



Ernest A. Love Field
Prescott Municipal Airport
City of Prescott

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Public Notice (revised)

The City of Prescott owns and operates Prescott Municipal Airport (Ernest A. Love Field) for the benefit of the local communities and the state and national air transportation system. In furtherance of ensuring a continuing benefit to the communities, the City has drafted the following documents for the Airport:

Draft City Code Revision Title Two-twelve “Airport Department” Draft Airport Rules and Regulations Draft Ground Vehicles Operations Plan

The City has established the Airport Department, under the supervision of the Airport Manager, to meet the air transportation needs of the public. The City of Prescott has drafted a Revision to **City Code Title Two-twelve “Airport Department”** to ensure these needs are met through the continuous operation, development and maintenance of the airport facilities at Ernest A. Love Field, Prescott Municipal Airport in compliance with applicable federal and state guidelines.

The City of Prescott under the authority of City Code 2-12 has drafted **Rules and Regulations** for the Prescott Municipal Airport, in accordance with applicable federal, state and local guidelines, to protect the public health, safety, interest, and general welfare on the Airport, and to restrict (or prevent) any activity or action which would interfere with the safe, orderly and efficient use of the Prescott Municipal Airport.

The City is required by Federal Aviation Regulation (FAR) Part 139 subsection 329 “Ground Vehicles” to “Establish and implement procedures for the safe and orderly access to, and operation on, the movement and safety areas by ground vehicles...” In furtherance of these requirements, the City of Prescott under the authority of City Code 2-12 has drafted a **Ground Vehicle Operations Plan** to maintain control of vehicle movement on the Prescott Municipal Airport in accordance with applicable federal, state and local guidelines.

These documents may be viewed starting August 1, 2008 via the City website at <http://www.cityofprescott.net/services/airport/admin.php> or are available for review at the Airport Administration office during regular business hours.

On Monday, August 18, 2008 at 2:00 p.m., an informational meeting will be held at the City of Prescott Airport Administration Building upstairs conference room, 6546 Crystal Lane, Prescott.

Public comment relating to this document may be submitted in writing prior to September 5, 2008 to the City of Prescott, Airport Administration, 6546 Crystal Lane, Prescott, AZ 86301.

Prescott Municipal Airport

PRC

AIRPORT ADMINISTRATION OFFICE
6546 CRYSTAL LANE
PRESCOTT, AZ 86301

DRAFT

***CITY CODE REVISION
TITLE TWO-TWELVE
AIRPORT DEPARTMENT***



CHAPTER 2-12: AIRPORT DEPARTMENT

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2-12-1: DEPARTMENT CREATED; MANAGER:

There is hereby created an airport department. The airport department shall be under the supervision of the Airport Manager, who shall be responsible to the City Manager. The Airport Manager shall be responsible for meeting the air transportation needs of the public through the continuous operation, development and maintenance of airport facilities, and shall be responsible for promulgating rules and regulations to govern and administer Ernest A. Love Field, including, but not limited to, rules and regulations relating to air and ground traffic control and are hereby adopted by reference as if set out at length in this Chapter. (Ord. 4210, 3-26-2002)

The Airport Manager may, at his/her discretion, establish the Airport Working Group for the purpose of assisting in creating, evaluating, and recommending solutions to various matters at the Prescott Municipal Airport. The Airport Manager shall have authority, at his/her discretion, to appoint or release from the Airport Working Group those knowledgeable persons from the communities, with an expressed interest in the airport.

2-12-2: GENERAL DEFINITIONS:

The following words and phrases, whenever used in this chapter or documents promulgated hereunder, shall be construed as defined in this section unless from the context a different meaning is intended, or unless a different meaning is specifically defined and more particularly ascribed to the use of such words or phrases. All definitions contained in 49 U.S.C. § 40101 *et seq.* (previously known as the Federal Aviation Act of 1958, hereinafter cited as "FAA Act") and all amendments thereto shall be considered as included herein; and all definitions shall be interpreted on the basis and intention of the FAA Act and amendments thereto, unless from the context a different meaning is intended, or unless a different meaning is specifically defined and more particularly ascribed to the use of such words or phrases.

ACTION: Includes recoupment, counterclaim, set off, suit in equity and any other proceeding in which rights are determined, including an action for possession.

AERONAUTICAL ACTIVITY means any activity or service which involves, makes possible, or is required for the operation of aircraft, or contributes to, or is required for, the safety of such operations. "Aeronautical activities" include, but are not limited to, charter operations (under either Federal Aviation Regulation (FAR) Part 121 or 135), charter brokerage, aircraft hangar leasing, pilot training, aircraft rental and sight-seeing, aerial photography, crop dusting, fire suppression, aerial advertising and surveying, aircraft sales, leasing, and servicing, aircraft management, and sale of aviation petroleum products, whether or not conducted in conjunction with other included activities which have a direct relationship to the operation of aircraft, repair and maintenance of aircraft, sale of general aviation aircraft parts, and any other activities which because of their relationship to the operation of aircraft can appropriately be regarded as an "aeronautical activity."

AERONAUTICAL BUSINESS PERMIT means administrative approval issued by the Airport Manager to a person to conduct commercial and aeronautical activity and to provide such services to: based and transient aircraft on the airport only in facilities on the airport at which such services are authorized.

AIRCRAFT STORAGE PREMISES: Areas designated by the Airport Manager for rent for noncommercial aircraft in accordance with City of Prescott resolution 2127, and as designated on the airport premises map and legend adopted by reference, three (3) copies of which are available for review at the office of the Airport Manager.

AIRPORT means all of the City-owned or leased real or personal property comprising Prescott Airport as now exists or as may hereafter be expanded and developed. "Airport" includes all of its facilities as shown on the most current airport layout plan.

AIRPORT DIRECT ACCESS means the movement of an aircraft to an airport direct access area from the airport and vice-versa.

AIRPORT MANAGER means the duly appointed manager of the airport or the manager's designee.

BASED means an aircraft: (1) which the owner physically locates at the airport or airpark with no present intention of definite and early removal and with the purpose to remain for an undetermined period; (2) which, whenever absent from the airport or airpark, its owner intends to return to the airport or airpark for permanent hangaring; and (3) whose presence in the airport or airpark is something other than merely transitory in nature.

BEST QUALIFIED PROPOSERS:

- (A) With reference to bids for leases of commercial premises, that person bidding the highest compensation to the City of Prescott for the lease of commercial premises, when all other bid requirements are met or are substantially equal. Compensation may include, but only when specified in applicable requests for proposals, capital improvements to airport facilities or grounds; and
- (B) With reference to hangars, tie downs and other facilities for the noncommercial storage of aircraft, that person next on the list maintained in the order of first come, first served, for such facilities and willing to pay the standard rent therefore.

CITY FACILITIES COMMERCIAL PREMISES: Those facilities constructed by, or now owned or controlled by, the City of Prescott and made available for occupancy and as commercial premises for a business purpose. City facilities commercial premises shall not refer to lands available for lessee constructed facilities for occupancy and use by lessee. City facilities commercial premises shall be as designated on the airport premises map and legend adopted by reference, three (3) copies of which are available in the City Clerk's office for public review and inspection.

CITY MANAGER means the City Council appointed manager or the manager's designee.

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. An activity is considered commercial activity regardless of whether the business is nonprofit, charitable, or tax-exempt.

COMMERCIAL PREMISES: Areas designated by the Airport Manager for lease in accordance with City of Prescott resolution 2127, and as designated on the airport premises map and legend adopted by reference, three (3) copies of which are available in the City Clerk's office for public review and inspection. Said map is also available for review at the office of the Airport Manager.

LEASE: A written agreement which gives rise to a relationship of lessor and lessee for a definite term concerning commercial premises.

LESSEE: A person entitled under a lease to occupy commercial premises to the exclusion of others.

LESSOR: The City of Prescott.

LICENSE: A privilege to go on premises for a certain purpose, but does not operate to confer on, or vest in licensee any title, interest or estate in such property.

LICENSEE: A person who has a privilege to enter upon airport property to do a particular, specified act, or series of acts.

LICENSOR: The City of Prescott.

MINIMUM OPERATING STANDARDS: the qualifications which may be established by the City as the minimum requirements to be met as a condition for the right to conduct a commercial and/or aeronautical activity on the airport.

OFFICE RENTALS: Areas or space as designated by the Airport Manager within the airport terminal building and/or airport administration building(s) which are or will be available for lease on a per square foot basis.

PERMISSION OR PERMIT means permission granted by the City.

PERSON means the state, county, a political subdivision of the state, other governmental entity, a corporation, firm, partnership, association, organization, and any other group acting as a unit, as well as an individual. Person includes a trustee, receiver, assignee or similar representative.

PREMISES: A structure and the appurtenances therein, including furniture and utilities where applicable, and grounds, areas and existing facilities.

RENT: Fixed periodic payments to be made to the City in full consideration of rented premises under a rental agreement for private aircraft storage premises.

RENTAL AGREEMENT: A written agreement, the form of which has been approved by the City Council, embodying terms and conditions concerning the use and occupancy of City owned airport property for the storage of aircraft on a noncommercial basis.

REQUEST FOR PROPOSAL: A formal request, published once a week for two (2) consecutive weeks in a local newspaper which may also be circulated to interested persons, which invites proposals from interested persons regarding the lease of commercial premises and office rentals. The request for proposal may specify the use of the premises which the City deems best serves the interests of the public. Any proposal received must contain, at a minimum, the following information

- (A) Minimum unit revenue or compensation to be paid to the City;
- (B) Requirements for proposer's operations as they regard benefits to the: 1) City and 2) airport;
- (C) Data and/or resource information necessary for the City to establish proposer's financial responsibility; and

(D) The duration of the lease term.

RULES AND REGULATIONS: are the rules and regulations as established by the Airport Manager under the authority of 2-12-1, unless otherwise specified.

TENANT: An occupant under a rental agreement. (Ord. 2069, 5-9-1989; amd. Ord. 2258, 5-14-1991; Ord. 4210, 3-26-2002)

2-12-3: LICENSE AGREEMENTS:

The City Council may grant nonexclusive license agreements for use of facilities at the airport on such terms and conditions as best serve the public interest including but not limited to regularly scheduled commuter airlines carrying passengers and incidental services convenient for passengers such as hotel reservation and rental car phone lines. (Ord. 2069, 5-9-1989; amd. Ord. 4210, 3-26-2002)

2-12-4: LEASE AND RENTAL AGREEMENTS:

(A) Commercial Premises:

1. If commercial premises at the airport shall become available for lease, the Airport Manager, in consultation with the City Manager, shall cause to be published a request for proposal.
2. The Airport Manager may consult with the City Manager to review responses to the request for proposal, and solicit recommendations and comments therefrom. After consulting with the City Manager, the Airport Manager shall submit the best qualified proposal to the City Attorney for the drafting of a lease.

(B) Aircraft Storage Premises:

1. The Airport Manager shall establish first come, first served lists for all airport property designated as aircraft storage premises. Positions on the lists shall not be traded, sold, assigned or transferred in any manner.
2. Aircraft storage premises shall not be used as commercial premises, for any commercial purpose, and will not violate any Federal Aviation Administration (FAA) regulation, Arizona Revised Statute, Rules and Regulations or this code.

(C) Office Rentals:

1. If office rentals at the airport shall become available for lease, the Airport Manager, in consultation with the City Manager, shall cause to be published a request for proposal.
2. The Airport Manager shall consult with the City Manager to review responses to the request for proposal. After consulting with the City Manager, the Airport Manager shall submit the best qualified proposal to the City Attorney for the drafting of a lease. (Ord. 2258, 5-14-1991; amd. Ord. 4210, 3-26-2002)

(D) General Conditions Applicable To All Lessees, Licensees And Tenants:

1. The removal or intentional and material alteration or damage of any part of airport property, by or at the instance of a lessee or tenant without permission of the Airport Manager is expressly prohibited
2. Lessees and tenants shall exercise diligence to maintain the premises in as good condition as when they took possession, ordinary wear and tear excepted.
3. Lessor shall have the authority to subject the lessee and tenants to such restrictions in the use and occupancy of airport property as deemed necessary in the public interest by the City Council. Applicable rules, regulations, codes and statutes shall be deemed to be incorporated into all leases and rental agreements.
4. Lessees and tenants shall not sublet or assign their rights under a lease, list or rental agreement unless otherwise agreed to in writing by the Airport Manager. Any violation of this rule may result in the cancellation of the rental agreement, lease, or list position. (Ord. 3679, eff. 11-13-1997; amd. Ord. 4210, 3-26-2002)
5. The Airport Manager shall have those rights and remedies of a landlord as are set forth by law, and is hereby authorized to pursue such actions and remedies if necessary, after consultation with the City Manager and City Attorney. (Ord. 2069, 5-9-1989; amd. Ord. 4210, 3-26-2002)
6. All fees and charges for the lease, rental, occupancy and/or use of any and all City property at the airport shall be as determined by the City Council, after having reviewed the recommendations of the City Manager, pursuant to a resolution to be duly adopted by the City Council, as said resolution may be amended by the City Council from time to time. (Ord. 2252, 4-23-1991; amd. Ord. 4210, 3-26-2002)
7. In all leases, license and rental agreements, the City shall retain the absolute right to have, at no cost or charge to the City, utility easements, over, under and through the property which is the subject of the license, lease or rental agreement.
8. All persons conducting commercial activities at the airport shall, as a condition of conducting such activities, comply with all applicable requirements concerning such activities as set forth in the Minimum Operating Standards and any amendments thereto.

(E) Approval Of Agreements:

1. In the event that a rental agreement, lease agreement or license is accepted by the tenant, licensee or lessee in substantially the form as approved by the City Council, and in accordance with rates as approved by the council policy, then and in that event the City Manager and staff are hereby authorized to execute said agreements on behalf of the City, and shall thereby bind the City to the terms

contained therein without any further action of the City Council. Copies of all agreements shall be maintained in the office of the Airport Manager and separate copies shall be forwarded to the City Clerk and finance director. (Ord. 3100, eff. 7-22-1993; amd. Ord. 4210, 3-26-2002)

2. The standard form of license, lease or rental agreement referred to in subsection (E)1 of this section shall be approved by the City Council pursuant to resolution.
3. In the event that there is any deviation in the rental agreement, license or lease agreement from which has been approved by the City Council, then in that event, such agreement must be submitted to the City Council for approval or rejection.
4. In all instances, the City Council shall have the authority to reject or adopt any and all proposals, leases or agreements prior to their execution by the City. (Ord. 2258, 5-14-1991; amd. Ord. 4210, 3-26-2002)

2-12-5: AIRPORT USE LIMITED TO AVIATION RELATED ACTIVITIES:

Airport premises shall be used for aviation and affiliated and related industries, pursuits and businesses except where specifically authorized for other use by the City Council. Whenever a question arises, the council shall finally determine whether an industry, pursuit or business may be regarded as being affiliated or related to aviation. (Ord. 2069, 5-9-1989; amd. Ord. 4210, 3-26-2002)

2-12-6: INTERPRETATIONS:

When an interpretation of any part or section hereof is required, the Airport Manager will present it to the City Manager for recommendation, subject to a final decision of the mayor and council. (Ord. 2069, 5-9-1989; amd. Ord. 4210, 3-26-2002)

2-12-7: DAMAGE TO AIRPORT PROPERTY: DENIAL OF USE

Any person causing, or liable for, any damage to airport property shall be required to pay to the City on demand the full cost of repairs. Any person failing to comply with the rules and regulations may be refused the use of Ernest A. Love Field. (Ord. 2069, 5-9-1989; amd. Ord. 4210, 3-26-2002)

2-12-8: SALE OF PETROLEUM PRODUCTS:

The City reserves the right to retail and wholesale all petroleum products, excluding retail aviation lubricating oil products, used or sold on the airport. This reservation also applies to any other fuels used for the propulsion of aircraft or surface vehicles which are available on the open market. These rights may be waived when so stipulated in writing signed by the City Manager. (Ord. 2069, 5-9-1989; amd. Ord. 4210, 3-26-2002)

2-12-9: COIN OPERATED DEVICES:

The City reserves the right to own, install, maintain, lease, operate and derive revenue from all coin operated devices in public areas on the airport except as waived in writing. (Ord. 2069, 5-9-1989; amd. Ord. 4210, 3-26-2002)

2-12-10. ENFORCEMENT

(A) Violations.

1. It shall be unlawful for any person to cause, facilitate, aid or abet any violation of any provision of this chapter, or any rules, regulations or minimum operating standards promulgated hereunder, or to fail to perform any act or duty required by this chapter or rules, regulations or minimum operating standards promulgated hereunder.
2. When two or more persons have liability to the City or are responsible for a violation, their responsibility shall be joint and several.

(B) Enforcement of judgments.

Any judgment for abatement, restitution or civil sanctions taken pursuant to this article may be enforced as any other civil judgment.

(C) Violations not exclusive.

Violations of this chapter are in addition to any other violation enumerated within this code and in no way limit the penalties, actions or abatement procedures which may be taken by the City for any violation of this chapter which is also a violation of any other provisions of this code or statutes of the state.

(D) Each day separate violation.

Each day any violation of any provision of this chapter or the failure to perform any act or duty required by this chapter continues shall constitute a separate offense.

(E) Inspections.

1. The Airport Manager shall enforce the provisions of this chapter, and is hereby authorized and directed to make inspections in the normal course of job duties; or in response to a complaint that an alleged violation of the provisions of this chapter may exist; or when there is a reason to believe that a violation of this chapter has been or is being committed.
2. The Airport Manager may enter onto any property, or into any building or premises, at all reasonable times to inspect or to perform the duties imposed upon the Airport Manager by this chapter, provided that if such property, building or premises is occupied, the Airport Manager shall present credentials to the occupant and request entry. If such property, building or premises is unoccupied, the Airport Manager shall place, in a conspicuous location in the property, building, or premises a Notice of Entry which shall contain the Date, Time, and Reason for entry and the name of the person making the

entry on behalf of the City. If entry is refused, the Airport Manager has recourse to every remedy provided by law to secure entry.

3. When the Airport Manager shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner, occupant, or person having charge, care, or control of any property, building, or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry by the Airport Manager for the purpose of inspection and examination pursuant to this chapter.
4. No person shall interfere with, prevent, or attempt to interfere with or prevent an individual employed by the City or other person contracted for by the City, from investigating an alleged violation of this chapter, or from correcting or abating a violation of this chapter.

(F) False information.

No person shall knowingly make a false or fraudulent statement, or knowingly misrepresent a fact, or mislead an individual employed by the City or other person contracted for by the City, when that individual is investigating, correcting or abating a violation of this chapter.

(G) Service of notices.

1. Any notice required to be given for any purposes under this chapter shall be by either having the City Manager or designee hand-deliver the notice, or by mailing the notice by certified mail, return receipt requested.
2. Notice is deemed effective on the date it is hand-delivered or deposited in the United States mail.
3. Nothing herein shall preclude the City from giving additional oral or written notice at its discretion. If the City does elect to give any additional notice in any instance, it shall not thereby become obligated to give such additional notice thereafter in the same or other situation.

2-12-11. SANCTIONS; PROCEDURES

(A) Option to proceed civilly or criminally.

The Airport Manager may proceed, pursuant to this article, by citation/complaint for civil sanctions or by complaint for criminal sanctions.

(B) Jurisdiction of City court.

1. Jurisdiction of all proceedings to enforce the provisions of this chapter shall be in City court.
2. Civil actions commenced in City court to enforce this chapter may be adjudicated by a judge or a court hearing officer.

(C) Civil violation; commencement of action.

1. A civil violation may be commenced by issuance of a citation or by complaint.

2. The citation shall be substantially in the same form as the Arizona Traffic Ticket and Complaint and shall direct the defendant to appear in City court within ten (10) calendar days after issuance of the citation.
3. The citation shall further notify the defendant that failure to appear on or before the date specified in the complaint will result in the entry of a judgment by default against the defendant, and the court may, in its discretion, impose a civil sanction in an amount not exceeding the Courts jurisdictional maximum allowable amount.
4. Service of the citation/complaint may be accomplished and shall be deemed proper and complete by any of the following methods:
 - a. By having the defendant sign the citation/complaint with a promise to appear in court within ten (10) calendar days of the issuance of the citation/complaint.
 - b. By hand delivering a copy of the citation/complaint to the defendant.
 - c. By mailing a copy of the citation/complaint to the person charged by certified or registered mail, return-receipt requested, to the person's last known address.
 - d. In the event service cannot be accomplished as set forth in (4)(a), (b) or (c), the City may serve the defendant by any means allowed by the Arizona Rules of Civil Procedure for the Superior Court.

(D) Civil citation, authority to issue.

The Airport Manager may issue a civil citation pursuant to this chapter.

(E) Appearance by defendant.

The defendant shall, within ten (10) calendar days of the issuance of the citation or summons and complaint, appear in person or through the defendant's attorney in the City court and shall either admit or deny the allegations contained in the citation. If the defendant admits the allegations, the court shall enter judgment against the defendant and impose a civil sanction for the violation not to exceed fifteen thousand dollars (\$15,000.00), and may, in its discretion, deny defendant use of the airport pursuant to section 5-612. If the defendant denies the allegations contained in the citation, the court shall set the matter for hearing.

(F) Default judgment.

If a defendant fails to appear as directed on the civil citation or complaint or at the time set for hearing by the court, the allegations in the civil citation or complaint shall be deemed admitted and the court shall enter judgment against the defendant and impose a civil sanction for the violation in an amount not exceeding the Courts jurisdictional maximum allowable amount., and may, in its discretion, deny defendant use of the airport pursuant to section 12-2-12(L).

(G) Rules of procedure for civil violations.

The Arizona Rules of Court for Civil Traffic Violation Cases shall be followed by the Prescott City Court for civil violations of this chapter, except as modified or where inconsistent with the provisions of this chapter.

(H) Civil sanctions.

Upon a finding of responsible to a civil violation, the court shall impose a civil sanction not to exceed the Courts jurisdictional maximum allowable amount.

(I) Rules of procedure for criminal violations.

The Arizona Rules of Criminal Procedure shall be followed by the Prescott City Court for criminal violations of this chapter, except as modified or where inconsistent with provisions of this chapter.

(J) Criminal penalty.

Upon a conviction of a misdemeanor the court may impose a penalty in accordance with section 1-8(a) of this Code and state law for class one misdemeanors. Probation may be imposed in accordance with the provisions of title 13, chapter 9, Arizona Revised Statutes.

(K) Restitution.

In addition to any civil sanction or criminal penalty provided for in this article, any person violating this chapter shall be liable for all costs which may be associated with the City's rectifying any violation of this chapter. The court shall impose restitution in addition to any civil sanction or criminal penalty.

(L) Denial of airport use.

In addition to any civil sanction or criminal penalty provided for in this article, the court may issue an order suspending the right of any person violating this chapter to use the airport or any of its facilities for a period not to exceed three (3) years.