-needed basis, with a term effective immediately and expiring on September 30, 2017.

SECTION 2. The Town Council further directs that the hearing officer, Kimberly Epling, who is a regular employee of the Town, shall receive no additional compensation as hearing officer other than her regular pay and benefits as an employee of the Town.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 6th day of June, 2017.

Mayor Ed Honea

ATTEST:

Jocelyn C. Bronson, Town Clerk

APPROVED AS TO FORM:

Frank Cassidy, Town Attorney

Council-Regular Meeting **C5**

Meeting Date: 06/06/2017

To: Mayor and Council

Submitted For: Jocelyn C. Bronson, Town Clerk

From: Suzanne Sutherland, Assistant to the Town Clerk

Date: June 6, 2017

Subject: Approval of the May 2, 2017 Regular Council Meeting Minutes, May 9, 2017 Study Session Meeting Minutes and May 16, 2017 Regular Council Meeting Minutes (Jocelyn C. Bronson)

Attachments

Draft Regular Council Meeting Minutes 05/02/2017
Draft Study Session Meeting Minutes 05/09/2017
Draft Regular Council Meeting Minutes 05/16/2017

MARANA TOWN COUNCIL
REGULAR COUNCIL MEETING
11555 W. Civic Center Drive, Marana, Arizona 85653
Council Chambers, May 2, 2017, at or after 7:00 PM

Ed Honea, Mayor
Jon Post, Vice Mayor
David Bowen, Council Member
Patti Comerford, Council Member
Herb Kai, Council Member
Carol McGorray, Council Member
Roxanne Ziegler, Council Member

REGULAR COUNCIL MEETING

CALL TO ORDER AND ROLL CALL. **Mayor Honea** called the meeting to order at 7:02 p.m. **Town Clerk Bronson** called roll. Council Members McGorray and Ziegler were excused; there was a quorum present.

PLEDGE OF ALLEGIANCE/INVOCATION/MOMENT OF SILENCE. Led by **Mayor Honea.**

APPROVAL OF AGENDA. ***Motion to approve by Council Member Bowen, second by Vice Mayor Post. Passed unanimously 5-0.***

CALL TO THE PUBLIC. No speaker cards were presented.

PROCLAMATIONS

P1 Proclaiming May 4, 2017 as National Day of Prayer (Jocelyn C. Bronson). Ms. Bronson read the proclamation into the record and presented the proclamation to Mr. Paul on behalf of the Pima County National Day of Prayer.

MAYOR AND COUNCIL REPORTS: SUMMARY OF CURRENT EVENTS. **Council Member Comerford** spoke on behalf of a homeless veterans group she is supporting. She invited those who were able to help to contact her. **Mayor Honea** reported on Career Day at Quail Run Elementary School. He also reported on a conference he and Council Member

Comerford attended at Lake Havasu City – Arizona Association of Economic Development (AAED). It was an outstanding conference, and Marana's Economic Development Director, Curt Woody, was elected president of the association. He also noted Heath Vescovi-Chiordi's involvement and work with this association.

MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS. Mr. Davidson noted that the Council Executive Report would be completed and distributed and posted on the town's website by the end of the week.

PRESENTATIONS

CONSENT AGENDA. ***Motion to approve by Council Member Bowen, second by Vice Mayor Post. Passed unanimously 5-0.***

C1 Resolution No. 2017-035: Relating to Parks & Recreation; approving and authorizing the Mayor to execute an Intergovernmental Agreement between the Town of Marana and Pima County to facilitate the planning, design and development of the Central Arizona Project trailhead and trail within the Town of Marana (Cynthia Nemeth-Briehn)

C2 Resolution No. 2017-036: Relating to Public Works; authorizing the acquisition of lands and property rights needed for the Marana Road Realignment, Town of Marana Project No. ST044 (Frank Cassidy)

C3 Resolution No. 2017-037: Relating to Public Works; approving and authorizing the Mayor to sign Amendment No. 1 to an Intergovernmental Agreement and Agreement among the State of Arizona, the Town of Marana, and the Pima Association of Governments relating to Ina Road Traffic Interchange and Ina Road Improvements, Silverbell Road to Camino de la Cruz (Keith Brann)

C4 Approval of April 18, 2017 Regular Council Meeting Minutes (Jocelyn C. Bronson)

LIQUOR LICENSES

BOARDS, COMMISSIONS AND COMMITTEES

COUNCIL ACTION

A1 Resolution No. 2017-038: Relating to Public Safety; approving and authorizing the Mayor to execute an intergovernmental agreement between the Town of Marana, Pima County, and other public safety agencies to secure access from the Pima County Wireless Integrated Network (PCWIN) for interoperability for 11 radios for the Marana Police Department (Carl Drescher).

Presented by Carl Drescher, Information Technology Director, who gave a brief overview of the agreement. ***Motion to approve by Council Member Kai, second by Vice Mayor Post. Passed unanimously 5-0.***

ITEMS FOR DISCUSSION/POSSIBLE ACTION

D1 Ordinance No. 2017.011: Relating to Animal Control; amending Title 6 (Animal Control) of the Marana Town Code by replacing existing Title 6 with a comprehensive rewrite of Title 6; and designating an effective date (Jane Fairall)

Resolution No. 2017-039: Relating to Animal Control; declaring as a public record filed with the Town Clerk the comprehensive rewrite of Marana Town Code Title 6 (Animal Control) adopted by Ordinance No. 2017.011 (Jane Fairall)

Ms. Fairall noted that at the March 14th study session, Council voted to bring animal enforcement in-house and to contract with outside sources for other necessary services. As a result of that action, staff noted that there would need to be some changes to the town code related to the changes. She then discussed the substantive changes to Title 6 of the Town Code, which included Enforcement, Tie outs, Hoarding, the Community Cat Program, Vicious, Destructive and Dangerous Animals and the classification of some offenses such as dogs at large, dogs on school grounds and excessive animal noise. Each of these was enumerated on the handout presented to Council.

Significant changes were made regarding enforcement, as the Pima Animal Care Center previously was the town's animal enforcement agent. Specifically, the amendments designate a code enforcement agent responsible for enforcement activities, describes the procedures of issuing citations or commencing actions for violations, and makes it a misdemeanor to interfere with any town enforcement agent performing official duties. Revisions also include removing reference to tie outs as adequate exercise space, but tie outs are not banned. However, a tie out causing distress to an animal could be a violation of cruelty or neglect provisions. Hoarding would be prohibited for 10 or more animals deemed to be kept in injurious circumstances and could result in a court order for a mental health evaluation and treatment. Currently, there is no provision for trap-neuter-release of feral cats. A community cat program is proposed with the caveat that healthy, free-roaming cats could be trapped or humanely captured, sterilized, vaccinated and returned to the wild prior to a standard 72-hour hold. This section of the code does not, however, obligate the town to establish such a program but does allow for the possibility under appropriate circumstances. A procedure is proposed to address the activities of vicious, destructive or dangerous animals. The burden of proof would be on the town to prove a dog is vicious. And lastly, the classification of offenses for dogs at large or on school grounds and excessive animal noise remain as civil infractions unless the animal's owner has previously been convicted of the same offense within the 12 previous months.

Motion to approve Ordinance No. 2017.011 and Resolution No. 2017-039 by Council Member Bowen, second by Vice Mayor Post. Passed 4-1 with Council Member Kai voting nay.

D2 Relating to Finance; presentation and discussion regarding the Tangerine Farms Road Improvement District (TFRID) special assessment improvement bonds and current market conditions which may allow for a refunding of outstanding bonds (Erik Montague).

Mr. Montague noted that in December, 2006, the Tangerine Farms Road Improvement District issued about $25.8M in special assessment improvement bonds on approximately 15 acres for

the purpose of paying for significant portions of the Tangerine Farms Road from I-10 to Moore Road. Each property owner within the improvement district was assessed a proportionate share of the cost of that improvement, and once each the debt was issued, twice a year each property owner pays on the terms of the debt service. The bonds currently carry an average of 4.6%, and as of now, there is about $14.5M outstanding. In the previous legislative session, HB 2301 passed and provided some additional tools making it more feasible and palatable to refund certain types of debt. It provided the opportunity to refinance even special assessment district and improvement district bonds which was previously impossible or difficult to do. Even with that help, there are challenges. In a normal refunding transaction, the cost of issuance would be part of the normal bond deal even though we wouldn't increase the term or amount of obligation. That would have been incorporated into future debt. With the special assessment structure, we can't increase each individual property owner's share of the cost of that project. So what that requires is to identify a path forward using reasonable and normal costs of issuance of a refunding debt.

Tonight's presentation is designed to give Council an overview of this history and look at some of the current market conditions that suggest a refunding may be favorable. He then introduced Mark Reader, with Stifel Nicholaus, as well as Michael Cafiso and Paul Gales with Greenberg Traurig. **Mr. Reader** proceeded by indicating on an aerial map the various property owners who have made their regular special district payments over the past 11 years. The infrastructure is now in place, and there is significant improvement in residential construction. One of the public policy requirements at the time of the initial issuance was that the town was clear that to the extent there would be residential development within the boundaries of the district, the town would require the developer to pay off the special assessment for all residential homes. The bond structure was set up with early prepayment without penalty, and that process has gone very well. Commercial is different; to the extent that there is commercial property, that assessment stays in place unless it's paid off as part of the transaction.

He then proceeded with the refunding bond objectives, which are to (1) lower the current 4.6% interest rate to approximately 2.67% which will achieve a significant savings of approximately $900K and thus lower the special assessment payments allocated to the property owners. There have been some preliminary discussions with institutional investors, and there is significant interest in buying the bonds at the 2% money; (2) structure with the same par size and amortization as the current bonds and take the savings and give it back to the property owners on January 1, 2018; (3) debt service payments after receiving the benefit of the up-front savings will approximate the prior debt service obligation; and (4) submit an RFP soon to several financial institutions to create competition issuing the Private Placement Alternative in the hope of driving the rate down.

Mr. Reader then summarized the historical aspects of the Improvement District and related credit factors. The collateral is a special assessment lien on the underlying property, subordinate only to general taxes. So if there is a problem, the general taxes get paid first, and special assessment lien bonds get paid second. One of the benefits of doing a project such as this, is that in the unlikely event there is a default on an assessment payment, and the property owner was unable to make their assessment payment each year, the town, under state statute would be required to dip into the general fund to make that temporary payment. The town has not had to do that in 11 years and has survived the great recession. The bonds at 4.6% are callable on July 1, 2017,

which is good. Then we replace that with the 2.67%. Interest rates are still good in the marketplace. Mr. Reader noted that the refunding will not be with a public market this time, but rather with private placement markets which are more favorable. They will be sending the RFP out to about 15 financial institutions and expect three to five bids returned. He then provided a short list of recent private placement bids with banks and financial institutions.

Mr. Reader concluded with a possible savings summary and a preliminary financing calendar. He noted that he and Mr. Wingert have talked to all of the primary property owners who represent about 85 – 90% of the total property owners, and they are very pleased with this level of savings. As this is an informational session for Council tonight, staff will bring this item back to Council on May 16th to approve a resolution authorizing the private placement. The RFP will be submitted on May 17th. Bids will be due May 30th, and the closing will be June 14th. **Mayor Honea** asked for clarification regarding reimbursement for people who have already paid. **Mr. Reader** explained that the reimbursement will be for property owners, not the residents. It will not affect the payoff amount for the residential property owners. **Council Member Bowen** asked for clarification regarding the costs of refinancing which normally can be rolled into the new package but not this time. **Mr. Reader** responded that because the costs can't be paid out of the par amount of the bonds, to solve that issue, we will only sell some additional interest like a zero coupon bond for a very short period of time – the total interest is about $3500. So we'll sell some bonds that mature over the next 18 months and take the present value proceeds of that and use that to pay the costs, but all of that is incorporated into the net numbers he presented earlier.

Per Mr. Montague, staff will bring this item back to Council with the resolution on May 16.

D3 Relating to Legislation and Government Actions; discussion and possible action regarding all pending state, federal, and local legislation/government actions and on recent and upcoming meetings of the other governmental bodies (Gilbert Davidson).

Mr. Davidson noted that the legislature is finalizing budget negotiations and should be wrapping up the session within the next few days. Bills that have made it through both Houses will be sent to the Governor for signature. Bills that didn't make it to the Governor's desk will likely resurface during the next session.

EXECUTIVE SESSIONS

Pursuant to A.R.S. § 38-431.03, the Town Council may vote to go into executive session, which will not be open to the public, to discuss certain matters.

E1 Executive Session pursuant to A.R.S. §38-431.03 (A)(3), Council may ask for discussion or consultation for legal advice with the Town Attorney concerning any matter listed on this agenda.

FUTURE AGENDA ITEMS

Notwithstanding the mayor's discretion regarding the items to be placed on the agenda, if three or more Council members request that an item be placed on the agenda, it must be placed on the

agenda for the second regular Town Council meeting after the date of the request, pursuant to Marana Town Code Section 2-4-2(B).

ADJOURNMENT. ***The meeting adjourned at 7:38 p.m. upon motion by Council Member Bowen, second by Vice Mayor Post. Passed unanimously 5-0.***

CERTIFICATION

I hereby certify that the foregoing are the true and correct minutes of the Marana Town Council meeting held on May 2, 2017. I further certify that a quorum was present.

_____

Jocelyn C. Bronson, Town Clerk

DRAFT

MARANA TOWN COUNCIL
STUDY SESSION MEETING MINUTES
11555 W. Civic Center Drive, Marana, Arizona 85653
Council Chambers, May 9, 2017, at or after 6:00 PM

Ed Honea, Mayor
Jon Post, Vice Mayor
David Bowen, Council Member
Patti Comerford, Council Member
Herb Kai, Council Member
Carol McGorray, Council Member
Roxanne Ziegler, Council Member

STUDY SESSION

CALL TO ORDER AND ROLL CALL. Mayor Honea called the meeting to order at 6:01 p.m. **Town Clerk Bronson** called roll. All Council Members were present.

PLEDGE OF ALLEGIANCE/INVOCATION/MOMENT OF SILENCE. Led by **Mayor Honea.**

APPROVAL OF AGENDA. ***Motion to approve by Council Member McGorray, second by Council Member Kai. Passed unanimously.***

CALL TO THE PUBLIC

DISCUSSION/DIRECTION/POSSIBLE ACTION

D1 Relating to Development; preview, discussion and direction regarding The Villages of Tortolita Development, including an overview of the approved development concept and discussion of transportation infrastructure requirements and sequencing (Ryan Mahoney).

Mr. Mahoney began with some details regarding the specific plan of the property which was approved in 2007. There has been no development since then, although 6,500 units are allowed as well as some commercial and industrial development on the 1,780-acre property. There are a number of land use designations allowed, including medium to low density residential, medium

density residential, medium-high density residential, mixed use and industrial use. The mixed use district for medium-high and medium density also allows for commercial as well as a mixed commercial use residential. There is one area of industrial which allows for retail and commercial uses but is limited to 45% of the floor area.

The development is composed of five different villages which includes the industrial part. Village 2 has the most intense development. The Tortolita Mountain Parkway that bisects the development will be the main thoroughfare. Of note within this plan is a 200-foot buffer that exists along the right of way for the train which buffers train noise and vibration, but also exists as a linear parkway. Mr. Mahoney also provided an exhibit of a land use summary showing the distribution of units within the villages. Village 1 at the north has about 1,500 dwelling units. Village 2 has about 2,000 units; Village 3 has about 1,300 units, and Village 4 has about 1,600 dwelling units.

Gilbert Davidson then gave an overview of the developments and traffic circulation issues pertaining to the east side of the interstate. One of the conditions approved by the Council when this property was zoned was that the developers had to build a new interchange before one home could be built. That was negotiated and done in a different time and in a different economy. With the current economy in perspective, staff and developers began to think of ways to solve a number of different community challenges while still supporting the developer and housing production. The team looked for ways to change that condition, which was to build a full interchange. In the new scenario, that condition would be exchanged for constructing a connection from San Lucas/Adonis Road to Tangerine Road to create a secondary access which we have wanted for some time and also solves the project's need to have a secondary access.

The second element is that the Marana interchange needs to be upgraded because it is old and wasn't designed for the development currently going on. The interchange is owned by the state, by ADOT, and by the Federal Highways Administration, but as residents we are concerned about how it functions for a safer, more efficient interchange. We would need to work with ADOT with respect to merging on and off ramps and making improvements to add capacity. Doing those two things would enable the developer to begin construction and also solve community needs. The town recommendation would be that the 100% condition on the developer's responsibility be reduced to 50%, and the town would reimburse them 50% using impact fees over time. If the Council were to implement this, we would not add this project to our impact fees for transportation until we know that they are going to actually build the interchange. The developer would front the money for the interchange on a pay back situation from the town over time. That is the only modification being requested by the developer, and it has a broad positive public impact. Because it is a zoning change, this will have to go back through the Planning Commission and then to Council. Time is of the essence because we want to see the road built and development started with The Villages of Tortolita. However, this is not an action item tonight.

Vice Mayor Post asked about the time line. **Mr. Davidson** indicated the sooner the better. Staff will add a clause in the development agreement that if the Adonis Road isn't completed within a year, all bets are off other than if something comes up that the developer cannot control such as finding a major archeological find. We want the road in place and operational as quickly as possible. Staff would recommend that once the TI improvements are started, they could probably go ahead with housing production. If they have an agreement with ADOT, ADOT

won't let them stop an interchange project. **Council Member Kai** stated that along with the transportation circulation, we have a drainage issue with sheet flow coming off of the Tortolita Fan. He asked if the town would do a study to determine how we would dispose of the water to the west of the interstate. **Mr. Davidson** responded that this is one of the items in the town's budget – a comprehensive drainage plan for north Marana. That will be the kick off to looking at the big picture of our drainage issues. We do have some challenges coming from the flows out of the Tortolita Fan and how it intersects with the railroad, the interstate, culverts and the downstream property owners. **Council Member Kai** asked if it is anticipated to have the drainage done by the time the first house is built. **Mr. Davidson** responded that the developer has the responsibility to deal with drainage. The pass-through is the bigger issue to address.

D2 Relating to Public Works; a presentation on possible alignments for the extension of Adonis Road east of Interstate 10 from the terminus of Grier Road to Tangerine Road (Keith Brann) .

Mr. Brann continued with the previous presentation on the alignment of the road. Staff has been working on the project for some time, and there have been issues with access on the east side of the interstate. When development stalled during the recession we realized we wouldn't have a secondary access in a suitable time frame. There is informal access through Owl Head out to Missile Base Road, but it is an unpaved and not well-maintained state land roadway. With the lack of secondary access we have been trying to get an extension of Adonis for San Lucas. We have tried to deal with the railroad but they are not interested in creating more at-grade crossings, and we lack the funds for a grade separated interchange at this time. Although Adonis Road which is the working name for the parallel road on the east side of I-10 runs through San Lucas, in the previous presentation it was listed as Tortolita Boulevard, and in Mandarina's specific plan, they show it as Mandarina Boulevard. Our desire would be to have a single name that doesn't benefit one major development over another.

The town does have an active capital improvement project for Adonis Road for this current year where we have a consultant who is preparing an ALTA (American Land Title Association) title study. After the ALTA study, they will lay the alignment that is chosen with legal descriptions for us to approach the developers for dedication of right of way. In the past, all the major developers were approached for dedications, and we received affirmations to that effect. Since that time, the Mandarina development has withdrawn, but they are willing to work with us if their preferred alignment is chosen.

In 2007, Council passed a resolution to relocate the Tangerine interchange. That carried through into the 2010 General Plan circulation element. About that same time almost all developers in play wanted to move forward. The town tried to create a more suitable engineering design of what is expected of this alignment. This alignment followed several inflection points and attempted to come up with the proper design speed for a 45-MPH four-lane roadway. Those inflection points included the right of way already in existence on the plat from La Mirage which was never built, a location for a half mile signal off of a future Moore Road interchange, and a property corner that was agreed upon by the Tortolita Shadows development and the Mandarina development at the time. And Mandarina had supplied an alignment while they were designing the Tangerine interchange in conjunction with Westcor to hit a half mile signal location for Tangerine, and then there was going to be another signal at a quarter mile. Following the 2007 resolution and the General Plan, we have the exhibits from the various specific plans –

Mandarina and Tortolita Shadows – that take into account the alignment that we had all worked on together. Tortolita Shadows was approved by the Council in 2012. Mandarina had been approved in 2009. Then the recession happens and no one has the money to build a relocated Tangerine Road interchange, although we had development wanting to move ahead at the existing Tangerine TI. We worked with all the developers at that point. Not everyone was happy, but we did move forward by removing the relocated Tangerine interchange from our General Plan as a 2015 minor plan amendment. We then modified the drawing we had done in 2009, keeping as many of the inflection points as we could. We have continued to discuss the current alignment with all major developers along that corridor. We have three alignments now that are in play. Most of them are very similar but begin to depart as we get closer to the Mandarina development.

Option 1 is an alignment proposed by Mandarina's developers, and is a drastic departure from previous alignments in that the parallel arterial does not hit the middle of the property and there is less commercial and multi-use residential to the north. The modified alignment moves the inflection point which was the previously agreed upon by the property corner and modifies Mandarina's development and Tortolita Shadows. They have dropped the arterial adjacent to their drainage buffer and the railroad, showing the entire area as being residential and also a multi-lane roundabout fully connected to their property. This would be the first multi-lane roundabout in our jurisdiction. The shifted alignment also causes a shift in the zoning. Staff analysis indicates this would require a single loaded arterial roadway where there would be no need for access. Their alignment as depicted does not allow access to the adjacent Tangerine Investment Partners property which we see as an issue. However, in support of this alignment, Mandarina has agreed to dedicate the right of way for this alignment which is a significant amount of the Adonis extension corridor.

Option 2 is an alignment between what Mandarina desires and what is currently on the books with the inflection point at the property corner with the arterial centered in the property with the same tangent as in the specific plan. This also shows a multi-lane roundabout in more or less the same location with a slight shift away from the interstate. We think the zoning changes would be minor relative to mixed use and commercial. This might be something within the authority of the Planning Director to modify the specific plan, and then there would be no modification to the specific plan of Tortolita Shadows. It would have a double loaded arterial roadway providing equal service to both properties.

Option 3 has the least amount of modifications and is close to the alignment from 2015 after modifications to the General Plan. This allows for a fully signalized intersection or a multi-lane roundabout, and staff thinks the zoning changes are adaptable. Of note is that the intersection is fully within the Tangerine Investment Partners property and that a slip left turn lane would be allowed into the Mandarina property in addition to them having access to the arterial and to get to the signal. Tangerine Investment Partners has indicated that under this alignment, they are willing to dedicate the necessary right of way to their property.

Mr. Brann then went into more detail about multi-lane roundabouts and how it could or would work in this situation.

The Mayor then called on speakers. **Jeff Blilie**, representing the Mandarina project, provided an Adonis Road Alignment Argument sheet. He voiced Mandarina's concerns over the change in

the alignment, stating that he believes Option 1 is best for them and for Tortolita Shadows. They (Mandarina) are in favor of the roundabout as a good option. He further noted that town staff has not approached Mandarina about donating to the right of way since he's been involved. However, if Option 1 is selected, they are willing to donate the right of way. **Vice Mayor Post** raised his concerns, mainly about the lack of commercial along the interstate in Option 1. Freeway commercial is appealing to him. **Mr. Blilie** indicated that no matter how much commercial is zoned, it will never build out if you don't have full access in and out, and what is actually shown in Option 1 might be too much. He again emphasized that without the interchange, everything is drastically changed. **Council Member McGorray** asked if Mandarina would consider dropping their lawsuit if Council approved Option 1. **Mr. Blilie** responded that they were very willing to work with Marana on a settlement, and this is one of the issues they would throw into that mix. **Chad Rodriguez**, also representing Mandarina, echoed the remarks of Mr. Blilie and emphasized that the town's modifications do not work for their project, especially in the retail world of today. Retail does move forward with rooftops. **Council Member Comerford** asked for clarification on who is paying for the road through the project. **Mr. Brann** affirmed that Tortolita Shadows (sic) Villages, is paying for the road through their project. They have offered to pay for the Adonis extension for a secondary, access, but only as a strip- paved, interim road to provide access. As Mandarina or Tortolita Shadows develop, they would have to reconstruct that road to the full four lanes. Although Mandarina has offered to pay for the right of way in their preferred alignment, they are not ready to move forward with their development. **Council Member Kai** asked about the proximity of the preferred Mandarina alignment to the railroad. **Mr. Brann** responded that it is just under a quarter mile which is within the parameters of what the town would allow for a signalized intersection. The roundabout shown is in the 900-foot range. The typical touchdown point for a flyover is 800-1,000 feet. All of the alignments could support a future interchange with some modifications. The signalized location is the best chance of having no impact from a grade change.

Katherine Temple, a resident of San Lucas, spoke asking that the Council consider, when planning any of the realignment escape routes, the effects of a hazardous materials spill on the rail line or near the Marana interchange. **Neil Simon**, an owner of Venture West, the managing partner of Tangerine Investment Partners, noted that when the property was acquired prior to the great recession, they envisioned that the property might host something similar to Innovation Park in Oro Valley because of the proximity to the interstate. He believes that Options 1 and 2 with the roundabouts would cast a significant cloud on the potential development of that property. **John Kai** spoke on behalf of pro-business and more business opportunities. He noted that Tangerine Road is a major state highway through Marana. He is not in favor of the roundabout, and he also suggested another alignment along the Central Arizona Project canal to further mitigate potential problems from a chemical spill near the railroad and interstate. **Paul Oland** with WLB Group and also with Mr. Simon, agreed with Mr. Brann that there are some design challenges getting over the railroad. He also noted that Option 1 does create some awkwardness for commercial use. He referenced the Twin Peaks signal as a good template to follow. Further, he noted that a roundabout probably isn't ideal even if it meets all the specifications. And Tangerine Investment Partners also bought their property in anticipation of the relocated Tangerine interchange; it wasn't just Mandarina relying on that. But they are willing to dedicate right of way and possible cost-sharing on the signal, which he believes is the right thing to do. Perhaps there is a way not to bisect the Mandarina property and still preserve the commercial corner without sacrificing design.

Council Member Bowen asked Mr. Blilie about the major arterial proposed that runs along the interstate. **Mr. Blilie** responded that from a traditional planning standpoint, having the major arterial on the periphery of a residential community is ideal. You don't want large four and six lane arterials through the middle of residential development. **Council Member Bowen** stated that was exactly what is in Continental Ranch and it works just fine, and that is a 700-acre parcel. He also understands that property along the interstate is less desirable for housing. **Council Member Bowen** asked if the Mandarina property was bisected, would they have to create a buffer where the road is before there are houses because of its proximity to the railroad, more or less staying with the alignment in Option 3. **Mr. Blilie** responded that without additional buffer, the property would be less marketable. What they are planning now is about a 200-foot regional drainage channel that's 200 or 300 feet wide, so there is some buffer coming off the railroad tracks, so with the road, provides an additional 150 feet of buffer. It's a marketability issue. They are trying to figure out a way to make the Mandarina project get developable without that interchange they were looking at initially. From a home builder's standpoint, they would rather see is a 300-acre parcel with an arterial road on the periphery rather than through the middle of the parcel. Going back to the Tortolita Shadows two-lane chip seal road, that will be more expensive for Mandarina because they will have to rip that out and engineer a new road.

Vice Mayor Post stated that he likes Option 2 or Option 3 and asked staff if Council needed to make a motion or just give direction. **Mr. Davidson** responded that at some point staff will have to have direction but the Council doesn't have to vote tonight. It would be nice to get direction because there is a lot of work to be done. **Vice Mayor Post** stated that he wanted a signal light, but also that he felt more discussion was needed with some of the property owners about paying for this; he believes there's a little more that can be done so that the Villages or the Town don't have to foot the entire bill on this because there are others here who will benefit greatly. Saying that we want a signal light gives some parameters to work within. **Mr. Davidson** stated that there is the possibility of morphing Option 1 and 3 to begin to balance out some of the different developer interests or needs. He said that if Council wants a signal light on Tangerine, that will absolutely dictate at some point where that's going to have to go. ***Vice Mayor Post*** *moved that the best route has a signal light*. ***Council Member Ziegler*** *seconded the motion.* Before a vote was taken, **Mayor Honea** stated that the only option that qualifies is Option 3. **Council Member Ziegler** asked for clarification which was provided by Mr. Brann who stated that if the Council is not comfortable with allowing a multi-lane roundabout, then they are precluding only the location of the intersection of Tangerine Boulevard. There is still an opportunity to keep working with the developments for alignment as it runs through the Mandarina property. We already have the Tortolita Shadows development that is willing to accommodate the shift in alignment on their property, so we know that property could be worked out. If the town continues to work with Mandarina on an alignment, we can continue to do that. We just have to move forward understanding that ultimately the intersection location is not going to land in the Mandarina property. **Vice Mayor Post** interjected that he does not like the road next to the railroad. That requires zoning changes that he is not prepared to make tonight. If Council is asked to choose a route, he does not like Option 1 because of what that implies. He wants a signal but he also wants flexibility for staff to talk to property owners that will benefit from the signal light and hopefully kick in some funding because it ups the price of this project.

Vice Mayor Post moved to direct the town toward Option 2 or Option 3 depending on the best location for the signal light and continue discussions with the other property owners in that

area. Second by Council Member Ziegler. Motion passed 5-2, with Council Member McGorray and Mayor Honea voting nay.

Council Member Ziegler stated that she did not like the option along the interstate either. She continued regarding the lawsuit by Mr. Palkowitsch at which time **Mr. Cassidy** interjected, recommending that there be no further discussion of the lawsuit as he had added an executive session to this agenda to address that issue if Council desired.

EXECUTIVE SESSIONS

Pursuant to A.R.S. § 38-431.03, the Town Council may vote to go into executive session, which will not be open to the public, to discuss certain matters.

E1 Executive Session pursuant to A.R.S. §38-431.03 (A)(3), Council may ask for discussion or consultation for legal advice with the Town Attorney concerning any matter listed on this agenda.

E2 Executive session pursuant to A.R.S. § 38-431.03(A)(4) for discussion or consultation with the Town's attorneys regarding pending litigation in Mandarina, LLC v. Town of Marana, Pima County Superior Court Case No. C20161982.

FUTURE AGENDA ITEMS

Notwithstanding the mayor's discretion regarding the items to be placed on the agenda, if three or more Council members request that an item be placed on the agenda, it must be placed on the agenda for the second regular Town Council meeting after the date of the request, pursuant to Marana Town Code Section 2-4-2(B).

ADJOURNMENT. ***Motion to adjourn at 7:22 p.m. by Vice Mayor Post, second by Council Member Bowen. Passed unanimously.***

CERTIFICATION

I hereby certify that the foregoing are the true and correct minutes of the study session/presentation of the Marana Town Council meeting held on May 9, 2017. I further certify that a quorum was present.

_____

Jocelyn C. Bronson, Town Clerk

DRAFT

MARANA TOWN COUNCIL
REGULAR COUNCIL MEETING
11555 W. Civic Center Drive, Marana, Arizona 85653
Council Chambers, May 16, 2017, at or after 7:00 PM

Ed Honea, Mayor
Jon Post, Vice Mayor
David Bowen, Council Member
Patti Comerford, Council Member
Herb Kai, Council Member
Carol McGorray, Council Member
Roxanne Ziegler, Council Member

REGULAR COUNCIL MEETING

CALL TO ORDER AND ROLL CALL. Mayor Honea called the meeting to order at 7:01 p.m. **Town Clerk Bronson** noted that Council Member Comerford was participating telephonically, and then called roll. **Council Member Kai** was excused; there was a quorum present.

PLEDGE OF ALLEGIANCE/INVOCATION/MOMENT OF SILENCE. Led by **Mayor Honea.**

APPROVAL OF AGENDA. ***Motion to approve by Council Member Bowen, second by Vice Mayor Post. Passed unanimously 6-0.***

CALL TO THE PUBLIC. No speaker cards were presented.

PROCLAMATIONS

P1 Proclaiming May 21 - 27, 2017 as National Public Works Week (Jocelyn C. Bronson). **Ms. Bronson** noted that the proclamation would not be read, but would be incorporated into the permanent record.

P2 Proclaiming May 17, 2017 as Ride of Silence Day (Jocelyn C. Bronson). **Ms. Bronson** noted that Mr. Varney had requested the proclamation to honor those who have been injured or

killed in bicycling accidents. The proclamation was not read but will be part of the permanent record.

MAYOR AND COUNCIL REPORTS: SUMMARY OF CURRENT EVENTS. Council Member McGorray announced that she has a new grandbaby – fourth generation. **Mayor Honea** reported on his trip to the League of Cities and noted that the Legislature has adjourned sine die. The Governor signed the town's bill, HB 2406. The TPT bill did not make it to the Governor's desk this session.

MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS. Mr. Davidson asked **John Kmiec** to report on recent awards given at the recent Arizona Water Association conference in Phoenix. **Mike Osborne** was acknowledged for his work by receiving award for Water Operator of the Year – Wastewater Treatment Plant: Small System. The town also received the award for Water Distribution System of the Year: Small System.

PRESENTATIONS

CONSENT AGENDA. ***Motion to approve by Vice Mayor Post, second by Council Member Bowen. Passed unanimously 6-0***

C1 Ordinance No. 2017.012: Relating to Development; approving the final plat of Gladden Farms Block 7 & 13 Lots 1 - 76, Block A & Common Areas "A-1" - "A-9", "B-1" - "B-4"; approving an exchange of the real property dedicated by the final plat in exchange for any right, title and interest the Town may have in the subdivision plat it replaces; and authorizing the Town Engineer to sign a quit claim deed to be recorded in the Pima County Recorder's Office immediately prior to the recording of the final plat (Steven Vasquez)

C2 Resolution No. 2017-040: Relating to Development; approving the final plat for Villagio Lot 1 Resubdivision – Lots 1 & 4, a resubdivision of Lot 1 of the Villagio Final Plat, generally located on the northwest corner of Tangerine Road and Thornydale Road (Cynthia Ross)

C3 Resolution No. 2017-041: Relating to Parks and Recreation; approving and authorizing the Parks and Recreation Director to execute a Facility Usage Agreement between the Town of Marana and Leman Academy of Excellence, Inc. (Cynthia Nemeth-Briehn)

C4 Resolution No. 2017-042: Relating to the Police Department; approving and authorizing the Mayor to execute an intergovernmental agreement between the Town of Marana and Pima County regarding the operation of emergency vehicle preemption (EVP) equipment at Pima County-maintained traffic signals (Jane Fairall)

C5 Resolution No. 2017-043: Relating to Development; accepting for maintenance certain public sewer improvements serving the Chevron Marana Fuel Station at the southeast corner of Sandario Road and Marana Road (Keith Brann)

C6 Approval of April 25, 2017 Study Session Meeting Minutes (Jocelyn C. Bronson)

C7 Resolution No. 2017-044: Relating to Utilities; approving and authorizing the Mayor to sign Amendment No. 1 to the Agreement for Tucson Area Reliability (John Kmiec)

LIQUOR LICENSES

BOARDS, COMMISSIONS AND COMMITTEES

COUNCIL ACTION

A1 PUBLIC HEARING: Ordinance No. 2017.013: Relating to Development; approving a rezoning of approximately 103.2 acres of land located at the west terminus of Pima Farms Road, west of the Scenic Drive alignment, from RR (Resort and Recreation) to F (Specific Plan) for the purpose of establishing the Lazy K Bar Ranch Specific Plan; approving a minor amendment to the General Plan; and approving and authorizing the Mayor to sign the Lazy K Bar Ranch Development Agreement (Brian D. Varney).

Mr. Varney gave a general overview of the property and presented staff's recommendation for approval before introducing the consultant to the applicant, Linda Morales. **Ms. Morales**, principal with The Planning Center and representing the applicant. She provided an overview of the current plan as well as iterations of previous plans brought to the Planning Commission and the Council. All agreements that were in place last time are still in place. Additionally, an extension of the water line to the neighbors to the north.

Mayor Honea opened the public hearing. Those speaking in support of the rezoning were **Bill Baffert, Ryan Johnson, Braxton Cooley, Kelly Abbott, Jeff Colson, Christina McVie – support with conditions as noted in the letter from the Coalition for Sonoran Desert Protection, Bruce Romano, Pat Lopez – support with conditions as noted in the letter from the Coalition for Sonoran Desert Protection, Fred Barnett, Richard Neter, and Stephen Grimm.**

Those speaking in opposition to the development were **David A. Lutz, Craig Rosson, Kathleen Wahl, Barbara Rosson, Andrew Steffek, Tom Evitts, Greg Mitchell, Kate Breakey, Charles Kelly, Barbara Rose, Hardy Smith, Marilyn Newberry, Geraldene Larrington, Craig LeCroy, Joan Smith, Anne Loftfield, Curt Larson, Ken Scoville, Joyce Obiol, Carl Larson, Scott Stonum, Vincent Iacono, Dan Massey, Katie Meehan, Melanie Walters, Louise Argall Olm, Niall Murphy, Kevin Kading, Walter Whately, Sue Ann Christenson, Kerry Milligan, Jackie Day, Jesse Stanley, Soren Welsh, Steve Swidler, Judith Meyer, Justin Schmidt, and Li Schmidt.**

Mayor Honea closed the public hearing to hear from Council. Mayor Honea noted that there were some things he was interested in that aren't in the agreement such as the water well. Ms. Morales confirmed that the well will not be used for the project. The project will be hooked up to the town's water system which is the well down on Wade Road. He also addressed a potable water source for the hiking trail. He wanted both trails – on the north side and the south side. Next, he stated that the developer had agreed to put a 400-foot extension of the water line from the Lazy K property to Scenic Drive in the town's right of way whether anyone hooks up to it or not. Again, Ms. Morales confirmed that that was correct. He also wants no back-to-back lots so

that animals can move through the property. He also referred to a list of lot sizes submitted by the applicant. Applicant submitted a list of lot sizes, and he is very interested in the larger lot sizes. He is also in favor Scenic Drive opening up. He hiked up Moonfire Road which is a nice wide road, but there are a lot of kids playing. We can slow down the traffic on Scenic with traffic calming measures, and if there is a larger problem, our police officers will be out there. Scenic Drive would also have a parallel to it for bicyclists, hikers and walkers so that they wouldn't have to be on the road. Landscape would be xeriscape to blend in with the natural desert environment. **Vice Mayor Post** asked about the Coalition's covenant. **Ms. Morales** noted that the summarizations that Mr. Lopez and Ms. McVie gave were accurate. At the Planning Commission meeting last month, we agreed in concept to a covenant that would be held by a third party that would protect that open space. All along the developer has said that the open space will be protected with multiple layers. One is the Plan as presented when they come back with a subdivision plat, and two is the plat itself. We plan to plate the entire property including the 150 foot buffer around it. Any deviation would require them to come back and redo the plat as well as the zoning. The third level of protection is the CCR's prohibiting encroachment into the natural areas. Mr. Lopez and the people he represents indicated that they felt there needed to be another layer of protection. The developer has no desire to come in and disturb that at any time. It has never been in the plans to do anything with that 150 foot buffer, so the developer is fine with the extra layer; however, it is in conflict with the trail. Where staff has asked the developer to put the trail in and connect to White Stallion, they have tried to remain neutral. The Coalition has said they don't want the trail. In order to have staff support, the developer put the trail in. So now the developer is in the awkward position of wanting to have the trail, wanting to have the Coalition's support as well as Mr. Lopez' support, so at some point she will have to put it back on the Council to say which way to go. The developer will be fully in support of their decision. **Vice Mayor Post** stated that he tended to agree with having a trail over the mountain to the White Stallion, but in the developer's plan, you said you would plat the buffer and open space which allows it to come back at some future date. **Ms. Morales** stated that there is always the possibility of coming back to rezone the property, but she doesn't believe it's realistic to expect that 178 property owners would agree to compromise the open space which would be owned by the homeowners' association. In response to Vice Mayor Post's question about the homeowners' association constituting a third party, Ms. Morales acknowledged that the association has a board and would have management oversight and control over the open space, but the close ties to the developer could be called into question. **Council Member Comerford** believes this iteration is four times the original rooftops, which does not make this a minor amendment. She is disappointed with the staff report. She continued with her concerns and stated she will be voting no.

In response to comments from Mr. Lopez about the open space covenant as presented in the Coalition's letter, **Council Member Bowen** stated that he didn't have a problem with the covenant. He likes the Plan, will vote for it. Speaking on behalf of 178 people who will love living here and who aren't represented tonight, he believes the Plan is not the wasting of a jewel, but the development of one. **Council Member McGorray** expressed her opposition to the Plan, noting that she doesn't like the entryway and doesn't want to see the development. She would not be voting for it. **Council Member Ziegler** stated that she voted for the project the last time and intends to vote for it this time. She thanked The Planning Center for making a plan she would be proud to have in the town. She was also glad they took the Coalition's recommendations to make that open space as big as they could.

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Council Member Bowen moved to approve Ordinance No. 2017.013 as presented by staff, and then asked Mr. Cassidy if he could add the covenants as part of the motion. **Mr. Cassidy** responded affirmatively and stated there are a lot of different options, and he has some suggested language if Council wants to discuss that. **Council Member Bowen** continued with the motion and they could decide how to proceed after that. ***Motion seconded by Mayor Honea.*** **Mayor Honea** asked Ms. Bronson to poll the Council. Aye: Mayor Honea, Vice Mayor Post, Council Member Bowen and Council Member Ziegler. Nay: Council Member Comerford and Council Member McGorray. ***Passed 4-2.***

After the vote, **Council Member Ziegler** stated she was not in favor of the covenant but she wouldn't let it stop her, and discussion ensued. **Mr. Cassidy** then clarified that the motion was approved but it did not include the covenant and asked Council Member Bowen if he wanted to add the covenant. **Council *Member Bowen stated that he would like to add to the motion a covenant as presented by Mr. Lopez and the Coalition for Sonoran Desert Preservation an additional condition, second by Vice Mayor Post.*** **Mr. Cassidy** stated that the way you would put it into the documentation would be to add a condition #18 that says "The Property Owners shall enter into an open space covenant with a third party conservation entity in substantially the form presented by attorney Pat Lopez at the Council's public hearing on this item, to ensure that the open space areas approved within future development of the Larger Parcel remain as open space in perpetuity." Mr. Cassidy continued, reminding Council that the Coalition had the 300-foot provision that would require an amendment to the development agreement. If Council wants to carry that forward, the covenant would be in conflict with Section 23 of the development agreement as written, so to make it consistent you would need to add the words "no closer than 300 feet east of the west property boundary to Section 23." So that would make it exactly consistent with what the Coalition has asked for. **Vice Mayor Post** stated that in response to Council Member Ziegler's concern about the addition of the covenant, over the years the Council has depended on the Coalition to negotiate for the Council on habitat before proceeding with any plans, so when they say they would like to see this on this piece of property, he would tend to agree with their purpose. **Council Member Ziegler** asked Mr. Cassidy if the town had ever done this on a piece of property. **Mr. Cassidy** responded that he didn't think that the town has, but it is very common throughout the state to have a separately enforceable covenant. Tucson had a very controversial rezoning years ago where the home builder came in and tried to overturn it, and the City Council agreed to overturn it, and the neighbors only protected that rezoning through a covenant which was upheld by the court. **Vice Mayor Post** indicated that there will be more opportunity to need to work with the Coalition given the bill that was just passed and the need for people to find third party groups that can take open space. **Mayor Honea** asked if after the citizens take control of the HOA, does the covenant stay there forever. **Mr. Cassidy** responded that as Mr. Lopez has written it, it would be a permanent document. **Mayor Honea** asked for a vote. ***The Mayor announced that the motion passed on a voice vote.*** He is in opposition because he thinks the HOA could handle it and he doesn't like getting a bunch of people involved.

Mr. Cassidy continued by addressing the mayor, saying that there were a couple of other things that were discussed that aren't actually part of the documents yet, but Council had asked the applicants about, so Mr. Cassidy asked for clarification on some of the documents. One is about the water system. He thinks if you are going to make the well and the water line part of the ordinance, he recommends that you adopt the language which is in addition to draft paragraph 4 of Section 4 which says: As represented and offered by the property owners during the

Council's public hearing on this rezoning: (a) the Water Infrastructure Phasing Plan shall include extension of the potable water main within the 400 feet north of the north boundary of the larger parcel; and (b) if requested by the Water Director they would have to dedicate the well. This also requires a slight change to the development agreement because the development agreement is partially a modification of a 2001 agreement, and under the 2001 agreement, they weren't going to give us that equipment, so he would add a section (c) that says the owner waives any claim to just compensation. Mr. Cassidy also mentioned that section (b) under paragraph 24 of the development agreement does actually say that during construction the developer would be permitted to use the well. So if you wanted to modify that and say no, they can't – of course you would have to consult with the property owner because that's their well, but that would be something to consider as well. **Mayor Honea** stated that they wouldn't be able to provide potable water to any of the housing once they get Marana Water in there. The only thing the well would be used for is dust control or something like that. **Vice Mayor Post** asked how they could use it as construction water. **Mr. Cassidy** said they would have to dedicate it to us by the final, but under the agreement, the way it reads is no matter what the ownership circumstance is, they are authorized under the documents to use the well. In paragraph 24 it says "the owner may continue to use the existing wells on the owner's land referred to in section 6 of the 2001 PADA for construction and irrigation water until completion of the development of the owner's land." So that's notwithstanding who would own it. **Council Member Comerford** asked if this was conflicting (garbled) to which **Mr. Cassidy** responded that it's not really. If the Water Director wants ownership, they would still have the right under this document to receive the water for construction purposes if we left this language in. So you could strike (b) and replace it with the (c) that Mr. Cassidy read to Council before by saying that they'll just dedicate it, but he thinks that you would want to consultant with the property owners. I don't know what the plans are in terms of construction water. I would assume they would go ahead and hook up the water early. **Greg Wexler** addressed Council stating that they would need water for the plant material when they irrigate it and initially some dust control. They will work with the neighbors to make sure they won't impact them, and as soon as we get the Marana Water, then we'll give the town the well or they can have it before then. They just need the well initially to get started. You have to move all the plants and set up a temporary nursery. **Council Member Comerford** asked for clarification on the discussion and the vote. **Mr. Cassidy** responded that the discussion is about additional conditions on the original vote. Before the first vote was made, **Council Member Bowen** asked if they could vote on individual conditions after the main vote on whether to approve the rezoning. So in answer to that he is suggesting on the subject of paragraph (b) that we change (b) to say "Section (c) of the 2001 PADA for transplanting native materials and dust control until completion of the development of the owner's land." **Council Member Comerford** asked if that wasn't all covered in the original vote. **Vice Mayor Post** asked to tighten the language to get closer to what Mr. Wexler said. **Ms. Morales** suggested adding "until the water lines are connected to Marana Water", but according to **Mr. Cassidy** that sort of motivates the owner not to connect because they have plenty of water. **Mayor Honea** confirmed for Council Member Comerford that the Council voted on the primary item, but there were additional things they were going to act on separately like getting the well site and how much water they could actually use from their well. **Council Member Bowen** asked if they could say that nothing can be started until Marana Water lays pipe. **Mr. Cassidy** agreed that that would be the easiest thing. That would be by deleting (b) but the problem is that requires them to invest in connecting the water line before (garbled – overspeak). The other thing is what happens if there is a dust control issue during transplanting. That means they can't plant or they have to bring a water truck. So yes, you can replace (b) with this language. ***Council Member Bowen said to make that a***

motion, seconded by Mayor Honea. Mayor Honea announced that the motion passed on a voice vote. **Mr. Cassidy** said that since we changed the development agreement, Section 3 of the ordinance needs to be revised slightly by adding language that says "as modified pursuant to Council action during the public hearing on this item." ***Motion to approve by Council Member Bowen, second by Council Member Ziegler. Mayor Honea announced that the motion passed on a voice vote.*** **Council Member Comerford** excused herself at 9:50 p.m.

Mr. Cassidy said there was also an item regarding the parking on Scenic Drive. The language for the parking on Scenic Drive was based on the old plan where there was a path along the north, and that hasn't been modified, but the old language said "for 150 linear feet south of the north boundary Scenic Drive would be widened so that you get parking along Scenic Drive." There was a speaker tonight who lives across the street who suggested that there not be any parking along Scenic Drive. If you wanted to go with that, you would delete paragraph 6 of Exhibit D to the development agreement, but the other option would be to go ahead and leave 6 but move the location of that parking to conform to the fact that the trail is now on the south end. And you could say that the 150-foot widening for parking would be south of the Pima Farms Road entrance. **Mayor Honea** said there is parking on Scenic Drive on the north end now at the roundabout. **Mr. Cassidy** that was correct, but under the development agreement, the roundabout is being abandoned back to the property owner. **Ms. Morales** stated that the concept plan pegged five spaces coming off of Scenic, which is what she talked about with staff. There was some discussion originally about putting it as part of the entry where the gate would go and then realized there would be some traffic conflict. But the property owner is amenable to wherever the Council feels is an appropriate location. A little further down Scenic is another little pull-out that people use to park off-site, and a lot of people park at the lot at Sanctuary Cove. So since there are a lot of parking opportunities, that's kind of why staff landed on five or six spaces in the vicinity. **Mr. Cassidy** stated that if you do that, he suggests deleting paragraph 6 of Exhibit D that he showed Council. **Ms. Morales** also noted that it's in the specific plan as a requirement so it wouldn't go away; it wouldn't have to go in the development agreement. ***Motion to delete paragraph 6 of Exhibit D to the development agreement by Vice Mayor Post, second by Council Member Bowen. The Mayor announced that the motion passed by a voice vote.***

Mr. Cassidy noted that the last item for consideration is not in the documents and concerns the back-to-back lots and the size of the lots. If Council wanted to make that part of the ordinance, you would need to revise Section 4, the conditions of the rezoning in paragraph 2 which talks about the preliminary development plan that is presented. To add the prohibition on back-to-back lots, Mr. Cassidy suggests that Council add (a) no back-to-back lots are permitted (that is, the rear property lines of lots shall not touch) and then the lots shall be a minimum of 6,000 square feet and lot sizes shall conform to a table he prepared based on a document that was shown to some of the Council during the process about what size the lots would be. They would have to do at least the minimums but they can do larger under Mr. Cassidy's language. And then (b) carries forward the representation about the number of lots of certain sizes. They can have more larger lots under this language, but they can't have more smaller lots. ***Motion to accept Mr. Cassidy's language by Mayor Honea, second by Vice Mayor Post. Mayor Honea announced that the motion passed by a voice vote.***

Note: The language provided to Council by Mr. Cassidy regarding the various supplemental motions is attached to these minutes and incorporated herein.

Council Member McGorray excused herself at 9:56 p.m. **Mayor Honea** called a 10-minute recess. The meeting resumed at 10:10 p.m.

A2 Resolution No. 2017-045; Resolution of the Mayor and Common Council of the Town of Marana, Arizona, (1) providing for the sale and issuance of Town of Marana, Arizona Tangerine Farms Road Improvement District Improvement Refunding Bonds and an applicable payment amount of supplemental interest certificates with respect thereto; (2) prescribing certain terms and conditions of the bonds, the certificates and bonds to be refunded with the proceeds of the sale thereof including the delegation to the manager of the Town of Marana, Arizona, of the authority to designate the final principal and payment amounts, maturity and payment dates, interest rate and yield and other matters with respect to the bonds and the certificates; (3) making certain findings, certifications and covenants with respect to the bonds; (4) delegating to such manager the authority to accept a proposal for the placement of the bonds and the certificates, approving a placement agent agreement with respect to such proposal and authorizing the Mayor or Vice Mayor of the Town to execute and deliver such agreement; (5) ratifying all actions taken to further this resolution and authorizing the taking of all other actions necessary to the consummation of the transactions contemplated by this resolution and (6) declaring an emergency (Erik Montague). Presented by **Erik Montague,** noting that staff gave a detailed presentation to Council at a previous meeting and noted that this item would come back to Council for authorization to move forward with the refunding and delegate all tasks necessary to complete the transaction. ***Motion to approve by Vice Mayor Post, second by Council Member Ziegler, passed unanimously 4-0.***

A3 Resolution No. 2017-046: Relating to Personnel; approving and adopting amendments to the Town's Personnel Policies and Procedures, revising Chapter 4 - Employment Benefits and Leaves, Chapter 5 - Work Rules and Employee Discipline, and Chapter 8 - Termination of Employment (Curry C. Hale & Libby Shelton). Presented by **Libby Shelton,** who noted that Curry Hale presented the paid leave benefit policy to Council in January. There were no further questions from Council. ***Motion to approve by Vice Mayor Post, second by Council Member Bowen. Passed unanimously 4-0.***

A4 Resolution No. GFCFD 2017-01: [Marana Town Council acting as the Gladden Farms Community Facilities District Board of Directors]: A Resolution of the District Board of Gladden Farms Community Facilities District, a Community Facilities District of Arizona, approving a tentative budget for fiscal year 2017-2018 pursuant to ARS §48-716; setting a public hearing date on said tentative budget; filing statements and estimates of the operation and maintenance expenses of the district, the costs of capital improvements to be financed by the approved ad valorem tax levy, and the amount of all other expenditures for public infrastructure and enhanced municipal services proposed to be paid from the tax levy and of the amount to be raised to pay general obligation bonds of the district, all of which shall be provided for by the levy and collection of ad valorem taxes on the assessed value of all the real and personal property in the district; providing for notice of filing the statements and estimates, and notice of a public hearing on the portions of the statements and estimates not relating to debt service on general obligation bonds; and providing that this resolution shall be effective after its passage and approval according to law (Erik Montague). Presented by **Mr. Montague,** who noted that the budget before Council establishes the overall expenditure limit in the amount of $2,049,643. Should this item be approved, district staff will file all of the required public notices for this item

to come back to Council for consideration of the final adoption on June 20, 2017. This budget will continue the maintenance levy as well as the $2.50 levy required for debt service. ***Motion to approve by Board Member Bowen, second by Vice Chair Post. Passed unanimously 4-0.***

A5 Resolution No. GFCFD2 2017-01: [Marana Town Council acting as the Gladden Farms (Phase II) Community Facilities District Board of Directors]: A Resolution of the District Board of Gladden Farms (Phase II) Community Facilities District, a Community Facilities District of Arizona, approving a tentative budget for fiscal year 2017-2018 pursuant to ARS §48-716; setting a public hearing date on said tentative budget; filing statements and estimates of the operation and maintenance expenses of the district, the costs of capital improvements to be financed by the approved ad valorem tax levy, and the amount of all other expenditures for public infrastructure and enhanced municipal services proposed to be paid from the tax levy and of the amount to be raised to pay general obligation bonds of the district, all of which shall be provided for by the levy and collection of ad valorem taxes on the assessed value of all the real and personal property in the district; providing for notice of filing the statements and estimates, and notice of a public hearing on the portions of the statements and estimates not relating to debt service on general obligation bonds; and providing that this resolution shall be effective after its passage and approval according to law (Erik Montague). Presented by **Erik Montague,** who noted that if the item is approved, it would establish an expenditure limit for the district of $213. The district is undeveloped at this point and will continue that way for most of the remainder of the fiscal year, so the budget only anticipates the levy of the operations and maintenance of the district. Should this item be approved, district staff will file all of the required public notices for this item to come back to Council for consideration of the final adoption on June 20, 2017. ***Motion to approve by Board Member Bowen, second by Vice Chair Post. Passed unanimously 4-0.***

A6 Resolution No. SSCFD 2017-01: [Marana Town Council acting as the Saguaro Springs Community Facilities District Board of Directors]: A Resolution of the District Board of Saguaro Springs Community Facilities District, a Community Facilities District of Arizona, approving a tentative budget for fiscal year 2017-2018 pursuant to ARS §48-716; setting a public hearing date on said tentative budget; filing statements and estimates of the operation and maintenance expenses of the district, the costs of capital improvements to be financed by the approved ad valorem tax levy, and the amount of all other expenditures for public infrastructure and enhanced municipal services proposed to be paid from the tax levy and of the amount to be raised to pay general obligation bonds of the district, all of which shall be provided for by the levy and collection of ad valorem taxes on the assessed value of all the real and personal property in the district; providing for notice of filing the statements and estimates, and notice of a public hearing on the portions of the statements and estimates not relating to debt service on general obligation bonds; and providing that this resolution shall be effective after its passage and approval according to law (Erik Montague). Presented by **Erik Montague,** who noted that if approved, would establish an expenditure limitation for the district of $4,892,000 to provide for adequate budget capacity to acquire eligible infrastructure. District staff will file all of the required public notices for this item to come back to Council for consideration of the final adoption on June 20, 2017. ***Motion to approve by Board Member Bowen, second by Board Member Ziegler. Passed unanimously 4-0.***

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A7 Resolution No. VFCFD 2017-01: [Marana Town Council acting as the Vanderbilt Farms Community Facilities District Board of Directors]: A Resolution of the District Board of Vanderbilt Farms Community Facilities District, a Community Facilities District of Arizona, approving a tentative budget for fiscal year 2017-2018 pursuant to A.R.S. §48-716; setting a public hearing date on said tentative budget; filing statements and estimates of the operation and maintenance expenses of the district, the costs of capital improvements to be financed by the approved ad valorem tax levy, and the amount of all other expenditures for public infrastructure and enhanced municipal services proposed to be paid from the tax levy and of the amount to be raised to pay general obligation bonds of the district, all of which shall be provided for by the levy and collection of ad valorem taxes on the assessed value of all the real and personal property in the district; providing for notice of filing the statements and estimates, and notice of a public hearing on the portions of the statements and estimates not relating to debt service on general obligation bonds; and providing that this resolution shall be effective after its passage and approval according to law (Erik Montague). Presented by **Erik Montague,** who noted that the district is anticipating only the maintenance and operations levy. No significant issuance of debt is expected. Should this item be approved tonight, staff will file all of the required public notices for this item to come back to council for consideration of the final adoption on June 20, 2017. ***Motion to approve by Board Member Ziegler, second by Board Member Bowen. Passed unanimously 4-0.***

A8 PUBLIC HEARING: Resolution No. 2017-047: Relating to Budget; adopting the fiscal year 2017-2018 tentative budget (Erik Montague). Presented by **Erik Montague,** noting that this is a continuation of the process started in January. The budget is substantially the same budget staff presented in April as the Manager's Recommended Budget. It incorporates the addition of some key personnel, maintains investments in various forms of significant infrastructure, and brings forward a balanced budget which we have maintained for a number of years and will continue to do so in the future. Should the item be approved, it will establish the overall expenditure limit for the town. Reduction or reallocation of the budget between now and final approval can occur, but we cannot increase the amount of the budget if approved. Included in the packets as required is the budget on the Auditor General's forms. **Mayor Honea** opened and closed the public hearing as there were no speakers. **Mr. Montague** noted that 61% of the budget is capital improvement projects. ***Motion to approve by Vice Mayor Post, second by Council Member Bowen. Passed unanimously 4-0.***

ITEMS FOR DISCUSSION/POSSIBLE ACTION

D1 Relating to Legislation and Government Actions; discussion and possible action regarding all pending state, federal, and local legislation/government actions and on recent and upcoming meetings of the other governmental bodies (Gilbert Davidson)

EXECUTIVE SESSIONS

Pursuant to A.R.S. § 38-431.03, the Town Council may vote to go into executive session, which will not be open to the public, to discuss certain matters.

E1 Executive Session pursuant to A.R.S. §38-431.03 (A)(3), Council may ask for discussion or consultation for legal advice with the Town Attorney concerning any matter listed on this agenda.

FUTURE AGENDA ITEMS

Notwithstanding the mayor's discretion regarding the items to be placed on the agenda, if three or more Council members request that an item be placed on the agenda, it must be placed on the agenda for the second regular Town Council meeting after the date of the request, pursuant to Marana Town Code Section 2-4-2(B).

ADJOURNMENT. ***Motion to adjourn at 10:21 p.m. by Council Member Bowen, second by Vice Mayor Post. Passed unanimously 4-0.***

CERTIFICATION

I hereby certify that the foregoing are the true and correct minutes of the Marana Town Council meeting held on May 16, 2017. I further certify that a quorum was present.

_____

Jocelyn C. Bronson, Town Clerk

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[Revision to paragraph 6 of Exhibit D to the draft Lazy K Bar Development Agreement]

6. ~~For a distance of at least 150 linear feet along the west shoulder of Scenic Drive south of the northern boundary of~~Pima Farms Road entrance ~~to the Development, an additional eight feet width of pavement (for a total Scenic Drive width of 32 feet in this 150-foot length of Scenic Drive) shall be built to accommodate future public trail parking. Until the trail is open to the public, the Town shall install and maintain "no parking" signs in this area~~1.

[Revision to Section 4 of draft Ordinance 2017.013 (all new language)]

18. The Property Owners shall enter into an open space covenant with a third party conservation entity in substantially the form presented by attorney Pat Lopez at the Council's public hearing on this item, to ensure that the open space areas approved within future development of the Larger Parcel remain as open space in perpetuity.

[Revision to Paragraph 23 4 of draft Lazy K Bar Development Agreement]

23. *Public trail dedication.* The Owner shall grant to the Town a permanent public trail easement in the designated open space in close proximity to the south boundary of the Owner's Land, extending from the east property boundary to no closer than 300 feet east of the west property boundary of the Owner's Land. The easement shall be the minimum width necessary for the Town to construct and maintain a sustainable public trail, as reasonably determined by the Town of Marana Parks and Recreation Department, but in any event not wider than 30 feet (except by the Owner's consent). To the greatest extent reasonably possible, the grade and layout of the trail shall be designed so that water generally runs across the tread rather than down the tread. Based on direction and feedback provided by the Town of Marana Parks and Recreation Department, the Owner shall identify and reserve the easement on the subdivision plat for the Development. The Owner shall grant the trail easement to the Town after the Town constructs the trail and the constructed trail alignment is legally described to the Parties' satisfaction based on survey or Global Positioning System equipment.

[Revision to Section 4 of draft Ordinance 2017.013]

4. A water infrastructure and phasing plan (WIP) must be submitted by the Property Owners and accepted by Marana Water Department (the "water provider") prior to approval of any preliminary plat or development plan for any portion of the Rezoning Area. The WIP shall identify all on-site and off-site water facilities needed to serve the proposed development. The WIP shall include all information required by the water provider, such as (but not limited to) analysis of water use and fire flow requirements, and well source, reservoir, and booster station infrastructure needed to serve the proposed development. If the water provider requires a water service agreement as a condition of service to the proposed development, the Property Owners must enter into a water service agreement with the water provider consistent with the accepted WIP. As represented and offered by the Property Owners during the Council's public hearing on this Rezoning:

    a. the WIP shall include extension of the potable water main within the Scenic Drive right-of-way to a point at least 400 feet north of the north boundary of the Larger Parcel; and

    b. if requested by the Water Director no later than the date for approval of a tentative plat for any portion of the Rezoning Area, the Property Owners shall dedicate the existing well and well site (substantially the fenced-in area surrounding the existing well) to the water provider at no cost no later than the date of recording a final plat for any portion of the Rezoning Area.

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[Revision to paragraph 24 ("Effect on the 2001 PADA") of the draft Lazy K Bar Development Agreement]

c. The Owner waives any claim to just compensation for the Town's acquisition of the LKB water system.

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[Revision to Section 3 of draft Ordinance 2017.013]

Section 3. The Lazy K Bar Ranch Development Agreement is hereby approved in the form provided in the agenda materials associated with this Council agenda item as modified pursuant to Council action during its public hearing on this item, and the Mayor is hereby authorized and directed to sign it for and on behalf of the Town of Marana.

[Revision to Section 4 of draft Ordinance 2017.013]

2. Any preliminary plat or development plan for any portion of the Rezoning Area shall be in general conformance with the Land Use Concept Plan presented to and approved by the Town Council as part of this Rezoning, including the following:

   a. No back-to-back lots are permitted (that is, the rear property lines of lots shall not touch)

   b. Lots shall be a minimum of 6,000 square feet and lot sizes shall conform to the following minimum requirements:

LOT SIZE	TOTAL NUMBER	PERCENT OF TOTAL
6,000 to 6,999 square feet	Not more than 78	Not more than 44%
9,000 square feet and larger	At least 80	At least 45%
-of which those 10,000 square feet and larger shall be	At least 25	At least 21%
-of which those 11,000 square feet and larger shall be	At least 13	At least 7%

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Council-Regular Meeting **A1**

Meeting Date: 06/06/2017

To: Mayor and Council

From: Erik Montague, Finance Director

Date: June 6, 2017

Strategic Plan Focus Area:
Commerce, Community, Heritage, Recreation, Progress & Innovation

Strategic Plan Focus Area Additional Info:
Marana's strategic plan identifies financial sustainability as an overriding principle of Marana's strategic framework.

Subject: Ordinance No. 2017.014: Relating to Finance; amending the Town of Marana Comprehensive Fee Schedule; and designating an effective date (Erik Montague)

Discussion:

For many years, the Town of Marana has compiled a Comprehensive Fee Schedule and standardized fees for municipal services across all departments. These fees are traditionally reviewed and adjusted annually to ensure that the Town continues to cover its costs, where appropriate, and that the fees are fair and equitable to its customers.

In FY 2017, staff deviated from the traditional annual review and completed a mid-year evaluation process regarding the fee schedule. As a result of the mid-year review, on February 7, 2017, Council adopted an amended fee schedule that reduced the total number of listed fees in the schedule from 535 to 350; a 35% reduction. The number of listed fees associated with development (planning, engineering, and building) was reduced by 51%. Most of the reduction was achieved by consolidating several fees into fewer, broadly described categories, making it easier for the Town's customers to navigate the detailed schedule of fees.

Staff has now completed its annual review process to recommend changes to the fee schedule for FY 2018. Due to the mid-year review, staff recommends limited revisions at this time, including:

- 10 Existing fees eliminated
- 5 Existing fees clarified
- 1 Existing fee increased (NOTE: In June 2015, the Council adopted Ordinance No. 2015.014, which increases dog license fees by $1 each year on July 1, through July 1, 2019; these fees will automatically increase on July 1, 2017, but are not included in the attached

ordinance).

- 7 New fees - NOTE: Of these new fees, only 2 can be characterized as completely "new" fees. The Wastewater Infrastructure Plan Review fee and the Water Infrastructure Plan Review fee continue the Town's philosophy of simplifying the fee schedule, by combining multiple existing fees into one "new" fee, with the existing fees being eliminated. The Town has also added as a new option multi-year dog licenses, which allow citizens to realize a discount in annual license fees, by purchasing a 2- or 3-year license. These multi-year license fees are listed as "new" fees. Finally, staff is adding a line item to the fee schedule for Building Plan Review and Building Permit Fees Not Specifically Listed, but calculation of these fees will be made via reference to the process already adopted in Resolution No. 2011-65.

Pursuant to A.R.S. Section 9-499.15, the Town posted notice of these possible changes to the Comprehensive Fee Schedule. This statute requires that the Town provide notice on its website of any new or increased fees for businesses at least 60 days before the meeting is scheduled to consider approving the new fees and/or fee increases.

If approved, the changes to the comprehensive fee schedule will be effective on the 31st day after adoption. Attached is the ordinance with the proposed amendments, as well as a spreadsheet explaining the reasons for the changes which is included as backup material.

Financial Impact:

Fiscal Year:	2018
Budgeted Y/N:	Y
Amount:	Immaterial

Staff Recommendation:

Staff recommends approval of the amendments to the Town fee schedule.

Suggested Motion:

I move to adopt Ordinance No. 2017.014, adopting the amendments to the Town of Marana fee schedule and designating an effective date.

Attachments

Ordinance No. 2017.014

FY2018 Proposed Fee Changes

MARANA ORDINANCE NO. 2017.014

RELATING TO FINANCE; AMENDING THE TOWN OF MARANA COMPREHENSIVE FEE SCHEDULE; AND DESIGNATING AN EFFECTIVE DATE

WHEREAS the Town Council is authorized by A.R.S. § 9-240(A) to control the finances of the town; and

WHEREAS the Town Council, via Ordinance No. 2017.004, adopted an amended comprehensive fee schedule on February 7, 2017, which was made a public record by and attached as Exhibit A to Resolution No. 2017-010; and

WHEREAS amending the comprehensive fee schedule as set forth in this ordinance is in the best interests of the Town of Marana.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, as follows:

SECTION 1. The Town of Marana comprehensive fee schedule adopted via Ordinance No. 2017.004 is hereby amended (with deletions shown with ~~strikeouts~~ and additions shown with double underlining) (only amendments to the fee schedule are shown; the remainder of the fee schedule is unchanged):

Fee/Description	Amount	Unit of Measure	Notes
GENERAL SERVICES: LICENSING			
Dog License Fees; Duplicate ~~License~~ Tag Fee	$10.00	Per ~~license~~ tag	
Dog License Fees: Altered Dog; Standard – Two-year Fee	$30.00	Per animal	Multi-year license term limited by length of valid rabies certificate.
Dog License Fees: Altered Dog; Standard – Three-year Fee	$42.00	Per animal	Multi-year license term limited by length of valid rabies certificate.
COMMUNITY SERVICES: PARKS, RECREATION AND SPECIAL EVENTS			
Park Facility Rental; Community Garden Plot	$ ~~24.00~~ 40.00	Per plot/year	8'x40' plot, Includes: self-watering garden beds, tools and programing access.
COMMUNITY SERVICES: PUBLIC SAFETY AND COURTS			
~~Community Service Monitoring Fee~~	~~$5.00~~	~~Per sentence~~	
Court-Monitored Probation Fees	See note	Per sentence	Fee is the actual cost to the Town, but not less

			than the amount specified in A.R.S. § 13-901(A).
DEVELOPMENT SERVICES: PLANNING			
~~Final Block Plat;~~ Assurance Agreement Review	$150.00	Per submittal	
~~Final Plat; Assurance Agreement Review~~	~~$150.00~~	~~Per submittal~~	
Minor Land Division	$500.00	Per submittal	Includes 1st and 2nd submittals. Reviews after 2nd submittals ~~and revisions to accepted plans~~ are each charged 30% of original fee.
~~Plan Review: New SFR with pre-approved model~~ (fee is eliminated from page 14 of fee schedule; same fee on page 15 remains unchanged)	~~$40.00~~	~~Per submittal~~	
~~Residential Model Home Design Review~~ Custom Home or Model Plan Review	$100.00	Per submittal	
DEVELOPMENT SERVICES: BUILDING SAFETY			
~~Site or Plot Plan Review; Custom Home or Model Plan~~	~~$100.00~~	~~Per permit~~	
Building Plan Review and Building Permit Fees Not Specifically Listed	See note	Per permit	Fee calculation per Marana Resolution No. 2011-65.
DEVELOPMENT SERVICES: ENGINEERING			
~~Wastewater infrastructure Plan Review~~	~~Greater of $500.00 or $100.00 per sheet~~	~~Per plan~~	~~Applied to first 2 submittals. Reviews after 2nd submittal and reviews of revisions to accepted submittals are 50% of original fee per submittal.~~
~~Type 2 Grading Permit; Construction Cost Fee; Commercial Developments~~	~~See note~~	~~Per submittal~~	~~Fee is the greater of $800.00 or 1% of the construction costs or 3.5% of the construction cost for the Town acting as Engineer of Record. Includes multi-family housing developments. Fees paid at time of application based on cost estimate. If actual cost is higher, remaining balance is paid prior to permit closeout.~~
PUBLIC SERVICES: AIRPORT			
Late Fee – Monthly Open Tie-Down	$25.00	Monthly	Late fee for monthly open tie-down aircraft not paid by the 1st of the month.
Aircraft Towing/Removal Fee	$100.00	Per incident	Fee will be assessed for airport staff to

			tow/remove disabled aircraft from runway or taxiway. In addition to airport operations fee.
PUBLIC SERVICES: WATER			
~~Public/Semi-Public Water System Plan Review; 1st sheet~~	~~$400.00~~	~~Per submittal~~	
~~Public/Semi-Public Water System Plan Review; subsequent sheets~~	~~$95.00~~	~~Per sheet~~	~~Excluding cover sheet, except in case of one-sheet plans.~~
~~Review of Plans for Wastewater Treatment Facilities; 1st sheet~~	~~$400.00~~	~~Per submittal~~	
~~Review of Plans for Wastewater Treatment Facilities; subsequent sheets~~	~~$95.00~~	~~Per sheet~~	~~Excluding cover sheet, except in case of one-sheet plans. Applies to 1st two submittals.~~
Wastewater Infrastructure Plan Review	$400.00 + $95.00/sheet	Per plan	Applies to 1st two submittals. Reviews after 2nd submittal and reviews of revisions to accepted submittals are 30% of original fee per submittal.
Water Infrastructure Plan Review	$400.00 + $95.00/sheet	Per plan	Applies to 1st two submittals. Reviews after 2nd submittal and reviews of revisions to accepted submittals are 30% of original fee per submittal.

SECTION 2. The various town officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

SECTION 3. All ordinances, resolutions, or motions and parts of ordinances, resolutions, or motions of the Council in conflict with the provisions of this ordinance are hereby repealed, effective as of the effective date of this ordinance; provided, however, that this repeal shall not affect the rights and duties that matured or penalties that were incurred and proceedings that were begun before the effective date of the repeal.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 5. This ordinance shall become effective on the thirty-first day after its adoption.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, Arizona, this 6th day of June, 2017.

Mayor Ed Honea

ATTEST:

Jocelyn C. Bronson, Town Clerk

APPROVED AS TO FORM:

Frank Cassidy, Town Attorney

TOWN OF MARANA

SCHEDULE OF PROPOSED CHANGES TO COMPREHENSIVE FEE SCHEDULE FOR FY2018

Proposed Action	Fee Classification	Fee Description	Current Unit of Measure	Proposed Unit of Measure	Current Amount	Proposed Amount	Notes	Basis for Change
Eliminate existing fee	Community Services - Public Safety and Courts	Community Service Monitoring Fee	Per sentence		$5.00			Administrative burden and appearance of charging someone a fee who has already been found to be indigent outweigh any benefit of the fee.
Clarification of existing fee	Community Services - Public Safety and Courts	Court-Monitored Probation Fees	Per sentence		See note		Fee is the actual cost to the Town, but not less than the amount specified in A.R.S. 13-901(A)	To reflect that there is a minimum amount specified by state law.
Add new fee	Public Services - Airport	Late Fee - Monthly Open Tie-Down		Monthly		$ 25.00	Late fee for monthly open tie-down aircraft not paid by the 1st of the month	Fee is referenced in open tie-down permit but is not included on the fee schedule
Add new fee	Public Services - Airport	Aircraft Towing/Removal Fee		Per Incident		$ 100.00	Fee will be assessed for airport staff to tow/remove disabled aircraft from runway or taxiway. In addition to airport operations fee.	Cost of equipment used to remove aircraft safely and efficiently.
Increase existing fee	Community Services - Parks, Recreation and Special Events	Park Facility Rental; Community Garden Plot	Per year	Per year	$24	$40	8'x40' plot, Includes: self-watering garden beds, tools and programing access.	Marana's fees are below the regional rates for similar programs/services; plots are now on automatic watering schedule.
Eliminate existing fee	Development Services - Engineering	Wastewater Infrastructure Plan Review	Per plan		greater of $500 or $100 per sheet		Applied to first 2 submittals. Reviews after 2nd submittal and reviews of revisions to accepted submittals are 50% of original fee per submittal.	Adding new Wastewater Infrastructure Plan Review fee under Public Services - Water at a different rate
Add new fee	Public Services - Water	Wastewater Infrastructure Plan Review		Per plan		$400 + $95/sheet	Applies to first 2 submittals. Reviews after 2nd submittal and reviews of revisions to accepted submittals are 30% of original fee per submittal.	Combining fees from previous Wastewater plan review fees
Eliminate existing fee	Public Services - Water	Review of plans for Wastewater Treatment Facilities; 1st sheet	$400		per submittal			Replaced with Wastewater Infrastructure Plan Review
Eliminate existing fee	Public Services - Water	Review of plans for Wastewater Treatment Facilities; subsequent sheets	$95		per sheet		Excluding cover sheet, except in the case of one-sheet plans. Applies to 1st two submittals.	Replaced with Wastewater Infrastructure Plan Review
Add new fee	Public Services - Water	Water infrastructure Plan Review		Per plan		$400 + $95/sheet	Applies to first 2 submittals. Reviews after 2nd submittal and reviews of revisions to accepted submittals are 30% of original fee per submittal.	Combining fees from previous Water plan review fees
Eliminate existing fee	Public Services - Water	Public/Semi Public Water System Plan Review; 1st sheet	Per submittal		$ 400.00			Replaced with Water Infrastructure Plan Review
Eliminate existing fee	Public Services - Water	Public/Semi Public Water System Plan Review; subsequent sheets	Per sheet		$ 95.00		Excluding cover sheet, except in the case of one-sheet plans.	Replaced with Water Infrastructure Plan Review
Clarification of existing fee	General Services - Licensing	Dog License Fees; Duplicate Tag ~~License~~ Fee	Per license	Per license	$ 10.00	$ 10.00		Updated description to clarify the fee is for a duplicate/replacement tag
Increase existing fee	General Services - Licensing	Dog License Fees; Unaltered Dog; Standard -Annual fee	Per animal	Per animal	$ 62.00	$ 63.00	Fee to increase July 1 of each year by one dollar per year through July 1, 2019 per Ordinance No. 2015.014	Fee to increase July 1 of each year by one dollar per year through July 1, 2019 per Ordinance No. 2015.014
Increase existing fee	General Services - Licensing	Dog License Fees; Unaltered Dog; Senior/Disabled -Annual fee	Per animal	Per animal (limit to 4 per household)	$ 19.00	$ 20.00	Fee to increase July 1 of each year by one dollar per year through July 1, 2019 per Ordinance No. 2015.014	Fee to increase July 1 of each year by one dollar per year through July 1, 2019 per Ordinance No. 2015.014; limit number of discounted licenses to 4 per household

TOWN OF MARANA

SCHEDULE OF PROPOSED CHANGES TO COMPREHENSIVE FEE SCHEDULE FOR FY2018

Proposed Action	Fee Classification	Fee Description	Current Unit of Measure	Proposed Unit of Measure	Current Amount	Proposed Amount	Notes	Basis for Change
Increase existing fee	General Services - Licensing	Dog License Fees; Altered Dog; Standard -Annual fee	Per animal	Per animal	$ 17.00	$ 18.00	Fee to increase July 1 of each year by one dollar per year through July 1, 2019 per Ordinance No. 2015.014	Fee to increase July 1 of each year by one dollar per year through July 1, 2019 per Ordinance No. 2015.014
Increase existing fee	General Services - Licensing	Dog License Fees; Altered Dog; Senior/Disabled - Annual fee	Per animal	Per animal (limit to 4 per household)	$ 12.00	$ 13.00	Fee to increase July 1 of each year by one dollar per year through July 1, 2019 per Ordinance No. 2015.014	Fee to increase July 1 of each year by one dollar per year through July 1, 2019 per Ordinance No. 2015.014; limit number of discounted licenses to 4 per household
Increase existing fee	General Services - Licensing	Dog License Fees; Dog Declared Vicious, Destructive, and/or Dangerous - Annual fee	Per animal	Per animal	$ 102.00	$ 103.00	Fee to increase July 1 of each year by one dollar per year through July 1, 2019 per Ordinance No. 2015.014	Fee to increase July 1 of each year by one dollar per year through July 1, 2019 per Ordinance No. 2015.014
Add new fee	General Services - Licensing	Dog License Fees; Altered Dog; Standard -Two-year fee		Per animal		$ 30.00	Multi-year license term limited by length of valid rabies certificate	Add the ability to pay for a dog license for two years at a reduced rate
Add new fee	General Services - Licensing	Dog License Fees; Altered Dog; Standard -Three-year fee		Per animal		$ 42.00 Reduced from previously proposed $44.00	Multi-year license term limited by length of valid rabies certificate	Add the ability to pay for a dog license for three years at a reduced rate
~~Add new fee~~	~~General Services - Licensing~~	~~Dog License Fees; Kennel Permit~~		~~Per kennel~~	~~greater of $400 or 75% of total cost of licensing dogs individually~~		~~Kennel permit and fee is not applicable if each individual dog in the kennel is individually licensed~~	The Town has decided not to include kennel fees at this time. ~~Add fee consistent with County fees~~
~~Add new fee~~	~~General Services - Licensing~~	~~Dog License Fees; Kennel Permit; Delinquent Payment Fee; Between 30 days and 1 year after due date~~		~~Per kennel~~		~~$ 100.00~~		The Town has decided not to include kennel fees at this time. ~~Add fee consistent with County fees~~
~~Add new fee~~	~~General Services - Licensing~~	~~Dog License Fees; Kennel Permit; Delinquent Payment Fee; Between 1 year and 2 years after due date~~		~~Per kennel~~		~~$ 200.00~~		The Town has decided not to include kennel fees at this time. ~~Add fee consistent with County fees~~
~~Add new fee~~	~~General Services - Licensing~~	~~Dog License Fees; Kennel Permit; Delinquent Payment Fee; More than 2 years after due date~~		~~Per kennel~~		~~$ 400.00~~		The Town has decided not to include kennel fees at this time. ~~Add fee consistent with County fees~~
Clarification of existing fee	Development Services - Planning	~~Final Block Plat;~~ Assurance Agreement Review	Per submittal	Per submittal	$ 150.00	$ 150.00		Currently we have separate fees for assurance agreement review for final block plat and final plat. Description is changed to combine both fees into one fee.
Eliminate existing fee	Development Services - Planning	Final Plat; Assurance Agreement Review	Per submittal		$ 150.00			Combined with previous review fee for final block plats into one fee.
Clarification of existing fee	Development Services - Planning	Minor Land Division	Per submittal	Per submittal	$ 500.00	$ 500.00	Includes 1st & 2nd submittals. Reviews after 2nd submittals ~~and revisions to accepted plans~~ are each charged 30% of original fee.	Clarify error in note
Eliminate existing fee	Development Services - Planning	Plan Review; New SFR with pre-approved model	Per submittal	Per submittal	$ 40.00	$ 40.00		Fee shown twice in Fee Schedule (remove from page 14)
Clarification of existing fee	Development Services - Planning	~~Residential Model Home Design Review~~ Custom Home or Model Plan Review	Per submittal	Per submittal	$100	$100		Fee description change only
Eliminate existing fee	Development Services - Building Safety	Site or Plot Plan Review; Custom Home or Model Plan	Per permit	Per permit	$100	$100		Fee is the same as Custom Home or Model Plan Review listed above
Add new fee	Development Services - Building Safety	Building Plan Review and Building Permit Fees Not Specifically Listed		Per permit		See Note	Fee calculation per Marana Resolution 2011-65	

TOWN OF MARANA

SCHEDULE OF PROPOSED CHANGES TO COMPREHENSIVE FEE SCHEDULE FOR FY2018

Proposed Action	Fee Classification	Fee Description	Current Unit of Measure	Proposed Unit of Measure	Current Amount	Proposed Amount	Notes	Basis for Change
Eliminate existing fee	Development Services - Engineering	Type 2 Grading Permit; Construction Cost Fee; Commercial Developments	Per submittal		See note		Fee is the greater of $800.00 or 1% of the construction costs or 3.5% of the construction cost for the Town acting as Engineer of Record. Includes multi-family housing developments. Fees paid at time of application based on cost estimate. If actual cost is higher, remaining balance is paid prior to permit closeout.	Fee is the same as the Type 2 Grading Permit; Commercial Developments fee already included within the fee schedule.

Council-Regular Meeting **D2**

Meeting Date: 06/06/2017

To: Mayor and Council

Submitted For: Steve Miller, Airport Manager

From: Jane Fairall, Deputy Town Attorney

Date: June 6, 2017

Strategic Plan Focus Area:
Not Applicable

Subject: Relating to Marana Regional Airport; consideration, discussion, and direction regarding proposed comprehensive rewrite of Title 15 (Marana Regional Airport) of the Marana Town Code (Steve Miller)

Discussion:

Over the course of the last year, Town staff from the Airport, the Town Manager's Office, and the Legal Department have been working on a comprehensive rewrite of Title 15 of the Marana Town Code regarding the Marana Regional Airport rules and regulations. Title 15 was adopted in 2004 and has not been substantively revised since that time.

As part of the rewrite process, the Town held an open house and also offered an opportunity for citizens to submit written comments regarding the proposed revised rules and regulations. Additionally, the proposed revisions have been reviewed by the Federal Aviation Administration (FAA), the Arizona Department of Transportation (ADOT) Aeronautics Group, and the Northwest Fire District (NWFD).

In tonight's presentation, Town staff will highlight some of the proposed revisions to Title 15, answer questions, and seek direction from the Council. Town staff plans to bring the revised Title 15 to Council for adoption at the Council's June 20, 2017 meeting.

Attached is both a clean copy of the proposed new Title 15, as well as a redlined version showing changes between the proposed new Title 15 and existing Title 15.

Attached is both a clean copy of the proposed Title 15, as well as a redlined comparison of the proposed Title 15 to existing Title 15.

Staff Recommendation:

Staff recommends that the comprehensive rewrite of Title 15 (Marana Regional Airport) of the Marana Town Code be brought back to Council for adoption at the Council's June 20, 2017 meeting.

Suggested Motion:

I move to direct staff to bring back to the Council for adoption the proposed amendments to the Town Code Title 15 Marana Regional Airport.

Attachments

Proposed New Title 15

Comparison of Proposed New Title 15 to Existing Title 15

TITLE 15. MARANA REGIONAL AIRPORT

CHAPTER 15-1. GENERAL

15-1-1 Short title

This title may be cited as the Marana regional airport rules and regulations.

15-1-2 Purpose and application of rules and regulations

A. The provisions of this title are intended for the safe, orderly and efficient operation of the airport and apply to all tenants, commercial aeronautical activity providers, and other persons using the airport for any reason.

B. Unless a particular regulation states otherwise, the regulations set forth in this title shall apply only on the airport property.

C. Violations of federal aviation regulations shall fall under the jurisdiction of the FAA.

15-1-3 Definitions

A. All definitions contained within the federal aviation regulations, 14 CFR part 1, shall be considered as included in this section.

B. The following definitions shall apply throughout this title unless the context clearly indicates otherwise.

1. "Air traffic" means aircraft operations anywhere in the airport traffic area and in the movement area.
2. "Air traffic control" means a service operated by a duly designated authority to direct air traffic movements and promote the safe, orderly, and expeditious flow of air traffic.
3. "Aircraft accident" or "aircraft incident" means a collision or other contact between a part of an aircraft and another aircraft, vehicle, person, stationary object or other thing that results in bodily injury, death or property damage; or an entry into or emerging from an aircraft or vehicle by a person that results in bodily injury or death of any person or property damage.
4. "Aircraft fuel" means all flammable liquids composed of a mixture of selected hydrocarbons expressly manufactured and blended for the purpose of effectively and efficiently operating an internal combustion engine or a jet or turbine engine.
5. "Aircraft maintenance" means all maintenance performed on an aircraft, including major aircraft alterations and repairs, and aircraft preventive maintenance.
6. "Aircraft operation" means an aircraft arrival at or departure from the airport.
7. "Aircraft owner" means any person holding legal title to an aircraft, as evidenced by an appropriate certificate of title if

applicable, or any person authorized by the legal title holder to use or possess the aircraft.

8. "Aircraft parking area" means a hangar and apron location on the airport designated by the airport director for the parking and storage of aircraft.
9. "Aircraft preventive maintenance" means aircraft maintenance that is not a major aircraft alteration or repair, and does not involve complex assembly operations, and is similar to the types of work listed in 14 CFR part 43, appendix A, paragraph (c), except that for the purpose of this title, replacing prefabricated fuel lines shall be considered a major aircraft repair.
10. "Airport" means all of the town-owned or leased real and or personal property comprising the Marana regional airport as it now exists or as may hereafter be expanded and developed, including all of the facilities as shown on the most current FAA-approved airport layout plan (ALP).
11. "Airport director" means the person designated as the town of Marana's airport director, any person directed by the town manager to act as the airport director, or the airport director's authorized representative.
12. "Airport grant agreement" means an agreement between the FAA and an airport sponsor through which the airport sponsor received grant money from the FAA in exchange for committing to fulfill certain obligations related to the airport operated by the sponsor.
13. "Airport operations area" or "AOA" means all restricted ground areas of the airport, including taxiways, runways, loading ramps, and parking areas; the AOA is divided into two distinct areas: the "movement" area and the "non-movement" area.
14. "Airside" means the portion of an airport that contains the facilities necessary for the operation of aircraft.
15. "Apron" or "ramp" means an area designed for loading or unloading passengers and/or cargo, refueling, catering, parking or maintenance of aircraft.
16. "AWOS" means automated weather observation system.
17. "Based aircraft" means an aircraft that meets all of the following criteria:
    a. The owner physically locates the aircraft at the airport with the intent and purpose for the aircraft to remain for an undetermined period; and
    b. Whenever absent from the airport, including for a limited or seasonal duration, the aircraft's owner intends to return the aircraft to the airport for permanent storage; and

c. The aircraft's presence on the airport is not transitory in nature.

18. "Based commercial aeronautical activity provider" means a commercial aeronautical activity provider that has been given permission by the airport director to conduct its business using an airport hangar or other airport facility as the primary location for its business.

19. "Commercial activity" means the conduct of any aspect of a business, concession or service in order to provide goods or services to any person for compensation, including any such activity conducted by a charitable or non-profit organization.

20. "Commercial aeronautical activity" means any commercial activity that involves, makes possible, or is required for the operation of aircraft or an airport, or that contributes to or is required for the safety of such operations, including, but not limited to, the following activities:

    a. Aircraft sales and services

    b. Airframe and power plant repair services

    c. Aircraft rental services

    d. Flight training services

    e. Aircraft charter or on-demand air taxi services

    f. Air ambulance services

    g. Airborne mineral exploration

    h. Aircraft management services

    i. Radio, instrument or propeller repair services

    j. Aerial applications (e.g., crop-dusting, fire suppression)

    k. Aviation fuels and petroleum product sales

    l. Sale of aviation parts

    m. Lease, sublease, or rental permit of any aircraft hangar, shade, tie-down, or other parking space

    n. Banner towing and aerial advertising

    o. Aerial photography or survey

    p. Powerline or pipeline patrol

    q. Aircraft washing and cleaning services

    r. Any other commercial activity that is directly related to the operation, maintenance, repair, or storage of aircraft or the operation of the airport

21. "Commercial aeronautical activity provider" means any person that provides a commercial aeronautical activity on the airport.

22. "Commercial operating permit" means a permit that has been approved and issued by the airport director, prior to conducting any commercial business at the airport.

23. "Disabled aircraft" means an aircraft that remains in the movement area following an aircraft accident or incident or other event that renders it non-airworthy.

24. "FAA" means the federal aviation administration.

25. "FAA certificate of aircraft registration" means the FAA form that shows aircraft type and current ownership.

26. "FAR" means federal aviation regulations.

27. "Federal airport grant assurance obligations" means provisions within a federal airport grant agreement with which the recipient of federal airport development funding has agreed to comply in exchange for the assistance provided.

28. "Fixed base operator" or "FBO" means the company that conducts the servicing of general aviation within the airport restricted area.

29. "Foreign object debris" or "FOD" means any loose item (trash, metal, rocks, etc.) lying on the ground having the potential to cause significant damage to property or injury to aircraft and personnel in the AOA.

30. "Fuel handling" means the transportation, delivery, and draining of fuel or fuel waste products, and the fueling/defueling of aircraft.

31. "Fuel storage area" means any portion of the airport designated temporarily or permanently by the town as an area in which fuel may be stored or loaded.

32. "General aviation" means all types of civil aviation operations other than those conducted as a commercial aeronautical activity.

33. "Ground support equipment" or "GSE" means the support equipment at an airport used to service or support the operation of aircraft on the ground.

34. "Hangar" means an aircraft hangar used primarily for aircraft storage or aircraft maintenance.

35. "Hazardous materials" means any chemical, substance, material, waste or similar matter defined, classified, listed or designated as harmful, hazardous, extremely hazardous, dangerous, toxic or radioactive, or as a contaminate or pollutant, or other similar term, by, and/or that is subject to regulation under, any federal, state or local environmental or hazardous materials statute, regulation, or ordinance presently in effect or that may be promulgated in the future, and as they may be amended from time to time.

36. "Helipad" means an apron that is designated solely for rotorcraft operations; the helipad is part of the airport movement area.

37. "Hold short line" means a pavement marking consisting of two solid yellow stripes followed by two dashed stripes extending across the width of the taxiway or runway indicating where an aircraft is required to stop as the marking indicates the close proximity of an active runway.

38. "Landside" means the portion of an airport that provides the facilities necessary for the processing of passengers, cargo, freight, vehicle parking, and ground transportation vehicles.

39. "Lease" means an agreement granting the right to occupy or use property during a certain period in exchange for a specified rent.

40. "Major aircraft alterations and repairs" means major aircraft alterations and/or repairs of the types listed in 14 CFR part 43 appendix A, paragraphs (a) and (b).

41. "Minimum operating standards" means those standards adopted by the town as the minimum requirements to be met as a condition for the privilege of conducting commercial activities at the airport, as such standards may be amended from time to time, and containing detailed provisions outlining the minimum building size and other standards acceptable by the airport for a business operating on the airport.

42. "Movement area" means the runways, taxiways, helipad, and other areas of an airport that are used for taxiing, takeoff, and landing of aircraft.

43. "Non-movement area" means all parking areas, tie-down areas, perimeter roads, aprons/ramps and other areas within the AOA that are not specifically designated as within the movement area.

44. "Non-tenant operator" means a person with no established office, station, or location on airport property and not having a lease agreement with the airport.

45. "NOTAM" means notice to airmen.

46. "NTSB" means the national transportation safety board.

47. "Perimeter roads" means gravel or paved roadways that circumnavigate the AOA.

48. "Permit" means a written document issued by the airport director, authorizing the recipient to conduct one or more commercial activities at the airport that the recipient would not otherwise be authorized (e.g., by a commercial lease) to conduct.

49. "Road" or "roadway" means any roadway within the boundaries of the airport and designated for use by vehicles, whether improved or unimproved and whether dedicated or not.

50. "Rules and regulations" means the version of this title in effect at any given time.

51. "Runway" means a defined rectangular surface on an airport prepared and suitable for the landing and takeoff of aircraft; runways have markings in white with white lights.

52. "Safety area" means a defined area comprised of either a runway or taxiway and the surrounding surfaces that is prepared or suitable for reducing the risk of damage to aircraft in the event of an undershoot, overshoot, or excursion from a runway or the unintentional departure from a taxiway.

53. "Shade port" means an area used for the storage of aircraft or other items permitted by the airport director or for activities permitted by the airport director that is covered by a roof but no sides.

54. "Specialized aviation service operator" or "SASO" means a person that conducts one or more of the types of commercial aeronautical activities described in the airport minimum operating standards.

55. "Taxilane" means the portion of the aircraft parking areas used for access between taxiways and aircraft parking areas.

56. "Taxiway" means a paved and marked area established for taxiing of aircraft from one place on an airport to another; taxiways have markings in yellow with blue lights.

57. "Tenant" means any person authorized to occupy or use any portion of the airport on the basis of either a written lease or permit directly with or from the town, or a sublease with an entity that has a lease directly with the town; includes any entity that has an ownership interest in a hangar located on airport property, since that ownership interest is subject to both the lease under which the underlying land was leased from the town, and the sublease under which that land was subleased from the entity (such as the FBO) that leased the land directly from the town.

58. "Tie-down" means an area used for the storage of aircraft or other items permitted by the airport director or for activities permitted by the airport director that is not covered by a roof.

59. "Traffic pattern" means the traffic flow that is established for aircraft landing at, taxiing on, or taking off from the airport.

60. "UAS" means unmanned aircraft system, commonly referred to as a drone.

61. "UNICOM" means a universal communication radio frequency used at uncontrolled airports for pilot communication, and to communicate with the FBO to arrange services such as parking, fuel, and general information.

62. "Vehicle" means a device other than an aircraft in, upon, or by which any person or property is or may be propelled, moved or drawn upon a roadway.

63. "Vehicle parking area" means any portion of the airport designated and made available temporary or permanently by the town for the parking of vehicles.

64. "Vehicular accident" means a collision or other contact between a part of one vehicle and another vehicle, or a person, stationary object or other thing that results in bodily injury, death or property damage; or an entry into or emerging from any vehicle by a person that results in bodily injury or death of any person or property damage.

15-1-4 Incorporation of rules and standards by reference

The following, as they may be amended from time to time, are hereby incorporated by reference as if set out at length in this title:

A. Marana regional airport minimum operating standards

B. Marana regional airport rates and fees, as established by a fee schedule adopted by the town council and amended from time to time

C. Marana regional airport ultra-light aircraft operating rules

D. Marana regional airport architecture and landscape design standards

E. Marana regional airport commercial leasing policy and application

15-1-5 Conflicting laws, ordinances, regulations, and contracts

A. In any case where a provision of this title is in conflict with any other provision of this title, or in conflict with a provision of any zoning, building, fire, safety, health or other ordinance, code, rule, or regulation of the town, the provision that establishes the higher standard for the promotion and protection of the health and safety of people shall apply.

B. No existing or future town contract, lease agreement or other contractual arrangement, or any payment or performance thereunder, shall excuse any failure of full and complete compliance with this title.

C. Compliance with this title shall not excuse any failure of full and complete compliance with any obligations to the town under any existing or future town contract, lease agreement, or other contractual arrangement.

D. If any part of this title conflicts with federal or state law or regulation, then such federal or state authority shall take precedence.

15-1-6 Airport director's authority

In addition to other powers and duties set forth elsewhere in this title, the airport director has the following authority:

A. To issue rules, regulations, orders, and instructions necessary to administer this title, including posting signs at the airport which state or apply those rules, regulations, orders, or instructions.

B. To waive any portion of this title for up to 30 days to ensure public safety or the efficient use of the airport.

C. To close the airport or any portion of it using applicable FAA procedures, as appropriate, upon determining that conditions are unfavorable for aircraft operations.

D. To inspect all areas under lease to or occupied by tenants, including all hangars, at all reasonable times.

15-1-7 Airport staff's authority

Each member of the staff of the airport director, as a representative of the airport director, and any party acting under the direction of the airport director based on a contract with the town, is empowered to enforce the provisions of this title and all orders and regulations issued by the airport director.

15-1-8 Classification; enforcement; continuing violations; effect of revocation or suspension on prosecution

A. Whenever in this title any act is prohibited or declared to be unlawful or the doing of any act is required or the failure to do any act is declared to be unlawful, the violation of that provision is a class one misdemeanor.

B. The provisions of this title and any resolutions, minimum standards or other rules and regulations promulgated under this title, and the provisions of any other ordinance or law related to the airport, may be enforced in any manner provided for by town ordinances and state or federal laws.

C. No delay or failure on the part of the town in enforcing any aspect of this title shall impair the town's enforcement action, nor shall any delay be construed as a waiver of such enforcement action.

D. No single or partial exercise of an enforcement action shall preclude any further exercise of enforcement right, or privilege of the town.

E. No waiver of any aspect of this title shall be valid unless made in writing and signed and dated by the airport director, and then only to the extent expressly specified in such writing and expressly permitted by this title.

F. Each day any violation continues shall constitute a separate offense.

G. Revocation or suspension of any license or permit required by this title or any state or federal law shall not be a defense against prosecution.

15-1-9 Administrative penalties

In addition to any other remedy available as a matter of law, violations of this title or of any rule, regulation, order, or instruction issued by the airport director may result in withdrawal of permission to use the airport and/or loss of unescorted AOA access privileges.

CHAPTER 15-2. GENERAL USE OF AIRPORT

15-2-1 Conditions of use

A. The conditions under which the airport or any of it facilities may be used shall be as established pursuant to this title or otherwise by the town council.

B. Any permission directly, indirectly, expressly or implicitly granted by the town to enter upon or use the airport or any part of it is conditioned upon compliance with this title, and any rules, regulations, or minimum operating standards promulgated under this title, this code, and all other applicable state and federal laws, rules and regulations.

C. Entry upon the airport property by any person shall be deemed to constitute an agreement by that person to comply with all of the following:

1. This title
2. The requirements of any grant agreement to which the town is bound relating to the airport
3. Any and all orders or regulations promulgated by the town or the airport director
4. Any and all signs posted by or under the authority of the town or the airport director.
5. Any and all applicable laws and regulations of the United States and the state.

D. The town reserves the right to deny any or all use of or access to the airport to any person for any reasonable cause.

E. Unless expressly provided otherwise, any consent or permission of the town required under this title must be obtained in advance, in writing and signed and dated by the airport director.

F. Unless expressly provided otherwise, any notice or application to the town required under this title must be given in writing to the airport director during normal business hours at the airport office.

G. The privilege of using the airport and its facilities is conditioned upon the user's assumption of full responsibility and risk for that use. The town assumes no responsibility for injury or damage to persons or property of persons, stored on, or using the airport facilities, by reason of fire, theft, vandalism, weather, storm, flood, earthquake, or collision, nor does the town assume any liability for injury to persons while on the airport or while using airport facilities. By using the airport and its facilities, the user releases and agrees to hold harmless and indemnify the town and its officers, employees and agents from and against any liability or loss resulting from that use.

H. Any person accessing the airport shall be responsible for their actions and the actions of any person to whom they provide access, whether directly or indirectly.

I. No person other than those in an aircraft operating on the airport or in vehicles authorized to service or support such aircraft shall enter the AOA except with written approval of the airport director or other authorized representative. All persons authorized access to the AOA shall have suitable identification on their person when in the area.

J. No person may use the airport or its facilities, or engage in any conduct on or related to the airport, in any way that would cause the town to be in non-compliance with any of the town's federal and/or state airport grant assurance obligations.

K. All children under the age of 13 years must be accompanied by an adult 18 years of age or older at all times.

15-2-2 Commercial business operations

A. No person shall use any portion of the airport for any commercial activities unless the commercial activities are conducted by the person pursuant to a business license issued by the town and either a written commercial lease or sublease authorizing the commercial activity or a permit issued by the airport director authorizing the commercial activity.

B. The airport director may issue permits for commercial activities at the airport to persons whose commercial activities do not require a formal lease or sublease, provided that such permits are effective for no more than 30 days or are terminable by the town without cause upon no less than 30 days' notice, or are immediately terminable by the town for cause.

C. No commercial business operations shall be permitted in storage hangars.

D. No person shall engage in any commercial aeronautical activity at the airport except in conformity with all federal aviation regulations, the applicable provisions of title 28, chapter 25, Arizona revised statutes, the applicable provisions of this code, and this title.

E. Prior to commencing any commercial activity at the airport a person must present to the airport director satisfactory information and proof that he or she meets the minimum operating standards established by the town for engaging in such commercial activity.

F. All commercial business operations shall be performed in accordance with the provisions of the certificate of occupancy issued to the business and in compliance with all applicable local building and fire codes.

15-2-3 Closing the airport during emergencies

During an emergency at the airport, the airport director shall have absolute control of the airport. If the airport director believes conditions at the airport are unsafe for aircraft operations, the airport director shall have the authority to close the entire airport or any part of the airport, and issue a NOTAM describing the closure.

15-2-4 Aircraft parking

A. Transient aircraft parking overnight or longer shall be on the open tie-down parking ramp, in a designated parking space, and subject to applicable parking fees.

B. Transient aircraft parking short term (no overnight) shall be on the FBO/terminal ramp or the open tie-down ramp, in a designated parking space.

C. Overnight parking on the FBO/terminal ramp is prohibited unless authorized by the airport director or an authorized representative of the FBO.

D. No person shall park or allow to remain stationary any aircraft at the airport except within a designated aircraft parking area.

E. No person shall park an aircraft in a reserved aircraft parking area without prior permission from the town or a tenant authorized to provide an aircraft parking area to other persons.

F. No person shall leave an aircraft parked in a shade port or tie-down without first having ensured that the aircraft is adequately secured to the pavement.

G. Aircraft must not be parked so as to block or obstruct any of the following:

1. Fire, police, or other emergency vehicle access
2. Taxi lanes
3. Hangars

H. Inoperable, abandoned or junked aircraft, and aircraft awaiting major repair and/or missing external parts (e.g., propeller), shall be temporarily stored in a fully enclosed hangar, subject to aircraft hangar rules that prohibit the indefinite storage of nonoperational aircraft, or will be removed from the airport property by the airport director at the aircraft owner's expense.

I. If any aircraft is parked in violation of this section, or, in the determination of the airport director, presents an operational or safety hazard in any area of the airport, the airport director may cause the aircraft, at the owner's/operator's expense, and without liability for damage that may result in the course of such moving, to be moved and delivered into the care of a representative of an FBO or SASO authorized to do business on the airport.

J. To avoid being considered abandoned and being removed from the airport property by the airport director at the aircraft owner's expense, aircraft parked or stored outside must:

1. Have a current annual certification; and

2. Be supported by its own landing gear with fully inflated tires and in a condition to tow.

K. Aircraft parked or stored outside shall not leak fuel, oil, or other materials on the ground or aprons.

15-2-5 Parking permits and payments

A. All persons parking aircraft at the airport overnight or longer shall register the aircraft with the office of the airport director as soon as possible after landing.

B. All persons parking aircraft at the airport for 30 days or less shall pay the daily transient parking fees, as established in a fee schedule adopted by the town council and amended from time to time.

C. All persons parking aircraft at the airport for 30 days or longer shall enter into a parking agreement and obtain a monthly parking permit from the town and shall pay all applicable monthly parking fees, as established in a fee schedule adopted by the town council and amended from time to time. All applicable daily parking fees shall be paid until such time as the person obtains the monthly parking permit.

D. All persons parking aircraft at the airport shall comply with the terms and conditions of any parking permit or parking agreement.

E. Failure to comply with the provisions of this section or the terms and conditions of any parking permit or parking agreement may result in cancellation of any parking permits and agreements.

F. Upon receiving notice of cancellation of a parking permit or agreement, an aircraft owner shall have 60 days to remove the aircraft in question from the airport. If the aircraft is not removed within 60 days, or other arrangements made with the airport director, a peace officer may seize the aircraft and notify the state of the seizure pursuant to A.R.S. § 28-8243 or the town may sell the aircraft pursuant to A.R.S. § 33-1023.

G. Non-payment of any hangar rent, lease payments, or parking fees owed to the airport or FBO will result in the deactivation of user's gate access card or and/or access code.

15-2-6 Aircraft owner's performance of maintenance and use of commercial aeronautical activities providers

A. An aircraft owner is permitted to fuel, wash, apply limited touch up small-scale paint or finish, and provide aircraft preventive maintenance only to the owner's own aircraft, and only if the aircraft is based at the airport, provided that the owner complies with this title and all applicable laws, federal aviation regulations, and town code provisions.

1. Limited touch-up, small-scale painting, or refinishing is permitted only in areas designated for such activities and supplied with appropriate fire protection equipment such as the aircraft maintenance hangars.

2. Any spray apparatus application of any size and brush/roll applications exceeding one gallon are prohibited outside of dedicated approved flammable finish application areas, except when utilizing water-miscible solutions in accordance with the international fire code.

3. Large-scale painting is prohibited unless approved by the airport director.

4. Fueling may only be conducted outside of the hangar and in compliance with all applicable fire codes, FAA guidance regarding aircraft fuel storage, handling and dispensing on airports, the requirements of this title, and all other applicable laws and standards.

5. Any person applying any finish shall ensure compliance with all applicable environmental regulations and shall not cause damage to hangars or nearby aircraft.

B. An owner of a based aircraft may hire or allow a person who is not a based commercial aeronautical activity provider to provide any of the services described in this section, or major aircraft alterations and repairs.

1. The person providing the services must obtain a SASO permit from the airport director prior to engaging in the services.

2. The services shall be provided:

a. In the presence and under the direct supervision of the aircraft owner, unless the service provider has his or her own airport security gate access identification badge

b. At the based location of the aircraft at the airport

c. In conformance with this title and all applicable laws, federal aviation regulations, and town code provisions.

C. Where the services are provided as a commercial aeronautical activity for the benefit of the aircraft owner, the provider must be a direct employee or authorized independent contractor of the aircraft owner, or for certificated aircraft, an FAA-certified technical specialist or a mechanic. All such providers must hold a permit to conduct commercial activities and a town business license, and pay all applicable fees for performing such activity.

15-2-7 Major aircraft alterations and repairs

Major aircraft alterations and repairs may be conducted on the airport only:

A. By a based commercial aeronautical activity provider authorized by the airport to perform major aircraft alterations or repairs; or

B. By the owner of the aircraft being altered or repaired, and in accordance with applicable provisions of this title.

C. In areas of the airport designated and designed for major alterations and repairs in accordance with applicable building and fire codes.

15-2-8 Aircraft hangars

A. This section applies to all aircraft hangars regardless of whether the hangar occupant leases the hangar or the hangar occupant constructed the hangar at the occupant's own expense while holding a ground lease with the town.

B. When land designated for aeronautical use is made available for construction of hangars, the hangars built on the land are subject to the airport's obligations to use aeronautical facilities for aeronautical use.

C. Aircraft hangars shall be used for aeronautical purposes, or shall be available for use for aeronautical purposes, except as otherwise approved by the FAA. Non-aeronautical use of hangars shall be the exception and must be approved by the airport director.

D. Notwithstanding the general rule that aircraft hangars shall be used for aeronautical purposes, in accordance with FAA policy, the airport director may request FAA approval of non-aeronautical uses of aircraft hangars when there are vacant hangars and no current aviation demand for the hangars. This paragraph does not create nor constitute a right to use aircraft hangars for non-aeronautical purposes.

E. For purposes of this section, aeronautical uses of aircraft hangars include:

1. Storage and parking of active aircraft

2. Minor maintenance, repair, or refurbishment of aircraft, but not the indefinite storage of nonoperational or derelict aircraft or parts

3. Storage of aircraft handling equipment, workbenches, and tools and materials used in the servicing, maintenance, repair, or outfitting of aircraft

4. Final assembly of aircraft under construction

5. Non-commercial construction of amateur-built or kit-built aircraft

F. Non-aeronautical items may be stored in aircraft hangars provided that the hangar is used primarily for aeronautical purposes and the non-aeronautical items do not interfere with the aeronautical use of the hangar. Items will not be considered to interfere with the aeronautical use of the hangar unless the items:

1. Impede the movement of the aircraft in and out of the hangar

2. Impede access to aircraft or other aeronautical contents of the hangar

3. Displace the aeronautical contents of the hangar

4. Are used for the conduct of a non-aeronautical business from the hangar, including storage of inventory

5. Are stored in violation of this title, lease provisions, building codes, or other local ordinances

G. The following items may be stored in aircraft storage hangars:

1. Any aircraft assigned to the hangar on the airport director's list of based aircraft, including any aircraft that are being restored or assembled

2. Aeronautical items associated with an aircraft in the hangar, including the parts, tools, equipment and support items necessary to maintain and operate an aircraft

3. Items associated with an aeronautical activity, including balloon and skydiving equipment and teaching tools

4. Vehicles operated by gate access card permittees and their authorized guests, only when the hangar lessee is either present on the airport, or using the aircraft normally stored in the hangar

5. Prefabricated metal shelving, workbenches, and cabinets

6. A reasonable amount of functional furniture only for use in the hangar such as a table and chairs

7. Spare aircraft tires, batteries, and battery chargers stored and maintained in accordance with fire codes

8. Refrigerators, air conditioners, fans and similar devices, as long as they are elevated 18 inches above the hangar floor and use no extension cords

9. Non-aeronautical items that comply with paragraph F above

10. Other items determined by the airport director to be allowable, based on their function and the personal needs of the occupant

H. Use of aircraft storage hangars shall be subject to the following restrictions:

1. Hangars shall not be used as a residence.
2. Hangars shall not be used for the operation of a business or a business office, whether the business is aeronautical or non-aeronautical in nature.
3. Hangars shall not be used for storage of household items that can be stored in commercial storage facilities.
4. Welding, cutting and all other hot work operations must comply with applicable fire codes. Doping work involving a flammable coating/finish process cannot be applied via spray apparatus, and if being applied by brush or roller, the agent cannot exceed one gallon unless being applied in an area compliant with the requirements of chapter 24 of the international fire code. Welding, or any repair requiring the use of open flames, spark-producing devices, or the heating of parts above 500° F shall only be done outdoors.
5. No equipment or materials may be stored in hangars unless used for the operation and maintenance either of the based aircraft or of the hangar.
6. There shall be room for the aircraft in the aircraft hangar for the based aircraft at all times, even when the aircraft is temporarily not located in the hangar.
7. Oily rags, oil waste, rags and other rubbish and trash may only be stored in hangars in metal containers with self-closing, tight-fitting lids as approved by the airport director.
8. Fueling, defueling and fuel system maintenance shall comply with all applicable fire codes and with the following:
    a. Fueling or defueling within an aircraft storage hangar or within 25 feet thereof is prohibited.
    b. Major fuel system maintenance within an aircraft storage hangar is prohibited.
    c. Open fuel cells are allowed within the hangars if they are new and have never held fuel, or existing tanks have been purged of flammable vapors so there are no hazardous vapors off-gassing in the space.
    d. No flammable or combustible liquids shall be dispensed into or removed from a container, tank, vehicle or aircraft except in a location approved by the fire department.
9. Flammable and combustible liquids stored inside hangars must comply with the following:

a. Flammable liquids with flash points less than 100° F are prohibited. This includes aviation fuel and most volatile solvents.

b. Combustible liquids with flash points greater than 100° F are limited to two gallons maximum. This includes diesel fuel, hydraulic fluid, motor oil and most lubricating oil.

c. Fuel in the tanks of aircraft or aircraft related equipment (tugs, etc.) are exempt from these limitations.

d. All combustible liquids must be stored within safety containers designed for such use, or in the original manufacturers' containers.

10. Oxygen or any combustible or non-combustible compressed gas in a cylinder or portable tank shall be secured. Compressed gas cylinders or tanks shall have pressure relief devices installed and maintained. Cylinders or tanks not in use shall have a transportation safety cap installed. Compressed gas cylinders are subject to maximum allowable quantities per control area depending on their contents.

11. Portable aircraft and vehicle batteries may only be charged within an aircraft hangar while the aircraft owner or occupant is present, except for trickle type chargers with an automatic shutoff. Stationary storage battery systems must be installed and maintained in accordance with applicable fire codes.

I. Hangars shall be subject to annual and periodic inspections by the airport director, the fire department, building officials, and code compliance officers to ensure compliance with all laws, ordinances, and this title. Each occupant shall take reasonable steps to make the hangar available for inspections.

J. No tenant or lessee shall store any objects, parts, or any other items except within their own hangar or a screened outside storage facility approved by the airport director.

K. No tenant or lessee shall knowingly allow leased or sub-leased property or hangars to be used or occupied for any purpose prohibited by this title or by any applicable lease agreement.

15-2-9 Aircraft shade ports and tie-downs

A. Aircraft shade ports and tie-downs may only be used for the following purposes:

1. Storing and parking of a based aircraft assigned to the shade or tie-down and listed on the airport director's list of based aircraft, and storing of aeronautical items that are approved by the airport director. Aircraft parked in a shade or tie-down shall be parked so as to be completely contained within the aircraft parking space and to not obstruct adjacent aircraft parking area, taxi lanes, or fire department or other emergency

vehicle access, except for the purpose of immediate and temporary staging and fueling of such aircraft.

2. Parking of vehicles operated by gate card permittees and their authorized guests.

B. Use of aircraft shade ports and tie-downs shall be subject to the following restrictions:

1. No aircraft maintenance shall be performed in the open tie-downs, shade ports, or any aprons without the approval of the airport director. This subparagraph does not apply to minor maintenance activities, such as air filter replacement, and emergency repairs.

2. No equipment or materials may be stored in shade ports or tie-downs unless used for the operation and maintenance of the based aircraft assigned to the shade port or tie-down. The airport director may approve the storage of additional items on a case-by-case basis.

3. Oily rags, oil waste, rags and other rubbish and trash may only be stored in shade ports or tie-downs in metal containers with self-closing, tight-fitting lids that are approved by the airport director or the fire department and must be secured to prevent spillage.

4. Disabled or otherwise non-airworthy aircraft may not be parked in the shade ports or on open tie-down parking ramp. This includes but is not limited to aircraft with deflated tires, missing external parts (e.g., propeller, cowling), and expired registration. Aircraft in this condition must be removed from the airport or temporarily relocated to a hangar, subject to aircraft hangar rules that prohibit the indefinite storage of nonoperational and derelict aircraft.

5. Portable aircraft and vehicle batteries may be charged in shade ports or tie-downs only while the based aircraft owner, operator, or occupant is present, except for trickle type chargers with an automatic shutoff. Stationary storage battery systems must be installed and maintained in accordance with applicable fire codes.

6. Tenants may have a tool box, ladder or container adjacent to their aircraft. These items must be secured by chain and lock under the aircraft.

7. Oxygen or any combustible or non-combustible compressed gas in a cylinder or portable tank may be stored in shade ports or tie-downs only if the cylinder or tank is secured and has pressure relief devices installed and properly maintained. Compressed gas cylinders or tanks not in use shall have a transportation safety cap installed. Compressed gas cylinders are subject to maximum allowable quantities per control area depending on their contents.

C. Aircraft shade ports and tie-downs shall be subject to annual and periodic inspections by the airport director, the fire department, building officials, and code compliance officers to ensure compliance with all laws, ordinances, and this title.

15-2-10 Airport perimeter roads

A. The use of airport perimeter roads is restricted to airport management, operations, and maintenance employees, authorized FBO personnel, fuel trucks or other vehicles, police and fire personnel, and authorized town staff, town vendors and town contractors.

B. Airport perimeter roads shall not be used as a shortcut between ramps on the airport.

C. Perimeter roads shall remain clear and unobstructed at all times.

15-2-11 Operational and restricted areas

A. No person may enter upon the movement area without the permission of the airport director, except persons assigned duty in the movement area, authorized employees or contractors of the town, and fire, police, and other emergency personnel and vehicles.

B. No person may enter the airside area, except as necessary for the lawful operation or maintenance of an aircraft, or to conduct a commercial activity, or to conduct any other activity authorized by the airport director.

C. No person may enter any area posted as being restricted except as authorized by the airport director.

D. No person may enter into, remain in, place in, or remove any object from, any hangar, shade port or other building or facility at the airport without consent of the town or the person with the legal right of possession of such space, building, or facility.

15-2-12 Airport smoking areas

Smoking is not permitted:

A. Within 50 feet of an aircraft, fuel truck and/or fuel storage area

B. On any apron, taxiway, taxilane, or runway

C. Where specifically prohibited by the town and/or state law

D. Inside any aircraft storage or maintenance hangar.

15-2-13 Use of shop areas

All of a tenant's shops, garages, equipment and facilities are solely for the conduct of that tenant's authorized aeronautical or commercial activities. No person other than employees or agents of that tenant shall make use of such facilities without individual and specific permission of that tenant.

15-2-14 Maintenance of premises

A. All tenants at the airport shall at all times maintain their premises in serviceable, safe and operable condition and repair, and in a condition of repair, cleanliness and general maintenance.

B. All tenants at the airport shall keep the floors of hangars, shade ports and tie-downs leased by them, or used in their operations, clean and clear of fuel, oil, grease and other similar materials.

15-2-15 Waste containers and disposal

A. All airport tenants, users, or visitors shall dispose of all waste in waste containers appropriate for that purpose, and in appropriate locations, as designated by the airport director, and no other containers or areas shall be used.

B. Containers for recyclable materials shall be used in strict compliance with any rules for use posted by the airport director.

C. No household waste shall be disposed of in any airport waste container.

D. No petroleum products, industrial waste matter or other hazardous materials shall be dumped or otherwise disposed of except in accordance with local, county, state and federal law. Hazardous materials shall be the responsibility of the originator under all applicable laws.

15-2-16 Storage

A. No person shall store or stock materials or equipment in such a manner as to be unsightly or constitute a hazard to personnel or property, as determined by the airport director.

B. Individual containers, cartons or packages shall be conspicuously marked or labeled in an approved manner.

C. Rooms or cabinets containing compressed gases shall be conspicuously labeled: "COMPRESSED GAS."

15-2-17 Storage, transfer and cleanup charges

A. The town may remove and impose storage, removal and transfer charges upon any property or material unlawfully placed or otherwise deposited at the airport.

B. The town or the fire department may clean up any material unlawfully spilled, placed or otherwise deposited at the airport, and may charge the responsible person(s) for the cost of the cleanup, any required environmental remediation, and any expenses, fines, or damages incurred by the town as a result thereof.

15-2-18 Unmanned aircraft systems (UAS)

A. All persons operating unmanned aircraft systems or drones at or near the airport for commercial, non-recreational purposes shall comply with FAA all rules regarding such use.

B. All persons operating unmanned aircraft systems or drones for recreational purposes within five miles of the airport shall notify the airport director prior to operation.

1. If the airport director objects to the operation, it is expected that the operator will not conduct the proposed flight.

2. Flying model aircraft over the objections of the airport director may be considered to be endangering the safety of the national airspace system (NAS).

15-2-19 Model airplanes, model helicopters, kites, and fireworks

No person shall fly or release a model airplane, model helicopter, rocket, kite, fireworks, balloon, parachute, or the like within two miles of the airport if such activity would create a hazard to aircraft operations or as otherwise determined by the airport director.

15-2-20 Commercial photography or filming

No person may take still, motion or sound pictures, of or at the airport, for commercial purposes, without first applying for a permit from the airport director and paying applicable fees for the activity.

15-2-21 Signs, advertisements, printed or written materials

No person may post, distribute or display signs, advertisements, circulars, or other printed or written materials at the airport except in locations designated by the airport director.

15-2-22 Weapons, explosives, and radioactive substances

A. No person shall carry, possess or exercise control over any unauthorized firearms or explosives on the airport premises in violation of town code, state statute, federal law, or federal aviation regulations.

B. No person, except an authorized law enforcement officer or member of the armed forces of the United States on official duty, may possess any explosives on the airport.

C. No person, except an authorized law enforcement officer or member of the armed forces of the United States on official duty, may store, handle, use, dispense or transport at, in, or upon the airport, any radioactive substance or material, except for materials with a minimum of radioactive substances, such as radioactive paint illuminating instrument dials, without prior written permission from the airport director.

15-2-23 Disorderly conduct and intoxicating liquors

No person may:

A. Commit any disorderly, obscene or unlawful act, or create a nuisance, on the airport.

B. Consume any alcoholic beverage upon any portion of the airport open to the public, except in lawfully established restaurant facilities and in accordance with all applicable laws, or in some other place authorized by a special event permit from the airport director authorizing the consumption of such alcoholic beverages.

C. Become intoxicated on any portion of the airport.

D. Enter upon or loiter on or about the airport without the airport director's or designee's permission.

15-2-24 Property damage; injurious, or detrimental activities

A. No person shall destroy, injure, deface, or disturb any building, sign, equipment, marker or other structure, or any tree, flower, or lawn, or any other public property.

B. No person may conduct activities at the airport that are injurious, detrimental or damaging to the airport or to airport property or to commercial activities at the airport.

C. Any person causing, or responsible for causing, any such injury, detriment, or damage shall pay the airport, upon the airport's demand, the full cost of repairs.

D. Any person who fails to comply with this section shall be in violation of this title, and the airport director may prohibit the person from any or all of the airport facilities until the airport has been fully reimbursed for the damage caused.

15-2-25 General rules of conduct

No person shall do any of the following on any portion of the airport:

A. Camp.

B. Ignite a fire.

C. Maintain a temporary or permanent residence.

D. Hunt, pursue, trap, catch, injure, or kill any bird or animal, except in connection with pest control activities authorized by the airport director.

E. Solicit fares or funds for any purpose without the written permission of the airport director.

F. Walk in a picket line or take part in a labor or other public demonstration except in a place specifically assigned for that purpose by the airport director.

15-2-26 Alteration of airport property

A. No person may make any alterations to any signs, buildings, aircraft parking areas, leased areas or other airport property, or erect or construct any buildings or other structures at the airport without first receiving written permission of the airport director.

B. Persons undertaking such alterations or construction shall comply with all building codes and permit procedures of the town, and shall deliver to the airport director as-built plans upon completion.

15-2-27 Lost articles

A. Any person finding lost articles in public areas of the airport shall immediately deposit them at the office of the airport director or, if after hours, with an airport staff member or FBO employee on duty at the airport, if available.

B. Articles unclaimed after 90 days will be disposed of in a lawful manner.

15-2-28 Abandoned property

No person may abandon any personal property on airport property or in any building on the airport.

15-2-29 Flying clubs

A flying club shall comply with this title and the minimum operating standards.

15-2-30 Payment of fees

All billings by the town are due and payable upon presentation unless otherwise noted on the bill, or otherwise provided by the terms of a written lease, license, permit or agreement from or with the town.

15-2-31 Dogs and other animals

A. No person may enter the airport with a dog or other animal unless the animal is restrained by a leash or properly confined as determined by the airport director.

B. No person in charge of a dog or other animal may permit the animal to wander unrestrained on any portion of the airport.

C. No person may ride a horse at the airport without the written permission of the airport director.

D. Animal owners are responsible for cleaning up after their pets on the airport.

15-2-32 Based aircraft information

A. All based aircraft must be registered with the airport director.

B. Tenants shall provide to the airport director their name, address and phone number along with the aircraft owner's aircraft make,

model and FAA certificate of aircraft registration number or other proof of ownership.

C. All tenants are required to update changes of based aircraft within 30 days of change.

D. The airport director may request confirmation of based aircraft on an as-needed basis. This information will be provided to the Arizona department of transportation on a quarterly basis.

CHAPTER 15-3. FUELING, FLAMMABLE FLUIDS, AND SAFETY

15-3-1 Fuel safety

A. All transportation, storage and other handling of aircraft and vehicle fuel shall comply with applicable fire codes, FAA guidance regarding aircraft fuel storage, handling and dispensing on airports, the requirements of this title, and all other applicable laws and standards.

B. Aircraft fueling vehicles shall be provided and maintained with a substantial heavy duty electrical cable of sufficient length to be bonded to the aircraft to be serviced. Such cable shall be metallically connected to the transfer apparatus or chassis of the aircraft-fueling vehicle on one end and shall be provided with a suitable metal clamp on the other end, to be fixed to the aircraft.

C. The bonding cable shall be bare or have a transparent protective sleeve and be stored on a reel or in a compartment provided for no other purpose. It shall be carried in such a manner that it will not be subjected to sharp kinks or accidental breakage under conditions of general use.

D. Transfer apparatus shall be metallically interconnected with tanks, chassis, axles and springs of aircraft-fueling vehicle.

E. Employees of fuel agents who fuel aircraft, accept fuel shipments, or otherwise handle fuel shall receive fire safety training approved by the fire department.

F. Personnel assigned to and engaged in fuel-servicing operations shall not carry matches or lighters on or about their person. Matches or lighters shall be prohibited in, on, or about aircraft fueling equipment.

15-3-2 Restrictions on commercial fueling activities

No person or company may conduct any commercial fueling activities for aircraft at the airport, except for a tenant operating as a fixed base operator and in accordance with the express terms of such tenant's lease with the town.

15-3-3 Storage of aircraft fuel trucks, trailers and other aircraft refueling devices

A. Aircraft refueling vehicles and other movable aircraft fuel containers and refueling devices shall be stored outside, and not less than 25 feet from an occupied structure, or such other distance from any occupied structures as may be approved by the airport director.

B. Aircraft refueling vehicles shall be parked in a manner that provides a minimum of ten feet of separation between each aircraft refueling vehicle and any other vehicle or aircraft refueling device.

C. No aircraft refueling vehicle, other movable aircraft fuel container, or other aircraft refueling device, empty or otherwise, may be brought into, kept or stored within any building at the airport unless the building is used exclusively for that purpose.

D. This section does not apply to vehicle fuel approved containers with a capacity of not more than five gallons, provided no more than five such containers may be located within a single vehicle.

15-3-4 Aircraft refueling and defueling locations

All aircraft fueling shall be performed outdoors. Aircraft being fueled shall be positioned so that aircraft fuel system vents or fuel tank openings are not closer than 25 feet from any building or structure.

15-3-5 Maintenance of fuel servicing vehicles

A. Maintenance and servicing of aircraft fuel servicing vehicles shall be performed outdoors or in a building approved for that purpose by the airport director.

B. Aircraft fueling vehicles and all related equipment shall be properly maintained and kept in good repair. Accumulations of oil, grease, fuel and other flammable or combustible materials is prohibited. Maintenance and service of such equipment shall be accomplished in areas approved by the fire department.

C. Tanks, pipes, hoses, valves and other fuel delivery equipment shall be maintained leak free at all times.

15-3-6 Open flames

A. There shall be no open flames or lighted open-flame devices in any of the following locations:

1. The airside area
2. Within 50 feet of any aircraft, fuel truck, and/or fuel storage area
3. In any other area where open flames are specifically prohibited by the town

B. Lighted open-flame devices shall include, but shall not be limited to, the following:

1. Exposed flame heaters
2. Liquid, solid or gaseous devices, including portable and wheeled gasoline or kerosene heaters
3. Gas or charcoal cooking grills
4. Heat producing, welding, or cutting devices, and blowtorches
5. Flare pots or other open-flame lights

15-3-7 Removal of gasoline, oil, and grease

A. If there is spillage of gasoline, oil, grease or any material that may be unsightly or detrimental to the airport, the spilled material shall be removed immediately, either by the operator or owner of the equipment causing the spillage, or by the tenant, commercial aeronautical service provider, or other person responsible for the spillage.

B. If the equipment operator or other responsible person fails to restore the area to its original, safe, and environmentally sound status, the town may clean up any material spilled, placed or otherwise deposited at the airport, and may charge the responsible person(s) for the cost of the cleanup, any required environmental remediation, and any expenses, fines, or damages incurred by the town as a result thereof.

C. Spillage events may constitute grounds for the equipment operator or responsible person being denied access to the airport.

D. Activities in the affected area not related to the mitigation of the spill shall cease until the spilled material has been removed or the hazard has been mitigated. Aircraft or other vehicles shall not be moved through the spill area until the spilled material has been removed or the hazard has been mitigated.

E. All spills shall be reported to airport management, documented, and mitigated.

F. The fire department shall be notified of any fuel spill which is considered a hazard to people or property, or which meets one or more of the following criteria:

1. Any dimension of the spill is greater than ten feet.
2. The spill area is greater than 50 square feet.
3. The fuel flow is continuous in nature.

G. The fueling-system operator shall conduct an investigation of all spills that require notification to the fire department.

15-3-8 Lubricating oils

A. Lubricating oils that are necessary for minor aircraft maintenance and have a flash point at or above 100° F, may be stored in hangars or suitable storage devices as approved by the airport director,

provided they are stored in their original container and have the original manufacturer's labeling.

B. No more than 30 gallons of such lubricating oils may be stored by any person, except that an aircraft maintenance shop authorized by the airport director to operate on the airport may store more than 30 gallons of lubricating oils, in accordance with applicable fire code provisions.

15-3-9 Fire extinguishers

A. All airport tenants shall supply and maintain adequate and readily accessible fire extinguishers as required by the fire department. Each fire extinguisher shall carry a placard showing the date of the most recent inspection.

B. Any discharge of any fire extinguisher equipment on airport property, regardless of the circumstances, shall be reported to the airport director immediately after use, in accordance with state statutory requirements.

C. At least two fire extinguishers, each having a rating of 20-BC, shall be readily available for use in connection with any aircraft fueling operations.

D. Aircraft fuel-servicing tank vehicles shall be equipped with a minimum of two listed portable fire extinguishers, each having a rating of 20-BC. A portable fire extinguisher shall be readily accessible from either side of the vehicle.

E. Aircraft towing vehicles shall have a minimum of one listed 20-BC fire extinguisher.

F. All welding apparatus shall be equipped with a minimum of one listed 2-A: 20-BC fire extinguisher.

G. Use of a fire extinguisher shall be immediately reported to the fire department.

15-3-10 Movable aircraft fuel storage tanks or containers

Unless otherwise approved by the airport director and the fire department, movable aircraft fuel storage tanks or containers are prohibited at the airport except for:

A. Aircraft fuel trucks and trailers constructed, operated and maintained in all respects as required by local, state or federal law.

B. Permanent fuel tanks in an operable aircraft.

C. Containers not exceeding one-gallon capacity used solely for sampling and testing of fuel, engines, and fuel handling apparatus.

D. No more than one tank per person, with a capacity of not more than 55 gallons, used by that person to fuel their own aircraft pursuant to a self-fueling permit.

E. Fuel transport vehicles authorized by the town, and lawfully transporting fuel for immediate dispensing into a fuel storage tank. Such vehicles shall access the airport at a point approved by the airport director and remain under escort by the representative of the person on the airport receiving the fuel.

15-3-11 Self-fueling

A. Except as may be prohibited by other provisions of this title and any other applicable law, owners of a based aircraft who desire to self-fuel their aircraft, shall apply for a self-fueling permit from the airport director.

B. Paragraph A above does not apply to the use of a self-service fuel facility provided by a fixed base operator.

C. Self-fueling of vehicles other than aircraft is strictly prohibited.

D. Rotorcraft may not use the self-fuel facilities.

15-3-12 Fueling of fuel vehicles

Transferring fuel from vehicle to vehicle on airport property is prohibited unless the fuel is transferred from an approved fuel loading device.

15-3-13 Vehicle fuel

No person shall possess vehicle fuel on the airport except:

A. Within the permanently installed fuel tank of a vehicle for use by that vehicle

B. Within movable containers designed for storage of vehicle fuel, subject to the following conditions:

1. The containers have a maximum capacity of five gallons.

2. No more than five such containers are located in a single vehicle.

C. Within underground or above-ground vehicle fuel storage tanks that have a capacity of not more than 2,000 gallons, and are lawfully installed and maintained in accordance with this title.

15-3-14 Fuel farms

Only full-service fixed base operator(s) who have a lease with express terms authorizing them to conduct commercial fueling activities on the airport will be permitted to install a permanent fuel farm. Any such installation must be approved by the airport director and the fire department.

CHAPTER 15-4. AIRCRAFT OPERATIONS

15-4-1 Restricted runway operations

A. Except in an emergency, all fixed wing aircraft landings and takeoffs shall be made on a paved runway.

B. Landings and/or takeoffs from dirt surfaces are strictly prohibited.

C. Except in an emergency, no rotorcraft equipped with skid type landing gear shall perform run-on landings, or any other maneuvers that would cause the skids to slide upon the runway surface.

D. Landing aircraft shall clear the runway as soon as practical, consistent with safety, and taxi ahead to the nearest turn-off.

15-4-2 Aircraft wingspan and weight restrictions

Aircraft shall not be placed in a hangar, shade port or tie-down, nor shall aircraft be operated in areas of the airport:

A. Where the aircraft's wingspan exceeds the maximum wingspan designated for that area by the airport director.

B. Where the aircraft's weight exceeds the maximum weight designated for that area by the airport director

15-4-3 Traffic pattern/pattern altitudes

The recommended minimum traffic pattern altitude above ground level (AGL) for aircraft operations at the airport is 800 feet (2,800 feet MSL). All traffic shall be left for runways 12 and 21 and right for runways 30 and 3. The calm wind (four knots or less) runway is Runway 12.

15-4-4 Disabled aircraft

A. Unless otherwise permitted by the airport director, aircraft owners/operators and pilots shall be responsible for the prompt removal of their disabled aircraft and parts thereof from the movement area, unless such aircraft owners or pilots are required or directed by the airport director, the FAA, or the NTSB to delay removal pending an investigation of an aircraft accident or incident.

B. Aircraft owners/operators and pilots shall remain with a disabled aircraft until the aircraft is removed from the movement area.

C. If the aircraft owner/operator or pilot fails to promptly remove a disabled aircraft, the airport director may cause the aircraft to be removed, and bill the aircraft owner for all charges incurred in the removal of the aircraft.

D. The town, the FBO, and other airport businesses and personnel shall not be responsible for any damage to disabled aircraft removed or towed from any airport surface.

15-4-5 Negligent and reckless operation of aircraft

No aircraft shall be operated in any of the following ways:

A. In a careless, negligent or reckless manner

B. In disregard of the rights and safety of others

C. In an improperly maintained, or otherwise hazardous, condition

D. At a speed or in a manner that endangers, or is likely to endanger persons, or property.

15-4-6 Required aircraft radio

No aircraft shall land or take off at the airport unless the aircraft is equipped with a functioning radio capable of direct two-way communications, except in the case of a radio failure or an emergency.

15-4-7 Hang gliders, paragliders, gliders, powered parachutes, and ultra-light aircraft; hot air balloons

A. No person shall operate a hang glider, powered paraglider, glider, ultra-light aircraft, powered parachutes, or any other device falling under 14 CFR part 103 at, onto or from the airport without the prior written approval of the airport director except in an emergency.

B. Hot air balloons shall not be operated at the airport without the prior written approval of the airport director except in an emergency.

15-4-8 Rotorcraft

A. No person shall operate or move a rotorcraft while its rotors are turning unless there is a clear area of at least 50 feet from the outer tip of each rotor.

B. No person shall hover taxi a rotorcraft on taxi lanes between the hangars, aircraft shades, or open tie-down areas.

C. Rotorcraft shall only take off and land on an approved helipad or the helicopter ramp unless otherwise authorized by the airport director or authorized FBO staff.

D. Rotorcraft stored in hangars or tie-downs must be towed to an approved helipad or helicopter ramp before starting the engine.

E. Rotorcraft shall not be operated in a manner that will produce dirt, rocks or debris on any runway, taxiway, taxi lane, or apron.

F. Rotorcraft are prohibited from utilizing the self-fuel facility.

15-4-9 Running of aircraft engines, exhaust, propeller blast or rotor wash

A. Aircraft engines shall be run at idle except as may be necessary for safe taxiing operations, taking off, landing, preflight testing, and maintenance testing.

B. All aircraft engine run-ups shall be conducted in areas designated by the airport director for such run-ups. Except in an emergency, all aircraft engine run-ups for maintenance testing purposes shall be conducted between the hours of 7:00 a.m. and 10:00 p.m.

C. At no time shall an aircraft's engine(s) be operated while the aircraft is in a hangar or shade port.

D. No aircraft engine shall be started or aircraft taxied where the exhaust, propeller blast, or rotor wash may cause injury to persons or do damage to property or spread debris.

E. No high power maintenance run-ups are allowed between aircraft hangars, between shade ports, near tie-downs, in taxi lanes, or on taxiways (other than the portions of taxiways that act as run-up aprons), except at areas designated for high power maintenance run-ups by the airport director.

15-4-10 Taxiing of aircraft

A. No person shall taxi an aircraft except on areas designated for taxiing.

B. No person shall taxi an aircraft without first taking all necessary precautions to prevent a collision with other aircraft, persons, or objects.

C. Aircraft shall not be taxied into or out of a hangar, shade port, or other covered area.

D. If it is impossible to taxi aircraft in compliance with this section, then the engine must be shut off and the aircraft towed to the new location.

15-4-11 Aircraft incident/accident reports and procedures

A. Any person involved in an aircraft operation on the airport, within the town, or in the airspace around the airport that results in personal injury or damage to property shall provide all pertinent information to the airport director as soon as possible and in no event later than 24 hours after the accident.

B. The information shall include the names, addresses and phone numbers of the persons involved, a description of the accident, and its cause, if known.

C. If a federal or state law, regulation, or agency requires filing of a written copy of an accident report, a copy of such report shall also be submitted to the airport director.

D. The airport director or designee shall serve as the initial incident commander for all accidents on the airport property and shall secure the accident area with assistance from the police and fire departments.

15-4-12 Compliance with FAA regulations

No person may conduct any aircraft operations in violation of any FAA regulations.

15-4-13 Interfering or tampering with aircraft

No person may interfere or tamper with any aircraft, aircraft parts, instruments, fuel, or tools without prior approval of the aircraft owner, or in the event of an emergency, as specifically directed by the airport director.

15-4-14 Aircraft demonstrations and public events

A. No aircraft flight or ground demonstrations may be conducted at the airport without prior permission of the airport director.

B. The town reserves the right to temporarily restrict or control activities on the movement area and public areas of the airport for purposes of aerial and ground demonstrations or for any other public purpose.

C. To the extent practicable, such public events will be conducted in such a manner as to minimize the impact upon normal airport operations.

15-4-15 NOTAMs and airport advisories

The airport director is responsible for the dissemination of NOTAM information pertaining to airfield conditions and airfield lighting. The airport director is authorized to relay airfield conditions, advisories or information concerning outages of airfield lighting to the appropriate FAA flight service station for dissemination as a NOTAM or advisory on the AWOS.

15-4-16 Tie-down or storage of damaged or dismantled aircraft

A damaged or dismantled aircraft shall be repaired, re-assembled, or moved to a location acceptable to the airport director within 30 days unless the airport director permits an alternative arrangement.

15-4-17 Airport movement areas

A. No ground vehicles, except for emergency vehicles, may enter upon the movement area without the express permission of the airport director.

B. Aircraft and vehicles shall not be left unattended within the movement area.

15-4-18 Noise abatement procedures

Aircraft pilots shall operate all aircraft in compliance with the airport's written noise abatement procedures to the maximum extent possible.

CHAPTER 15-5. VEHICLES AND PEDESTRIANS

15-5-1 General requirements

A. No person may operate a vehicle on the airport except in accordance with this title and all federal, state and local laws.

B. Vehicles shall access all airport facilities and businesses from the landside public parking or appropriate gate areas for the facility or business.

C. All vehicles shall yield the right of way to aircraft in motion and emergency vehicles.

D. All vehicles, except for ground service and emergency vehicles, shall remain a safe distance from any aircraft whose engines are running.

E. No person may operate a vehicle for hauling trash, dirt, or any other material unless it is built to prevent its contents from dropping, sifting, leaking, or otherwise escaping.

F. Trailers and storage containers shall not be parked anywhere within the AOA without the airport director's permission.

15-5-2 Vehicle gates, access codes, and gate access cards

A. Persons who have been provided either a code or a gate access card for the purpose of obtaining access to the airport may use only airport-issued codes/cards, and shall not divulge, duplicate, or otherwise distribute the same to any person, unless otherwise approved in writing by the airport director. Violation of this requirement may result in the loss of airport access privileges and/or criminal penalties and fines.

B. Vehicle access to the AOA is obtained through automated gates, subject to the following provisions.

1. Upon entering the AOA through an automated gate, the driver must wait until the gate is fully closed before departing the area in order to ensure gate functionality and prevent unauthorized access. Notwithstanding this rule, if another vehicle uses its access badge or access code and the gate reverses direction, the driver may proceed to the driver's destination.

2. Only one vehicle entry per gate operation is permitted. Follow through by a second vehicle is prohibited unless being escorted by an authorized user, in which case the authorized user must remain with the vehicle under escort at all times.

3. Upon exiting the AOA, multiple vehicles may exit in one gate operation in which case the last vehicle to exit must wait for the gate to close before proceeding.

C. Vehicles shall obtain access to, and depart from, aircraft parking and storage areas via the gate located nearest to the person's

aircraft parking or storage area. Notwithstanding this provision, if there is an inoperative gate, vehicles may enter at an alternate gate and use airport perimeter roads and/or taxiways to access their destination with the airport director's approval or a posted sign authorizing vehicles to do so.

15-5-3 Licensing, registration and insurance

A. No person may operate a motorized vehicle of any kind on the airport without a valid state motor vehicle operator's license.

B. All motorized vehicles operated on the airport shall have a current registration as required by state law and shall be covered by the type and amount of vehicle liability insurance coverage required by state law.

15-5-4 Control of vehicles

A. No person may operate or park a vehicle at the airport in a manner prohibited by this title, or by signs, pavement markings, or other signals posted by the town or by the airport director.

B. No person may operate or park a vehicle in the airside area unless that person has valid access privileges.

C. The airport director has the authority to regulate or prohibit any class or type of vehicle or other form of transport that operates in the AOA.

15-5-5 Speed limits

A. All vehicles shall be operated on the airport in strict compliance with all posted speed limits.

B. The maximum speed limit in the AOA for all vehicles, with the exception of authorized municipal and emergency services vehicles operated by duly authorized officials in the performance of their official duties, is 15 miles per hour, or less, if conditions require a lower speed to ensure safe operation.

15-5-6 Vehicles operating on runway and taxiways

A. Only vehicles authorized by the airport director may operate in the movement area.

B. No vehicles may be operated on the runways and taxiways unless authorized by the airport director.

C. Any vehicle authorized to operate on the airport runways or taxiways shall display an amber rotating beacon or a three-foot by three-foot white and orange-checkered flag that complies with FAA advisory circular 150/5210-5D, as amended, and shall be equipped with a two-way radio, or an approved escort with a two-way radio, capable of transmitting and receiving communications on the UNICOM frequency (123.00 MHz). Exceptions to this rule must be authorized by the airport director.

D. The fact that a vehicle has a two-way radio or that the driver has a pilot's license does not constitute an authorization or clearance for the vehicle to operate on runways or taxiways.

E. If a gate is inoperable, airport staff may authorize entry into the airport movement area in order for an airport user to access his/her hangar or other destination. The user must call the phone number listed on the gate and advise airport staff of the inoperability.

15-5-7 Airport perimeter security

Persons owning, operating or otherwise responsible for airport buildings or other structures that contain any portion of the airport security perimeter, as defined by the airport director, shall operate and maintain all vehicular and pedestrian access points and airport security perimeter on their property in a manner that is acceptable to the airport director and limits access from their property to the airport to only those persons authorized by the airport director to have access.

15-5-8 Authority to remove vehicles and trailers

A. The airport director may cause to be removed from any area of the airport any vehicle or trailer that is disabled, abandoned, or parked in violation of this title, or that presents an operational hazard to any area of the airport, as determined by the airport director in his or her sole discretion.

B. The vehicle operator shall bear any expense of removal and the risk of any damage from such removal.

15-5-9 Bicycles and miscellaneous vehicles

A. Bicycles may be operated on the airport, provided that such operation is in accordance with this title, including those sections pertaining to vehicles.

B. Any bicycles equipped with reflectors and a light may be operated on the airport after sunset.

C. No person may operate at the airport any go-cart, go-ped, skateboard, rollerblade, or other vehicles not licensed, or otherwise permitted by state law, for operation on a public street or highway, except for town vehicles or small vehicles (golf carts, UTV's, ATV's, etc.) used for servicing aircraft or on airport transportation.

15-5-10 Vehicular accidents

A. The driver of any vehicle involved in an accident on the airport that results in injury or death to any person, or damage to any property, shall do all of the following:

1. Immediately stop the vehicle at the scene of the accident.

2. Render reasonable assistance to each person injured in the accident, including making arrangements for the

transportation of the person to a physician, surgeon or hospital for medical or surgical treatment, if it is apparent that treatment is necessary or if transport is requested by the injured person.

3. Give the driver's name, address and operator's license and registration number to the person injured, the airport director, and to any investigating police officer.

B. The driver shall also make and file a report of the accident as required by state law, and provide a copy of that report to the airport director.

15-5-11 Careless or intoxicated vehicle operation

No vehicle of any kind may be operated at the airport:

A. In a careless, negligent or reckless manner

B. In disregard of the rights and safety of others

C. While the driver would be prohibited by law from operating a vehicle upon the public streets of the town due to drug or alcohol impairment or influence

D. At a speed or in a manner that endangers, or is likely to endanger, persons or property

E. If the vehicle is constructed, equipped or loaded so as to endanger, or be likely to endanger, persons or property, or to result in the load or other materials becoming separated from the vehicle

F. If the vehicle is not lighted or otherwise clearly visible during hours of darkness, or during inclement weather

15-5-12 Motor vehicle parking and storage

A. No person may park or leave standing any vehicle, whether occupied or not, except within a designated vehicle parking area, except that a vehicle may be parked next to, or in front of, a hangar as long as the vehicle does not obstruct aircraft movement or hangar access.

B. Aircraft owners and operators may park their vehicles only in the aircraft parking space designated for their aircraft.

C. Vehicles parked in an aircraft parking area shall be parked in a manner so as to be completely contained in an aircraft parking area and to not obstruct adjacent aircraft parking areas or taxi lanes unless for the purposes of immediate and temporary loading, unloading, or staging of an aircraft.

D. A vehicle parked in an aircraft parking area shall be parked in a manner that allows the vehicle to be immediately driven or towed away from any nearby aircraft in case of an emergency.

E. Vehicles are prohibited from parking in a manner that causes the vehicle to occupy more than one marked space.

F. Parking is limited to three days unless the vehicle is parked in an area designated for long-term parking.

G. Vehicles shall not park or stand within 15 feet of a fire hydrant.

15-5-13 Airport access during an accident or incident

Only persons authorized by law or persons having the permission of the airport director may enter the AOA of the airport for the purposes of attending, observing, or assisting at the scene of an aircraft accident or incident or vehicular accident.

15-5-14 Pedestrians in the airside area

Walking, standing, and loitering in the AOA are permitted only if determined by the airport director not to be an operational or safety concern.

15-5-15 Vehicle repair

A. No person may clean or make any repairs to vehicles, other than ground support equipment, anywhere on the airport, except for minor repairs that enable such vehicles to be removed from the airport.

B. No person may move, or interfere or tamper with, any vehicle, or take or use any vehicle part or tool without the written approval of the vehicle owner, or other evidence of the right to do so satisfactorily presented to the airport director.

15-5-16 Pedestrians soliciting rides

No person may stand or walk in, upon, or adjacent to, a roadway at the airport for the purpose of soliciting a ride from a vehicle, nor may any person solicit aircraft rides from within the airport operations area.

15-5-17 Motor homes, boats, jet skis, trailers, and recreational vehicles

Motor homes, boats, jet skis, trailers, and other recreational vehicles shall not be stored anywhere on the airport except with the prior written permission of the airport director.

TITLE 15. MARANA REGIONAL AIRPORT

CHAPTER 15-1. GENERAL

15-1-1 Short title

This title may be cited as the Marana regional airport rules and regulations.

15-1-2 Purpose and application of rules and regulations

A. The provisions of this title are intended for the safe, orderly and efficient operation of the airport and apply to all tenants, commercial aeronautical activity providers, and other persons using the airport for any reason.

B. Unless a particular regulation states otherwise, the regulations set forth in this title shall apply only on the airport property.

C. Violations of federal aviation regulations shall fall under the jurisdiction of the FAA.

15-1-3 ~~15-1-1~~ Definitions

A. ~~"Airport" means Marana Regional Airport, formerly known as Marana Northwest Regional Airport, formerly known as Avra Valley Airport.~~All definitions contained within the federal aviation regulations, 14 CFR part 1, shall be considered as included in this section.

B. The following definitions shall apply throughout this title unless the context clearly indicates otherwise.

1. "Air traffic" means aircraft operations anywhere in the airport traffic area and in the movement area.

2. "Air traffic control" means a service operated by a duly designated authority to direct air traffic movements and promote the safe, orderly, and expeditious flow of air traffic.

3. "Aircraft accident" or "aircraft incident" means a collision or other contact between a part of an aircraft and another aircraft, vehicle, person, stationary object or other thing that results in bodily injury, death or property damage; or an entry into or emerging from an aircraft or vehicle by a person that results in bodily injury or death of any person or property damage.

4. "Aircraft fuel" means all flammable liquids composed of a mixture of selected hydrocarbons expressly manufactured and blended for the purpose of effectively and efficiently operating an internal combustion engine or a jet or turbine engine.

5. "Aircraft maintenance" means all maintenance performed on an aircraft, including major aircraft alterations and repairs, and aircraft preventive maintenance.

6. "Aircraft operation" means an aircraft arrival at or departure from the airport.

7. "Aircraft owner" means any person holding legal title to an aircraft, as evidenced by an appropriate certificate of title if applicable, or any person authorized by the legal title holder to use or possess the aircraft.

8. "Aircraft parking area" means a hangar and apron location on the airport designated by the airport director for the parking and storage of aircraft.

9. "Aircraft preventive maintenance" means aircraft maintenance that is not a major aircraft alteration or repair, and does not involve complex assembly operations, and is similar to the types of work listed in 14 CFR part 43, appendix A, paragraph (c), except that for the purpose of this title, replacing prefabricated fuel lines shall be considered a major aircraft repair.

10. "Airport" means all of the town-owned or leased real and or personal property comprising the Marana regional airport as it now exists or as may hereafter be expanded and developed, including all of the facilities as shown on the most current FAA-approved airport layout plan (ALP).

11. ~~B.~~ "Airport director" means the person designated as the town of Marana's airport director, any person directed by the town manager to act as the airport director, or the airport director's authorized representative.

~~C.~~

12. "Airport ~~property" means the entire land area encompassing the airport, including without limitation any and all leased spaces, aircraft, motor vehicles and buildings located at or on the airport property.~~

~~D. "AOA" means the airport operation area, which is the area of the airport used for aircraft landing, takeoff, or surface maneuvering including the areas around hangars, navigation equipment, and communication facilities~~grant agreement" means an agreement between the FAA and an airport sponsor through which the airport sponsor received grant money from the FAA in exchange for committing to fulfill certain obligations related to the airport operated by the sponsor.

13. "Airport operations area" or "AOA" means all restricted ground areas of the airport, including taxiways, runways, loading ramps, and parking areas; the AOA is divided into two distinct areas: the "movement" area and the "non-movement" area.

14. "Airside" means the portion of an airport that contains the facilities necessary for the operation of aircraft.

15. ~~E.~~ "Apron" or "ramp" means ~~the~~an area ~~intended to accommodate aircraft for purposes of~~designed for loading or unloading passengers and/or cargo, refueling, catering, parking~~,~~ or maintenance~~.~~ of aircraft.

16. "AWOS" means automated weather observation system.

17. "Based aircraft" means an aircraft that meets all of the following criteria:

    a. The owner physically locates the aircraft at the airport with the intent and purpose for the aircraft to remain for an undetermined period; and

    b. Whenever absent from the airport, including for a limited or seasonal duration, the aircraft's owner intends to return the aircraft to the airport for permanent storage; and

    c. The aircraft's presence on the airport is not transitory in nature.

18. "Based commercial aeronautical activity provider" means a commercial aeronautical activity provider that has been given permission by the airport director to conduct its business using an airport hangar or other airport facility as the primary location for its business.

19. "Commercial activity" means the conduct of any aspect of a business, concession or service in order to provide goods or services to any person for compensation, including any such activity conducted by a charitable or non-profit organization.

20. "Commercial aeronautical activity" means any commercial activity that involves, makes possible, or is required for the operation of aircraft or an airport, or that contributes to or is required for the safety of such operations, including, but not limited to, the following activities:

    a. Aircraft sales and services

    b. Airframe and power plant repair services

    c. Aircraft rental services

    d. Flight training services

    e. Aircraft charter or on-demand air taxi services

    f. Air ambulance services

    g. Airborne mineral exploration

    h. Aircraft management services

    i. Radio, instrument or propeller repair services

    j. Aerial applications (e.g., crop-dusting, fire suppression)

    k. Aviation fuels and petroleum product sales

    l. Sale of aviation parts

m. Lease, sublease, or rental permit of any aircraft hangar, shade, tie-down, or other parking space

n. Banner towing and aerial advertising

o. Aerial photography or survey

p. Powerline or pipeline patrol

q. Aircraft washing and cleaning services

r. Any other commercial activity that is directly related to the operation, maintenance, repair, or storage of aircraft or the operation of the airport

21. "Commercial aeronautical activity provider" means any person that provides a commercial aeronautical activity on the airport.

22. "Commercial operating permit" means a permit that has been approved and issued by the airport director, prior to conducting any commercial business at the airport.

23. "Disabled aircraft" means an aircraft that remains in the movement area following an aircraft accident or incident or other event that renders it non-airworthy.

24. "FAA" means the federal aviation administration.

25. "FAA certificate of aircraft registration" means the FAA form that shows aircraft type and current ownership.

26. "FAR" means federal aviation regulations.

27. "Federal airport grant assurance obligations" means provisions within a federal airport grant agreement with which the recipient of federal airport development funding has agreed to comply in exchange for the assistance provided.

28. "Fixed base operator" or "FBO" means the company that conducts the servicing of general aviation within the airport restricted area.

29. "Foreign object debris" or "FOD" means any loose item (trash, metal, rocks, etc.) lying on the ground having the potential to cause significant damage to property or injury to aircraft and personnel in the AOA.

30. "Fuel handling" means the transportation, delivery, and draining of fuel or fuel waste products, and the fueling/defueling of aircraft.

31. "Fuel storage area" means any portion of the airport designated temporarily or permanently by the town as an area in which fuel may be stored or loaded.

32. "General aviation" means all types of civil aviation operations other than those conducted as a commercial aeronautical activity.

33. "Ground support equipment" or "GSE" means the support equipment at an airport used to service or support the operation of aircraft on the ground.

34. "Hangar" means an aircraft hangar used primarily for aircraft storage or aircraft maintenance.

35. "Hazardous materials" means any chemical, substance, material, waste or similar matter defined, classified, listed or designated as harmful, hazardous, extremely hazardous, dangerous, toxic or radioactive, or as a contaminate or pollutant, or other similar term, by, and/or that is subject to regulation under, any federal, state or local environmental or hazardous materials statute, regulation, or ordinance presently in effect or that may be promulgated in the future, and as they may be amended from time to time.

36. "Helipad" means an apron that is designated solely for rotorcraft operations; the helipad is part of the airport movement area.

37. ~~F. "Holdshort~~Hold short line" means ~~markings~~a pavement marking consisting of ~~four yellow lines,~~ two solid ~~and~~yellow stripes followed by two dashed~~,~~ stripes extending across the width of the taxiway or runway indicating where an aircraft is required to stop as the marking indicates the close proximity of an active runway.

~~G. "NWFD" means the Northwest Fire District~~

38. "Landside" means the portion of an airport that provides the facilities necessary for the processing of passengers, cargo, freight, vehicle parking, and ground transportation vehicles.

~~H. "NWFD fire chief" means the fire chief of NWFD or a person duly authorized to act on behalf of the NWFD fire chief.~~

39. "Lease" means an agreement granting the right to occupy or use property during a certain period in exchange for a specified rent.

40. "Major aircraft alterations and repairs" means major aircraft alterations and/or repairs of the types listed in 14 CFR part 43 appendix A, paragraphs (a) and (b).

41. "Minimum operating standards" means those standards adopted by the town as the minimum requirements to be met as a condition for the privilege of conducting commercial activities at the airport, as such standards may be amended from time to time, and containing detailed provisions outlining the minimum building size and other standards acceptable by the airport for a business operating on the airport.

42. "Movement area" means the runways, taxiways, helipad, and other areas of an airport that are used for taxiing, takeoff, and landing of aircraft.

43. "Non-movement area" means all parking areas, tie-down areas, perimeter roads, aprons/ramps and other areas within the AOA that are not specifically designated as within the movement area.

44. "Non-tenant operator" means a person with no established office, station, or location on airport property and not having a lease agreement with the airport.

45. "NOTAM" means notice to airmen.

46. "NTSB" means the national transportation safety board.

47. "Perimeter roads" means gravel or paved roadways that circumnavigate the AOA.

48. "Permit" means a written document issued by the airport director, authorizing the recipient to conduct one or more commercial activities at the airport that the recipient would not otherwise be authorized (e.g., by a commercial lease) to conduct.

49. "Road" or "roadway" means any roadway within the boundaries of the airport and designated for use by vehicles, whether improved or unimproved and whether dedicated or not.

50. "Rules and regulations" means the version of this title in effect at any given time.

51. ~~I.~~ "Runway" means a defined rectangular ~~area~~surface on an airport prepared and suitable for the landing and takeoff ~~run~~ of aircraft ~~along its length~~; runways have markings in white with white lights.

52. "Safety area" means a defined area comprised of either a runway or taxiway and the surrounding surfaces that is prepared or suitable for reducing the risk of damage to aircraft in the event of an undershoot, overshoot, or excursion from a runway or the unintentional departure from a taxiway.

53. "Shade port" means an area used for the storage of aircraft or other items permitted by the airport director or for activities permitted by the airport director that is covered by a roof but no sides.

54. "Specialized aviation service operator" or "SASO" means a person that conducts one or more of the types of commercial aeronautical activities described in the airport minimum operating standards.

55. ~~J.~~ "Taxilane" means the portion of the ~~apron, or any other area,~~aircraft parking areas used for access between taxiways and aircraft parking ~~or storage~~ areas.

56. ~~K.~~ "Taxiway" means a ~~defined path~~paved and marked area established for ~~the~~ taxiing of aircraft from one ~~part of the~~place

on an airport to another; taxiways have markings in yellow with blue lights.

57. ~~L. "Tiedown" means a defined area outdoors where parked aircraft are tied down with chains or rope.~~Tenant" means any person authorized to occupy or use any portion of the airport on the basis of either a written lease or permit directly with or from the town, or a sublease with an entity that has a lease directly with the town; includes any entity that has an ownership interest in a hangar located on airport property, since that ownership interest is subject to both the lease under which the underlying land was leased from the town, and the sublease under which that land was subleased from the entity (such as the FBO) that leased the land directly from the town.

~~15-1-2 **Applicability**~~

~~Unless a particular regulation states otherwise, the regulations set forth in this title shall apply only on the airport property.~~

58. "Tie-down" means an area used for the storage of aircraft or other items permitted by the airport director or for activities permitted by the airport director that is not covered by a roof.

59. "Traffic pattern" means the traffic flow that is established for aircraft landing at, taxiing on, or taking off from the airport.

60. "UAS" means unmanned aircraft system, commonly referred to as a drone.

61. "UNICOM" means a universal communication radio frequency used at uncontrolled airports for pilot communication, and to communicate with the FBO to arrange services such as parking, fuel, and general information.

62. "Vehicle" means a device other than an aircraft in, upon, or by which any person or property is or may be propelled, moved or drawn upon a roadway.

63. "Vehicle parking area" means any portion of the airport designated and made available temporary or permanently by the town for the parking of vehicles.

64. "Vehicular accident" means a collision or other contact between a part of one vehicle and another vehicle, or a person, stationary object or other thing that results in bodily injury, death or property damage; or an entry into or emerging from any vehicle by a person that results in bodily injury or death of any person or property damage.

15-1-4 Incorporation of rules and standards by reference

The following, as they may be amended from time to time, are hereby incorporated by reference as if set out at length in this title:

A. Marana regional airport minimum operating standards

B. Marana regional airport rates and fees, as established by a fee schedule adopted by the town council and amended from time to time

C. Marana regional airport ultra-light aircraft operating rules

D. Marana regional airport architecture and landscape design standards

E. Marana regional airport commercial leasing policy and application

15-1-5 Conflicting laws, ordinances, regulations, and contracts

A. In any case where a provision of this title is in conflict with any other provision of this title, or in conflict with a provision of any zoning, building, fire, safety, health or other ordinance, code, rule, or regulation of the town, the provision that establishes the higher standard for the promotion and protection of the health and safety of people shall apply.

B. No existing or future town contract, lease agreement or other contractual arrangement, or any payment or performance thereunder, shall excuse any failure of full and complete compliance with this title.

C. Compliance with this title shall not excuse any failure of full and complete compliance with any obligations to the town under any existing or future town contract, lease agreement, or other contractual arrangement.

D. If any part of this title conflicts with federal or state law or regulation, then such federal or state authority shall take precedence.

15-1-6 Airport director's authority

In addition to other powers and duties set forth elsewhere in this title, the airport director has the following authority:

A. To issue rules, regulations, orders, and instructions necessary to administer this title, including posting signs at the airport which state or apply those rules, regulations, orders, or instructions.

B. To waive any portion of this title for up to 30 days to ensure public safety or the efficient use of the airport.

C. To close the airport or any portion of it using applicable FAA procedures, as appropriate, upon determining that conditions are unfavorable for aircraft operations.

D. To inspect all areas under lease to or occupied by tenants, including all hangars, at all reasonable times.

15-1-7 Airport staff's authority

Each member of the staff of the airport director, as a representative of the airport director, and any party acting under the direction of the airport director based on a contract with the town, is empowered to

enforce the provisions of this title and all orders and regulations issued by the airport director.

15-1-8 Classification; enforcement; continuing violations; effect of revocation or suspension on prosecution

A. Whenever in this title any act is prohibited or declared to be unlawful or the doing of any act is required or the failure to do any act is declared to be unlawful, the violation of that provision is a class one misdemeanor.

B. The provisions of this title and any resolutions, minimum standards or other rules and regulations promulgated under this title, and the provisions of any other ordinance or law related to the airport, may be enforced in any manner provided for by town ordinances and state or federal laws.

C. No delay or failure on the part of the town in enforcing any aspect of this title shall impair the t own's enforcement action, nor shall any delay be construed as a waiver of such enforcement action.

D. No single or partial exercise of an enforcement action shall preclude any further exercise of enforcement right, or privilege of the town.

E. No waiver of any aspect of this title shall be valid unless made in writing and signed and dated by the airport director, and then only to the extent expressly specified in such writing and expressly permitted by this title.

F. Each day any violation continues shall constitute a separate offense.

G. Revocation or suspension of any license or permit required by this title or any state or federal law shall not be a defense against prosecution.

15-1-9 Administrative penalties

In addition to any other remedy available as a matter of law, violations of this title or of any rule, regulation, order, or instruction issued by the airport director may result in withdrawal of permission to use the airport and/or loss of unescorted AOA access privileges.

CHAPTER 15-2. GENERAL USE OF AIRPORT

15-2-1 ~~15-1-3~~ Conditions of use

A. The conditions under which the airport or any of it facilities may be used shall be as established pursuant to this title or otherwise by the town council.

B. Any permission directly, indirectly, expressly or implicitly granted by the town to enter upon or use the airport or any part of it is conditioned upon compliance with this title, and any rules, regulations, or minimum operating ~~standard~~standards

promulgated under this title, this code, and all other applicable state and federal laws, rules and regulations.

C. Entry upon the airport property by any ~~operator, off airport user, crew member, passenger, spectator, sightseer, vehicle driver, airline officer or employee, lessee, sublessee, permittee, person doing business with the airport, or any other~~ person shall be deemed to constitute an agreement by that person to comply with all of the following:

1. This title~~.~~
2. The requirements of any grant agreement to which the town is bound relating to the airport~~.~~
3. Any and all orders or regulations promulgated by the town or the airport director~~.~~
4. Any and all signs posted by or under the authority of the town or the airport director.
5. Any and all applicable laws and regulations of the United States and the state.

D. The town reserves the right to deny any or all use of or access to the airport to any person for any reasonable cause.

E. Unless expressly provided otherwise, any consent or permission of the town required under this title must be obtained in advance, in writing and signed and dated by the airport director.

F. Unless expressly provided otherwise, any notice or application to the town required under this title must be given in writing to the airport director during normal business hours at the airport office.

G. The privilege of using the airport and its facilities is conditioned upon the user's assumption of full responsibility and risk for that use. The town assumes no responsibility for injury or damage to persons or property of persons, stored on, or using the airport facilities, by reason of fire, theft, vandalism, weather, storm, flood, earthquake, or collision, nor does the town assume any liability for injury to persons while on the airport or while using airport facilities. By using the airport and its facilities, the user releases and agrees to hold harmless and indemnify the town and its officers, employees and agents from and against any liability or loss resulting from that use.

H. ~~Owners and operators of all aircraft based at the airport shall comply with all of~~ the applicable provisions of title 28, chapter 25, ~~Arizona revised statutes.~~ Any person accessing the airport shall be responsible for their actions and the actions of any person to whom they provide access, whether directly or indirectly.

~~15-1-4 Incorporation of rules and standards by reference~~

~~The following, as they may be amended from time to time, are hereby incorporated by reference as if set out at length in this title:~~

A. The Marana regional airport minimum operating standards.

B. The Marana regional airport rates and fees schedule.

C. The Marana regional airport ultralight standards.

D. The Marana regional airport architecture and landscape design standards.

E. The Marana regional airport commercial leasing policy and application.

15-1-5 Airport director's authority

In addition to other powers and duties set forth elsewhere in this title, the airport director has the following authority:

A. To issue rules, regulations, orders, and instructions necessary to administer this title, including posting signs at the airport which state or apply those rules, regulations, orders, or instructions.

B. To waive any portion of this title to ensure public safety or the efficient use of the airport for up to 30 days.

C. To close the airport or any portion of it using applicable FAA procedures, as appropriate, upon determining that conditions are unfavorable for aircraft operations.

15-1-6 Airport staff's authority

Each member of the staff of the airport director, as a representative of the airport director, and any party acting under the direction of the airport director based on a contract with the town, is empowered to enforce the provisions of this title and all orders and regulations issued by the airport director.

15-1-7 Airport operation

A. The airport shall be conducted as a public air facility for the promotion and accommodation of civil aviation and associated activities.

B. The airport shall be open for public use.

15-1-8 Conflicting laws, ordinances, regulations and contracts

The reformatted Town Code adopted by Ordinance 2005.22 incorrectly numbered this section as 15-1-5. On February 17, 2006, the town attorney renumbered it 15-1-8 as a scrivener's correction, under authority confirmed by Ordinance 2008.16

A. Whenever a provision of this title, rules and regulations, minimum operating standards, or rates and fees schedule adopted under this title is or is determined to be in conflict with any other provision of this title, regulations adopted under this title, or any zoning, building, fire, safety, health or other law, ordinance or code of the town, the Federal Aviation Administration, the United States Government or the state, the more restrictive provision shall prevail.

B. It is not intended by this title to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws

~~or ordinances, except those specifically repealed by this title, or to excuse any person from performing obligations to the town under any lease or other contract.~~

~~C. No existing or future town contract, lease, agreement or other contractual arrangement, and no payment or performance under it, shall excuse full and complete compliance with this title.~~

~~D. Compliance with this title shall not excuse a party's full and complete compliance with any obligations to the town under any existing or future town contract, lease, agreement or other contractual arrangement.~~

~~E. Compliance with this title does not excuse failure to comply with any other law.~~

~~F. All lease agreements and permits and other contractual or governmental arrangements shall be subordinate to the provisions of any existing or future agreement with the United States or the state to which the town is a party relating to the operation and maintenance of the airport.~~

~~15-1-9 **General rules of conduct**~~

~~*The reformatted Town Code adopted by Ordinance 2005.22 incorrectly numbered this section as 15-1-6. On February 17, 2006, the town attorney renumbered it 15-1-9 as a scrivener's correction.*~~

~~A. No person shall do any of the following:~~

~~1. Commit any criminal act or nuisance.~~

~~2. Camp.~~

~~3. Sleep.~~

~~4. Loiter.~~

~~5. Ignite a fire.~~

~~6. Maintain a temporary or permanent residence.~~

I. No person other than those in an aircraft operating on the airport or in vehicles authorized to service or support such aircraft shall enter the AOA except with written approval of the airport director or other authorized representative. All persons authorized access to the AOA shall have suitable identification on their person when in the area.

J. No person may use the airport or its facilities, or engage in any conduct on or related to the airport, in any way that would cause the town to be in non-compliance with any of the town's federal and/or state airport grant assurance obligations.

K. ~~B.~~ All children under the age of 13 years must be accompanied by an adult 18 years of age or older at all times.

15-2-2 Commercial business operations

A. ~~C.~~ No person shall ~~dispose of garbage, papers, refuse, or other similar material except in receptacles provided for that purpose.~~ use any portion of the airport for any commercial activities unless the commercial activities are conducted by the person pursuant to a

business license issued by the town and either a written commercial lease or sublease authorizing the commercial activity or a permit issued by the airport director authorizing the commercial activity.

B. The airport director may issue permits for commercial activities at the airport to persons whose commercial activities do not require a formal lease or sublease, provided that such permits are effective for no more than 30 days or are terminable by the town without cause upon no less than 30 days' notice, or are immediately terminable by the town for cause.

C. No commercial business operations shall be permitted in storage hangars.

D. No person shall engage in any commercial aeronautical activity at the airport except in conformity with all federal aviation regulations, the applicable provisions of title 28, chapter 25, Arizona revised statutes, the applicable provisions of this code, and this title.

E. Prior to commencing any commercial activity at the airport a person must present to the airport director satisfactory information and proof that he or she meets the minimum operating standards established by the town for engaging in such commercial activity.

F. All commercial business operations shall be performed in accordance with the provisions of the certificate of occupancy issued to the business and in compliance with all applicable local building and fire codes.

15-2-3 Closing the airport during emergencies

During an emergency at the airport, the airport director shall have absolute control of the airport. If the airport director believes conditions at the airport are unsafe for aircraft operations, the airport director shall have the authority to close the entire airport or any part of the airport, and issue a NOTAM describing the closure.

15-2-4 Aircraft parking

A. Transient aircraft parking overnight or longer shall be on the open tie-down parking ramp, in a designated parking space, and subject to applicable parking fees.

B. Transient aircraft parking short term (no overnight) shall be on the FBO/terminal ramp or the open tie-down ramp, in a designated parking space.

C. Overnight parking on the FBO/terminal ramp is prohibited unless authorized by the airport director or an authorized representative of the FBO.

D. No person shall park or allow to remain stationary any aircraft at the airport except within a designated aircraft parking area.

E. No person shall park an aircraft in a reserved aircraft parking area without prior permission from the town or a tenant authorized to provide an aircraft parking area to other persons.

F. No person shall leave an aircraft parked in a shade port or tie-down without first having ensured that the aircraft is adequately secured to the pavement.

G. Aircraft must not be parked so as to block or obstruct any of the following:

1. Fire, police, or other emergency vehicle access

2. Taxi lanes

3. Hangars

H. Inoperable, abandoned or junked aircraft, and aircraft awaiting major repair and/or missing external parts (e.g., propeller), shall be temporarily stored in a fully enclosed hangar, subject to aircraft hangar rules that prohibit the indefinite storage of nonoperational aircraft, or will be removed from the airport property by the airport director at the aircraft owner's expense.

I. If any aircraft is parked in violation of this section, or, in the determination of the airport director, presents an operational or safety hazard in any area of the airport, the airport director may cause the aircraft, at the owner's/operator's expense, and without liability for damage that may result in the course of such moving, to be moved and delivered into the care of a representative of an FBO or SASO authorized to do business on the airport.

J. To avoid being considered abandoned and being removed from the airport property by the airport director at the aircraft owner's expense, aircraft parked or stored outside must:

1. Have a current annual certification; and

2. Be supported by its own landing gear with fully inflated tires and in a condition to tow.

K. Aircraft parked or stored outside shall not leak fuel, oil, or other materials on the ground or aprons.

15-2-5 Parking permits and payments

A. All persons parking aircraft at the airport overnight or longer shall register the aircraft with the office of the airport director as soon as possible after landing.

B. All persons parking aircraft at the airport for 30 days or less shall pay the daily transient parking fees, as established in a fee schedule adopted by the town council and amended from time to time.

C. All persons parking aircraft at the airport for 30 days or longer shall enter into a parking agreement and obtain a monthly parking permit from the town and shall pay all applicable monthly parking fees, as established in a fee schedule adopted by the town council

and amended from time to time. All applicable daily parking fees shall be paid until such time as the person obtains the monthly parking permit.

D. All persons parking aircraft at the airport shall comply with the terms and conditions of any parking permit or parking agreement.

E. Failure to comply with the provisions of this section or the terms and conditions of any parking permit or parking agreement may result in cancellation of any parking permits and agreements.

F. Upon receiving notice of cancellation of a parking permit or agreement, an aircraft owner shall have 60 days to remove the aircraft in question from the airport. If the aircraft is not removed within 60 days, or other arrangements made with the airport director, a peace officer may seize the aircraft and notify the state of the seizure pursuant to A.R.S. § 28-8243 or the town may sell the aircraft pursuant to A.R.S. § 33-1023.

G. Non-payment of any hangar rent, lease payments, or parking fees owed to the airport or FBO will result in the deactivation of user's gate access card or and/or access code.

15-2-6 Aircraft owner's performance of maintenance and use of commercial aeronautical activities providers

A. An aircraft owner is permitted to fuel, wash, apply limited touch up small-scale paint or finish, and provide aircraft preventive maintenance only to the owner's own aircraft, and only if the aircraft is based at the airport, provided that the owner complies with this title and all applicable laws, federal aviation regulations, and town code provisions.

1. Limited touch-up, small-scale painting, or refinishing is permitted only in areas designated for such activities and supplied with appropriate fire protection equipment such as the aircraft maintenance hangars.

2. Any spray apparatus application of any size and brush/roll applications exceeding one gallon are prohibited outside of dedicated approved flammable finish application areas, except when utilizing water-miscible solutions in accordance with the international fire code.

3. Large-scale painting is prohibited unless approved by the airport director.

4. Fueling may only be conducted outside of the hangar and in compliance with all applicable fire codes, FAA guidance regarding aircraft fuel storage, handling and dispensing on airports, the requirements of this title, and all other applicable laws and standards.

5. Any person applying any finish shall ensure compliance with all applicable environmental regulations and shall not cause damage to hangars or nearby aircraft.

B. An owner of a based aircraft may hire or allow a person who is not a based commercial aeronautical activity provider to provide any of the services described in this section, or major aircraft alterations and repairs.

1. The person providing the services must obtain a SASO permit from the airport director prior to engaging in the services.

2. The services shall be provided:

a. In the presence and under the direct supervision of the aircraft owner, unless the service provider has his or her own airport security gate access identification badge

b. At the based location of the aircraft at the airport

c. In conformance with this title and all applicable laws, federal aviation regulations, and town code provisions.

C. Where the services are provided as a commercial aeronautical activity for the benefit of the aircraft owner, the provider must be a direct employee or authorized independent contractor of the aircraft owner, or for certificated aircraft, an FAA-certified technical specialist or a mechanic. All such providers must hold a permit to conduct commercial activities and a town business license, and pay all applicable fees for performing such activity.

15-2-7 Major aircraft alterations and repairs

Major aircraft alterations and repairs may be conducted on the airport only:

A. By a based commercial aeronautical activity provider authorized by the airport to perform major aircraft alterations or repairs; or

B. By the owner of the aircraft being altered or repaired, and in accordance with applicable provisions of this title.

C. In areas of the airport designated and designed for major alterations and repairs in accordance with applicable building and fire codes.

15-2-8 Aircraft hangars

A. This section applies to all aircraft hangars regardless of whether the hangar occupant leases the hangar or the hangar occupant constructed the hangar at the occupant's own expense while holding a ground lease with the town.

B. When land designated for aeronautical use is made available for construction of hangars, the hangars built on the land are subject to the airport's obligations to use aeronautical facilities for aeronautical use.

C. Aircraft hangars shall be used for aeronautical purposes, or shall be available for use for aeronautical purposes, except as otherwise approved by the FAA. Non-aeronautical use of hangars shall be the exception and must be approved by the airport director.

D. Notwithstanding the general rule that aircraft hangars shall be used for aeronautical purposes, in accordance with FAA policy, the airport director may request FAA approval of non-aeronautical uses of aircraft hangars when there are vacant hangars and no current aviation demand for the hangars. This paragraph does not create nor constitute a right to use aircraft hangars for non-aeronautical purposes.

E. For purposes of this section, aeronautical uses of aircraft hangars include:

1. Storage and parking of active aircraft

2. Minor maintenance, repair, or refurbishment of aircraft, but not the indefinite storage of nonoperational or derelict aircraft or parts

3. Storage of aircraft handling equipment, workbenches, and tools and materials used in the servicing, maintenance, repair, or outfitting of aircraft

4. Final assembly of aircraft under construction

5. Non-commercial construction of amateur-built or kit-built aircraft

F. Non-aeronautical items may be stored in aircraft hangars provided that the hangar is used primarily for aeronautical purposes and the non-aeronautical items do not interfere with the aeronautical use of the hangar. Items will not be considered to interfere with the aeronautical use of the hangar unless the items:

1. Impede the movement of the aircraft in and out of the hangar

2. Impede access to aircraft or other aeronautical contents of the hangar

3. Displace the aeronautical contents of the hangar

4. Are used for the conduct of a non-aeronautical business from the hangar, including storage of inventory

5. Are stored in violation of this title, lease provisions, building codes, or other local ordinances

G. The following items may be stored in aircraft storage hangars:

1. Any aircraft assigned to the hangar on the airport director's list of based aircraft, including any aircraft that are being restored or assembled

2. Aeronautical items associated with an aircraft in the hangar, including the parts, tools, equipment and support items necessary to maintain and operate an aircraft

3. Items associated with an aeronautical activity, including balloon and skydiving equipment and teaching tools

4. Vehicles operated by gate access card permittees and their authorized guests, only when the hangar lessee is either present

on the airport, or using the aircraft normally stored in the hangar

5. Prefabricated metal shelving, workbenches, and cabinets

6. A reasonable amount of functional furniture only for use in the hangar such as a table and chairs

7. Spare aircraft tires, batteries, and battery chargers stored and maintained in accordance with fire codes

8. Refrigerators, air conditioners, fans and similar devices, as long as they are elevated 18 inches above the hangar floor and use no extension cords

9. Non-aeronautical items that comply with paragraph F above

10. Other items determined by the airport director to be allowable, based on their function and the personal needs of the occupant

H. Use of aircraft storage hangars shall be subject to the following restrictions:

1. Hangars shall not be used as a residence.

2. Hangars shall not be used for the operation of a business or a business office, whether the business is aeronautical or non-aeronautical in nature.

3. Hangars shall not be used for storage of household items that can be stored in commercial storage facilities.

4. Welding, cutting and all other hot work operations must comply with applicable fire codes. Doping work involving a flammable coating/finish process cannot be applied via spray apparatus, and if being applied by brush or roller, the agent cannot exceed one gallon unless being applied in an area compliant with the requirements of chapter 24 of the international fire code. Welding, or any repair requiring the use of open flames, spark-producing devices, or the heating of parts above 500° F shall only be done outdoors.

5. No equipment or materials may be stored in hangars unless used for the operation and maintenance either of the based aircraft or of the hangar.

6. There shall be room for the aircraft in the aircraft hangar for the based aircraft at all times, even when the aircraft is temporarily not located in the hangar.

7. Oily rags, oil waste, rags and other rubbish and trash may only be stored in hangars in metal containers with self-closing, tight-fitting lids as approved by the airport director.

8. Fueling, defueling and fuel system maintenance shall comply with all applicable fire codes and with the following:

a. Fueling or defueling within an aircraft storage hangar or within 25 feet thereof is prohibited.

b. Major fuel system maintenance within an aircraft storage hangar is prohibited.

c. Open fuel cells are allowed within the hangars if they are new and have never held fuel, or existing tanks have been purged of flammable vapors so there are no hazardous vapors off-gassing in the space.

d. No flammable or combustible liquids shall be dispensed into or removed from a container, tank, vehicle or aircraft except in a location approved by the fire department.

9. Flammable and combustible liquids stored inside hangars must comply with the following:

a. Flammable liquids with flash points less than 100° F are prohibited. This includes aviation fuel and most volatile solvents.

b. Combustible liquids with flash points greater than 100° F are limited to two gallons maximum. This includes diesel fuel, hydraulic fluid, motor oil and most lubricating oil.

c. Fuel in the tanks of aircraft or aircraft related equipment (tugs, etc.) are exempt from these limitations.

d. All combustible liquids must be stored within safety containers designed for such use, or in the original manufacturers' containers.

10. Oxygen or any combustible or non-combustible compressed gas in a cylinder or portable tank shall be secured. Compressed gas cylinders or tanks shall have pressure relief devices installed and maintained. Cylinders or tanks not in use shall have a transportation safety cap installed. Compressed gas cylinders are subject to maximum allowable quantities per control area depending on their contents.

11. Portable aircraft and vehicle batteries may only be charged within an aircraft hangar while the aircraft owner or occupant is present, except for trickle type chargers with an automatic shutoff. Stationary storage battery systems must be installed and maintained in accordance with applicable fire codes.

I. Hangars shall be subject to annual and periodic inspections by the airport director, the fire department, building officials, and code compliance officers to ensure compliance with all laws, ordinances, and this title. Each occupant shall take reasonable steps to make the hangar available for inspections.

J. No tenant or lessee shall store any objects, parts, or any other items except within their own hangar or a screened outside storage facility approved by the airport director.

K. No tenant or lessee shall knowingly allow leased or sub-leased property or hangars to be used or occupied for any purpose prohibited by this title or by any applicable lease agreement.

15-2-9 Aircraft shade ports and tie-downs

A. Aircraft shade ports and tie-downs may only be used for the following purposes:

1. Storing and parking of a based aircraft assigned to the shade or tie-down and listed on the airport director's list of based aircraft, and storing of aeronautical items that are approved by the airport director. Aircraft parked in a shade or tie-down shall be parked so as to be completely contained within the aircraft parking space and to not obstruct adjacent aircraft parking area, taxi lanes, or fire department or other emergency vehicle access, except for the purpose of immediate and temporary staging and fueling of such aircraft.

2. Parking of vehicles operated by gate card permittees and their authorized guests.

B. Use of aircraft shade ports and tie-downs shall be subject to the following restrictions:

1. No aircraft maintenance shall be performed in the open tie-downs, shade ports, or any aprons without the approval of the airport director. This subparagraph does not apply to minor maintenance activities, such as air filter replacement, and emergency repairs.

2. No equipment or materials may be stored in shade ports or tie-downs unless used for the operation and maintenance of the based aircraft assigned to the shade port or tie-down. The airport director may approve the storage of additional items on a case-by-case basis.

3. Oily rags, oil waste, rags and other rubbish and trash may only be stored in shade ports or tie-downs in metal containers with self-closing, tight-fitting lids that are approved by the airport director or the fire department and must be secured to prevent spillage.

4. Disabled or otherwise non-airworthy aircraft may not be parked in the shade ports or on open tie-down parking ramp. This includes but is not limited to aircraft with deflated tires, missing external parts (e.g., propeller, cowling), and expired registration. Aircraft in this condition must be removed from the airport or temporarily relocated to a hangar, subject to aircraft hangar rules that prohibit the indefinite storage of nonoperational and derelict aircraft.

5. Portable aircraft and vehicle batteries may be charged in shade ports or tie-downs only while the based aircraft owner, operator, or occupant is present, except for trickle type chargers with an automatic shutoff. Stationary storage battery systems must be installed and maintained in accordance with applicable fire codes.

6. Tenants may have a tool box, ladder or container adjacent to their aircraft. These items must be secured by chain and lock under the aircraft.

7. Oxygen or any combustible or non-combustible compressed gas in a cylinder or portable tank may be stored in shade ports or tie-downs only if the cylinder or tank is secured and has pressure relief devices installed and properly maintained. Compressed gas cylinders or tanks not in use shall have a transportation safety cap installed. Compressed gas cylinders are subject to maximum allowable quantities per control area depending on their contents.

C. Aircraft shade ports and tie-downs shall be subject to annual and periodic inspections by the airport director, the fire department, building officials, and code compliance officers to ensure compliance with all laws, ordinances, and this title.

15-2-10 Airport perimeter roads

A. The use of airport perimeter roads is restricted to airport management, operations, and maintenance employees, authorized FBO personnel, fuel trucks or other vehicles, police and fire personnel, and authorized town staff, town vendors and town contractors.

B. Airport perimeter roads shall not be used as a shortcut between ramps on the airport.

C. Perimeter roads shall remain clear and unobstructed at all times.

15-2-11 Operational and restricted areas

A. No person may enter upon the movement area without the permission of the airport director, except persons assigned duty in the movement area, authorized employees or contractors of the town, and fire, police, and other emergency personnel and vehicles.

B. No person may enter the airside area, except as necessary for the lawful operation or maintenance of an aircraft, or to conduct a commercial activity, or to conduct any other activity authorized by the airport director.

C. No person may enter any area posted as being restricted except as authorized by the airport director.

D. No person may enter into, remain in, place in, or remove any object from, any hangar, shade port or other building or facility at the airport without consent of the town or the person with the legal right of possession of such space, building, or facility.

15-2-12 Airport smoking areas

Smoking is not permitted:

A. Within 50 feet of an aircraft, fuel truck and/or fuel storage area

B. On any apron, taxiway, taxilane, or runway

C. Where specifically prohibited by the town and/or state law

D. Inside any aircraft storage or maintenance hangar.

15-2-13 Use of shop areas

All of a tenant's shops, garages, equipment and facilities are solely for the conduct of that tenant's authorized aeronautical or commercial activities. No person other than employees or agents of that tenant shall make use of such facilities without individual and specific permission of that tenant.

15-2-14 Maintenance of premises

A. All tenants at the airport shall at all times maintain their premises in serviceable, safe and operable condition and repair, and in a condition of repair, cleanliness and general maintenance.

B. All tenants at the airport shall keep the floors of hangars, shade ports and tie-downs leased by them, or used in their operations, clean and clear of fuel, oil, grease and other similar materials.

15-2-15 Waste containers and disposal

A. All airport tenants, users, or visitors shall dispose of all waste in waste containers appropriate for that purpose, and in appropriate locations, as designated by the airport director, and no other containers or areas shall be used.

B. Containers for recyclable materials shall be used in strict compliance with any rules for use posted by the airport director.

C. No household waste shall be disposed of in any airport waste container.

D. No petroleum products, industrial waste matter or other hazardous materials shall be dumped or otherwise disposed of except in accordance with local, county, state and federal law. Hazardous materials shall be the responsibility of the originator under all applicable laws.

15-2-16 Storage

A. No person shall store or stock materials or equipment in such a manner as to be unsightly or constitute a hazard to personnel or property, as determined by the airport director.

B. Individual containers, cartons or packages shall be conspicuously marked or labeled in an approved manner.

C. Rooms or cabinets containing compressed gases shall be conspicuously labeled: "COMPRESSED GAS."

15-2-17 Storage, transfer and cleanup charges

A. The town may remove and impose storage, removal and transfer charges upon any property or material unlawfully placed or otherwise deposited at the airport.

B. The town or the fire department may clean up any material unlawfully spilled, placed or otherwise deposited at the airport, and may charge the responsible person(s) for the cost of the cleanup, any required environmental remediation, and any expenses, fines, or damages incurred by the town as a result thereof.

15-2-18 Unmanned aircraft systems (UAS)

A. All persons operating unmanned aircraft systems or drones at or near the airport for commercial, non-recreational purposes shall comply with FAA all rules regarding such use.

B. All persons operating unmanned aircraft systems or drones for recreational purposes within five miles of the airport shall notify the airport director prior to operation.

1. If the airport director objects to the operation, it is expected that the operator will not conduct the proposed flight.

2. Flying model aircraft over the objections of the airport director may be considered to be endangering the safety of the national airspace system (NAS).

15-2-19 Model airplanes, model helicopters, kites, and fireworks

No person shall fly or release a model airplane, model helicopter, rocket, kite, fireworks, balloon, parachute, or the like within two miles of the airport if such activity would create a hazard to aircraft operations or as otherwise determined by the airport director.

15-2-20 Commercial photography or filming

No person may take still, motion or sound pictures, of or at the airport, for commercial purposes, without first applying for a permit from the airport director and paying applicable fees for the activity.

15-2-21 Signs, advertisements, printed or written materials

No person may post, distribute or display signs, advertisements, circulars, or other printed or written materials at the airport except in locations designated by the airport director.

15-2-22 Weapons, explosives, and radioactive substances

A. No person shall carry, possess or exercise control over any unauthorized firearms or explosives on the airport premises in violation of town code, state statute, federal law, or federal aviation regulations.

B. No person, except an authorized law enforcement officer or member of the armed forces of the United States on official duty, may possess any explosives on the airport.

C. No person, except an authorized law enforcement officer or member of the armed forces of the United States on official duty, may store, handle, use, dispense or transport at, in, or upon the airport, any radioactive substance or material, except for materials with a minimum of radioactive substances, such as radioactive paint illuminating instrument dials, without prior written permission from the airport director.

15-2-23 Disorderly conduct and intoxicating liquors

No person may:

A. Commit any disorderly, obscene or unlawful act, or create a nuisance, on the airport.

B. Consume any alcoholic beverage upon any portion of the airport open to the public, except in lawfully established restaurant facilities and in accordance with all applicable laws, or in some other place authorized by a special event permit from the airport director authorizing the consumption of such alcoholic beverages.

C. Become intoxicated on any portion of the airport.

D. Enter upon or loiter on or about the airport without the airport director's or designee's permission.

15-2-24 Property damage; injurious, or detrimental activities

A. ~~D.~~ No person shall destroy, injure, deface, or disturb any building, sign, equipment, marker or other structure, or any tree, flower, or lawn, or any other public property.

B. ~~E.~~ No person ~~shall alter, make additions to, or erect any building or sign or make any excavations without the permission of the airport director.~~may conduct activities at the airport that are injurious, detrimental or damaging to the airport or to airport property or to commercial activities at the airport.

~~F. No person shall abandon any personal property.~~

~~G. No person may ride horses without permission of the airport director.~~

C. Any person causing, or responsible for causing, any such injury, detriment, or damage shall pay the airport, upon the airport's demand, the full cost of repairs.

D. Any person who fails to comply with this section shall be in violation of this title, and the airport director may prohibit the person from any or all of the airport facilities until the airport has been fully reimbursed for the damage caused.

15-2-25 General rules of conduct

No person shall do any of the following on any portion of the airport:

A. Camp.

B. Ignite a fire.

C. Maintain a temporary or permanent residence.

D. ~~H. No person shall hunt~~Hunt, pursue, trap, catch, injure, or kill any bird or animal, except in connection with pest control activities authorized by the airport director.

~~I. No weapon or explosive, shall be carried, openly or concealed, by any person except an on-duty and authorized: peace officer, post officer, air carrier, airport employee, or member of the United States Armed Forces. This paragraph shall not apply to broken down, unloaded and encased firearms being transported by air. For the purpose of this paragraph, the terms "weapon" and "explosive" include any "deadly weapon," "explosive," "firearm" or "prohibited weapon" as defined in A.R.S. § 13-3101.~~

E. ~~J. No person shall solicit~~Solicit fares or funds for any purpose without the written permission of the airport director.

~~K. No person shall post, distribute, or display signs, advertisements, circulars, or other printed or written matter on airport property without permission of the airport director.~~

~~L. No person may enter the airport with a dog or other animal unless it is restrained by a leash or properly confined as determined by the airport director. Animals shall not be permitted to wander unrestrained.~~

~~M. No person shall do any of the following without the express authorization of the airport director:~~

~~1. Enter the AOA.~~

~~2. Enter or cross an apron.~~

~~3. Enter or cross a taxiway.~~

~~4. Enter or cross a runway.~~

~~5. Enter any area posted as being restricted or closed to the public.~~

~~N. No person shall use a rest room other than in a clean and sanitary manner.~~

~~O. No person shall smoke any substance on any apron, taxiway, taxilane, or runway.~~

~~P. No person shall bicycle, skateboard, rollerblade, scooter or perform similar activities in the AOA without permission of the airport director.~~

F. ~~Q. No person shall walk~~Walk in a picket line or take part in a labor or other public demonstration except in a place specifically assigned for that purpose by the airport director.

~~R. No person shall enter an office without the permission of the legal occupant.~~

15-2-26 Alteration of airport property

A. No person may make any alterations to any signs, buildings, aircraft parking areas, leased areas or other airport property, or erect or construct any buildings or other structures at the airport without first receiving written permission of the airport director.

B. Persons undertaking such alterations or construction shall comply with all building codes and permit procedures of the town, and shall deliver to the airport director as-built plans upon completion.

15-2-27 Lost articles

A. Any person finding lost articles in public areas of the airport shall immediately deposit them at the office of the airport director or, if after hours, with an airport staff member or FBO employee on duty at the airport, if available.

B. Articles unclaimed after 90 days will be disposed of in a lawful manner.

15-2-28 Abandoned property

No person may abandon any personal property on airport property or in any building on the airport.

15-2-29 Flying clubs

A flying club shall comply with this title and the minimum operating standards.

15-2-30 Payment of fees

All billings by the town are due and payable upon presentation unless otherwise noted on the bill, or otherwise provided by the terms of a written lease, license, permit or agreement from or with the town.

15-2-31 Dogs and other animals

A. No person may enter the airport with a dog or other animal unless the animal is restrained by a leash or properly confined as determined by the airport director.

B. No person in charge of a dog or other animal may permit the animal to wander unrestrained on any portion of the airport.

C. No person may ride a horse at the airport without the written permission of the airport director.

D. Animal owners are responsible for cleaning up after their pets on the airport.

15-2-32 Based aircraft information

A. All based aircraft must be registered with the airport director.

B. Tenants shall provide to the airport director their name, address and phone number along with the aircraft owner's aircraft make, model and FAA certificate of aircraft registration number or other proof of ownership.

C. All tenants are required to update changes of based aircraft within 30 days of change.

D. The airport director may request confirmation of based aircraft on an as-needed basis. This information will be provided to the Arizona department of transportation on a quarterly basis.

CHAPTER 15-3. FUELING, FLAMMABLE FLUIDS, AND SAFETY

15-3-1 Fuel safety

A. All transportation, storage and other handling of aircraft and vehicle fuel shall comply with applicable fire codes, FAA guidance regarding aircraft fuel storage, handling and dispensing on airports, the requirements of this title, and all other applicable laws and standards.

B. Aircraft fueling vehicles shall be provided and maintained with a substantial heavy duty electrical cable of sufficient length to be bonded to the aircraft to be serviced. Such cable shall be metallically connected to the transfer apparatus or chassis of the aircraft-fueling vehicle on one end and shall be provided with a suitable metal clamp on the other end, to be fixed to the aircraft.

C. The bonding cable shall be bare or have a transparent protective sleeve and be stored on a reel or in a compartment provided for no other purpose. It shall be carried in such a manner that it will not be subjected to sharp kinks or accidental breakage under conditions of general use.

D. Transfer apparatus shall be metallically interconnected with tanks, chassis, axles and springs of aircraft-fueling vehicle.

E. Employees of fuel agents who fuel aircraft, accept fuel shipments, or otherwise handle fuel shall receive fire safety training approved by the fire department.

F. Personnel assigned to and engaged in fuel-servicing operations shall not carry matches or lighters on or about their person. Matches or lighters shall be prohibited in, on, or about aircraft fueling equipment.

15-3-2 Restrictions on commercial fueling activities

No person or company may conduct any commercial fueling activities for aircraft at the airport, except for a tenant operating as a fixed base operator and in accordance with the express terms of such tenant's lease with the town.

15-3-3 Storage of aircraft fuel trucks, trailers and other aircraft refueling devices

A. Aircraft refueling vehicles and other movable aircraft fuel containers and refueling devices shall be stored outside, and not less than 25 feet from an occupied structure, or such other distance from any occupied structures as may be approved by the airport director.

B. Aircraft refueling vehicles shall be parked in a manner that provides a minimum of ten feet of separation between each aircraft refueling vehicle and any other vehicle or aircraft refueling device.

C. No aircraft refueling vehicle, other movable aircraft fuel container, or other aircraft refueling device, empty or otherwise, may be brought into, kept or stored within any building at the airport unless the building is used exclusively for that purpose.

D. This section does not apply to vehicle fuel approved containers with a capacity of not more than five gallons, provided no more than five such containers may be located within a single vehicle.

15-3-4 Aircraft refueling and defueling locations

All aircraft fueling shall be performed outdoors. Aircraft being fueled shall be positioned so that aircraft fuel system vents or fuel tank openings are not closer than 25 feet from any building or structure.

15-3-5 Maintenance of fuel servicing vehicles

A. Maintenance and servicing of aircraft fuel servicing vehicles shall be performed outdoors or in a building approved for that purpose by the airport director.

B. Aircraft fueling vehicles and all related equipment shall be properly maintained and kept in good repair. Accumulations of oil, grease, fuel and other flammable or combustible materials is prohibited. Maintenance and service of such equipment shall be accomplished in areas approved by the fire department.

C. Tanks, pipes, hoses, valves and other fuel delivery equipment shall be maintained leak free at all times.

15-3-6 Open flames

A. There shall be no open flames or lighted open-flame devices in any of the following locations:

1. The airside area

2. Within 50 feet of any aircraft, fuel truck, and/or fuel storage area

3. In any other area where open flames are specifically prohibited by the town

B. Lighted open-flame devices shall include, but shall not be limited to, the following:

1. Exposed flame heaters

2. Liquid, solid or gaseous devices, including portable and wheeled gasoline or kerosene heaters

3. Gas or charcoal cooking grills

4. Heat producing, welding, or cutting devices, and blowtorches

5. Flare pots or other open-flame lights

15-3-7 Removal of gasoline, oil, and grease

A. If there is spillage of gasoline, oil, grease or any material that may be unsightly or detrimental to the airport, the spilled material shall be removed immediately, either by the operator or owner of the equipment causing the spillage, or by the tenant, commercial aeronautical service provider, or other person responsible for the spillage.

B. If the equipment operator or other responsible person fails to restore the area to its original, safe, and environmentally sound status, the town may clean up any material spilled, placed or otherwise deposited at the airport, and may charge the responsible person(s) for the cost of the cleanup, any required environmental remediation, and any expenses, fines, or damages incurred by the town as a result thereof.

C. Spillage events may constitute grounds for the equipment operator or responsible person being denied access to the airport.

D. Activities in the affected area not related to the mitigation of the spill shall cease until the spilled material has been removed or the hazard has been mitigated. Aircraft or other vehicles shall not be moved through the spill area until the spilled material has been removed or the hazard has been mitigated.

E. All spills shall be reported to airport management, documented, and mitigated.

F. The fire department shall be notified of any fuel spill which is considered a hazard to people or property, or which meets one or more of the following criteria:

1. Any dimension of the spill is greater than ten feet.

2. The spill area is greater than 50 square feet.

3. The fuel flow is continuous in nature.

G. The fueling-system operator shall conduct an investigation of all spills that require notification to the fire department.

15-3-8 Lubricating oils

A. Lubricating oils that are necessary for minor aircraft maintenance and have a flash point at or above 100° F, may be stored in hangars or suitable storage devices as approved by the airport director,

provided they are stored in their original container and have the original manufacturer's labeling.

B. No more than 30 gallons of such lubricating oils may be stored by any person, except that an aircraft maintenance shop authorized by the airport director to operate on the airport may store more than 30 gallons of lubricating oils, in accordance with applicable fire code provisions.

15-3-9 Fire extinguishers

A. All airport tenants shall supply and maintain adequate and readily accessible fire extinguishers as required by the fire department. Each fire extinguisher shall carry a placard showing the date of the most recent inspection.

B. Any discharge of any fire extinguisher equipment on airport property, regardless of the circumstances, shall be reported to the airport director immediately after use, in accordance with state statutory requirements.

C. At least two fire extinguishers, each having a rating of 20-BC, shall be readily available for use in connection with any aircraft fueling operations.

D. Aircraft fuel-servicing tank vehicles shall be equipped with a minimum of two listed portable fire extinguishers, each having a rating of 20-BC. A portable fire extinguisher shall be readily accessible from either side of the vehicle.

E. Aircraft towing vehicles shall have a minimum of one listed 20-BC fire extinguisher.

F. All welding apparatus shall be equipped with a minimum of one listed 2-A: 20-BC fire extinguisher.

G. Use of a fire extinguisher shall be immediately reported to the fire department.

15-3-10 Movable aircraft fuel storage tanks or containers

Unless otherwise approved by the airport director and the fire department, movable aircraft fuel storage tanks or containers are prohibited at the airport except for:

A. Aircraft fuel trucks and trailers constructed, operated and maintained in all respects as required by local, state or federal law.

B. Permanent fuel tanks in an operable aircraft.

C. Containers not exceeding one-gallon capacity used solely for sampling and testing of fuel, engines, and fuel handling apparatus.

D. No more than one tank per person, with a capacity of not more than 55 gallons, used by that person to fuel their own aircraft pursuant to a self-fueling permit.

E. Fuel transport vehicles authorized by the town, and lawfully transporting fuel for immediate dispensing into a fuel storage tank. Such vehicles shall access the airport at a point approved by the airport director and remain under escort by the representative of the person on the airport receiving the fuel.

15-3-11 Self-fueling

A. Except as may be prohibited by other provisions of this title and any other applicable law, owners of a based aircraft who desire to self-fuel their aircraft, shall apply for a self-fueling permit from the airport director.

B. Paragraph A above does not apply to the use of a self-service fuel facility provided by a fixed base operator.

C. Self-fueling of vehicles other than aircraft is strictly prohibited.

D. Rotorcraft may not use the self-fuel facilities.

15-3-12 Fueling of fuel vehicles

Transferring fuel from vehicle to vehicle on airport property is prohibited unless the fuel is transferred from an approved fuel loading device.

15-3-13 Vehicle fuel

No person shall possess vehicle fuel on the airport except:

A. Within the permanently installed fuel tank of a vehicle for use by that vehicle

B. Within movable containers designed for storage of vehicle fuel, subject to the following conditions:

1. The containers have a maximum capacity of five gallons.

2. No more than five such containers are located in a single vehicle.

C. Within underground or above-ground vehicle fuel storage tanks that have a capacity of not more than 2,000 gallons, and are lawfully installed and maintained in accordance with this title.

15-3-14 Fuel farms

Only full-service fixed base operator(s) who have a lease with express terms authorizing them to conduct commercial fueling activities on the airport will be permitted to install a permanent fuel farm. Any such installation must be approved by the airport director and the fire department.

CHAPTER 15-4. ~~CHAPTER 15-2.~~ AIRCRAFT OPERATIONS

~~15-2-1 General~~

15-4-1 Restricted runway operations

A. ~~No person shall navigate, land aircraft upon, or conduct any aircraft or other operations on or from the airport, or engage in any other aviation activity at the airport or elsewhere within the town, except in conformity with the requirements of the Federal Aviation Administration and all other applicable laws, statutes, ordinances, rules, regulations and minimum operating standards of the United States, the state, town, or any other governmental entity with jurisdiction.~~ Except in an emergency, all fixed wing aircraft landings and takeoffs shall be made on a paved runway.

B. ~~All aircraft traffic shall conform to the established traffic pattern as approved by the airport director.~~ Landings and/or takeoffs from dirt surfaces are strictly prohibited.

C. ~~No person shall conduct experimental flight or ground demonstrations without prior permission of the airport director.~~ Except in an emergency, no rotorcraft equipped with skid type landing gear shall perform run-on landings, or any other maneuvers that would cause the skids to slide upon the runway surface.

D. ~~No person while under the influence of intoxicating liquor or drugs shall operate any aircraft.~~ Landing aircraft shall clear the runway as soon as practical, consistent with safety, and taxi ahead to the nearest turn-off.

~~E. Parked transient aircraft shall be registered with the office of the airport director as soon as possible after landing.~~

~~F. All aircraft based at the airport shall be registered with the office of the airport director before beginning operations. Any change in ownership of the aircraft shall be reported immediately.~~

~~G. No aircraft engine shall be started or run without a competent person at the engine controls.~~

~~H. No aircraft engine shall be operated in a way that endangers life or property.~~

~~15-2-2 Runways, taxiways, aprons and helipads~~

15-4-2 Aircraft wingspan and weight restrictions

Aircraft shall not be placed in a hangar, shade port or tie-down, nor shall aircraft be operated in areas of the airport:

A. Where the aircraft's wingspan exceeds the maximum wingspan designated for that area by the airport director.

B. Where the aircraft's weight exceeds the maximum weight designated for that area by the airport director

15-4-3 Traffic pattern/pattern altitudes

The recommended minimum traffic pattern altitude above ground level (AGL) for aircraft operations at the airport is 800 feet (2,800 feet MSL). All traffic shall be left for runways 12 and 21 and right for runways 30 and 3. The calm wind (four knots or less) runway is Runway 12.

15-4-4 Disabled aircraft

A. ~~No person shall~~Unless otherwise permitted by the airport director, aircraft owners/operators and pilots shall be responsible for the prompt removal of their disabled aircraft and parts thereof from the movement area, unless such aircraft owners or pilots are required or directed by the airport director, the FAA, or the NTSB to delay removal pending an investigation of an aircraft accident or incident.

~~1. Take off or land an aircraft on the airport except on a runway or an approved helipad unless otherwise authorized by the airport director,~~

~~2. Land on a closed runway,~~

~~3. Take off on a closed runway,~~

~~4. Land on a taxiway,~~

~~5. Take off on a taxiway,~~

~~6. Taxi, hover or enter onto a closed runway,~~

~~7. Taxi, hover or enter onto a closed taxiway,~~

~~8. Taxi, hover or enter onto a closed apron,~~

~~9. Taxi, hover or enter onto a closed taxilane,~~

~~10. Park or loiter an aircraft on any runway or taxiway,~~

~~11. Board or exit passengers in an area that has not been established for that purpose by the airport director, except in an emergency, or~~

~~12. Board or exit any aircraft on a runway or in the takeoff or landing area except in an emergency or with prior approval of the airport director.~~

B. Aircraft owners/operators and pilots shall remain with a disabled aircraft until the aircraft is removed from the movement area.

C. If the aircraft owner/operator or pilot fails to promptly remove a disabled aircraft, the airport director may cause the aircraft to be removed, and bill the aircraft owner for all charges incurred in the removal of the aircraft.

D. The town, the FBO, and other airport businesses and personnel shall not be responsible for any damage to disabled aircraft removed or towed from any airport surface.

15-4-5 Negligent and reckless operation of aircraft

No aircraft shall be operated in any of the following ways:

A. ~~13. Move an aircraft in~~In a careless, negligent or reckless manner~~.~~

B. ~~No person shall, without the owner's permission,~~In disregard of the rights and safety of others

~~1. Taxi an aircraft,~~

~~2. Fly an aircraft,~~

~~3. Interfere or tamper with an aircraft,~~

~~4. Enter an aircraft, or~~

~~5. Remove fuel from an aircraft.~~

C. ~~No person shall start or taxi any aircraft where the air or exhaust blast is likely to cause injuries to persons or property or create a nuisance or safety hazard. If an aircraft cannot be taxied without violating this paragraph, it must be towed to the desired destination.~~In an improperly maintained, or otherwise hazardous, condition

D. ~~All aircraft shall be taxied at slow and reasonable speeds and shall not be taxied across or onto a runway without first stopping at the holdshort line and waiting for any approaching aircraft preparing to land.~~At a speed or in a manner that endangers, or is likely to endanger persons, or property.

15-4-6 Required aircraft radio

~~E.~~ No aircraft ~~capable of movement on the ground shall be operated~~shall land or take off at the airport unless ~~it~~the aircraft is equipped with ~~wheels and wheel brakes~~a functioning radio capable of direct two-way communications, except in the case of a radio failure or an emergency.

~~15-2-3 **Hangars, tiedowns and storage**~~

15-4-7 Hang gliders, paragliders, gliders, powered parachutes, and ultra-light aircraft; hot air balloons

A. No person shall~~:~~ operate a hang glider, powered paraglider, glider, ultra-light aircraft, powered parachutes, or any other device falling under 14 CFR part 103 at, onto or from the airport without the prior written approval of the airport director except in an emergency.

~~1. Enter an aircraft hangar or storage room without the permission of the legal occupant,~~

~~2. Leave an aircraft unattended unless it is properly tied down or placed in a hangar,~~

~~3. Park or store an aircraft except in areas designated by the airport director, or~~

4. Use a tiedown without authorization

B. No aircraft shall be operated in or taxied into or out of a hangar or covered tiedown.

C. Aircraft shall not occupy any hangar, shade or tiedown, nor shall aircraft be operated, in areas:

1. Where the aircraft's wingspan exceeds the maximum approved wingspan designation for that area as specified by the airport director or as published, or

2. Where the aircraft's weight exceeds the maximum approved weight restriction for that area as specified by the airport director or as published.

D. To avoid being considered abandoned and being removed from the airport property by the airport director at the aircraft owner's expense, aircraft stored outside must:

1. Have a current annual certification, and

2. Be supported by its own landing gear with fully inflated tires and in a condition to tow.

E. Inoperable, abandoned or junked aircraft, and aircraft awaiting major repair, shall be stored in a fully enclosed hangar or will be removed from the airport property by the airport director at the aircraft owner's expense.

F. Aircraft stored outside shall not leak fuel, oil, or other materials on the ground or aprons.

G. Each hangar lessee shall provide suitable metal receptacles for storing waste, rags, and other rubbish and shall remove all rubbish from the airport property at least weekly.

15-2-4 **Aircraft maintenance**

A. Preventive maintenance, as defined in title 14 code of federal regulations part 43, appendix A(c), may be performed by the aircraft owner in a secured hangar.

B. An aircraft owner who possesses a current mechanic rating from the federal aviation administration may perform in a secured hangar maintenance work permitted under his or her mechanic rating.Hot air balloons shall not be operated at the airport without the prior written approval of the airport director except in an emergency.

C. No aircraft maintenance shall be performed in the open tiedowns, covered tiedowns, or aprons.

D. No aircraft shall be permitted to remain on any part of the landing or takeoff areas for the purpose of repairs.

E. All aircraft maintenance shall be performed on pavement.

15-4-8 ~~15-2-5~~ Rotorcraft

A. No person shall operate or move a rotorcraft while its rotors are turning unless there is a clear area of at least 50 feet from the outer tip of each rotor.

B. No person shall hover taxi a rotorcraft on ~~taxilanes~~taxi lanes between the hangars, ~~covered tiedowns~~aircraft shades, or open ~~tiedown~~tie-down areas.

C. Rotorcraft shall only take off and land on an approved helipad or ~~helistop.~~the helicopter ramp unless otherwise authorized by the airport director or authorized FBO staff.

D. Rotorcraft stored in hangars or ~~tiedowns~~tie-downs must be towed to an approved helipad or ~~helistop~~helicopter ramp before starting the engine.

E. Rotorcraft shall not be operated in a manner that will produce dirt, rocks or debris on any runway, taxiway, ~~taxilane~~taxi lane, or apron.

~~15-2-6 **Hang gliders, paragliders and ultra-light aircraft**~~

~~No person shall operate a hang glider, powered paraglider, ultra-light aircraft or any other device falling under title 14 code of federal regulations part 103 at, onto or from the airport without the prior written approval of the airport director.~~

~~15-2-7 **Hot air balloons**~~

~~Hot air balloons shall not be operated at the airport without the prior written approval of the airport director.~~

F. Rotorcraft are prohibited from utilizing the self-fuel facility.

15-4-9 Running of aircraft engines, exhaust, propeller blast or rotor wash

A. Aircraft engines shall be run at idle except as may be necessary for safe taxiing operations, taking off, landing, preflight testing, and maintenance testing.

B. All aircraft engine run-ups shall be conducted in areas designated by the airport director for such run-ups. Except in an emergency, all aircraft engine run-ups for maintenance testing purposes shall be conducted between the hours of 7:00 a.m. and 10:00 p.m.

C. At no time shall an aircraft's engine(s) be operated while the aircraft is in a hangar or shade port.

D. No aircraft engine shall be started or aircraft taxied where the exhaust, propeller blast, or rotor wash may cause injury to persons or do damage to property or spread debris.

E. No high power maintenance run-ups are allowed between aircraft hangars, between shade ports, near tie-downs, in taxi lanes, or on taxiways (other than the portions of taxiways that act as run-up

aprons), except at areas designated for high power maintenance run-ups by the airport director.

15-4-10 Taxiing of aircraft

A. No person shall taxi an aircraft except on areas designated for taxiing.

B. No person shall taxi an aircraft without first taking all necessary precautions to prevent a collision with other aircraft, persons, or objects.

C. Aircraft shall not be taxied into or out of a hangar, shade port, or other covered area.

D. If it is impossible to taxi aircraft in compliance with this section, then the engine must be shut off and the aircraft towed to the new location.

15-4-11 ~~15-2-8~~ **Aircraft incident/accident reports and procedures**

A. Any person involved in an aircraft ~~accident shall make a full report of the accident~~operation on the airport, within the town, or in the airspace around the airport that results in personal injury or damage to property shall provide all pertinent information to the airport director ~~within~~as soon as possible and in no event later than 24 hours after the accident.

B. ~~Any person whose operation of an aircraft results in property damage shall report the damage to the airport director immediately and shall be fully responsible for the cost of repairs.~~ The information shall include the names, addresses and phone numbers of the persons involved, a description of the accident, and its cause, if known.

C. If a federal or state law, regulation, or agency requires filing of a written copy of an accident report, a copy of such report shall also be submitted to the airport director.

D. ~~C.~~ The ~~pilot and owner of a disabled aircraft shall promptly remove the disabled aircraft or its parts as directed by the airport director, subject to accident investigation requirements.~~airport director or designee shall serve as the initial incident commander for all accidents on the airport property and shall secure the accident area with assistance from the police and fire departments.

~~D. Aircraft accidents that are subject to accident investigation requirements shall be secured by the airport director with assistance from the Marana police department and NWFD.~~

~~E. The airport director shall be the incident commander for all accidents on the airport property.~~

~~CHAPTER 15-3. FUELING OPERATIONS~~

15-4-12 Compliance with FAA regulations

No person may conduct any aircraft operations in violation of any FAA regulations.

15-4-13 Interfering or tampering with aircraft

No person may interfere or tamper with any aircraft, aircraft parts, instruments, fuel, or tools without prior approval of the aircraft owner, or in the event of an emergency, as specifically directed by the airport director.

15-4-14 Aircraft demonstrations and public events

A. No aircraft flight or ground demonstrations may be conducted at the airport without prior permission of the airport director.

B. The town reserves the right to temporarily restrict or control activities on the movement area and public areas of the airport for purposes of aerial and ground demonstrations or for any other public purpose.

C. To the extent practicable, such public events will be conducted in such a manner as to minimize the impact upon normal airport operations.

15-4-15 NOTAMs and airport advisories

The airport director is responsible for the dissemination of NOTAM information pertaining to airfield conditions and airfield lighting. The airport director is authorized to relay airfield conditions, advisories or information concerning outages of airfield lighting to the appropriate FAA flight service station for dissemination as a NOTAM or advisory on the AWOS.

15-4-16 Tie-down or storage of damaged or dismantled aircraft

A damaged or dismantled aircraft shall be repaired, re-assembled, or moved to a location acceptable to the airport director within 30 days unless the airport director permits an alternative arrangement.

15-4-17 Airport movement areas

A. No ground vehicles, except for emergency vehicles, may enter upon the movement area without the express permission of the airport director.

B. Aircraft and vehicles shall not be left unattended within the movement area.

15-4-18 Noise abatement procedures

Aircraft pilots shall operate all aircraft in compliance with the airport's written noise abatement procedures to the maximum extent possible.

CHAPTER 15-5. VEHICLES AND PEDESTRIANS

15-5-1 ~~15-3-1~~ General requirements

~~A. Except as provided in section 15-3-2, aircraft may be fueled or defueled only by a contractually authorized commercial enterprise that holds a valid permit from the town authorizing fueling and defueling.~~

~~B. Aviation fuels, oils or lubricants shall be transported or delivered only by the holder of a valid permit from the town authorizing the transportation or delivery of aviation fuels, oils or lubricants.~~

A. ~~C.~~ No person ~~shall~~may operate a vehicle on the airport except in accordance with this title and all federal, state and local laws.

~~1. Fuel or defuel an aircraft while its engine is running or is being warmed by applying external heat,~~

~~2. Fuel or defuel an aircraft while it is in a hangar or enclosed space,~~

~~3. Fuel or defuel an aircraft containing passengers 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 and a "No Smoking" sign is displayed in the cabin and enforced,~~

~~4. Start the engine of an aircraft if there is any gasoline or other volatile flammable liquid on the ground beneath it of sufficient quantity to constitute a hazard, or~~

~~5. Operate a cell phone, radio transmitter, radio receiver or switch electrical appliances on or off in or within 50 feet of an aircraft while it is being fueled or defueled.~~

~~D. All commercial fuelers shall have their fueling equipment inspected and approved by NWFD annually. A written letter from NWFD shall be presented to the airport director showing an approved inspection annually.~~

~~E. During the fueling of an aircraft, the dispensing apparatus and the aircraft shall both be grounded.~~

~~F. Each person engaged in fueling or defueling shall exercise care to prevent the overflow of fuel and shall have readily accessible and adequate fire extinguishers.~~

~~G. During the fueling or defueling of an aircraft, no person shall, within 50 feet of the aircraft, smoke or use any material that is likely to cause a spark or be a source of ignition.~~

~~H. Each hose, funnel, or appurtenance used in fueling or defueling an aircraft shall be maintained in a safe, sound, and non-leaking condition and must be properly grounded to prevent ignition of volatile liquids.~~

I. All persons shall comply with the provisions of the fire code adopted by NWFD.

J. NWFD may inspect as often as may be necessary all buildings and premises for the purpose of determining and causing to be corrected any conditions which would reasonably tend to endanger life or property by causing fire or contributing to its spread. All orders and notices of the NWFD fire chief shall be complied with by all persons without delay.

K. When backing gasoline tenders, the driver shall remain in the vehicle and shall not stand on the running board or fender.

L. Gasoline tenders shall at all times be positioned to facilitate their rapid removal.

M. All fuelers shall:

1. Pay a flowage fee as established in the airport rates and charges,

2. Provide the airport director with monthly fuel purchase and delivery documents in a form acceptable to the airport director,

3. Train their employees annually on safe fuel handling practices, fire fighting procedures, and spill containment, and

4. Provide the airport director with proof of training certification NFPA# 407 and FAA AC 15/5230-4.

15-3-2 **Self-fueling**

A. Aircraft may be "self-fueled"; that is, fueled by the aircraft's owner, provided that:

1. The self-fueler holds a valid permit from the town authorizing self-fueling,

2. The self-fueler is the lessee of a valid and enforceable hangar or tiedown lease with the town, and

3. The requirements of section 15-3-1 and this section are met.

B. Aircraft owned by:Vehicles shall access all airport facilities and businesses from the landside public parking or appropriate gate areas for the facility or business.

1. An individual may be self-fueled only by the individual owner,

2. A partnership may be self-fueled only by a partner in the partnership, and

3. A corporation may be self-fueled only by an officer or employee of the corporation.

C. ~~Self-fueling shall take place on the lessee's leased area or directly in front of lessee's hangar.~~All vehicles shall yield the right of way to aircraft in motion and emergency vehicles.

D. ~~Aircraft owners who desire to self-fuel shall~~All vehicles, except for ground service and emergency vehicles, shall remain a safe distance from any aircraft whose engines are running.

~~1. Provide proof of public liability and environmental impairment liability insurance,~~

~~2. Obtain a permit from the airport director, and~~

~~3. Have their fueling equipment inspected and approved annually by the NWFD, as evidenced by a written approval from the NWFD and provided to the airport director.~~

~~CHAPTER 15-4. **MOTOR VEHICLE OPERATIONS**~~

~~15-4-1 **General**~~

E. ~~A.~~ No person ~~shall~~

~~1. Operate any motor vehicle in violation of this title or rules promulgated and posted by the airport director or the laws of the state,~~

~~2. Operate a motor vehicle in a negligent or reckless manner,~~

~~3. Operate a motor vehicle in the AOA in excess of 15 miles per hour,~~

~~4. Operate a vehicle onto or across a runway except when authorized by the airport director,~~

~~5. Operate a vehicle onto or across a taxiway except when authorized by the airport director,~~

~~6. Operate an uncovered vehicle to haul trash,~~~~7. Operate a vehicle for hauling trash, dirt, or any other material unless it is built to prevent its contents from dropping, sifting, leaking, or otherwise escaping,~~may operate a vehicle for hauling trash, dirt, or any other material unless it is built to prevent its contents from dropping, sifting, leaking, or otherwise escaping.

~~8. Spill dirt or any other material from a vehicle,~~

~~9. Clean or make any repairs to motor vehicles anywhere except in an enclosed hangar or building, or~~

~~10. Operate a bicycle, go-cart, ATV, sand dune or any other type of unlicensed vehicle in the AOA.~~

F. Trailers and storage containers shall not be parked anywhere within the AOA without the airport director's permission.

15-5-2 Vehicle gates, access codes, and gate access cards

A. Persons who have been provided either a code or a gate access card for the purpose of obtaining access to the airport may use only airport-issued codes/cards, and shall not divulge, duplicate, or otherwise distribute the same to any person, unless otherwise approved in writing by the airport director. Violation of this requirement may result in the loss of airport access privileges and/or criminal penalties and fines.

B. Vehicle access to the AOA is obtained through automated gates, subject to the following provisions.

1. Upon entering the AOA through an automated gate, the driver must wait until the gate is fully closed before departing the area in order to ensure gate functionality and prevent unauthorized access. Notwithstanding this rule, if another vehicle uses its access badge or access code and the gate reverses direction, the driver may proceed to the driver's destination.

2. Only one vehicle entry per gate operation is permitted. Follow through by a second vehicle is prohibited unless being escorted by an authorized user, in which case the authorized user must remain with the vehicle under escort at all times.

3. Upon exiting the AOA, multiple vehicles may exit in one gate operation in which case the last vehicle to exit must wait for the gate to close before proceeding.

C. Vehicles shall obtain access to, and depart from, aircraft parking and storage areas via the gate located nearest to the person's aircraft parking or storage area. Notwithstanding this provision, if there is an inoperative gate, vehicles may enter at an alternate gate and use airport perimeter roads and/or taxiways to access their destination with the airport director's approval or a posted sign authorizing vehicles to do so.

15-5-3 Licensing, registration and insurance

A. No person may operate a motorized vehicle of any kind on the airport without a valid state motor vehicle operator's license.

B. All motorized vehicles operated on the airport shall have a current registration as required by state law and shall be covered by the type and amount of vehicle liability insurance coverage required by state law.

15-5-4 Control of vehicles

A. No person may operate or park a vehicle at the airport in a manner prohibited by this title, or by signs, pavement markings, or other signals posted by the town or by the airport director.

B. No person may operate or park a vehicle in the airside area unless that person has valid access privileges.

C. The airport director has the authority to regulate or prohibit any class or type of vehicle or other form of transport that operates in the AOA.

15-5-5 Speed limits

A. All vehicles shall be operated on the airport in strict compliance with all posted speed limits.

B. The maximum speed limit in the AOA for all vehicles, with the exception of authorized municipal and emergency services vehicles operated by duly authorized officials in the performance of their official duties, is 15 miles per hour, or less, if conditions require a lower speed to ensure safe operation.

15-5-6 Vehicles operating on runway and taxiways

A. Only vehicles authorized by the airport director may operate in the movement area.

B. No vehicles may be operated on the runways and taxiways unless authorized by the airport director.

C. Any vehicle authorized to operate on the airport runways or taxiways shall display an amber rotating beacon or a three-foot by three-foot white and orange-checkered flag that complies with FAA advisory circular 150/5210-5D, as amended, and shall be equipped with a two-way radio, or an approved escort with a two-way radio, capable of transmitting and receiving communications on the UNICOM frequency (123.00 MHz). Exceptions to this rule must be authorized by the airport director.

D. The fact that a vehicle has a two-way radio or that the driver has a pilot's license does not constitute an authorization or clearance for the vehicle to operate on runways or taxiways.

E. If a gate is inoperable, airport staff may authorize entry into the airport movement area in order for an airport user to access his/her hangar or other destination. The user must call the phone number listed on the gate and advise airport staff of the inoperability.

15-5-7 Airport perimeter security

Persons owning, operating or otherwise responsible for airport buildings or other structures that contain any portion of the airport security perimeter, as defined by the airport director, shall operate and maintain all vehicular and pedestrian access points and airport security perimeter on their property in a manner that is acceptable to the airport director and limits access from their property to the airport to only those persons authorized by the airport director to have access.

15-5-8 Authority to remove vehicles and trailers

A. The airport director may cause to be removed from any area of the airport any vehicle or trailer that is disabled, abandoned, or parked in violation of this title, or that presents an operational hazard to

any area of the airport, as determined by the airport director in his or her sole discretion.

B. The vehicle operator shall bear any expense of removal and the risk of any damage from such removal.

15-5-9 Bicycles and miscellaneous vehicles

A. Bicycles may be operated on the airport, provided that such operation is in accordance with this title, including those sections pertaining to vehicles.

B. Any bicycles equipped with reflectors and a light may be operated on the airport after sunset.

C. No person may operate at the airport any go-cart, go-ped, skateboard, rollerblade, or other vehicles not licensed, or otherwise permitted by state law, for operation on a public street or highway, except for town vehicles or small vehicles (golf carts, UTV's, ATV's, etc.) used for servicing aircraft or on airport transportation.

15-5-10 Vehicular accidents

A. The driver of any vehicle involved in an accident on the airport that results in injury or death to any person, or damage to any property, shall do all of the following:

1. Immediately stop the vehicle at the scene of the accident.

2. Render reasonable assistance to each person injured in the accident, including making arrangements for the transportation of the person to a physician, surgeon or hospital for medical or surgical treatment, if it is apparent that treatment is necessary or if transport is requested by the injured person.

3. Give the driver's name, address and operator's license and registration number to the person injured, the airport director, and to any investigating police officer.

B. The driver shall also make and file a report of the accident as required by state law, and provide a copy of that report to the airport director.

15-5-11 Careless or intoxicated vehicle operation

No vehicle of any kind may be operated at the airport:

A. In a careless, negligent or reckless manner

B. ~~No motor vehicle shall be operated if it is constructed, equipped or located in a way that endangers people or property.~~ In disregard of the rights and safety of others

C. ~~Operators of motor vehicles in the AOA shall yield the right-of-way to taxiing aircraft.~~ While the driver would be prohibited by law from operating a vehicle upon the public streets of the town due to drug or alcohol impairment or influence

D. ~~All motor vehicles in the AOA shall pass to the rear of aircraft whose engines are running.~~At a speed or in a manner that endangers, or is likely to endanger, persons or property

~~15-4-2 **Motor vehicle accident procedure**~~

~~Each operator of a motor vehicle involved in an accident that results in personal injury or in total property damage of more than $50 shall make a full report of the accident to the airport director as soon as possible after the accident. The report shall include the name and address of the person reporting.~~

E. If the vehicle is constructed, equipped or loaded so as to endanger, or be likely to endanger, persons or property, or to result in the load or other materials becoming separated from the vehicle

F. If the vehicle is not lighted or otherwise clearly visible during hours of darkness, or during inclement weather

15-5-12 ~~15-4-3~~ **Motor vehicle parking and storage**

A. No person ~~shall~~ may park or leave standing any vehicle, whether occupied or not, except within a designated vehicle parking area, except that a vehicle may be parked next to, or in front of, a hangar as long as the vehicle does not obstruct aircraft movement or hangar access.

~~1. Park or stand a motor vehicle except in an area specifically designated for parking or standing,~~

~~2. Park a vehicle in a restricted or reserved area unless a parking permit issued by the airport director for that area is displayed in the manner prescribed by the airport director,~~

~~3. Park a vehicle on a runway, taxiway or taxilane,~~

~~4. Park a vehicle in a runway safety area,~~

~~5. Park a vehicle in a taxiway safety area,~~

~~6. Park a vehicle in a taxilane safety area,~~

~~7. Park or stand a motor vehicle in violation of any validly posted sign,~~

~~8. Park or stand a motor vehicle within 15 feet of a fire hydrant,~~

~~9. Park in a way that blocks any fire gate or entrance,~~

B. Aircraft owners and operators may park their vehicles only in the aircraft parking space designated for their aircraft.

C. Vehicles parked in an aircraft parking area shall be parked in a manner so as to be completely contained in an aircraft parking area and to not obstruct adjacent aircraft parking areas or taxi lanes unless for the purposes of immediate and temporary loading, unloading, or staging of an aircraft.

D. A vehicle parked in an aircraft parking area shall be parked in a manner that allows the vehicle to be immediately driven or towed away from any nearby aircraft in case of an emergency.

E. ~~10. Park~~Vehicles are prohibited from parking in a ~~way~~manner that causes ~~a motor~~the vehicle to occupy more than one marked space~~,~~.

~~11. Park a motor vehicle in individual storage hangars or aircraft shelters unless permitted by the legal occupant the structure,~~

F. ~~12. Park a vehicle for more than~~Parking is limited to three days unless the vehicle is parked in an area designated for long -term parking~~,~~.

~~13. Park an inoperable motor vehicle,~~

~~14. Park or operate an unregistered motor vehicle,~~

~~15. Abandon a motor vehicle, or~~

~~16. Leave a motor vehicle standing unattended or parked on the airport with:~~

~~a. A key in the ignition switch,~~

~~b. The motor running,~~

~~c. A key in the door lock, or~~

~~d. An open door~~

G. Vehicles shall not park or stand within 15 feet of a fire hydrant.

15-5-13 Airport access during an accident or incident

Only persons authorized by law or persons having the permission of the airport director may enter the AOA of the airport for the purposes of attending, observing, or assisting at the scene of an aircraft accident or incident or vehicular accident.

15-5-14 Pedestrians in the airside area

Walking, standing, and loitering in the AOA are permitted only if determined by the airport director not to be an operational or safety concern.

15-5-15 Vehicle repair

A. No person may clean or make any repairs to vehicles, other than ground support equipment, anywhere on the airport, except for minor repairs that enable such vehicles to be removed from the airport.

B. No person may move, or interfere or tamper with, any vehicle, or take or use any vehicle part or tool without the written approval of the vehicle owner, or other evidence of the right to do so satisfactorily presented to the airport director.

15-5-16 Pedestrians soliciting rides

No person may stand or walk in, upon, or adjacent to, a roadway at the airport for the purpose of soliciting a ride from a vehicle, nor may any person solicit aircraft rides from within the airport operations area.

15-5-17 ~~B. Vehicles, motor~~**Motor homes, boats, jet skis, trailers, and recreational vehicles** ~~may be stored only in an enclosed hangar or building structure occupied by an airworthy and flyable aircraft with a current FAA registration.~~

~~C.~~ Motor homes, boats, jet skis, trailers, and other recreational vehicles shall not be stored anywhere on the airport except with the prior written permission of the airport director.

~~1. Shall not be parked in an open parking area for more than two days, and~~

~~2. Shall only be parked in areas approved by the airport director, and~~

~~3. Are not permitted in the AOA.~~

~~D. Mini-mobiles or other similar types of storage containers are permitted only upon approval of the airport director.~~

~~15-4-4 **Removal of violations**~~

~~The airport director or his agent may remove, at the owner's expense, any motor vehicle, motor home, boat, trailer, recreational vehicle, storage container, or any other type of vehicle or storage device which is in violation of this title. The vehicle or storage device shall be subject to a lien for the cost of removal.~~

~~CHAPTER 15-5. **MISCELLANEOUS**~~

~~15-5-1 **Hazardous materials and explosives**~~

~~A. No person shall~~

~~1. Store any combustible materials, flammable liquids, or other hazardous materials in an aircraft hangar or other building except in locations and containers approved by NWFD,~~

~~2. Park an aircraft which is carrying explosives or inflammable material,~~

~~3. Use a flammable volatile liquid having a flash point of less than 100 degrees Fahrenheit to clean an aircraft, aircraft engine, propeller, or appliance in an aircraft hangar or similar type building or within 50 feet of another aircraft, building, or hangar,~~

~~4. Store or stock material or equipment in a way that creates a fire hazard,~~

5. Use in any passenger loading area or other public area 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, or

6. Conduct a painting or doping process on the airport except in a properly designed fire-resistive and ventilated room or building in which all lights, wiring, heating, ventilating equipment, switches, outlets, and fixtures are approved for use in hazardous areas and in which all exit facilities are approved and maintained for that use, as evidenced by a written approval from NWFD and provided to the airport director.

B. Explosives or inflammable material may only be loaded or unloaded from an aircraft in areas designated by the airport director.

C. No open flame, flame producing device, or other source of ignition shall be permitted in any hangar or similar type building except in locations approved by the airport director.

D. Any person to whom space on the airport 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:

1. A fire hazard,

2. A slippery or otherwise unsafe condition, or

3. A violation of the airport's stormwater permit.

E. The following shall be stored in a fully enclosed area consistent with stormwater guidelines:

1. Used and new batteries.

2. Used and new oil, fuel and other fluids and material.

15-5-2 **Airport tenant obligations**

A. Persons provided with either a code or access device for the purpose of obtaining access to the airport shall

1. Only use airport issued codes or devices

2. Not allow any other person to use the code or device

3. Not divulge, duplicate, or otherwise distribute the code or device to any other person.

B. No lessee or sublessee shall knowingly allow their leased or subleased property to be used or occupied for any purpose prohibited by this title or by their lease.

C. No tenant, lessee, concessionaire, or agent of any of them shall keep uncovered trash containers on a sidewalk or road or in a public area.

D. Each lessee of a hangar or other operational area specified by the airport director shall maintain a bulletin board in a conspicuous

place in the hangar or area where all of the following shall be posted and visible to occupants:

1. Current workers' compensation notices.

2. A list of competent physicians.

3. A list of the lessee's liability insurance carriers.

4. A copy of this title.

5. A copy of each pertinent order or instruction issued under this title.

E. No tenant or lessee of a hangar, shop facility, or other operational area specified by the airport director shall store or stack equipment or material in a manner hazardous to persons or property.

F. No tenant or lessee shall store any objects, parts or any other items except within their own hangar or a screened outside storage facility approved by the airport director.

G. Each tenant or lessee of a hangar, shop facility, or other operational area specified by the airport director shall supply and maintain adequate and readily accessible fire extinguishers.

H. The airport director shall have the right at all reasonable times to inspect all areas under lease to or occupied by tenants.

15-5-3 **Commercial operations**

A. No person shall engage in any business or commercial activity without a lease approved by the airport director or a town approved sublease from a duly authorized master lessee, or a license or permit from the town.

B. No person shall sell any item without a lease approved by the airport director or a town approved sublease from a duly authorized master lessee, or a license or permit from the town.

C. No person shall take still, motion or sound pictures of, at, or on the airport for commercial purposes without first receiving a written temporary activity permit issued by the airport director.

D. No person shall post, distribute or displays signs, advertisements, circulars or printed or written matter except in an approved area or with permission from the airport director.

CHAPTER 15-6. **VIOLATIONS**

15-6-1 **Criminal penalties**

A person convicted of violating any of the provisions of this title shall be guilty of a misdemeanor punished by a fine of not less than $500 and not more than $2,500 or by imprisonment for a period not to exceed six months, or by both such fine and imprisonment.

~~15-6-2 Civil penalties~~

~~In addition to any other remedy available as a matter of law, violations of this title or of any rule, regulation, order, or instruction issued by the airport director may result in withdrawal of permission to use the airport.~~

Document comparison by Workshare Compare on Wednesday, May 31, 2017 9:48:40 AM

Input:

Document 1 ID	file://C:\Users\fcassidy\Documents\Airport\TC15 Airport subdocument.DOCX
Description	TC15 Airport subdocument
Document 2 ID	file://X:\WDOX\TNATDOCS\COUNCIL\TOWNCODE\00049224.DOCX
Description	00049224
Rendering set	Standard

Legend:

Insertion

~~Deletion~~

~~Moved from~~

Moved to

Style change

Format change

~~Moved deletion~~

Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:

	Count
Insertions	1059
Deletions	379
Moved from	59
Moved to	59
Style change	0

Format changed	0
Total changes	1556

Council-Regular Meeting **D3**

Meeting Date: 06/06/2017

To: Mayor and Council

From: Jane Fairall, Deputy Town Attorney

Date: June 6, 2017

Strategic Plan Focus Area:
Not Applicable

Subject: Relating to Administration; discussion, consideration and possible action regarding a new Employment Agreement between the Town of Marana and Gilbert Davidson (Jane Fairall)

Discussion:

The Town Council approved an employment agreement with Town Manager Gilbert Davidson on July 15, 2008, via adoption of Resolution No. 2008-95. This agreement was subsequently amended in June of 2009 and in June of 2011 to readopt the severance provision of the agreement upon the seating of a new Council. On July 2, 2013, the Council amended the agreement via adoption of Resolution No. 2013-067, increasing the Town Manager's salary and making various other revisions, including removing the provisions requiring termination and re-adoption of the severance provisions of the agreement.

On June 30, 2015, the Council approved a motion to authorize the Mayor to execute a two-year contract with Mr. Davidson, from July 1, 2015 through June 30, 2017, under the same terms as the 2013 agreement, but with a salary of $190,000 and a provision allowing the Town to purchase 100 hours of the Town Manager's accrued vacation leave from the Town Manager within 30 days of the effective date of the agreement. A copy of the 2015 agreement is included in the Council packet for the Council's information and convenience.

On the agenda for tonight's meeting is an executive session pursuant to A.R.S. §38-431.03 (A)(1) to discuss and evaluate the performance of Town Manager Gilbert Davidson. Following the executive session, Council may direct staff to take action regarding a new Employment Agreement for the Town Manager.

Financial Impact:

Any changes to the agreement that result in an increase in costs should be able to be absorbed within existing budgetary capacity for the FY 2018 budget.

Staff Recommendation:

Council's pleasure.

Suggested Motion:

I move to direct staff to prepare a new employment contract for the Town Manager as follows: [specific details of the contract, such as salary, term, etc.] with an effective date of [insert effective date] and to authorize the Mayor to execute the agreement.

OR
Council's pleasure
OR
No action

Attachments

Town Manager's Employment Agreement 2015-2017

TOWN MANAGER'S EMPLOYMENT AGREEMENT BETWEEN THE TOWN OF MARANA AND GILBERT DAVIDSON

This Employment Agreement (this "Agreement") is entered into by and between the TOWN OF MARANA, an Arizona municipal corporation (the "Town") and GILBERT DAVIDSON (the "Town Manager"). The Town and the Town Manager are collectively referred to in this Agreement as the "Parties," and each is sometimes individually referred to as a "Party."

RECITALS

A. The Town Council is authorized to appoint a town manager pursuant to A.R.S. § 9-239 and Marana Town Code sections 3-1-2 (A) and 3-2-1.

B. The Town Manager's education, training and experience qualify him to provide the professional services sought by the Town.

C. By motion adopted on July 1, 2008, the Town Council appointed the Town Manager to the position of town manager of the Town effective July 11, 2008.

D. The Parties entered into an employment agreement (the "Original Agreement") dated July 16, 2008, approved by the Town Council by the adoption of Marana Resolution No. 2008-95 on July 15, 2008, which Original Agreement was subsequently amended on June 16, 2009, and June 21, 2011.

E. The Parties entered into a new employment agreement dated July 3, 2013, approved by the Town Council by the adoption of Marana Resolution No. 2013-067, which superseded the Original Agreement.

F. The Parties now desire to enter into a new employment agreement to set the terms and conditions of the Town Manager's employment.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual promises made in this Agreement, the Parties agree as follows:

Article 1. Term

This Agreement shall be effective on July 1, 2015, and shall continue in full force and effect until June 30, 2017, unless it is sooner terminated by either Party pursuant to Article 4 below.

Article 2. Duties and Performance

2.1. Standards of Performance. The Town Manager shall render professional Town management services to the Town. The Town Manager shall be under the administrative supervision and control of the Town Council, subject to his compliance at all times with federal, state and local law, and the International City/County Management Association Code of Ethics.

2.2. Full-Time Work. The Town Manager shall devote his full working professional time and attention to the management of the Town of Marana. During his employment by the Town, the Town Manager shall not, without written consent of the Town, directly or indirectly render services of a professional nature to or for any person or firm for compensation, or engage in any practice or professional endeavor that compromises the interests of the Town. However, the expenditure of reasonable time and resources for civic, community, non-municipal political or professional activities shall not be deemed a breach of this provision.

2.3. Residency. The Town Manager agrees to reside within the Town limits of Marana.

2.4. Annual Goals and Objectives. Annually, as part of the budget process, the Town Council and the Town Manager shall define such goals and performance objectives that they determine necessary for the proper operation of the Town and in the attainment of the Town Council's policy objectives and shall further establish a relative priority among those various goals and objectives. The goals and objectives shall be reduced to writing. The goals shall generally be attainable within the time limitations as specified and the annual operating and capital budgets and appropriations.

Article 3. Compensation and Benefits

3.1. Salary. The Town shall pay the Town Manager an annual salary of $190,000, beginning on the effective date of this Agreement.

3.2. Cost of Living Adjustments. The Town Manager shall be entitled to receive the same cost of living adjustments that other Town employees receive, except that the Town Manager shall not be entitled to receive the general adjustment approved for all other Town employees effective June 27, 2015.

3.3. Deferred Compensation. The Town shall execute all necessary documentation allowing the Town Manager to enroll in a qualified deferred compensation plan and the Town shall contribute an amount equal to 5% of the Town Manager's annual salary, as it may be adjusted based on paragraph 3.2 above.

3.4. Expenses. The Town shall reimburse the Town Manager for all reasonable travel and business expenses incurred by the Town Manager in the performance of his duties, in accordance with the general policies of the Town. Reasonable business expenses shall include, but are not limited to, costs incurred to meet and dine with individuals and groups involved in or sought out to be involved in Town development or economic development activities. The Town shall pay for the Town Manager's attendance at a reasonable number of professional or municipal conferences, specifically including reimbursement for professional association dues and one annual International City/County Management Association (ICMA) conference and appropriate State professional conferences. The Manager is encouraged to participate in civic activities. The Town shall sponsor and pay for membership dues and fees for the Manager's involvement in local service organizations.

3.5. Indemnification. The Town shall indemnify, defend, and hold the Town Manager harmless from all liability for damages, court costs, litigation expenses, and attorney fees which arise out of acts or omissions of the Town Manager committed within the course and scope of the Town Manager's employment. The Town Manager shall have the rights set forth under Town Code Section 2-10-2 as it currently exists, and any amendment that limits or reduces the protection of the Town Manager during the duration of this Agreement shall not apply.

3.6. Liability Coverage. The Town shall maintain comprehensive liability coverage effectively covering the Town Manager against any and all claims associated with the reasonable performance of the Town Manager's responsibilities within the scope of his employment.

3.7. Fidelity Bond. The Town shall bear the full cost of any fidelity or other bonds required of the Town Manager.

3.8. Holidays. The Town Manager shall be entitled to the same paid holidays to which other employees of the Town are entitled, as provided in the Personnel Policies and Procedures.

3.9. Personal Leave. The Town Manager shall be entitled to the same personal leave allocations as are afforded to department directors of the Town, including an additional 40 hours of personal leave per calendar year, as provided in the Town's Personnel Policies and Procedures.

3.10. Vacation Leave. The Town Manager shall accrue vacation leave at the rate of 6.15 hours per pay period, and upon termination of employment shall receive pay for accrued but unused vacation leave in the same manner and amount as provided for all other Town employees under the Town's Personnel Policies and Procedures. The 240-hour cap on vacation leave established by the Town's Personnel Policies and Procedures shall not apply to the Town Manager, and is hereby replaced with a total vacation leave accrual cap of 350 hours.

3.10.1. The Town shall purchase, at the salary rate set forth in paragraph 3.1 above, 100 hours of the Town Manager's accrued vacation leave from the Town Manager within 30 days of the effective date of this Agreement.

3.11. Tuition Reimbursement. The Town shall provide the same tuition reimbursement to the Town Manager as is available generally to Town employees under Policy 6-2 of the Town's Personnel Policies and Procedures. The Mayor shall perform all functions normally undertaken by the department head, human resources director or town manager under Policy 6-2 for purposes of reviewing and approving tuition reimbursement requests by the Town Manager.

3.12. Use of Town Vehicle. The Town Manager's duties require that he shall at all times during his employment with the Town have use of an automobile provided to him by the Town for Town business. The Town Manager may transport guests of the Town Manager within or outside the Town's corporate limits. The Town Manager is permitted to make incidental personal use of the Town Vehicle, including by way of example stopping for personal business on the way to or from official Town business.

3.13. Health and Other Insurance; Retirement Plan; Other Benefits. Except as otherwise amended or expanded by this Agreement, the Town Manager shall receive all insurance, retirement, and other benefits afforded to all other Town employees.

3.14. Work Hours. The Town recognizes that the Town Manager must devote a great deal of time outside normal office hours to the business of the Town. The Town Manager may adjust his office hours as he shall deem appropriate so long as he is reasonably available and the management of the Town is not harmed.

Article 4. Termination.

4.1. Termination by the Town for Convenience. If the Town Manager is terminated by the Town for any reason other than "for cause" (see paragraph 4.2 below), the Town shall pay the

Town Manager a lump sum severance payment equal to six months salary, as it may be adjusted based on paragraph 3.2 above, and the following benefits:

4.1.1. A lump sum payment for the Town Manager's accrued unused vacation leave (see paragraph 3.10 above), and

4.1.2. A lump sum contribution to the Town Manager's deferred compensation plan (see paragraph 3.3 above) in the amount of 4% of the Town Manager's then-existing annual salary.

4.2. Termination by the Town for Cause. If the Town terminates the Town Manager's employment "for cause," then this Agreement shall terminate. All salary payable to the Town Manager under this Agreement shall immediately cease, except that all unearned but unpaid salary and benefits, and any other earned benefits required to be paid pursuant to this Agreement and the Town's Personnel Policies and Procedures shall be paid to the Town Manager. The Town Manager shall not be eligible for any severance payment or benefits payable under paragraph 4.1 above. "For cause" is defined for purposes of this Agreement as (i) the commission of a criminal offense; (ii) the commission of an immoral act or other behavior, whether on or off duty, which brings the Town into disrepute, embarrasses the Town publicly, or raises questions about the Town Manager's fitness to serve in his role as Town Manager; (iii) non-performance of a required duty; or (iv) any similarly serious reason for termination.

4.3. Termination by the Town Manager. The Town Manager may terminate this Agreement at any time, for any reason or for no reason, by delivering to the Mayor and Council a written notice 30 days in advance of his requested termination date. If the Town Manager terminates this Agreement, the following terms shall apply:

4.3.1. All salary payable to the Town Manager under this Agreement shall cease 30 days following the Town Manager's notice to the Mayor and Council. All earned and unpaid salary and benefits and any other earned benefits required to be paid pursuant to this Agreement and the Town's Personnel Policies and Procedures shall be paid to the Town Manager. The Town may, in its sole discretion, elect to accelerate the Town Manager's departure date from the Town upon receipt of the Town Manager's notice. In that event, the Town Manager shall be paid through the accelerated termination date chosen by the Town.

4.3.2. In the Town's sole discretion, the Town may request that the Town Manager make himself reasonably available, as needed by the Town, for consulting purposes for a period of three months after termination. In that event, the Town and the Town Manager shall enter into a separate agreement for the purpose of compensating the Town Manager on an hourly basis for his services, at a rate equivalent to his compensation and benefits earned with the Town pursuant to this Agreement.

Article 5. General Terms and Conditions.

5.1. Recitals. The recitals set forth at the beginning of this Agreement are hereby acknowledged, confirmed to be accurate and incorporated here by reference.

5.2. Entire Agreement. This Agreement constitutes the entire agreement between the Parties pertaining to the subject matter of this Agreement. All prior and contemporaneous agreements, representation and understanding of the Parties, oral or written, are hereby superseded and merged in this Agreement. This Agreement expressly supersedes and replaces the agreement

entered into by the Parties dated July 3, 2013 and approved by the Town Council by the adoption of Marana Resolution No. 2013-067.

5.3. Severability. If any provision of this Agreement is declared illegal, invalid or unenforceable, in whole or in part, under present or future laws, it shall be severed from the remainder of this Agreement, which shall otherwise remain in full force and effect. In lieu of the illegal, invalid or unenforceable provision, there shall be added automatically as part of this Agreement a provision as similar in terms to the illegal, invalid, or unenforceable provisions as may be possible and still be legal, valid, and enforceable, and this Agreement shall be deemed reformed accordingly.

5.4. Governing Law. This Agreement is entered into in Arizona and shall be construed and interpreted under the laws of Arizona.

5.5. Interpretation. This Agreement has been negotiated by the Town and the Town Manager, and neither Party shall be deemed to have drafted this Agreement for purposes of construing any portion of this Agreement for or against any Party.

5.6. Conflict of Interest. This Agreement is subject to A.R.S. § 38-511, which provides for cancellation of contracts in certain instances involving conflicts of interest.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the last date set forth below their respective signatures.

TOWN:

THE TOWN OF MARANA,
an Arizona municipal corporation

By: _____
Ed Honea, Mayor
Date: 7/1/15

TOWN MANAGER:

By: _____
Gilbert Davidson
Date: 7/1/15

ATTEST:

_____
Jocelyn C. Bronson, Clerk

APPROVED AS TO FORM:

_____
Jane Fairall, Deputy Town Attorney