TITLE 8
PUBLIC WAYS AND PROPERTY

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SECTION 8-01-001-0001 DUTY OF STREET SUPERINTENDENT:

A. It shall be the duty of the Street Superintendent to receive and maintain a record of all complaints regarding sidewalks in bad condition or need of repair. Upon receipt of said complaint the Street Superintendent shall notify the owner or owners of the lot or lots or part of lot or lots adjoining such sidewalk or portion thereof, in writing, to repair or renew the same within thirty (30) days after the service of such notice or as weather permits as determined by the Street Superintendent.

B. Said notice shall constitute constructive or actual notice to the property owner. (Ord. 1610, 3/7/89)(Ord. No. 1610, Amended, 03/07/89)

SECTION 8-01-001-0002 SERVICE OF NOTICE:

Such notice shall be by certified mail to the owner of said property as identified in the Records of the Office of the Coconino County Assessor. (Ord. 1610, 3/7/89)
(Ord. No. 1610, Rep&ReEn, 03/07/89)

SECTION 8-01-001-0003 DUTY OF OWNER:

It shall be the duty of the owner or owners of such lot or lots or portions of lot or lots within ten (10) days after the service of such notice as aforesaid, to place the sidewalk or portion of sidewalk in such notice mentioned or described in good condition and repair using therefor material similar in character and dimensions of that with which such sidewalk was originally constructed; provided that such sidewalk shall comply with the provisions and specifications for the laying and constructing of sidewalks as are on file in the Engineering Department of the City.

SECTION 8-01-001-0004 FAILURE TO CONSTRUCT:

Whenever, within ten (10) days after the service of said notice, the owner or owners so served shall fail to repair the sidewalk or any portion thereof in such notice directed, it shall be the duty of the Street Superintendent to repair the same. (Ord. 185, 6-27-16)

SECTION 8-01-001-0005 STATEMENT OF EXPENSES:

Whenever the said Superintendent shall repair or renew any sidewalk or portion thereof, as provided in the preceding Section, he shall, within ten (10) days after completion of such repair or renewal, file in the office of the Clerk a verified, itemized statement of the cost of such repairs or renewal, which statement when so filed shall be deemed and taken as prima facie evidence of the cost of such repairs or renewals, and unless such owner or owners file with the Clerk objections in writing thereto within ten (10) days after the filing of such statement, such statement shall be conclusive evidence of the amount of such cost.

SECTION 8-01-001-0006 HEARING ON OBJECTION:

The owner or owners so filing objections, as aforesaid, may appear before the Council at its next regular monthly meeting and present evidence in support of their said objections. The Council shall then determine the cost of such repairs or renewals and the said determination shall be conclusive of the amount thereof.

SECTION 8-01-001-0007 EXPENSES CONSTITUTE LIEN:

The cost of such repairs or renewals, together with all costs and penalties herein provided for, shall constitute a lien upon the lot or lots fronting or adjoining the said sidewalk so repaired or renewed in favor of the City. (Ord. 86, 7-14-03)

SECTION 8-01-001-0008 PENALTY FOR NONPAYMENT:

If the costs of such repairs be not paid to the Treasurer within ten (10) days after the filing of the statement herein provided for, if no objection be filed as herein provided, or within ten (10) days after the determination of such objections, if same be filed, fifty percent (50%) of the amount of the cost thereof shall be added to the cost and become a charge upon the property in like manner as the original cost. (Ord. 185, 6-27-16)

SECTION 8-01-001-0009 NOTICE OF SALE OF PROPERTY:

As soon as may be practicable after the attaching of such penalties, the Clerk shall cause to be published in some weekly paper in the City for four (4) consecutive issues thereof, that on the first Monday after the completion of the publication of such notice, and between the hours of ten o'clock (10:00) A.M. and four o'clock (4-:00) P.M., of said day, the property (describing it), or so much thereof as may be necessary to realize the amount of such cost,

penalty and the cost of publication, will be sold from the front door of the City Hall.

SECTION 8-01-001-0010 SALE:

On the day fixed for the sale, the Clerk shall sell the property so advertised, or so much thereof as may be necessary to such person as will take the least portion thereof and pay therefor the whole amount due thereon including penalties and cost.

SECTION 8-01-001-0011 CERTIFICATE:

The Clerk shall, at the request of the purchaser or purchasers, or if the City be purchaser, without request, make, execute and deliver to the purchaser a certificate describing the property, the amount for which it is sold and reciting that at the expiration of six (6) months from the date thereof a deed conveying all the interest of the City in and to said property shall be delivered to the purchaser.

SECTION 8-01-001-0012 REDEMPTION OF PROPERTY:

The owner or owners of such property so sold may at any time after said sale redeem the same from the Treasurer upon the payment to him of the amount for which the property was so sold, together with thirty percent (30%) penalty thereon, for the benefit of the purchaser or purchasers thereof. Upon the expiration of six (6) months after the date of such certificate, the Clerk shall, upon demand, make, execute and deliver to the purchaser or purchasers a deed to the property so sold, which deed shall vest in the grantee a title in fee to such real estate, and shall be conclusive evidence of title, and that the matters and things therein stated are true, and in case any person shall be in possession of the real estate which may be sold as hereinbefore provided, a writ of restitution may be issued by any judge or court of competent jurisdiction, placing the purchaser or his assigns in possession. (Ord. 86, 7-14-03)

SECTION 8-01-001-0013 PRIOR NOTICE REQUIRED:

Nothing herein contained shall be construed as giving any person a cause of action for injuries resulting from a defective sidewalk until it is proven that the Street Superintendent had actual knowledge of such defect and failed to remedy the same within a reasonable period of time. (1960 Code)

SECTION 8-01-001-0014 CONSTRUCTION SPECIFICATIONS:

All sidewalks hereafter constructed shall be built under the supervision and control of the City and according to the specifications and requirements on file in the office of the Engineering Department, and there maintained at all times for public inspection. (1978 Code)

CHAPTER 8-02
EXCAVATIONS

SECTIONS:

8-02-001-0001 **REGULATIONS ADOPTED:**
8-02-001-0002 **SCHEDULE OF FEES:**

SECTION 8-02-001-0001 REGULATIONS ADOPTED:

There is hereby adopted by the City for the purpose of establishing rules and regulations to control excavation, grading and earthwork construction, including fills and embankments; to establish the administrative procedure for issuance of permits; and to provide for approval of plans and inspection of grading construction; that certain Chapter 70, of the 1973 Edition of the Uniform Building Code, as modified for Flagstaff conditions, of which not less than three (3) copies have been and are now on file in the office of the City Clerk and the same is hereby adopted and made a part hereof by this reference as fully and as completely as if fully herein set forth, and the provisions of the aforesaid modified Chapter 70 of the 1973 Uniform Building Code shall be controlling in the excavating and grading within the corporate limits of the City. (Ord. 908, 11-27-73)

SECTION 8-02-001-0002 SCHEDULE OF FEES:

A. Fees for inspection of the construction of public improvements and for materials testing relating to such construction shall be collected by the City Engineer prior to issuance of a public works permit according to the following schedule:

1. ROUGH GRADING: Fees as required in Chapter 70 of the Uniform Building Code as adopted by Section 8-2-1 above.

2. STREET SECTION, including select material, base course, paving, curb and gutter, valley gutter and sidewalk:

   1.6% of the engineer's estimated cost as approved by the City Engineer for security purposes, or 1.6% of the contract cost.

3. WATER, SEWER AND DRAINAGE STRUCTURES NOT INCLUDED IN A GRADING PERMIT:

   1.2% of the engineer's estimated cost as approved by the City Engineer for security purposes, or 1 .2% of the contract cost.

4. OTHER CONSTRUCTION WITHIN PUBLIC RIGHT OF WAY: To be determined by the City Engineer, but not less than 1% nor more than 2% of the engineer's estimated cost as approved by the City Engineer for security purposes, or of the contract cost.

5. MINIMUM PERMIT FEE: Except for rough grading, the minimum fee for any permit shall be twenty five dollars ($25.00) unless waived by the City Engineer.

B. Fees for review of engineering construction plans and design reports shall be collected by the City Engineer prior to their review according to the following schedule:

First and Second submittal for review:

Street $20.00 plus $ .01 per linear foot
Drainage $10.00 plus $.005 per linear foot
Water $10.00 plus $.005 per linear foot
Sewer $10.00 plus $.005 per linear foot
Grading Fees as required in Chapter 70 of the Uniform Building Code as adopted by Section 8-2-1 above.

Each submittal after the second will require an additional payment of an amount equal to one-third (1/3) of the original fee.

The City Clerk is hereby directed to maintain at all times three (3) copies of the aforesaid schedules of fees in said office of the City Clerk. (R889, 3-26-74)

CHAPTER 8-03
STREETS AND PUBLIC WAYS

DIVISIONS:

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DIVISION 8-03-001
STREETS AND PUBLIC WAYS

SECTIONS:

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8-03-001-0003 **ROAD AND BRIDGE CONSTRUCTiON SPECIFICATIONS:**
8-03-001-0004 **REMOVAL OF SNOW AND/OR ICE:**
8-03-001-0005 **TEMPORARY CLOSURE OF PUBLIC RIGHTS OF WAY:**

SECTION 8-03-001-0001 PUBLIC RIGHT OF WAY ABANDONMENT PROCEDURES:

(Rep. by Ord. 1099, 11-6-79)

SECTION 8-03-001-0002 STREET RESTRICTIONS:

A. Permit Required: No person shall move any building or frame of any building, or operate any road roller, steam or power shovel, derrick or crane or any vehicle, instrument or appliance of excessive size or weight of a similar nature into or upon any of the public streets, alleys, lots or squares of the City, or cause the same to be upon or otherwise to obstruct the free passage of the streets and alleys without first having obtained a permit therefor in writing from the Clerk, or in the absence of the Clerk, then from the City Manager or Superintendent of Streets.

B. Crossing Railroad Tracks: In the event it shall be necessary in the moving of any such building or frame of any building, or in the operation of any road roller, steam or power shovel, derrick or crane or any other vehicle, instrument or appliance of excessive size or weight of a similar nature to cross any railroad track within the City limits, before any permit may be issued, the person applying for such permit must show satisfactory evidence that he has notified the railroad company over whose tracks such moving or crossing is to take place, of the manner in which such movement or crossing is to be made and that he has employed from such railroad two (2) competent flagmen for the purpose of flagging trains in each direction along such tracks from the point at which such movement or crossing is to be made, and that the time of such movement or crossing will not conflict with the operation of trains so as to endanger life or property. (Ord. 298, 12-17-36)

SECTION 8-03-001-0003 ROAD AND BRIDGE CONSTRUCTiON SPECIFICATIONS:

The Arizona Highway Department Standard Specifications for Road and Bridge Construction, Edition of 1969, heretofore designated and declared to be a public record by Ordinance 823, be and the same is hereby adopted, excepting Section 100--General Provisions thereof, and by this reference made a part hereof as fully and completely as if fully set forth herein. (Ord. 825, 1-25-72)

SECTION 8-03-001-0004 REMOVAL OF SNOW AND/OR ICE:

A. Deposit on Public Thoroughfares: It shall be unlawful for any person within the corporate limits of the City to remove or cause to be removed any snow or ice from any private property within said City and place or deposit same upon a public street, avenue, alley or sidewalk within the City.

B. Removal Required: Any owner, occupant, tenant or person having the care of any building or lot or parcel of land bordering on any street, avenue, alley, square or other public place within the City, who shall not within the first six (6) hours of daylight after the ceasing to fall of any snow cause all snow, ice, dirt or other obstruction to be removed from the sidewalk in front of, alongside of or adjacent to said building, lot or parcel of land, shall be deemed guilty of a misdemeanor.

C. Noncompliance: Should any owner or occupant of any building, grounds or premises within the City fail, neglect or refuse to remove from the sidewalk adjacent thereto, within six (6) hours after written notice from the Street Superintendent, all accumulations of snow, ice or other obstruction, or should any such owner or occupant fail to maintain any sidewalks adjacent thereto free and clear of all such snow, ice or other obstruction, then the Street Superintendent is authorized to remove such snow, ice or other obstruction at the expense of such owner or occupant. In the event of such removal, the Street Superintendent shall prepare a bill for the actual costs of removal of snow, ice, dirt or other obstruction, including the actual costs of any additional inspection and other incidental connected costs. The statement shall inform the owner or occupant that failure to pay the bill will result in a lien against the property. If the actual costs are not paid by the owner or occupant within ten (10) calendar days after receipt of the bill, the bill shall be collectible from the person or persons owning or occupying such building, grounds or premises.

D. Hearing Procedure: An owner or occupant from whom a bill for snow removal costs is collectible, as set forth above, may request an administrative hearing with regard to the bill under the procedures which follow.

1. Within ten (10) calendar days after receipt of the bill for the actual costs of removal of snow, ice, dirt or other obstruction from the City, the responsible party may request an administrative hearing regarding the written notice and the bill. The request for hearing must be in writing, state the objections to the notice and the bill, and be mailed or delivered to the Director of Public Works.

2. Upon receipt of the hearing request, the Director of Public Works shall forward a copy of the request to the Municipal Court Administrator for assignment to a Municipal Court judge who shall preside as an administrative hearing officer. The Municipal Court Administrator shall promptly notify the parties of the hearing date for the matter. Neither the City nor the responsible party is required to be represented by counsel, but may be if they so choose. No pre-trial discovery shall be permitted absent extraordinary circumstances. Immediately before the hearing, both parties shall produce for inspection any exhibits and written or

recorded statements of any witness which are to be offered at the hearing. Failure to produce exhibits or statements may result in the hearing officer denying admission of the evidence not produced. The hearing officer may call and examine witnesses, including the responsible party. All testimony shall be given under oath or affirmation. No person may be examined or cross-examined at a hearing except by the hearing officer, an attorney for a party, or the responsible party. The Arizona Rules of Evidence shall not apply in the hearing; any evidence offered may be admitted subject to a determination by the hearing officer that the offered evidence is relevant, material, and has some probative value to a fact at issue. If the party requesting the hearing fails to appear, the hearing officer may enter a finding for the City.

3. If the hearing officer determines, after hearing the parties and considering their evidence, that the City's notice to the responsible party was accurate, delivered to the proper party or parties, and that the bill for the actual cost of removal was supported by the City's evidence, then the hearing officer shall make a finding for the City on the bill. The responsible party may appeal the hearing officer's decision to the City Council at a regularly scheduled meeting by filing a written request with the City Clerk for appeal within five (5) days after receipt of the hearing officer's decision. The request for appeal shall specify the grounds for reversal of the hearing officer's decision. The City Council may affirm, reverse, amend or remand the matter to the hearing officer if it finds that the hearing officer's decision is not supported by substantial evidence, is arbitrary and capricious, or is not in conformance with the law.

E. If no hearing was requested on the notice or amount assessed for removal, or if an appeal was taken and the Council affirmed or modified the amount of the assessment, the assessment shall be recorded in the office of the Coconino County Recorder, including the date, amount of the assessment, and the legal description of the property against which the assessment is made. From the date of its recording, the assessment shall be a lien on the property and shall accrue interest at the rate prescribed by Arizona Revised Statutes, Section 44-1201. The City shall have the right to bring an action to enforce the lien in the Superior Court of Coconino County at any time after the recording of the assessment, but failure to enforce the lien by such action shall not affect its validity. The recorded assessment shall be prima facie evidence of the truth of all matters recited therein, and of the regularity of all proceedings prior to the recording of the assessment. A prior assessment for the purposes provided in this Section shall not be a bar to subsequent assessment or assessments for such purposes, and any number of liens on the same property may be enforced in the same action.

(Ord. 2001-03, Amended, 02/06/2001)

SECTION 8-03-001-0005 TEMPORARY CLOSURE OF PUBLIC RIGHTS OF WAY:

A. No parade, exhibition, street dance, street fair or other similar purpose shall occupy, march or proceed along any public right of way except in accordance with a permit issued by the City Manager. Such permit shall be required five (5) days prior to any such procession or

occupation of a public right of way. This section shall not apply to motorized funeral processions, or to any picketing, protest, demonstration or similar activity in the lawful exercise of First Amendment rights. (Ord. 1712, 8/20/91)

B. All permit applications shall contain such information as shall be required by the City Manager. Processing of said applications shall be in a manner determined by the City Manager.

C. After consultation with appropriate City departments, the City Manager, or his designee, may issue a parade or right-of-way occupation permit to use or occupy City rights-of-way conditioned upon the applicant's written agreement to comply with the terms of said permit. (Ord. 1712, 8/20/91)

D. The permittee shall be responsible for the placement and removal of all barricades as required by the terms of the permit.

E. The permittee shall be required to obtain all inspections and licenses as may be required by the City.

F. Upon denial by the City Manager of an application made pursuant to this Section, the applicant may appeal the determination of the City Manager within five (5) days thereafter to the City Council by filing written notice of appeal with the City Clerk. At its next regular Council meeting, the City Council shall hear the appeal of the applicant, along with the recommendation of the City Manager and appropriate department heads. The City Council may reverse, affirm and modify in any regard the determination by the Manager.

G. Any permit for a parade, exhibition, street dance, street fair or other similar purpose issued pursuant to this Section may be summarily revoked by the City Manager at any time when by reason of disaster, public calamity, riot or other emergencies the City Manager determines that the safety of the public or property requires such revocation. Whenever possible, notice of such action revoking a permit shall be delivered in writing to the permittee by personal service or by certified mail. (Ord. 1712, 8/20/91)

H. Nothing in this Section shall be construed to supersede or restrict Title 6, Chapter 1, Section 2 of the City Code.[1] (Ord. 1195, 2-16-82)

(Ord. No. 1712, Amended, 08/20/91)

[1]Section 6-1-2 deals with restrictions on assemblies in public ways and unlawful assemblies.

DIVISION 8-03-002
NORTH DOWNTOWN BUSINESS DISTRICT ENCROACHMENT POLICY

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(Ord. 1922, 12/17/96)

SECTION 8-03-002-0002 PURPOSE:

The purpose of this Encroachment Ordinance is:

A. To create a vibrant, historic district that will include not only privately owned retail buildings but also public spaces that are creatively used as both thoroughfares and as public space for commerce and artistic endeavors.

B. To ensure that the public ways in the North Downtown Business District are kept free from obstructions, nuisances, or unreasonable encroachments which destroy, in whole or in part, or materially impair, their use as public thoroughfares.

C. To provide for the safety of pedestrian and other human interaction on sidewalks, and for the orderly control of merchants, including peddlers using the sidewalk area. (Ord. 1922, 12/17/96)

SECTION 8-03-002-0003 GLOSSARY:

A. WORD USAGE

In the interpretation of this Encroachment Ordinance, except when the context clearly requires otherwise: words used or defined in one tense or form shall include other tenses and derivative forms, words in the singular number shall include the plural number, and words in the plural number shall include the singular number; and the masculine gender shall include the feminine, and vice-versa.

B. DEFINITIONS

When used in this Encroachment Ordinance, each of the following terms shall have the meaning given as follows:

Abutting Owner. The owner of real property abutting a public right of way.

Access. A means of vehicular or pedestrian approach or entry to or exit from property, from a street, highway or public sidewalk.

Adjacent. Next to; contiguous, but not necessarily touching or abutting.

Alley. A recorded public way affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

American with Disabilities Act. The federal American with Disabilities Act of 1990, Public Law No.101-336, 104 Stat. 327, appearing generally at 42 U.S.C. §§12101 et seq.

Building. A structure built, maintained, or intended to be used for the shelter or enclosure of persons, animals, or property of any kind. The term is inclusive of any part thereof. Where independent units with separate entrances are divided by party walls, each unit is a building.

City. The City of Flagstaff, Arizona.

City Code. The code of City ordinances compiled, consolidated and arranged in accordance with Article VII, Section 15 of the Council-Manager Charter of Flagstaff, as the same may be amended from time to time.

City Standards. The design, performance, and construction standards and specifications on file with the City Clerk.

Community Development Director. The City's Director of Community Development.

Council. The City Council of the City of Flagstaff.

Curb Face, or Face of the Curb. The side of the curb facing and closest to the street.

Development Review Board or DRB. The Development Review Board of the City, being a technical review committee authorized and established by the Council for the purpose of review and recommendations of subdivision and minor land divisions applications and other development plans, which is composed of the heads of the following City departments or divisions or their duly authorized representatives: Engineering, Building Inspection, and Planning Division, Public Works, Utilities and Fire Department.

Encroachment. An intrusion into or invasion of the public right of way, diminishing its width or area, but without closing it to public travel.

Marquee. A permanent roofed structure projecting over the entrance to a building, which is attached to and supported by the building.
North Downtown Business District. The area bounded by the right of way centerline of Humphreys Street (U.S. Route 180) on the West, Cherry Avenue on the North, Verde Street on the East, and Route 66 on the South.

Obstruct. To block; to interpose obstacles; to render impassable; to fill with barriers or impediments, as to obstruct a road or way.

Peddler (Stationary or Mobile). Any person who sells in the public right of way any type of service or tangible personal property, including but not limited to food and drink, from, at or adjacent to a portable stand, pushcart or other vehicle in which such tangible personal property is carried.

A Stationary Peddler is one who performs his/her peddling activity at a single permitted location.

A Mobile Peddler is one who is continuously moving along the sidewalk, momentarily stopping to display or sell his/her wares to pedestrian customers.

Permanent. Continuing or enduring in the same state, status, place or the like, without fundamental or marked change; fixed or intended to be fixed.

Permit. A written warrant, license or other instrument issued by the City, granting permission or authority to engage in specified conduct not forbidden by law, but not allowed without such permission or authority.

Public Nuisance. An act, condition, occupation or structure that has one or more of the following effects or characteristics: it disturbs or interferes with the lawful use of property by the public, or a limited but indefinite part thereof; it is dangerous to public health or offensive to community moral standards; or it unlawfully obstructs the public in the lawful use of public property or the public right of way.

Public Right of Way or Public Way. Public land that has been set aside for the purpose of vehicular and/or pedestrian travel by the public, or other public use, such as utilities, including subsurface, surface and air rights.

Restaurant or Cafe. An establishment whose principal business is the sale of food and/or beverage to customers in a ready-to-consume state, which food and beverage are generally consumed within the restaurant building.

Sidewalk. That portion of a public street or highway designed for the use of pedestrians.

Storekeeper. Any retail business establishment or person engaged in a retail business in or from a building or other real property owned or leased for such purpose.

Street. Any existing public street, alley, avenue, boulevard, road, lane, parkway, place, bridge, viaduct or easement primarily intended for public vehicular or pedestrian access, or a street shown on a plat duly filed and recorded in the County Recorder's Office. A street includes all land within the street right of way whether improved or unimproved, and includes such improvements as pavement, shoulders, curbs, gutters, sidewalks, parking space, bridges, and viaducts.

Structure. Anything constructed or erected in a fixed location on the ground or which is attached to something having a fixed location on the ground, including a fence, satellite dish, or free-standing wall.

Subsurface. That which is below the surface (natural or graded) of the street or sidewalk.

Temporary. Lasting for a short, brief or designated time only, existing or continuing for a limited time.

Utilities. Businesses, installations, services or facilities, engaged in regularly supplying the public with some commodity or service which is of public consequence and need, such as electricity, gas, water, transportation or telephone service. (Ord. 1922, 12/17/96)

SECTION 8-03-002-0004 GENERAL PRINCIPLES:

A. The right of the public to use public ways in a lawful manner is paramount. The public ways shall be kept free from private obstructions, nuisances, or unreasonable encroachments which destroy, in whole or in part, or unreasonably impair their use as public thoroughfares.

B. The primary purpose of the downtown sidewalks and other public open spaces is to provide for the circulation of pedestrians, access to private property and delivery of goods, and for human interaction and other pedestrian-oriented activities and amenities.

C. There is no legal or inalienable right for any person to use public ways for the purpose of private business or gain.

D. No trader, merchant, storekeeper or vendor shall display or keep goods on or in the public way, or display or keep goods or otherwise conduct business in such a manner as to cause other motor vehicles to frequently stop in order to purchase, load or unload such goods. No claim that any of the foregoing conduct is necessary for the conduct of business will constitute a defense to an enforcement action under this Ordinance.

E. Except as otherwise explicitly provided herein, the creation, conduct, maintenance or continuation of any encroachment of the public right of way by any private party without a valid permit for such encroachment shall be unlawful.

F. No encroachment permit hereunder shall be intended to grant any title to any public way or any part thereof.

G. The obstruction of any public way by any private party without an encroachment permit from the City constitutes a public nuisance, (regardless of the question of the comparative benefit to the public) and, upon notification from the City, such obstruction shall be promptly removed from the public right of way.

H. Notwithstanding the regulation of any activity or structure under any other provision of the City Code (e.g., Uniform Building Code, Land Development Code), no encroachment of the public right of way shall be permitted without an encroachment permit, except as may otherwise be provided herein.

I. All structures permitted hereunder shall comply in all respects with the requirements of all other applicable laws, rules, regulations and ordinances.

J. It is neither the City's policy nor its responsibility to provide a good location or guarantee a profit for an entrepreneur who wishes to use public right of way to conduct private business.

K. No permit will be issued for any encroachment that materially and unduly interferes with the right of the public to use the right of way.

L. This encroachment ordinance shall apply to all private activities, whether conducted for the purpose of business or gain or otherwise; this ordinance does not apply to the activities or structures of the City, the Arizona Department of Transportation, any duly franchised or licensed public utility, any public utility holding a permit or franchise from the State of Arizona, or any other enterprise of similar nature in being of general public concern (such as cable television providers), who have a duly executed license from the City to use the public right of way.

M. In keeping with the primary purpose of the sidewalk for pedestrian traffic, and of the street for vehicular transportation, no automobile, truck or other motor vehicle or facsimile thereof may be located upon the sidewalk (except as may be permitted in conjunction with a special event under Section 8-03-002-0005.E hereof or as otherwise specifically allowed herein), nor shall any commercial activity (other than taxis, busses, tour busses and similar transportation services) be conducted in the street. (Ord. 1922, 12/17/96)

SECTION 8-03-002-0005 PERMITTED ENCROACHMENTS:

A. GENERAL. The City may, but shall not be required to, issue permits allowing encroachment of the public right of way, on the following conditions:

1. All permitted encroachments of the sidewalk shall maintain a minimum sidewalk width of 5 feet (1.52 meters).

2. The permittee shall:

a. agree to indemnify the City and its officials, employees, agents, successors and assigns, and hold them, and each of them, harmless for and from any and all losses, claims, demands, causes of action, suits, and damages, in law or in equity, of whatever kind and nature whatsoever, present or contingent, known or unknown, in any way arising from, relating to or connected with the permittee's activities undertaken pursuant to the encroachment permit;

b. agree to protect and restore all property, both public and private, damaged as a result of the permittee's activities thereunder; and

c. obtain and maintain a policy of commercial general liability insurance that shall meet or exceed the following requirements in respect to each activity specified:

(1) OBSTACLES OR PRODUCTS SOLD IN THE RIGHT OF WAY: One Hundred Thousand Dollars ($100,000.00).

(2) FOOD, CONSUMABLES AND COSMETICS SOLD IN THE RIGHT OF WAY: Three Hundred Thousand Dollars ($300,000.00).

(3) ALCOHOL SOLD IN THE RIGHT OF WAY: Liquor Liability of one million dollars ($1,000,000.00) naming the City as an additional insured. The applicant shall provide the City with two (2) copies of a Certificate of Insurance evidencing the specified policy prior to the issuance of any encroachment permit.

3. Other than permitted encroachments by structures, any space or encroachment for which a permit is issued hereunder shall be used only by the applicant or such other persons listed in the permit application, and only for the purpose described in the permit, and shall be transferable. Other than permitted encroachments by structures the sale or other transfer of more than fifty percent (50%) of any business or entity that holds an encroachment permit will be considered a transfer of such permit and shall render such permit void.

4. Abandonment of an encroachment for which a permit is issued shall render such permit void. With the exception of potted plants as specified in Section 8-03-002-0005.C.3, a permittee may be deemed to have abandoned a permitted encroachment if the permittee does not use the space for which the permit is issued for the permitted use at any time for a period of two consecutive weeks, except for such time(s) that emergency, inclement weather or other circumstances beyond the permittee’s control shall render such use impracticable, and the permittee notifies the City of such impracticability within two (2) weeks of the onset of such circumstance (which notice will be waived if rendered impracticable by the same circumstance). (Ord. 1952, 09/02/97)

5. Any encroachment permit may be temporarily suspended when construction or repair of the street, sidewalk, utilities, or building or other structure in the immediate vicinity would create a hazard for the permittee or his/her patrons, or if the operation of the business under the permit would interfere with the safe and expeditious completion of such construction or repair. In such cases, the City may allow the permittee to use another space, if appropriate, for the duration of the suspension or the remaining time specified by the permit, whichever is shorter.

6. Existing or previously issued permits will generally take precedence over subsequently issued permits; all permits shall therefore be subject to and limited by all previously issued permits, unless otherwise expressly provided.

7. The provisions of and this Section 8-03-002-0005.A shall, except as otherwise expressly provided, apply to all permitted encroachments, in addition to any and all other requirements of this Ordinance specific to any such encroachment.

8. Other than permitted encroachments by structures, an encroachment permit may be revoked for any reason, including but not limited to: health, safety, or improvement projects such as Beautification Commission sponsored plans or Historical Preservation Commission sponsored projects.

B. PERMITTED ENCROACHMENTS BY STRUCTURES. The City may issue permits for certain fixed continuing minor encroachments of public ways, or fixed encroachments indefinite as to time or duration, such as awnings, signs, balconies, bay windows, cornices, columns, pillars, shutters, roofs, show windows, ornamental projections, wires across streets, marquees, coal chutes, basement access or porticoes, upon the following conditions:

1. Overhead Encroachments. All awnings, signs, balconies, bay windows, cornices, shutters, roofs, show windows, ornamental projections, wires across streets, marquees, porticoes constructed or maintained over or across the public right-of-way shall be securely and safely attached to and supported by the structure to which it is attached, and shall extend no closer than two (2) feet (0.61 meters) to a vertical line drawn from the face of the curb. The lowest part of any awning or other such overhead encroachment shall be no closer than eight (8) feet (2.44 meters) from the sidewalk surface.

2. Excavations and Other Subsurface Encroachments. The City may issue permits for excavations and other subsurface encroachments subject to the need for installation and maintenance of utilities.

3. Columns, Coal Chutes or Basement Access. In the event that the Flagstaff Historic Preservation Commission has created a design review or similar district including some or part of the North Downtown Business District, then all columns, pillars, coal chutes, basement access or similar structures within the jurisdiction of such district must, in addition to meeting all other requirements of this Ordinance, be reviewed and approved by the Historic Preservation Commission or other similar districts.

C. OTHER ENCROACHMENTS FOR THE PLACEMENT OF OBJECTS OR FOR CONSTRUCTION OR REPAIR. Subject to the general requirements of Section 8-03-002-0005.A hereof, the City may issue permits for temporary encroachments of the public way, when, in the City's sole discretion, such encroachment may enhance the ambience of the downtown area or may be reasonably necessary for an abutting owner's transaction of business or conduct of exterior repairs to its building, including but not limited to the following:

1. Construction Encroaching into Public Ways. Temporary obstructions and encroachments on public ways in connection with the erection and repair of buildings and other structures may be permitted, provided that such obstructions or encroachment does not interfere unreasonably with the rights of adjacent property owners.

2. Bicycle Parking Racks. Bicycle parking racks shall be placed so the rack and the bicycles parked at the rack conform to the location and clearance requirements of Section 8-03-002-0005.A.

3. Potted Plants. All plants, trees, shrubs, and flowers shall be placed in containers that are aesthetically compatible with the

downtown area. Said containers shall be constructed in such a manner that no soil, fertilizer or other deleterious material shall leak, leach or spill onto the public sidewalk. In the interest of pedestrian safety and to accommodate snow removal operations, potted plants shall be removed from the sidewalk area no later than October 31st and placed no earlier than May 1st of each year.

4. Newspaper Vending Machines. Notwithstanding anything to the contrary contained herein, an encroachment permit shall not be required for newspaper vending machines. Such vending machines shall nonetheless be placed in a manner to allow for the safe and unrestricted use of the sidewalk by the public and shall be placed a minimum of two (2) feet (0.61 meters) from the face of curb. Any regulation or restriction on the placement of newspaper vending machines shall be location-specific and shall apply to all such machines equally.

5. Mailboxes. Notwithstanding anything to the contrary contained herein, an encroachment permit shall not be required for mail receptacles owned by the U.S. Postal Service.

D. COMMERCIAL ENCROACHMENTS. Although the downtown area is generally congested and its open spaces appear to be fully utilized, there are certain locations on the public sidewalks where temporary commercial activities, if sufficiently minor, properly managed and appropriately contained, might not conflict with the sidewalk's primary purposes, but would rather contribute to the overall ambiance of the downtown sidewalks as pedestrian activity areas. The City may therefore allow temporary commercial use of available public spaces, to the extent that they do not conflict with the free movement of traffic or create a hazard to the public, and to the extent that these uses complement the general nature of the downtown area and enhance the pedestrian nature of the sidewalks as areas of human activity and interaction. The commercial encroachments for which permits may be issued shall be as set forth in this section, subject to the conditions set forth below.

1. General Requirements. In addition to the requirements of Section 8-03-002-0005.A hereof, all commercial encroachments included in this Section 0005.D shall be subject to the following requirements:

   a. No furniture, fixture or appurtenance shall block the visibility of any traffic control device or sign.

   b. Each permittee will be responsible for keeping the area of the activity neat and clean, and for cleaning the area encompassed by the permit and the adjacent gutter at the end of each day's use. This includes sweeping and picking up any refuse or trash within the area and any refuse or trash generated within the area which may have blown away into the surrounding area, and washing the sidewalk if there have been spills. Sufficient trash receptacles in or near the area of activity shall be provided by the permittee, as well as arrangements for trash pickup.

   c. No permittee shall conduct sales or other business with occupants of vehicles or other traffic on the street, nor

shall the operation of the permitted business interfere with the smooth flow of traffic on the street.

d. No permittee shall use any public address system, amplified music or sound system in connection with the permitted right of way encroachment.

e. When not in use, or at the latest by the close of each business day, all equipment, furniture and other appurtenances shall be removed entirely from the public right of way.

2. Sidewalk Cafes. Recognizing that sidewalk cafes may animate the downtown environment and complement retail and cultural activities in the North Downtown Business District, the City may issue permits for sidewalk cafes encroaching into the public right of way. where there is adequate room and the conditions of this Ordinance may be fulfilled. In addition to those requirements set forth elsewhere, restaurants may be issued permits for such encroachments under the following circumstances and conditions:

a. All services to support sidewalk cafes shall be supplied from within the building. As such use is considered an extension of an existing business, which presumably has permanent signing, no additional advertising or signs of any sort shall be allowed in the permitted encroachment area.

b. Pedestrian walkways shall not be split. The use area shall extend laterally no further than the building frontage of the business with which it is associated (including the outdoor seating area of any restaurant or cafe not located within the public right of way).

c. The permittee shall demarcate the permitted use area with a portable barrier, of a size and type compatible with the decor of the surrounding area, which creates a clear and continuous division between the use area and the public portion of the sidewalk.

d. The permittee shall maintain at all times a clear passage, conforming to the requirements of Section 8-03-002-0005.A.1, adjacent to the permitted use area, between the public circulation portion of the sidewalk and every public access doorway into the adjacent building.

e. Permitted sidewalk cafes shall not obstruct sidewalk pedestrian traffic or create public health and safety hazards and shall leave a minimum clear distance of 5 feet (1.52 meters) of sidewalk pedestrian area in all places. All walkways within the confines of a sidewalk cafe shall be level with the public sidewalk and accessible for the physically disabled. City Ordinance No. 1807 (the City's no-smoking ordinance) shall apply to permitted sidewalk cafes as if such outdoor cafes were completely enclosed restaurants. Permits for sidewalk cafe encroachments shall be issued for no more than an eight (8) month period. Applications for sidewalk cafe encroachments shall be submitted no more than

six (6) months and no less than thirty (30) days prior to the time for which such permit is requested, unless special circumstances require otherwise (but in no event more than one (1) year nor less than fourteen (14) days prior to such time). (Ord. 1952, 09/02/97)

3. Peddlers.

a. General: A peddler's portable stand, cart or other vehicle shall be completely self contained in a single unit, including trash receptacle, fuel, water and waste containers; when in operation, such cart shall be positioned on the curb side of the sidewalk, facing the pedestrian traffic, a minimum of two (2) feet (0.61 meters) from the back of the curb and five (5) feet (1.52 meters) from the property line. No such peddler's cart or vehicle shall be motorized or self propelled, except as may be necessary for the aid or convenience of a physically impaired peddler; nor shall any peddler's cart, stand or other vehicle be greater than 5.5 feet (1.68 meters) in width and 11 feet (3.35 meters) in length. No free standing or supplemental signs or other advertising shall be permitted other than such sign as is on or affixed to the cart, stand, etc. (Ord. 1952, 09/02/97)

b. Consent: As a condition to obtaining an encroachment permit hereunder, a peddler shall demonstrate the consent of: all directly competing businesses within one hundred forty-five (145) feet (44.2 meters) of such peddler's proposed operation; and eighty percent (80%) of all businesses and owners of real property within one hundred forty-five (145) feet (44.2 meters) of such peddler's proposed operation. Such consent may be demonstrated in each case by: a written consent signed by such person; or a failure to respond, within twenty-one (21) days of mailing, to a letter requesting such consent, sent to such person by certified mail, return receipt requested, on which the City Engineer (211 W. Aspen Ave., Flagstaff, AZ 86001) is designated in the return address and in which the addressee is directed to respond directly to the City Engineer All such mailings, if any, shall be performed by, and at the sole cost and expense of, the peddler-applicant. In order for a failure to respond within the required time period to be considered a consent, the letter must state, in at least 12-point bold capital letters, the following:

FAILURE TO RESPOND TO THIS LETTER WITHIN 21 DAYS OF THE POSTMARK DATE WILL BE CONSIDERED A CONSENT.

Any falsification of a consent required or obtained hereunder shall subject a permit obtained thereby to revocation by the City without further notice.

c. Permit fee: Prior to, and as a condition of, the issuance of a peddler’s encroachment permit hereunder, the applicant shall pay to the City such fee as shall be periodically set by the City Manager for the use of the right of way, which may include but not be limited to the City’s costs of maintenance

and replacement of the right of way surface and related streetscape furniture and facilities, and any additional costs incurred as a result of the applicant's intended use of the right of way, for the following year; said fee may be adjusted annually in accordance with changes in such costs and other factors included in its determination. As a further condition to the maintenance of each peddler's encroachment permit hereunder, the permittee/peddler shall pay to the City the then-current annual fee as aforesaid, on or before each anniversary of the issuance of his or her permit. Any permit with respect to which the aforesaid annual fee has not been paid by thirty (30) days following an anniversary thereof shall be subject to revocation by the City without further notice.

d. Permit applications: Applications for peddlers' encroachments shall be submitted no more than ninety (90) days and no less than thirty (30) days prior to the time for which such permit is requested, unless special circumstances require otherwise (but in no event more than six (6) months nor less than fourteen (14) days prior to such time). In the event that the City shall receive more than one completed application for a peddler's location (with all of the information required by Section 0006.C hereof and the consents required by subparagraph "b" of this paragraph 3) before a permit therefor has been issued, and if such location is not subject to an automatic renewal of an existing permit under subparagraph "e" below, the City shall forthwith notify each applicant by mail and request of each the submission of a sealed proposal for the use of such location by a date certain not less than fifteen (15) days from the date of said notice. Each such applicant wishing to do so shall, by the date set forth in such notice, submit to the City Engineer a sealed proposal setting forth an amount that the applicant proposes to pay for such permit, in addition to and not in lieu of the annual permit fee described in subparagraph "c" above. On the date specified, each proposal shall be opened and the permit for said location awarded to the responsible applicant whose proposal is most advantageous to the City, with due regard to both the nature of the proposed activity and the payment proposed. A permit for encroachment by a peddler shall be issued for a period of no more than three (3) years.

e. Permit renewal: Any peddler encroachment permit issued pursuant to this section may, subject to all of the provisions of this Ordinance, be automatically renewed, provided that (i) the permittee has, during the permitted period, complied with all of the provisions of the City Code, including but not limited to this Division 8-03-002 (Downtown Encroachment Policy), Division 3-05-004 (Sales Tax Ordinance), and Chapter 3-03 (Peddlers Ordinance), (ii) the permittee submits, no more than six (6) months nor less than fourteen (14) days prior to expiration of the permit, a written request for such renewal, including any changes to the information included with his/her original permit application (pursuant to Section 0006 hereof) or last renewal since the time of such application or renewal, and (iii) no

such permit may be renewed more than two (2) times following its initial term, without a new application and all other requirements that may apply to new applications generally. (Ord. 1952, 09/02/97)

f. Stationary peddlers: The City shall determine the number and location of suitable sites for stationary peddlers within the North Downtown Business District in consultation with the Downtown Area Redevelopment Advisory Committee ("DARAC"), taking into consideration public demand, the number and situation of other peddlers and other encroaching uses, and such other factors as they may deem relevant. For a period of one (1) year following the effective date of this ordinance, no more than five (5) stationary peddlers shall be permitted in the North Downtown Business District; thereafter, the City, in consultation with DARAC (or successor organization), may set maximum limits on the number of stationary peddlers permitted in the North Downtown Business District.

g. Mobile peddlers: In addition to the general requirements for Peddlers, a mobile peddler shall move along the sidewalk maintaining approximately five (5) feet (1.52 meters) of sidewalk for pedestrians between the peddler and the property line (face of building or back of sidewalk). No mobile peddler shall remain in one location more than fifteen (15) minutes in any one location during a sixty (60) consecutive minute period of time. Each relocation shall be fifty (50) feet (15.24 meters) or greater from the previous location.

4. Ineligible Commercial Encroachments. Not all potential commercial uses will be permitted. Examples of encroaching uses that will not be permitted include: (1) Those that would significantly increase the congestion on the sidewalks and impede the free flow of pedestrian traffic; (2) uses that would present a potential hazard for those using the public way (vehicular as well as pedestrian); (3) uses that are incompatible with the pedestrian-oriented nature of the downtown sidewalks; and (4) uses that create excessive noise, air pollution or other effects which cannot be contained within the permitted space.

5. Not applicable to special events. The requirements of this Section 8-03-002-0005.D shall not apply to special events within the meaning of Section 8-03-002-0005.E following.

6. No Sales in Street. No sales or other commercial activity shall be permitted in the street other than taxicabs, busses, and similar transportation services.

E. SPECIAL EVENTS. A wide variety of activities may be permitted on a one-time or annual basis. These may be as diverse as area wide sidewalk sales, musical or theatrical events or parades. Because of the variety of possible activities involved, the requirements for each must be considered on an individual basis, with due consideration for the City's policies and goals for the downtown public areas and the general requirements described above. The activities involved in a permitted special event may, with sufficient justification, be allowed at locations

other than those spaces defined with respect to the permitted encroachments described elsewhere in this Ordinance. Sidewalk sales along North San Francisco Street and North Beaver Street will not be allowed, unless parking is prohibited between the sidewalk swellings along the side of the street where the sidewalk sale is being conducted or that said streets are completely closed to vehicular traffic and approved detours are provided.

All street closures and associated detours shall be coordinated with the City's Engineering Division. All cost associated with the establishing, maintaining and removal of traffic control devices shall be the sole responsibility of the encroachment permittee. (Ord. 1922, 12/17/96)

(Ord. No. 1952, Amended, 09/02/97)

SECTION 8-03-002-0006 PERMIT REQUIREMENTS AND PROCESS:

A. GENERAL. Each applicant for a permit shall provide sufficient information to assure the City that the proposed encroachment will conform to the intent of this encroachment ordinance. Each applicant shall provide a map of suitable scale, showing a description and dimensions of the proposed encroachment, with sufficient detail for the City to determine its impact on the right of way and adjacent properties. The application shall also include: the proposed dates of the beginning and end of the period of use and the days/dates and the times of day of use within this period; the applicant's name, mailing address, and work and home telephone numbers; and the names and telephone numbers of all persons who will be conducting activities at the site.

B. PERMIT FEES.

1. Except as may be otherwise expressly provided herein, there shall be no fees charged for the application and processing of encroachment permits. (Ord. 1952, 09/02/97)

2. In consideration of their use of the public right of way and the increased costs of maintenance and replacement of the surface thereof as a result of such activities, peddlers using the public right of way shall pay an annual permit fee determined by, and in accordance with, the provisions of Section 0005.D.3 hereof. (Ord. 1952, 09/02/97)

3. A recorded document fee will be charged for encroachments by structures. Said fee shall be the amount charged by the Coconino County Recorder's office at the time the permit is recorded.

C. PARTICULAR SUBMISSIONS. As part of its permit application, each applicant shall, in addition to the foregoing, provide copies or other proof of the following:

1. Applicable City and state sales tax and business licenses.

2. The Certificate(s) of Insurance and indemnification described in Section 8-03-002-0005.A.2.c hereof.

3. All applicable Health Department approvals that may be required for preparation and serving of food.

4. All other safety related approvals that may be required for the proposed activities.

D. PERMIT PROCESS. Permit applications shall be reviewed and granted by the following process:

1. Permits for encroachments by structures shall require DRB review, which may set additional conditions, as it deems appropriate, before approving the issuance of a permit. Once approved by DRB, and assuming the fulfillment of any further conditions it may have set, the City's Engineering Division will prepare and issue the encroachment permit.

2. All permits shall be signed by the permittee and his/her signature acknowledged. All permits will become effective when countersigned by the City Engineer or his designee. The City shall record all permits for encroachment by structures in the land records of the Coconino County Recorder. All other permits will be filed in the City's Engineering Division.

3. For all encroachments other than encroachments by structures (for which DRB approval is required under Paragraph 1 hereof), the City Engineer or his designee, shall evaluate all permit applications and issue all permits hereunder.

E. APPEALS.

1. Any permit applicant aggrieved by a decision relating to issuance or denial of a permit hereunder may, within twenty-one (21) calendar days of such decision, file a written application with the City Engineer for review of the decision by the City Council.

2. The City Council will hear any such appeals within two (2) regularly scheduled meeting, and either affirm, reverse, or modify the decision regarding such permit application. (Ord 1922, 12/17/96)

(Ord. No. 1952, Amended, 09/02/97)

SECTION 8-03-002-0007 EXISTING ENCROACHMENTS:

A. Any structural encroachment that either:

1. Was constructed in good faith pursuant to a building permit and/or encroachment permit validly issued by the City prior to the effective date of this Ordinance; or

2. Verifiably existed prior to June 13, 1972;

shall be considered permitted hereunder and shall not be subject to the requirements of this Oordinance.

B. All existing encroachments that have not been previously approved by the City are subject to removal, unless an appropriate encroachment permit is

issued therefor upon a submitted and sufficient application within sixty (60) calendar days from the enactment of this Ordinance. The City makes no representation or guarantee that any permit for an existing encroachment will be granted; each will be considered in accordance with the conditions and policies set forth herein.

C. A new encroachment permit will be required for the replacement, expansion or reconstruction of any existing permitted encroachment. (Ord. 1922, 12/17/96)

SECTION 8-03-002-0008 CONFORMITY WITH OTHER ORDINANCES AND PROVISIONS OF THE CITY CODE:

A. This Encroachment Ordinance shall in no way excuse or alleviate the requirements and conditions of any other codes, ordinances, laws, rules or regulations.

B. In the event that any part of this Ordinance shall conflict with any other ordinance or other part of the City Code of the City of Flagstaff in effect at the time of enactment of this Ordinance, then this Ordinance shall prevail, but only to the extent of such conflict. (Ord. 1922, 12/17/96)

DIVISION 8-03-003
VALET PARKING

SECTIONS:

8-03-003-0001	FIXED LOCATION VALET PARKING AND SPECIAL EVENT VALET PARKING PERMITS
8-03-003-0002	APPLICATION FOR PERMIT
8-03-003-0003	PERMIT PROCESSING FEE
8-03-003-0004	BUSINESS LICENSE
8-03-003-0005	INSURANCE
8-03-003-0006	ISSUANCE OR DENIAL OF PERMIT
8-03-003-0007	APPEAL
8-03-003-0008	REVOCATION OR SUSPENSION OF PERMITS
8-03-003-0009	RULES AND REGULATIONS--ADDITIONAL REQUIREMENTS
8-03-003-0010	REQUIREMENTS FOR PERMITTEE'S EMPLOYEES
8-03-003-0011	CONFORMANCE WITH APPLICABLE LAWS
8-03-003-0012	INDEMNIFICATION

8-03-003-0001 FIXED LOCATION VALET PARKING AND SPECIAL EVENT VALET PARKING PERMITS

Public streets and rights-of-way protect individual freedom of travel and the unobstructed flow of commerce. The City of Flagstaff recognizes that the use of public streets and rights-of-way for valet parking, while providing a public benefit to some by making parking more convenient and by potentially making available other on street parking, may also impede travel, interfere with the rights of others and may affect the public safety and create a public nuisance. The City may therefore permit and restrict valet parking operations as a special privilege, not as a matter of right. The approval of any permit for the use of the public right-of-way is on a temporary basis and is not an exclusive use of the public right-of-way. Permittees shall have neither property interest in nor any entitlement to the granting or continuation of any permit for the use of the public right-of-way.

No person or business entity shall engage in, conduct or carry on the activity of valet parking without having obtained a valet parking permit. A valet parking permit is required for providing the service of parking vehicles for persons attending any business, activity or event if that service uses any portion of a public right-of-way as the location for either (i) transferring operation of the vehicle from its driver to the provider of the valet parking service, (ii) parking the vehicle, or (iii) transferring the vehicle to or from the parking location. A violation of this Section is a class one misdemeanor.

A. For the purposes of this Chapter, the following words shall have the following meanings:

1. "Business entity" means a corporation, association, partnership or limited liability company.

2. “Permittee” means any valet parking operator permitted by the City of Flagstaff to provide valet parking.

3. “Public right-of-way” means any area dedicated for public use as a public street, pedestrian way, or other thoroughfare, including but not limited to, streets, roadways, parkways, alleys, sidewalks and pedestrian ways.

4. “Valet parking” means the service of parking vehicles for persons attending any business, activity or event where that service uses any public right-of-way for parking, pick-up, transporting or delivery of vehicles.

5. “Valet parking operator” means any person or business entity engaged in the business of valet parking.

6. "Valet station" means the location utilized by a valet parking operator for the drop-off and pick-up of vehicles.

B. A fixed location valet parking permit shall be required for any valet parking operator who performs valet parking services at a business or place of assembly that utilizes valet parking services on a daily or regularly scheduled basis. Any location which uses valet parking services at least once each week requires a fixed location valet parking permit. Applications for fixed location valet parking permits shall include verification by the owner of an off-street parking garage or lot in which a specified number of parking spaces will be guaranteed for use by the valet parking operator.

C. A special event valet parking permit shall be required for any valet parking operator who performs valet parking services at locations other than those defined as fixed locations in Section 8-03-003-0001 (b). These would include events such as receptions and occasional parties. These permits are not to be used on a regular basis to serve specific businesses or establishments. Special event valet parking permit holders shall provide the Police Department with seven business days' advance written notice of the following: The location of the business or event for which the valet parking services will be performed; the location of the valet station (the valet station may be on a City street but not on a State highway); the location of the off-street parking where vehicles will be parked; a route, approved by the Office of the Traffic Engineer that shows how vehicles will be taken to and from the parking location and the date and hours of the proposed use of the special event valet parking permit. The Police Department shall have the right to prohibit the use of a special event valet parking permit at a given location if it finds that there are insufficient parking spaces in the locale or the permit holder has presented no adequate plan to park the vehicles legally or the route of valet traffic interferes with normal traffic operations. There shall be no appeal from the Department's denial of the use of a special event valet parking permit at a particular location unless the notice of an intended event at a particular location has been given 40 days before the event, in which case appeal shall be in the manner prescribed by Section 8-03-003-0007.

8-03-003-0002 APPLICATION FOR PERMIT

The applicant shall be the valet parking operator if the valet parking will serve a number or cluster of businesses. If the valet parking will serve only a single business, then that business may be the applicant.

Any person or business entity desiring a fixed location valet parking permit or a special event valet parking permit shall file a sworn application with the Tax, License and Revenue Administrator on a form furnished by the Tax, License and Revenue Administrator. If the permit is being sought for a business entity, the business entity shall designate one of its officers or general partners or members as its authorized representative for the purpose of completing the application. The authorized representative shall provide all information and sign all application forms as required for an individual applicant. The applicant shall provide the following information:

A. Name, physical address, mailing address if different than physical address and telephone number of the applicant. If the applicant represents a corporation, the name of the corporation shall also be set forth exactly as shown in its articles of incorporation or charter, together with the State and date of incorporation, and the names and addresses of each of its current officers, directors and each stockholder holding more than ten percent of the stock of that corporation. If the applicant represents a partnership, the name of the partnership shall also be set forth together with a copy of the partnership agreement, if any, and the names and addresses of all partners, including limited partners. If one or more of the partners is a corporation, the provisions of this subsection pertaining to corporations shall apply. If the applicant represents a limited liability company, the name of the limited liability company shall also be set forth together with the names and addresses of all members.

B. If the applicant represents a business entity, the name and mailing address of the business entity's agent for service of process;

C. The previous address of the applicant during the five years immediately prior to the present address of the applicant;

D. Business, occupation, or employment of the applicant for the five years immediately preceding the date of application;

E. History, including address of the operating location of valet parking services provided by the applicant and/or the business entity that the applicant represents for the past five years, including identification of valet parking permits issued, revoked or suspended.

F. The applicant's driver’s license number, if any; whether the driver’s license has ever been revoked or suspended and the reason therefore;

G. Applicant's social security number and date of birth;

H. Whether the applicant has ever been convicted of any of the following crimes: burglary, robbery, theft, receipt of stolen property, breaking or removing parts from a vehicle, malicious mischief to a vehicle, unlawful use or tampering by bailee of a vehicle, altering a vehicle identification number, or any offense related to the use of alcohol, narcotics or controlled substances. If the applicant has been so convicted, a statement must be made giving the place and court in which such conviction was determined, the specific charge under which the conviction was obtained, and the sentence imposed as a result of such conviction;

I. If the valet parking operator intends to operate under a name other than that of the applicant, the name under which it will operate;

J. Such other identification and information necessary to discover the truth of matters hereinbefore specified as required to be set forth in the application;

K. The application will also include a separately signed waiver and release authorizing the City of Flagstaff, its agents and employees to seek information and to conduct an investigation into the truth of the statements made on the application and the qualifications and criminal history record of the applicant.

L. If the application is for a fixed location valet parking permit, the applicant shall also provide the following information:

1. The location of the business or event for which the valet parking services will be performed. The location of the valet station (the valet station may be on a City street but not a State highway). A map of the route that shows how vehicles will be taken to and from the approved off-street parking location. The off-street parking location at which vehicles will be parked and the number of parking spaces available at that location, including days and hours of operation. A copy of agreement between the valet parking operator and the owner of the parking lot designated as the storage facility with a provision that said agreement cannot be terminated without at least sixty days notice to the City by the storage facility owner along with the number and location of spaces reserved for the valet parking operation, the total number of spaces available in the facility with and without valet parking, and if the storage facility is a parking lot required by the City development regulation, the number of spaces required by City code for that facility and the reason that the spaces would not be used by the facility during the hours of valet operation;

2. Evidence that the applicant has notified, in writing, surrounding property owners within a 300-foot radius of the proposed valet parking station.

8-03-003-0003 PERMIT PROCESSING FEE

All applications shall be accompanied by a nonrefundable permit application processing fee in the amount of one hundred fifty dollars ($150.00). Upon receipt of said application, the Tax, License and Revenue Administrator shall refer the application to the Police Department which may interview the applicant, or any other person, and make any other investigation necessary to approve or deny the permit. The application shall also be referred to the Office of the Traffic Engineer to approve or deny the permit. A valet parking permit issued pursuant to this Chapter is not transferable.

8-03-003-0004 BUSINESS LICENSE

At the time of the application for permit, the applicant shall also apply for, and furnish the information necessary to obtain, a business license as required by Flagstaff City Code, Section 3-01-001-0002. No business license shall be

issued until the investigation is completed and the valet parking permit is approved. The business license shall require payment of the business license tax as provided in Flagstaff City Code, Section 3-01-001-0002.

8-03-003-0005 INSURANCE

The permittee shall meet the following insurance requirements throughout the term of any permit issued under this ordinance:

A. Workers' compensation as required by the State of Arizona, but only if the valet parking operator has employees as defined by the Arizona Labor Code.

B. Comprehensive general liability insurance with limits not less than $1,000,000.00 each occurrence, combined single-limit bodily injury and property damage, including contractual liability, personal injury, broad form property damage, products and completed operations coverage.

C. Comprehensive automobile liability insurance with limits not less than $1,000,000.00 each occurrence, combined single limit bodily injury and property damage, including owned, non-owned and hired auto coverage, as applicable.

D. Garage keepers' legal liability insurance with limits not less than $500,000.00 each occurrence, including coverage for fire and explosion, theft of the entire motor vehicle, riot, civil commotion, malicious mischief and vandalism, collision or upset.

E. Comprehensive general liability, comprehensive automobile liability and garagekeepers' legal liability insurance policies shall be endorsed to provide the following:

   1. Name, as additional insureds, the City of Flagstaff, its officers, agents, and employees.

   2. That such policies are primary insurance to any other insurance available to the additional insureds, with respect to any claims arising out of activities conducted under the permit, and that insurance applies separately to each insured against whom claim is made or suit is brought. All policies shall be endorsed to provide 30 days advance written notice to the City of cancellation, nonrenewal or reduction in coverage.

Certificates of insurance, satisfactory to the City, evidencing all coverage above, shall be furnished to the City prior to issuance of a permit, or before commencing any operations under a permit, with complete copies of policies furnished to the City upon request.

8-03-003-0006 ISSUANCE OR DENIAL OF PERMIT

The Police Department, Office of the Traffic Engineer and Tax, License and Revenue Administrator shall approve issuance of a permit if all required information has been furnished and its investigation finds that:

A. The character of the applicant is satisfactory and the applicant is at least 18 years of age;

B. The applicant, within ten years prior to the date of application, has not been convicted of burglary, robbery, theft, receipt of stolen property, breaking or removing parts from a vehicle, malicious mischief to a vehicle, unlawful use or tampering by bailee of a vehicle or altering a vehicle identification number, or within four years of any offense related to the use of alcohol, narcotics or controlled substances;

C. The number of proposed off-street parking spaces is sufficient to ensure that the valet parking operator will not be required to use public parking spaces, and such off-street spaces are not required parking for any other business or use during the time of proposed use for valet parking and that the route of valet traffic does not interfere with normal traffic operations;

D. The applicant has not knowingly, and with intent to deceive, made any false, misleading or fraudulent oral or written statements in his or her application or to any person investigating his or her application;

Upon issuance of the permit by the Tax, License and Revenue Administrator, any special conditions that apply in addition to the requirements of this Chapter and/or exceptions to the requirements of the Code which may be appropriate for the individual valet parking operation shall be noted on the permit.

The permit shall be denied if all of the above findings cannot be made or if all of the information required is not supplied to the City. The permit may be granted subject to receipt of criminal history information. If denied, the reasons therefore shall be endorsed upon the application, and the Tax, License and Revenue Director shall notify the applicant of the disapproval, with a copy of the application upon which the reasons have been endorsed, by first class mail.

8-03-003-0007 APPEAL

In the event a fixed location or special event valet parking permit is denied, the applicant shall have ten days from the date that the notice of denial was mailed within which to appeal to the City Council. The date of mailing, and intermediate Saturdays, Sundays and legal holidays shall be excluded in computing the time period for timely appeal. The notice of appeal shall be in writing and filed with the City Clerk. Notice and public hearing shall be given as follows:

A. Upon receipt of the appeal, the City Clerk shall set the matter for hearing before the Council, set a regular meeting within thirty days from the date of filing the appeal, and shall give written notice of such hearing to the applicant, at his or her address set forth in the appeal, by first class mail at least ten days prior to the meeting;

B. On the date set, the City Council shall hear the matter and may continue the appeal to a later meeting before reaching a decision. If the Council finds that the applicant has satisfactorily met all of the requirements of this Chapter, it shall order the issuance of the permit and business license. If it finds that the requirements have not been satisfactorily met, it shall deny the permit and license.

C. All findings of the Council shall be final and conclusive.

8-03-003-0008 REVOCATION OR SUSPENSION OF PERMITS

Any permit issued under this Chapter shall be subject to suspension or revocation by the City Manager for violation of, or for causing or permitting violation of, any provision of this Code or for any grounds that would warrant the denial of such permits in the first instance.

The Police Department is charged with enforcing the provisions of this Section and with investigating complaints against the permittee or its provision of valet parking services, and shall recommend to the City Manager the revocation or suspension of the permit as warranted by the investigation. The Police Department may temporarily suspend a valet operation, if in the opinion of the Department, the operation constitutes an imminent threat to public health or safety, until the operator takes such action as to adequately eliminate that threat. The Police Department shall inform the City Manager of any such temporary suspension and its resolution. A record of repeated temporary suspension will be sufficient cause for the City Manager to suspend or revoke the permit.

A permit may be revoked or suspended by the City Manager if:

A. The permittee, or its agents or employees, through carelessness, negligence or failure to make proper provision for the safeguarding of vehicles left in their custody, has facilitated or contributed toward the theft or conversion of any such vehicle; or

B. The permittee, or its agents or employees, has failed to cooperate with the Flagstaff Police Department in the investigation of any crime or traffic accident committed on a parking lot used by or which arose out of the conduct of the business for which the permit was issued; or

C. The permittee, or its agents or employees, knowingly delivered a vehicle in their custody to a person who is neither the registered owner thereof nor entitled to the custody of such vehicle;

D. The permittee is found to have made material misrepresentations in its application;

E. The valet operation prescribed by the permittee has substantially impacted traffic or disrupted the peace and quiet within the area of the City;

F. The valet operation at the specified locations is found to be incompatible with other users in the vicinity;

G. The permittee has violated any condition of a previous or existing valet parking permit within the City of Flagstaff during the past five years;

H. The permittee fails to comply with other criteria designated under this Chapter for the issuance of a permit or violates rules and regulations set forth;

I. The building, structure, premises or equipment used by the permittee to conduct business fails to comply with all applicable health, zoning, fire, building and safety laws of the State of Arizona or the City of Flagstaff.

Prior to the suspension, other than a temporary suspension ordered by the Police Department, or revocation of any permit issued under this Chapter, the permittee shall be entitled to a hearing before the City Manager or his designated representative, at which time evidence will be received for the purpose of determining whether or not such permit shall be suspended or revoked or whether the permit may be retained. In the event the permit is suspended or revoked, the reasons for such suspension or revocation shall be set forth in writing and sent to the permittee by first class mail.

In the event of suspension or revocation of any permit, the permittee may appeal to the City Council in the manner as provided in Section 8-03-003-0007.

8-03-003-0009 RULES AND REGULATIONS--ADDITIONAL REQUIREMENTS

A. The Community Development Director is hereby authorized to promulgate rules, regulations and conditions as may be deemed necessary for operation of valet parking services beyond those outlined in this Section. Failure to comply with such rules, regulations and conditions or with any other requirements imposed by this ordinance, shall constitute grounds for revocation of a permit.

B. The permittee shall maintain the valet parking permit and vehicle route diagram at the approved valet station, and shall produce the valet parking permit for inspection by any public officer or member of the public upon request.

C. A valet station upon a public street shall only be at the City-approved location set forth in the permit. Valet station locations shall be a minimum of two adjacent parking spaces. At no time shall vehicles be accepted for valet parking when stopped in a traffic lane, nor shall vehicles be returned to customers in a traffic lane. The operator needs to employ a combination of personnel and on-street parking spaces sufficient to provide a level of service so that waiting customers do not block the through traffic lanes of the street.

D. If a valet station is approved under a fixed location valet parking permit, the Office of the Traffic Engineer shall sign such approved valet station with a no parking sign except for valet with the hours and days of operation of the valet service. The curb in the valet station shall also be painted by the City of Flagstaff with a color to be approved by the Traffic Engineer. If a valet station is approved under a special event valet parking permit, the permittee shall provide a portable, no parking except for valet sign, approved by the Office of the Traffic Engineer, with the hours and days of operation of the special event valet service. The Office of the Traffic Engineer shall determine when and where the portable sign will be placed. Vehicles parked illegally in a valet station during its approved days and hours of operation shall be subject to applicable fines and removal as allowed by City rules and regulations.

E. The permittee shall provide a portable sign at the valet station which shall be removed at the close of business each day/night and secured off of any City right-of-way. The sign shall be clearly legible from a distance of six feet and include the following information: name of the valet parking operator, contact phone number, hours of operation, a time when a car must be picked up by, the fee charged for the valet parking service and the City valet parking permit number. Said sign shall not be located in such a manner as to block a pedestrian or vehicular path. The valet parking operator must designate on its application the location of the valet station, sign and any other equipment such as a key box, umbrellas etc. The physical placement of these items must comply with the other requirements of the City’s encroachment permits, and shall be such that a clear, at least five-foot wide path for pedestrians is retained on the sidewalk.

F. At no time shall a valet parking permittee use any public parking space on any street for valet parking. Unless expressly approved by the City Council, no valet parking permittee shall use for valet parking any public parking space located in a parking lot owned or operated by the City.

G. The permittee shall, upon the receipt of each motor vehicle accepted for valet parking, give to the owner or driver a claim check for said motor vehicle; said claim check shall show the corporate or business name of the permittee and shall explicitly state the terms and conditions under which the vehicle is being accepted. The permittee shall notify the Flagstaff Police Department within 24 hours if a vehicle is not removed from the storage lot.

H. No vehicle in the permittee's care may be parked in the valet station for more than 15 minutes.

I. The permittee shall, within 10 days of the change of location of its off-street parking location, or change in the name of the permittee entity, or change in one or more partners or officers, or change in the ownership of ten percent (10%) or more of the corporate stock, inform the Tax, License and Revenue Administrator, in writing, of such change. If there is a change in ownership, the Tax, License and Revenue Administrator may require a new application processing fee as listed in this Chapter. The permit change can be denied for any of the reasons listed in this Chapter. A change in location will require a new traffic routing diagram to be submitted along with a copy of the new agreement for use of the new location for storage. The Tax, License and Revenue Administrator can deny any changes based on the rules and regulations outlined in this Chapter.

J. Valet parking is a tertiary use of the public right-of-way. It is subordinate to the primary use of the street for general public circulation and safety, and to the secondary use of the public right-of-way for other permitted encroachments and special events. In particular, at times, the holder of a valet parking permit may not be able to use the designated spaces and sidewalk area identified in the permit if all or some of the same area is required for a different temporary encroachment or for a special event. This could include such things as construction activities, dumpsters, street events or parades.

K. The valet parking permit does not guarantee vehicular access to either the parking spaces or parking lot through the primary or any secondary routes because same may be blocked for a special event, construction or emergency.

8-03-003-0010 REQUIREMENTS FOR PERMITTEE'S EMPLOYEES

A. Every permittee shall maintain a continuously updated list of the names and residence addresses and current driver's license numbers of all of its employees who perform valet parking. Such list shall be maintained at the business address listed on the permit application, and shall be exhibited on demand to any peace officer.

B. It shall be unlawful for any employee to perform valet parking if within the past ten years the person has been convicted of burglary, robbery, theft, receipt of stolen property, breaking or removing parts from a vehicle, malicious mischief to a vehicle, unlawful use or tampering by a bailee of a vehicle or altering a vehicle identification number, or if within the past four years has been convicted of any offense related to the use of alcohol, narcotics or controlled substances.

C. Every employee of a permittee who performs valet parking shall wear conspicuously, upon his or her person, a badge to be provided by the permittee. The Tax, License and Revenue Administrator must approve the type, design and size of the badge. Such badge shall contain the name and photo of the employee along with the name of the valet service. In addition, while performing valet parking services, each employee shall wear a brightly colored vest, shirt, or jacket that is readily visible to drivers of motor vehicles.

D. Every employee who moves customers’ cars shall have a valid Arizona Driver’s License.

8-03-003-0011 CONFORMANCE WITH APPLICABLE LAWS

Nothing in this ordinance is intended to authorize, or authorizes, the parking of motor vehicles by valet parking operators in a manner contrary to applicable State laws and local parking and traffic regulations.

8-03-003-0012 INDEMNIFICATION

The permittee agrees to indemnify, hold harmless, release and defend (even if allegations are false, fraudulent or groundless), to the maximum extent permitted by law, and covenants not to sue, the City of Flagstaff, its Council and each member thereof and its officers, employees, board and commission members and representatives, from any and all liability, loss, suits, claims, damages, costs, judgments, and expenses (including attorney’s fees and costs of any litigation) which in whole or in part result from, or arise out of: (1) any use or performance under the permit; (2) the activities and operations of the permittee and his or her employees, subcontractors or agents; (3) any condition of property used in the operation; or (4) any acts, errors or omissions (including without limitation, professional negligence) of the permittee and his or her employees, subcontractors or agents in connection with the valet parking operation. (Ord. 2003-16, 10/07/03)

CHAPTER 8-04
TREES AND SHRUBBERY

SECTIONS:

8-04-001-0001 **TREES TO BE TRIMMED:**
8-04-001-0002 **HEDGES AND SHRUBBERY:**
8-04-001-0003 **INJURY TO TREES AND/OR SHRUBBERY:**
8-04-001-0004 **TREES OUTSIDE OF PROPERTY LINE:**

SECTION 8-04-001-0001 TREES TO BE TRIMMED:

Any owner of any real property shall trim all trees on property owned or occupied by him. overhanging any public thoroughfare, so that the branches thereon will not interfere with pedestrians or public travel.

SECTION 8-04-001-0002 HEDGES AND SHRUBBERY:

Any owner or occupant of any real property shall maintain all hedges and shrubbery adjacent to public sidewalks so that no part of said hedges and/or shrubbery shall extend over any part of a public sidewalk in the City

SECTION 8-04-001-0003 INJURY TO TREES AND/OR SHRUBBERY:

It is hereby declared unlawful for any person not the owner thereof or without lawful authority so to do, wilfully to injure, deface, disfigure or destroy any tree or shrub, or to injure, destroy, cut or pick any flower or plant, located either on private ground or on any public place or thoroughfare.

SECTION 8-04-001-0004 TREES OUTSIDE OF PROPERTY LINE:

The City Council is hereby provided full and complete control over all trees which are outside the property lines of privately owned real property. (1960 Code)

CHAPTER 8-05
REGULATIONS GOVERNING LAKE MARY

SECTIONS:

8-05-001-0001 **JURISDICTION DECLARED:**
8-05-001-0002 **PICNICKING; CAMPING NEAR UPPER LAKE MARY:**
8-05-001-0003 **CAMPING NEAR LOWER LAKE MARY:**
8-05-001-0004 **COMMERCIAL FACILITIES:**
8-05-001-0005 **FISHING, HUNTING:**
8-05-001-0006 **BOATING:**
8-05-001-0007 **LITTERING LAKE AREA:**

SECTION 8-05-001-0001 JURISDICTION DECLARED:

Whereas, by authority vested in the City by that certain Special Use Permit issued by the United States Forest Service and section 16-601, Arizona Code of 1939 (A.R.S. 9-276), and amendments and supplements thereto, covering administration of and jurisdiction over the public use of those certain lakes known as Upper Lake Mary and Lower Lake Mary, and the shoreline of the same for a distance of five hundred feet (500') from the high water level of the same, said Lakes being within Sections 1 and 2, Township 19 North, Range 8 East, Section 5, 6, 7, 8, 9, 16 and 17, Township 19 North, Range 9 East; Section 17 and the NE1/4, NW1/4, SW1/4, E1/2, of Section 18 and Sections 19, 20, 21, 22, 26, 27, 28, 34, 35 and 36, Township 20 North, Range 8 East; and Section 31, Township 20 North, Range 9 East of the Gila and Salt River base and meridian, jurisdiction of the City is hereby declared to exist.

SECTION 8-05-001-0002 PICNICKING; CAMPING NEAR UPPER LAKE MARY:

Picnicking and camping within that areas embracing Upper Lake Mary described in Section 8-5-1 above and under the jurisdiction of the City are hereby prohibited, excepting within those designated and developed recreation or camping areas as shown on the U.S. Forest Service Map and Plan on file in the office of the Clerk and in the office of the Supervisor of the Coconino National Forest in Flagstaff, Arizona.

SECTION 8-05-001-0003 CAMPING NEAR LOWER LAKE MARY:

Camping within that area embracing Lower Lake Mary as described in Section 8-5-1 above and under the jurisdiction of the City is hereby prohibited, excepting within those designated and developed camping areas as shown on the U.S. Forest Service Map and Plan on file in the office of the Clerk and in the office of the Supervisor of the Coconino National Forest in Flagstaff, Arizona.

SECTION 8-05-001-0004 COMMERCIAL FACILITIES:

Commercial facilities and business enterprises of all natures are hereby prohibited, excepting within one resort and two (2) boat landing areas as are shown and located on the U.S. Forest Service Map and Plan described in Sections 8-5-2 and 8-5-3 of this Chapter.

SECTION 8-05-001-0005 FISHING, HUNTING:

Fishing and hunting and all other forms of public recreation are hereby prohibited within the area of the Lake approximately three hundred (300) yards above the dam at Lower Lake Mary and within the area of the Lake approximately four hundred forty (440) yards above the dam at Upper Lake Mary, as said areas are marked and posted by the City.

SECTION 8-05-001-0006 BOATING:

Boating for the purposes of fishing or other forms of recreation or pleasure is hereby prohibited within the restricted areas as described in Section 8-5-5 above.

SECTION 8-05-001-0007 LITTERING LAKE AREA:

The throwing, placing or disposing of any paper, trash of any nature, vegetable or animal matter of any nature, human excretion or waste of any nature, or rubbish of any nature within any of the areas described in Section 8-5-1 herein, excepting within containers labeled for that purpose within the areas set forth in Section 8-5-4 of this Chapter is hereby prohibited. (Ord. 385, 7-18-52)

CHAPTER 8-06
AIRPORT RULES AND REGULATIONS

SECTIONS:

8-06-001-0001	PURPOSE
8-06-001-0002	DEFINITIONS
8-06-001-0003	PERMISSION TO USE AIRPORT CONDITIONAL; DENIAL OF PERMISSION; USE OF AIRPORT PROPERTY
8-06-001-0004	GENERAL CONDITIONS OF AIRPORT USE
8-06-001-0004.1	REVENUE-PRODUCING COMMERCIAL ACTIVITIES AT THE AIRPORT
8-06-001-0004.2	PROHIBITED ACTS
8-06-001-0004.3	PERIPATETIC NON-COMMERCIAL EXPRESSIVE ACTIVITY
8-06-001-0004.4	USE OF PUBLIC ROADS AND WALKWAYS
8-06-001-0004.5	PAYMENT OF CHARGES
8-06-001-0004.6	ASSIGNMENT OR SUBLET OF PROPERTY
8-06-001-0004.7	USE OF LANDING AREA, RAMP AND APRON AREA
8-06-001-0004.8	USE OR OCCUPANCY OF OPERATIONAL AREAS
8-06-001-0004.9	USE OF SHOP AREAS
8-06-001-0004.10	DAMAGES TO AIRPORT PROPERTY
8-06-001-0004.11	FIRE EQUIPMENT
8-06-001-0004.12	STORAGE AND EQUIPMENT
8-06-001-0004.13	STRUCTURAL AND DECORATIVE CHANGES
8-06-001-0004.14	AIRPORT LIABILITY
8-06-001-0004.15	TRASH CONTAINERS
8-06-001-0004.16	FIREARMS AND EXPLOSIVES (See 8-06-001-0008.10)
8-06-001-0004.17	DOGS AND OTHER ANIMALS
8-06-001-0004.18	COMMERCIAL PHOTOGRAPHY
8-06-001-0004.19	AIRPORT USE LIMITED TO AVIATION RELATED ACTIVITIES
8-06-001-0004.20	INDEMNIFICATION CLAUSE
8-06-001-0004.21	OPERATING LOCATIONS FOR SCHEDULED AIR CARRIERS.
8-06-001-0004.22	CONTROL DURING EMERGENCIES
8-06-001-0004.23	RULES AND REGULATIONS
8-06-001-0005	AIRCRAFT RULES
8-06-001-0005.1	CATEGORIES OF AIRCRAFT
8-06-001-0005.2	AUTHORITY TO CLOSE THE AIRPORT; PROHIBIT, DELAY, OR RESTRICT LANDINGS AND TAKEOFFS
8-06-001-0005.3	NEGLIGENT OPERATIONS PROHIBITED
8-06-001-0005.4	OPERATION OF MOTORLESS AIRCRAFT
8-06-001-0005.5	AIRCRAFT ENGINE GROUND OPERATIONS
8-06-001-0005.6	CLEARANCE OF LANDING RUNWAY
8-06-001-0005.7	AIRCRAFT ACCIDENTS
8-06-001-0005.8	AEROBATIC FLIGHT
8-06-001-0006	VEHICLE OPERATION, PARKING, AND PEDESTRIAN TRAFFIC REGULATION
8-06-001-0006.1	RESTRICTION AS TO OPERATION OF VEHICLES
8-06-001-0006.2	LOADING OR UNLOADING PASSENGERS, CARGO OR EQUIPMENT FROM A MOTOR VEHICLE
8-06-001-0006.3	VEHICLE PARKING RESTRICTIONS - A.R.S. §28-644
8-06-001-0006.4	MOTOR VEHICLE OPERATING IN OR ON THE AIRCRAFT MOVEMENT AREA - REQUIRED EQUIPMENT
8-06-001-0006.5	REPAIR OF MOTOR VEHICLES
8-06-001-0006.6	AUTHORITY TO REMOVE VEHICLES
8-06-001-0006.7	PROCEDURE IN CASE OF MOTOR VEHICLE ACCIDENT
8-06-001-0006.8	SOLICITING RIDES
8-06-001-0006.9	MOTOR VEHICLE REQUIREMENTS; DEFINITION; PENALTY
8-06-001-0006.10	REGULATIONS FOR BICYCLES
8-06-001-0006.11	SAFETY; ENTRANCE INTO RESTRICTED AREAS

8-06-001-0006.12 MOTORIZED EQUIPMENT
8-06-001-0007 COMMERCIAL GROUND TRANSPORTATION VEHICLE RULES AND REGULATIONS
8-06-001-0007.1 PERMIT DECAL; TRANSFER; UNLAWFUL DISPLAY
8-06-001-0007.2 PERMIT REQUIRED; APPLICATION; EXPIRATION
8-06-001-0007.3 RULES AND REGULATIONS
8-06-001-0007.4 COMPLIANCE
8-06-001-0007.5 NATURE OF PERMITS
8-06-001-0007.6 TERMINATION
8-06-001-0007.7 REVOCATION BY THE CITY MANAGER; ORDER TO SHOW CAUSE REQUIRED; EFFECT OF SUSPENSION; EFFECT OF REVOCATION:
8-06-001-0007.8 OUT OF SERVICE GROUND TRANSPORTATION VEHICLE VIOLATIONS; RETURN TO SERVICE
8-06-001-0007.9 APPEAL
8-06-001-0007.10 UNLAWFUL ACTS
8-06-001-0007.11 FEES:
8-06-001-0007.12 EXEMPTIONS:
8-06-001-0008 TENANT OBLIGATIONS
8-06-001-0008.1 HANGAR STORAGE
8-06-001-0008.2 SANITATION
8-06-001-0008.3 PRESERVATION OF PROPERTY
8-06-001-0008.4 INTERFERING OR TAMPERING WITH AIRCRAFT
8-06-001-0008.5 ABANDONING PERSONAL PROPERTY
8-06-001-0008.6 CLEANING AND PAINTING AIRCRAFT
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8-06-001-0009 AIRCRAFT SERVICING
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8-06-001-0009.3 FIRE EXTINGUISHERS AVAILABLE
8-06-001-0009.4 SELF-FUELING; COMMERCIAL SELF-FUELING
8-06-001-0009.5 REFUELING & DEFUELING AIRCRAFT; DISPENSARY
8-06-001-0010 FBO & SPECIALTY SHOP - MINIMUM STANDARDS
8-06-001-0011 RATES & CHARGES
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8-06-001-0011.3 EXEMPTIONS
8-06-001-0011.4 AERONAUTICAL COMMERCIAL USE PERMITS; COMMERCIAL USE PERMIT
8-06-001-0011.5 PERMIT REQUIRED; APPLICATION; EXPIRATION
8-06-001-0011.6 COMMERCIAL USE PERMIT FEES
8-06-001-0011.7 PARKING AND REMAIN OVERNIGHT FEES
8-06-001-0011.8 TERMINATION BY THE CITY COUNCIL
8-06-001-0011.9 REVOCATION BY THE AIRPORT MANAGER; ORDER TO SHOW CAUSE REQUIRED; APPEAL TO CITY MANAGER
8-06-001-0011.10 GENERAL AVIATION AIRCRAFT STORAGE CHARGES; PERMIT
8-06-001-0012 FLAGSTAFF PULLIAM AIRPORT COMMISSION
8-06-001-0012.1 POWERS AND DUTIES
8-06-001-0013 ZONING
8-06-001-0013.1 DEFINITION OF AIRPORT AVIGATION EASEMENT AND OVERFLIGHT ZONE
8-06-001-0014 PENALTIES
8-06-001-0014.1 PERSONAL PROPERTY POSSESSORY LIEN – A.R.S. Section 33-1023
8-06-001-0015 CONFLICTING REGULATIONS
8-06-001-0016 AMENDMENTS
8-06-001-0017 SEVERABILITY

8-06-001-0001 PURPOSE

The Flagstaff City Council (City Council) has adopted these Airport Rules and Regulations (AR&R) as a City Ordinance. The AR&R are intended to ensure the safe, orderly and efficient operation of the Airport. The Airport is owned and operated by the City of Flagstaff. The Flagstaff Airport Commission (Commission) is organized under the City of Flagstaff Charter and serves in an advisory capacity to the City Council, the City Manager and the Airport Manager. The AR&R shall grant authority and responsibility for daily Airport management to the Airport Manager. Policymaking decisions concerning Airport management under the AR&R shall be made by the City Council after review and recommendation by the Commission.

When an emergency exists at the Airport, the Airport Manager is authorized to issue such directives and take such action as deemed necessary to protect people, property and assets to ensure the safe operation of the Airport. Such directives and actions of the Airport Manager shall have the authority of law as long as the emergency exists.

Should any part of the AR&R conflict with Federal, State or other local law, statute, ordinance or regulation, then that government authority shall take precedence. The AR&R shall in no way supersede or abrogate Federal regulations set forth in 17 CFR Part 139 (Certification and Operations of Airports) or 49 CFR Part 1542 (Airport Security).

If any provision of the AR&R is held to be invalid by any court of competent jurisdiction, the remainder shall remain valid and in full force and effect. Future amendments, additions, deletions, or corrections to the AR&R shall be incorporated into the AR&R as required and directed by the Flagstaff City Council.

8-06-001-0002 DEFINITIONS

The following words and phrases whenever used in this Chapter shall be construed as defined in this Section unless from the context a different meaning is intended, or unless a different meaning is specifically contained within 49 USC § 40101 et seq. or Title 14 CFR Chapter I. (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.

A. *Accident* shall mean a collision between or involving an aircraft or a vehicle~~,~~ and an aircraft, vehicle, person, stationary or movable object or other personal property~~—~~which results in property damage, personal injury, or death; or an entry into or emerging from a moving or stationary aircraft or vehicle by a person which results in personal injury or death to such person or some other person, or which results in property damage.

B. *The Administrative Rules* shall mean such necessary administrative rules and regulations and amendments thereto as promulgated by the City Manager, that may be necessary to carry out the provisions of the AR&R.

C. *Air Terminal* shall mean that central or primary facility or facilities in which Airport passengers, air cargo and general aviation activities are accommodated, housed and processed.

D. *Air Traffic* shall mean aircraft operating in the air or on an Airport surface, exclusive of loading ramps and parking areas.

E. *Air Transportation* shall mean interstate, intrastate, overseas, or foreign air transportation or the transportation of mail by aircraft.

F. *Aircraft* shall mean a device that is used or intended to be used for flight in the air.

G. *Aircraft Movement Area* shall mean any portion of the Airport specifically meant for the ground operation of an aircraft including, runway(s) and primary taxiway(s) or as defined in the Letter of Agreement between the Airport Control Tower and the Airport Manager.

H. *Aircraft Operations* shall mean an aircraft landing, takeoff or taxi maneuver.

I. *Aircraft Parking and Storage Area* shall mean and refer to the areas of the Airport to be used for aircraft parking and storage of aircraft, or areas for the servicing of aircraft with fuel, lubricants, and other supplies, or for making minor or emergency repairs or alterations to aircraft, or for any or all such other purposes as may be necessary.

J. *Airport* shall mean an area of land or water that is used or intended to be used for the landing and takeoff of aircraft and includes its buildings and facilities. For the purposes of the AR&R, “Airport” or “Airport premises” shall mean all of the areas comprising Flagstaff Pulliam Airport which are owned by the City of Flagstaff and are now existing or as the same may hereafter be expanded and developed.

K. *Airport Elevation* shall mean the established elevation of the highest point on the usable landing area.

L. *Airport Layout Plan* shall mean Flagstaff Pulliam Airport Layout Plan as approved by FAA.

M. *Airport Reference Point* shall mean the point established as the approximate geographic center of the Airport and so designated.

N. *Airport Manager* shall mean the appointee of the City of Flagstaff or his designee.

O. *Business or Concession* shall mean any person or entity that sells, offers for sale, or furnishes any commodity, article, facility or service for the production of revenue on the Airport premises.

P. *Cargo* shall mean personal property transported or intended to be transported by air transportation.

Q. *City* shall mean and have reference to the City of Flagstaff, Arizona, a municipal corporation organized and existing under and by virtue of the laws of the State of Arizona.

R. *City Facility* shall mean any real property with improvements owned or leased by the City of Flagstaff.

S. *City Manager* shall mean~~s~~ the City Manager of the City of Flagstaff or his designee.

T. *Commercial Activity* shall mean the conduct of any aspect of a business or concession on the Airport premises for the production of revenue.

U. *Commercial Ground Transportation* shall mean:

1. Motorcoach: Any vehicle for hire capable of carrying sixteen (16) or more persons with pre-contracted passengers which makes more than three (3) stops per year at a City Facility.
2. Courtesy Vehicle: Any vehicle operated by a commercial enterprise for the purpose of transporting passengers to and from the commercial enterprise for which no specific fare is charged.
3. Loading or Picking up: The actions of an operator of a commercial ground transportation vehicle making such vehicle available for hire for transporting a passenger or passengers from any City Facility to another location.
4. Taxicab, Limousine: Any vehicle which is not a motorcoach or time scheduled or tour van and transports passengers for hire.
5. Time Scheduled or Tour Van: Any vehicle for hire capable of carrying fifteen (15) or fewer persons with pre-contracted passengers.
6. Unloading or Dropping Off: The actions of an operator of a commercial ground transportation vehicle in delivering any passenger or passengers to a City Facility.~~.~~

V. *Council* or City *Council* shall mean the City Council of the City of Flagstaff, Arizona.

W. *Driver* shall mean any person who operates a ground transportation motor vehicle.

X. *Fixed Base Operator* (FBO) shall mean~~s~~ a person, firm, corporation, or other entity that, subject to the provisions of a lease, is providing or offering general aviation services to the public.

Y. *Flagstaff Airport* shall mean Flagstaff Pulliam Airport.

Z. *Flying Club shall* mean any non-profit partnership or non-profit corporation. Each club member shall be a bona fide owner of a part of the aircraft or a share in the corporation. The club shall not derive greater revenue from the use of its aircraft than the amount necessary for the operation, maintenance and replacement of its aircraft. Flying Clubs shall be considered Commercial Activities if they involve money, salaries, gift, barter or revenues.

AA. *Fuel Dispensary* shall mean the authorized storage, transfer or other handling of aviation petroleum products in quantities greater than ten (10) U.S. gallons.

BB. *Fuel Handling* shall mean the transportation, delivery, fueling, and draining of fuel or fuel waste products.

CC. *Fuel Storage Area* shall mean and include any portions of the Airport designated, temporarily or permanently, by the Airport Manager as an area in which gasoline, and any other type of fuel, may be stored or loaded.

DD. *General Aviation Specialty Shop Services* shall mean:

1. Air Taxi - non-scheduled air transportation of passengers and/or cargo under FAA Regulations.

2. Aircraft Accessories - sales, services, repair, exchange and installation of new and used aircraft accessories such as alternators, generators, starters, and oil coolers.

3. Aircraft instrument and accessory sales and repair service said services shall include aircraft radio and electronic repair sales and service.

4. Aircraft Maintenance - inspection, repair, service, modification and replacement of airframes, powerplants, components and accessories.

5. Aircraft Parts - purchase, sales and exchange of new, used or rebuilt aircraft parts, accessories, equipment or tools at retail or wholesale.

6. Aircraft Refinishing - installation, replacement, modification or repair of aircraft interior upholstery and furnishings, and aircraft painting.

7. Aircraft Rental - allowing the use of aircraft in return for payment.

8. Aircraft Sales - purchase, sales, exchange and brokerage of new and used aircraft.

9. Commuter Airline - published scheduled air transportation of passengers and/or cargo between two or more points at least five trips per week, operating under FAA Regulations.

10. Contract Operations - special contractual services such as helicopter sling operations, firefighting, cloud seeding and air sampling.

11. Pilot Training - instruction by qualified ground school and flight instructors to prepare students to take written, oral and flight examinations for a pilot’s license, aircraft rating or periodic review; and aircraft rental for dual or solo flight training, pilot proficiency and currency.

12. Any other activities as approved in writing by the Airport Manager.

EE. *Instrument Runway* shall mean~~s~~ a runway equipped with electronic and/or visual air navigation aids adequate to permit the landing of aircraft under restricted visibility conditions.

FF. *Itinerant Operations* shall mean all aircraft arrivals and departures other than local operations.

GG. *Landing Areas* shall mean any locality either of land or water, including airports and intermediate landing field, which are used, or intended to be used, for the landing and takeoff of aircraft, whether or not facilities are provided for the shelter, servicing or repair of aircraft, or for receiving or discharging passengers or cargo.

HH. *Loading Gate* shall mean that space reserved for the loading and unloading of aircraft.

II. *Loading Ramp* shall mean the area used to aid in the loading and unloading of aircraft.

JJ. *Loading Zone* shall mean that space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers, baggage or materials.

KK. *Local Aircraft Operations* shall mean: aircraft operating in the local traffic pattern or within sight of the tower; aircraft that are known to be departing for or arriving from flight in local practice areas located within a twenty mile radius of the control tower; and/or aircraft making simulated instrument approaches or low passes at the Airport.

LL. *Minimum Standards* shall mean requirements to be met for leasing of space and conducting business at Pulliam Airport.

MM. *Motor Vehicle* shall mean any device, licensed or within which any person is or may be transported upon a public highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

NN. *Newsrack Vending Machine* shall mean an enclosed newspaper dispensing box in which a single newspaper publication is sold or distributed. Newsrack vending machine(s) shall be placed, installed, used and maintained pursuant to the Airport Manager’s directive.

OO. *Newspaper Vendor* shall mean any newspaper company, publisher, distributor, or owner of a newsrack who is distributing and/or selling newspapers through newsrack vending machines at the Airport pursuant to the AR&R.

PP. *Non-Conforming Use* shall mean any structure, tree, or use of land lawfully existing as of the effective date of the AR&R, which does not conform to a regulation prescribed in the AR&R or an amendment thereto, as of the effective date of such regulation.

QQ. *Non-Instrument* runway shall mean~~s~~ an aircraft runway other than an instrument runway.

RR. *Off-Airport Vehicle Rental Company Courtesy Vehicle shall* mean any motor vehicle that is regularly operated by or on behalf of a vehicle rental company, or by any other person or business entity, for the purpose of transporting customers and baggage between the Airport and any vehicle rental facility located off the Airport where no direct fee is paid by the person or baggage transporter for the service so rendered and where such rental facility is owned and/or operated by a person or business entity not otherwise leasing Airport terminal counter space from the City.

SS. *Operator* shall mean the person, or entity in care, custody or control of an aircraft or vehicle.

TT. *Operational Area* shall mean any place on an airport not leased to any person or entity for exclusive occupancy.

UU. *Owner* shall mean a person or entity who holds the legal title to or right to possess an aircraft, a vehicle or personal property on the Airport premises.

VV. *Park* or *Parking* shall mean an aircraft, bicycle or similar vehicle, or motor vehicle standing or stored on the Airport premises attended or unattended.

WW. *Pedestrian* shall mean any person afoot or using a mobility assisting device.

XX. *Permission* or *Permit* shall mean permission granted by the Airport Manager unless otherwise herein specifically provided.

YY. *Permittee* shall mean any person, partnership, association, firm or corporation operating or conducting business on the Airport premises under a commercial permit. A "Permittee" shall be vicariously liable for repeated violations by any person acting under the color and authority of the Permittee.

ZZ. *Person* shall mean an individual, firm, partnership, corporation, company, association, joint stock association or body politic and includes a trustee, receiver, assignee, administrator, executor, guardian or other representative.

AAA. *Pilot* shall mean the person responsible for the operation and control of an aircraft.

BBB. *Police Officer* shall mean any officer of the Police Department of the City of Flagstaff or any other peace officer.

CCC. *Public Use Areas* shall mean those areas of the Airport premises normally used by the general public. These areas include concessionaire shops, restrooms, passenger terminal lobbies, passenger concourses, hallways, passage ways, public transportation waiting areas, viewing areas, roads, sidewalks and public motor vehicle parking lots.

DDD. *Roadway* shall mean any street or roadway whether improved or unimproved, whether dedicated or not, within the boundaries of the Airport premises set aside or designated for use by vehicles.

EEE. *Runway* shall mean the paved strip of ground established for the landing and taking off of aircraft.

FFF. *Safety Regulations* shall mean the Federal Motor Carrier Safety Regulations as adopted by the State of Arizona pursuant to Title 17, Chapter 5, Article 2 of the Official Compilation of Administrative Rules and Regulations and any amendments thereto.

GGG. *Scheduled Air Carrier* shall mean any carrier who engages in published, scheduled air transportation of passengers and/or cargo between two or more points at least five trips per week operating under provisions of Part 121 of FAA Regulations.

HHH. *Scheduled Vehicle* shall mean a ground transportation vehicle picking up a passenger or passengers at the Airport on a pre-arranged, contractural basis.

III. *Structure* shall mean an object constructed or installed by man, including, but without limitation to, buildings, towers, smokestacks and overhead transmission lines.

JJJ. *Traffic* shall mean pedestrians and vehicles, either singly or together, while using any Airport area.

KKK. *Unscheduled Charter Air Carrier* shall mean any air carrier who engages in the air transportation of passengers and/or cargo under provisions of FAA Regulations.

LLL. *Unscheduled Vehicle* shall mean a ground transportation vehicle picking up a passenger or passengers on the Airport premises other than on a prearranged basis.

MMM. *Vehicle* shall mean a device in, upon or by which any person or property is, or may be, propelled, moved or drawn upon a roadway or other ground surface.

NNN. *Vehicular Parking Area* shall mean and include any portion of the Airport designated and made available, temporarily or permanently, by the Airport Manager for the parking of vehicles.

OOO. *Walkway* shall mean any sidewalk, crosswalk, ramp, deck, concourse, lobby area or other such area designed for pedestrian traffic.

8-06-001-0003 PERMISSION TO USE AIRPORT CONDITIONAL; DENIAL OF PERMISSION; USE OF AIRPORT PROPERTY

A. Permission to Use the Airport

Any permission granted by the City of Flagstaff directly or indirectly, expressly or by implication, to enter upon or use the Airport or any part thereof, including but not limited to, operators, off-Airport users, crew members and passengers, spectators, sightseers, pleasure and commercial vehicles, officers and the employees of airlines, lessees and persons occupying space at the Airport, persons doing business with the Airport, its lessees, sublessees and permittees and all other persons whatsoever, whether or not of the type indicated, is conditioned upon compliance with the AR&R and entry upon or onto the Airport by one person shall be deemed to constitute an agreement by such person to comply with the AR&R.

B. Conformance with FAA Rules and Regulations

No person shall navigate, land aircraft upon, or conduct any aircraft operations on or from the Airport otherwise than in conformity with FAA Rules and Regulations.

C. Authority to Establish Local Procedures

In addition to requirements of the Federal Aviation Administration, and the Arizona Department of Transportation, Division of Aeronautics, the City of Flagstaff may impose such additional rules and regulations relative to the use and operation of the Airport as established by the City Council. If such additional rules and regulations are established, they shall be published, posted, and/or otherwise made available for public inspection at reasonable times and places.

D. Denial of Use

The City of Flagstaff, through its Airport Manager as staff agent for the City, reserves the right to deny any or all usage of the Airport to any person or persons. The Airport Manager shall serve the notification and may deny the use and privileges of the Airport to any person violating any of the AR&R, subject to appeal through channels to the City Council.

E. Conformance of Fire Code

All tenants and operators on the Airport premises shall conform to applicable provisions of the current Uniform Fire Code as adopted by the City of Flagstaff.

8-06-001-004 GENERAL CONDITIONS OF AIRPORT USE

8-06-001-0004.1 REVENUE-PRODUCING COMMERCIAL ACTIVITIES AT THE AIRPORT

No person shall utilize any portion of the Airport, or any structure thereon, for revenue-producing commercial activities or solicit business or funds for any business or for any activity, except by conducting the business operated under the terms of an existing lease or permit at the time of the passage of this ordinance, or unless hereafter specifically authorized by lease or permit. Such activities shall be considered commercial regardless of whether the business is non-profit, charitable, or tax exempt as long as revenues are produced.

8-06-001-0004.2 PROHIBITED ACTS

The following conduct is prohibited within the public use area of the Airport unless expressly allowed by a lease agreement or permit:

A. The sale or distribution of any merchandise, including but not limited to the following: books; newspapers; jewelry; food stuffs; candles; flowers; badges; and clothing; and

B. Solicitations and receipt of funds.

8-06-001-0004.3 PERIPATETIC NON-COMMERCIAL EXPRESSIVE ACTIVITY

A. Any person or organization desiring to use the Airport for the purpose of peripatetic non-commercial expressive activity such as picketing, distributing literature, displaying signs and soliciting of contributions, except as otherwise prohibited by law, shall be permitted

to do so providing such activities do not result in the impairment of, or interference with, the operational functions of the Airport, and further provided that such activities are in compliance with the provisions hereinafter set forth. The following purposes are hereby declared to be served by proper regulation of peripatetic non-commercial expressive activity:

1. To ensure that persons seeking to engage in peripatetic non-commercial expressive activity may reasonably do so upon the premises of the Airport;

2. To restrict such activities to certain public use areas of the Airport;

3. To protect all persons using the Airport from being subjected to unreasonable contacts by any persons or organizations seeking to exercise such rights;

4. To ensure the free and orderly flow of pedestrian traffic through the Airport premises; and

5. To ensure the efficient and safe operation of the Airport;

6. Nothing in this Section shall be construed to infer that the Airport premises constitute a traditional public forum or a designated public forum for First Amendment purposes.

B. No group of four or more persons shall congregate within any terminal of the Airport to engage in peripatetic non-commercial expressive activity without a permit, which shall be obtained by making written application to the Airport Manager of their intent to do so at least three (3) business days prior to the date contemplated for commencing such activities.

C. In the event multiple applications for a permit to engage in peripatetic non-commercial expressive activities are received by the Airport Manager for the same or overlapping time period or that said activities are simultaneously being conducted by a total of four or more people within any one (1) terminal building, the Airport Manager shall allocate space within the public use areas available for such activities dividing, if possible, the areas available equally between applicants. Choice of areas available shall be afforded to applicants in accordance with the time at which their written application was received by the Airport Manager. Such allocation of space shall impose on all persons or organizations limitations as to dates or hours or numbers of participants as reasonably may be required to provide fair and equitable opportunities for all.

D. General Restrictions

1. All persons shall conduct their proposed peripatetic non-commercial expressive activities in or upon the public use areas of the Airport premises with the number of persons allowed and at such time as set forth in their permits, if applicable, and as otherwise may be prescribed from time to time by the Airport Manager. However, any restriction shall be both reasonable and appropriate and prescribed only after a fact finding investigation and determination by the Airport Manager that the restrictions are

necessary to avoid injury to persons or to property or to ensure the safe and orderly use of the Airport by the public.

2. No more than the indicated number of persons set forth in the permit shall be allowed to engage in the activities permitted or as otherwise restricted by the Airport Manager pursuant to Subsection A, above.

3. All activities as defined in the permit shall be conducted only in or upon those Airport premises which are open to the general public for common use, except as hereinafter set forth, and shall neither intrude upon nor take place within ten (10) feet from any location or area reserved to a particular use, such as baggage areas, security check points, offices, ticket sales counters, restaurants or any areas devoted to business enterprise.

4. No person shall use sound or voice amplification systems, musical instruments, radio communication systems, or other mechanical sound devices or donation boxes or vending machines while conducting permitted activities.

5. No person, while engaging in any activities as defined in the permit, shall prevent or interfere with the free movement of pedestrian traffic within the Airport, nor shall such persons in any manner assail, coerce, threaten, or physically disturb any person or persons.

6. The general restrictions contained in this Subsection shall apply only to the permitted activity as authorized in the permit.

E. Revocation or denial of permit - Permits shall be revoked or denied by the Airport Manager when there is evidence that a permittee has violated any condition of the permit or regulation pertaining thereto. Notice of revocation or denial of a permit shall be in writing supported by a statement of facts and witnesses and shall be personally served on permittee or applicant, or served by certified mail, return receipt requested.

8-06-001-0004.4 USE OF PUBLIC ROADS AND WALKWAYS

No person shall travel on any road, walkway, or place on the Airport premises provided for the particular class of traffic in such a manner as to hinder or obstruct their proper use.

8-06-001-0004.5 PAYMENT OF CHARGES

All billings pertaining to Airport activities are payable upon presentation unless otherwise noted thereon or covered by express contract provisions indicating alternative payment options.

8-06-001-0004.6 ASSIGNMENT OR SUBLET OF PROPERTY

Rented or leased Airport property shall not be assigned or sublet except as approved in writing by the City or expressly authorized under approved leases.

Any violation of this rule shall subject the tenant’s rental agreement or lease to immediate termination.

8-06-001-0004.7 USE OF LANDING AREA, RAMP AND APRON AREA

A. No person or entity conducting a commercial activity shall land or take off an aircraft on or from a landing area, or use a landing area, ramp and apron area, passenger ramp and apron area, cargo ramp and apron area, or an aircraft parking and storage area, except upon the payment of such fees and charges as may from time to time be established, unless such person is entitled to use such areas under a lease or special contract.

B. No person shall enter upon the ramp and apron areas except: (1) persons assigned to duty thereon; (2) persons authorized by the Airport Manager; or (3) persons enplaning or deplaning passengers.

C. No person shall operate a vehicle in excess of 15 mph on the ramp(s) or apron(s) area. This Subsection shall not apply to emergency response vehicles.

8-06-001-0004.8 USE OR OCCUPANCY OF OPERATIONAL AREAS

No person shall use or occupy an operational area for any purpose whatsoever except for a purpose pertaining to the servicing of tenants, concessionaires, airlines, activities associated with airlines, or governmental agencies, or in connection with maintenance and operation of the Airport.

8-06-001-0004.9 USE OF SHOP AREAS

All shops, garages, equipment and facilities on the Airport premises are expressly for the conduct of the owner’s or lessee’s business and operations. No person other than employees of the owner or lessee shall make use of these facilities or remain on such premises without individual and specific permission of the owner or lessee.

8-06-001-0004.10 DAMAGES TO AIRPORT PROPERTY

A. Tenants, lessees, and grantees, in addition to any terms that might be contained in their lease, shall be fully responsible for all damages to buildings, equipment, real property and appurtenances in the ownership or custody of the Airport Manager, caused by intentional acts, negligence, abuse, or carelessness on the part of their employees, agents, customers, visitors, suppliers, or persons with whom they may do business.

B. Any person causing or liable for any damage shall be required to pay to the City of Flagstaff on demand the full cost of repairs. Any person failing to comply with these rules shall be refused the use of any Airport facility until the City of Flagstaff has been fully reimbursed for damage done.

8-06-001-0004.11 FIRE EQUIPMENT

A. All tenants or lessees at the Airport shall supply and maintain such adequate and readily accessible fire extinguishers as may be required by the City of Flagstaff Fire Department.

B. Hangar tenants shall be supplied with fire extinguishers by the City of Flagstaff. Use of any City fire extinguishing equipment under any circumstances shall be reported to the Airport Manager immediately after use.

8-06-001-0004.12 STORAGE AND EQUIPMENT

No tenant or lessee on the Airport shall store or stack materials or equipment in such a manner to constitute a hazard to persons or property as determined by the Airport Manager or Fire Department.

8-06-001-0004.13 STRUCTURAL AND DECORATIVE CHANGES

No person, tenant or lessee shall make any alterations of any nature whatsoever to any buildings, ramps or other Airport space, or erect any buildings or other structures without prior permission from the Airport Manager. All persons, tenants or lessees shall comply with all Building Codes of the City of Flagstaff and, if engaging in on-site construction activities, shall deliver to the Airport Manager an as—built plan upon completion.

8-06-001-0004.14 AIRPORT LIABILITY

The City of Flagstaff neither assumes responsibility nor liability for loss, injury or damage to persons or property on the Airport premises by reason of fire, vandalism, wind, flood, earthquake or other acts of God, civil disorder, or armed conflict, nor does the City assume any liability for injury to persons or property while using the facilities of same.

8-06-001-0004.15 TRASH CONTAINERS

No person shall keep uncovered trash containers in any open area of the Airport. No vehicle used for hauling trash, dirt or any other materials shall be operated on the Airport premises unless such vehicle is constructed so as to prevent the contents thereof from dropping, sifting, leaking, or otherwise escaping therefrom. Areas to be used for trash or garbage containers shall be designated by the Airport Manager and no other areas shall be used. Such areas shall be kept clean and sanitary at all times.

8-06-001-0004.16 FIREARMS AND EXPLOSIVES (See 8-06-001-0008.10)

No person shall carry any unauthorized firearms or explosives on the Airport premises in violation of applicable City Codes, State statutes, Federal laws or Federal Aviation Administration Regulations.

8-06-001-0004.17 DOGS AND OTHER ANIMALS

Dogs and other animals are permitted on the Airport premises only if on a leash or confined in such a manner as to be under control and shall not present any hazard or nuisance to the operation of the Airport. Service animals shall be exempt from this Subsection.

8-06-001-0004.18 COMMERCIAL PHOTOGRAPHY

No person shall take still, motion, or video pictures, which may or may not include recorded audio, of or at the Airport for commercial purposes without a Class "D" permit obtained from the Airport Manager.

8-06-001-0004.19 AIRPORT USE LIMITED TO AVIATION RELATED ACTIVITIES

Rented or leased property at the Airport shall be used for aviation and aviation affiliated or related industries and businesses except where specifically authorized for other use by the City Council. The Airport Commission shall advise the City Council in determining whether an industry or business is affiliated or related to aviation.

8-06-001-0004.20 INDEMNIFICATION CLAUSE

Every lease in connection with the Airport shall include an indemnification clause that indemnifies the City against all intentional or negligent acts or omissions of the lessee, or the lessee's agents or employees.

8-06-001-0004.21 OPERATING LOCATIONS FOR SCHEDULED AIR CARRIERS.

Any scheduled air carrier providing passenger service at the Airport shall operate from the air terminal only.

8-06-001-0004.22 CONTROL DURING EMERGENCIES

In the event of an aircraft emergency on the Airport premises, the Airport Manager shall have the authority to control all Airport operations until a unified command structure is established.

8-06-001-0004.23 RULES AND REGULATIONS

A. The Airport Manager shall enforce such rules and regulations deemed necessary to ensure the safe, efficient and orderly operation of aeronautical activities and operations on the Airport premises.

B. Each Airport lessee or permittee is responsible for training and familiarizing its employees with regard to knowledge of, and compliance with, the AR&R, Airport minimum standards and relevant provisions of its lease agreement or permit with the City.

8-06-001-0005 AIRCRAFT RULES

8-06-001-0005.1 CATEGORIES OF AIRCRAFT

Final determination as to proper category designation of any aircraft shall rest with the Airport Manager. Rates and charges shall be determined according to the following classifications:

A. Private:

1) An aircraft that is being operated in accordance with the privileges and limitations of FAR part 61 (61.118) extended to a private pilot;

2) An owner or operator of an aircraft may allow another pilot to use the aircraft on an occasional basis provided the pilot using the aircraft pays only the operating cost of the aircraft for the flight. The aircraft is subject to the restrictions under (1) above; and

3) A company or corporate-owned aircraft providing free transportation of personnel and/or products in furtherance of its business is classified as a private aircraft.

B. Commercial:

1) Aircraft used to carry passengers for hire on local flights;
2) Aircraft used for rental, hire or charter;
3) Aircraft used for student instruction and its kindred occupations;
4) Any aircraft used for commercial activities and not otherwise covered in these regulations; and
5) Flying Club aircraft.

8-06-001-0005.2 AUTHORITY TO CLOSE THE AIRPORT; PROHIBIT, DELAY, OR RESTRICT LANDINGS AND TAKEOFFS

The Airport Manager may prohibit aircraft from landing and taking off, or from using any portion of the Airport, at any time and under any circumstances which the Airport Manager deems such activity likely to endanger persons or property.

8-06-001-0005.3 NEGLIGENT OPERATIONS PROHIBITED

No aircraft shall be operated on the Airport premises in a careless or negligent manner or in disregard for the rights and safety of others. Aircraft shall be operated with due caution and at a speed which does not endanger persons or property. No pilot or other member of the crew of an aircraft in operation, or any person attending or assisting in said operations, shall be under the influence of intoxicating liquor or drugs.

08-06-001-0005.4 OPERATION OF MOTORLESS AIRCRAFT

No motorless aircraft, kite, model aircraft, balloon, or model rocket may land or take off from the Airport without permission having first been obtained from the Air Traffic Controller and the Airport Manager.

8-06-001-0005.5 AIRCRAFT ENGINE GROUND OPERATIONS

A. No aircraft shall be taxied or hovered at the Airport where the exhaust or propeller blast may cause injury to persons or do damage to property. If it is impossible to taxi or hover such aircraft without compliance with the above, the engine shall be shut off and such aircraft towed to the destination or safe operating area.

B. No aircraft engine(s) shall be run-up except in authorized areas.

C. No aircraft shall start its engine(s) in hangars or t-shades.

8-06-001-0005.6 CLEARANCE OF LANDING RUNWAY

Aircraft landing at the Airport shall exit the landing runway, associated taxiways, ramps and aprons as soon as safely practical.

8-06-001-0005.7 AIRCRAFT ACCIDENTS

A. Upon request, an owner/operator who filed an FAA/NTSB accident report(s) shall be responsible for delivering a copy of the report(s) to the Airport Manager in a timely manner.

B. The owner/operator in possession of the aircraft at the time that an aircraft accident occurs on the Airport premises shall be responsible for the expeditious removal of such aircraft and/or debris from the area. When deemed necessary by the Airport Manager, such aircraft and/or debris shall be removed from the area at the expense of the owner or person(s) in possession at the time of the accident.

8-06-001-0005.8 AEROBATIC FLIGHT

No aerobatic flight shall be conducted on, over, or in close proximity to the Airport without the express approval of the Control Tower.

8-06-001-0006 VEHICLE OPERATION, PARKING, AND PEDESTRIAN TRAFFIC REGULATION

8-06-001-0006.1 RESTRICTION AS TO OPERATION OF VEHICLES

A. Every driver of a motor vehicle on the Airport premises shall exercise due care to avoid colliding with pedestrians or vehicles upon any roadway or any parking area.

B. Motor vehicles shall be operated only in those areas of the Airport authorized from time to time by the Airport Manager and then under the rules as are established therefor.

No motor vehicle shall be operated on the Airport premises in a careless or negligent manner in disregard of the rights and safety of others, or without due caution or circumspection.

D. Motor vehicles operated within an Aircraft Movement Area shall be operated in strict compliance with speed limits and other vehicular traffic management regulations prescribed by the Airport Manager as indicated by posted signs.

E. Every driver of a motor vehicle operated in an Aircraft Movement Area shall exercise due care to avoid colliding with any aircraft, and shall yield the right of way to such aircraft.

8-06-001-0006.2 LOADING OR UNLOADING PASSENGERS, CARGO OR EQUIPMENT FROM A MOTOR VEHICLE

No vehicle shall load or unload passengers, cargo or equipment at the Airport at any place other than those designated by the Airport Manager. A.R.S. §28-644.

8-06-001-0006.3 VEHICLE PARKING RESTRICTIONS - A.R.S. §28-644

A. No person shall park any motor vehicle on the Airport premises, except within designated parking areas.

B. No person shall park a motor vehicle or permit the same to remain halted on a vehicular parking area, aircraft movement area, fuel storage area or cargo facility except at such places and for such periods of time as may be prescribed by the Airport Manager.

C. No aircraft refueling, defueling, or other aircraft servicing equipment or apparatus shall be parked except in areas designated by the Airport Manager.

D. No person shall park a motor vehicle within any vehicular parking area except upon the payment of such parking fees and charges as may be prescribed.

E. Certain areas of the Airport shall be designated and properly marked with signs by the Airport Manager as reserved parking areas for “rental car” companies or other Airport tenant use only.

F. No camping is allowed on the Airport premises except by express permission of the Airport Manager.

8-06-001-0006.4 MOTOR VEHICLE OPERATING IN OR ON THE AIRCRAFT MOVEMENT AREA - REQUIRED EQUIPMENT

A. Any motor vehicle authorized to operate in or on the Aircraft Movement Area shall be appropriately marked or equipped with display lights which are visible to the control tower personnel. All such vehicles shall be equipped with a functioning two-way radio and be in communication with the control tower. The installation of two-way radio equipment does not inherently permit the operation of vehicles in or on the Aircraft Movement Area without prior permission from the Airport Manager or Control Tower.

B. Motor vehicles not equipped with the prescribed markings, lights and radio equipment shall make prior arrangements with the Airport Manager before operating in the Aircraft Movement Area.

8-06-001-0006.5 REPAIR OF MOTOR VEHICLES

No motor vehicle shall be permitted in or upon the Airport premises unless it is in sound mechanical order, has adequate lights, horn and brakes, and has clear vision from the driver's seat. No person shall clean or make any repairs to motor vehicles anywhere on the Airport premises, other than in designated shop areas, except those minor repairs necessary to remove such motor vehicles from the Airport premises. No person shall move, interfere, or tamper with any motor vehicle, or put in motion the engine, or take or use any motor vehicle part, instrument, or tool thereof, without the permission of the owner or satisfactory evidence of the right to do so duly presented to the Airport Manager's office.

8-06-001-0006.6 AUTHORITY TO REMOVE VEHICLES

A. The Airport Manager may cause to be removed from any area of the Airport premises, at the owner's expense, any vehicle which is disabled, abandoned, not properly licensed, parked in violation of the AR&R, or which presents an operation problem to any area of the Airport premises. Impoundment shall be as prescribed in the Flagstaff City Code Section 9-01-001-0005.

B. Any unauthorized vehicle which has parked in space reserved for specific parking may be removed or caused to be removed by a Police Officer.

8-06-001-0006.7 PROCEDURE IN CASE OF MOTOR VEHICLE ACCIDENT

The driver of any motor vehicle involved in an accident on the Airport premises which results in injury or death to any person, or damage to any property, shall immediately stop such vehicle at the scene of the accident and render such assistance as may be needed. The operator of such vehicle shall make a report of such accident in accordance with the law of the State of Arizona to the Airport Manager. A.R.S. §§28-661,670.

8-06-001-0006.8 SOLICITING RIDES

No person shall stand or walk in or upon a roadway or adjacent parkway for the purpose of soliciting a ride from the driver of any vehicle, nor shall any person solicit rides from any area of the Airport premises. A.R.S. §28-796(C).

8-06-001-0006.9 MOTOR VEHICLE REQUIREMENTS; DEFINITION; PENALTY

A. No person shall operate a motor vehicle on or within an Aircraft Movement Area or a hangar area on the Airport premises without having in force and effect a valid registration and an automobile liability insurance policy to provide coverage for liability arising from bodily injury or property damage. The operator of such vehicle shall have available and produce on demand proof of registration and liability insurance for said vehicle.

B. No person shall operate a motorized ground vehicle of any kind on the Airport premises without a valid Drivers License or Commercial Drivers License. A.R.S. §28-3151.

8-06-001-0006.10 REGULATIONS FOR BICYCLES

Every person riding a bicycle, or similar device propelled by human power, upon the Airport premises, shall be granted all of the privileges and shall be subject to all of the responsibilities imposed by the State law of Arizona and by the AR&R on each driver of a motorized vehicle. A.R.S. §28-812.

8-06-001-0006.11 SAFETY; ENTRANCE INTO RESTRICTED AREAS

A. No person shall enter upon the Aircraft Movement Area or other restricted areas of the Airport premises so designated by signs without the express permission of the Airport Manager or the Airport Control Tower.

B. No person or vehicle shall cause an incursion on the Airport Movement Area.

8-06-001-0006.12 MOTORIZED EQUIPMENT

All equipment shall be parked so that it may be readily driven or towed away from the aircraft in case of an emergency.

8-06-001-0007 COMMERCIAL GROUND TRANSPORTATION VEHICLE RULES AND REGULATIONS

8-06-001-0007.1 PERMIT DECAL; TRANSFER; UNLAWFUL DISPLAY

A. Decal Display: No commercial transportation vehicle shall be stopped or parked at any City Facility for the purpose of loading or unloading a passenger or passengers without displaying on said vehicle a valid permit decal in a manner as directed by the City Manager, except as authorized by Section 8-06-001-0007.2(B)2.

B. Transfer: Any permit decal issued by the City shall be issued to a specific permittee for a specific motor vehicle and such permits shall not be transferable from person to person or from motor vehicle to motor vehicle without the written permission of the City Manager.

8-06-001-0007.2 PERMIT REQUIRED; APPLICATION; EXPIRATION

A. Permit Required: No owner of a commercial ground transportation vehicle shall engage in the business of picking up or dropping off a passenger or passengers at any City Facility without first having obtained a commercial ground transportation permit as provided in this Section.

B. Application: Permits as provided in A above shall not be issued until the permittee has completed an application form, available at City Hall,

containing such information and certifications as deemed necessary by the City Manager, which shall include, but is not limited to the following:

1. The name and address of the applicant.

2. The description of the motor vehicles to be used, including license and registration number, when available. In the event a permittee leases or rents a vehicle for more than thirty (30) days for use at City Facilities, permittee shall notify the City of the information required by this paragraph. Leases, rentals or subcontracts of less than thirty (30) days shall be automatically covered under permittee's existing permit.

3. A certificate of motor vehicle liability insurance in such policy limits as required by the State law of Arizona naming the City of Flagstaff as an additional insured by endorsement.

4. An indemnification clause indemnifying the City of Flagstaff.

5. A certification that all statements provided by the applicant are true and that any falsification is grounds for revocation of the permit.

6. A statement as to whether the motor vehicle shall be operated on a scheduled and/or unscheduled basis.

7. Payment of the appropriate fee. Payment shall include any fee which may be due for any period prior to the date of permit application or renewal.

C. Expiration: Unless otherwise terminated, suspended or revoked as provided in this Section, all commercial ground transportation permits shall expire one year from issue date.

8-06-001-0007.3 RULES AND REGULATIONS

The City Manager shall establish such rules and regulations deemed necessary to ensure the safe, efficient and orderly operation of commercial ground transportation vehicles at City Facilities where the operation of such vehicles are allowed.

08-06-001-0007.4 COMPLIANCE

The permittee and/or driver authorized to operate at any City Facility pursuant to this Section shall at all times be and remain in compliance with the AR&R and all applicable Federal, State or local laws, statutes and ordinances, and any rules or regulations promulgated thereunder, including, but not limited to, the safety regulations as adopted by said governmental agencies.

8-06-001-0007.5 NATURE OF PERMITS

A commercial ground transportation permit issued pursuant to this Section shall be revocable and shall not constitute a franchise, contract or agreement, nor shall such a permit confer any property right upon the holder thereof.

8-06-001-0007.6 TERMINATION

The City Manager may terminate any and all commercial ground transportation permits issued pursuant to this Section with six (6) months written notice. Any unused fee shall be refunded on a pro rata basis.

8-06-001-0007.7 REVOCATION BY THE CITY MANAGER; ORDER TO SHOW CAUSE REQUIRED; EFFECT OF SUSPENSION; EFFECT OF REVOCATION:

A. Revocation: The City Manager may revoke for a period up to six (6) months, a commercial ground transportation permit, issued pursuant to this Section upon the occurrence of any one of the following events:

1. A violation of the provisions of this Section or any of the AR&R; or

2. Falsification of any permit application information.

B. Order to Show Cause: Upon the ordering of a revocation, the aggrieved party shall forthwith surrender the subject permit decal or show cause as to why the permit should not be revoked.

C. Effect of Revocation: After a revocation, any person responsible for committing the acts constituting the basis for the revocation, shall be ineligible to re-apply for a permit issued pursuant to this Section for a designated period of up to six (6) months from the date of revocation. A partnership, corporation or association which has as a partner, officer or majority stockholder, any person ineligible for reapplication as provided by this Subsection shall also be ineligible for a like period.

D. Prohibited Motor Vehicles: Any motor vehicle identified under a revoked permit shall not be authorized to operate at City Facilities during the period of revocation until or unless bona fide evidence, such as a sales contract and a title transfer showing a change in ownership, has been submitted to and approved by the City Manager.

E. Immediate Suspensions: Notwithstanding the provisions of this Section to the contrary, the City Manager may summarily suspend the commercial ground transportation vehicle permit of any vehicle owner charged with an offense relating to lack of insurance, theft of property, assault and battery or such other similar offense as may be an indication of imminent threat to the public’s health, safety and welfare.

8-06-001-0007.8 OUT OF SERVICE GROUND TRANSPORTATION VEHICLE VIOLATIONS; RETURN TO SERVICE

A. The City Manager shall impound a permit decal displayed on a commercial ground transportation vehicle that is in violation of the AR&R.

B. Upon correction of the deficiency, the City Manager shall immediately reinstate the impounded permit decal.

8-06-001-0007.9 APPEAL

Any action taken by the City Manager pursuant to this Section may be appealed to the City Council. The City Council shall hold a Public Hearing to review the facts of the appeal and render a decision within ten (10) working days of receipt of a written appeal. This process is in addition to any other appeal permitted by law. The vehicle owner(s) subject to the action may continue to operate at City Facilities until final disposition of the appeal by the City Council.

8-06-001-0007.10 UNLAWFUL ACTS

A. Parking: All commercial ground transportation vehicles shall be parked at any City Facility only in designated areas as identified and posted by the City.

B. Loading Zones: Drivers shall load passengers only in designated loading zones as identified and posted by the City.

C. Unattended Vehicles: Commercial ground transportation vehicles shall be attended by the driver while in a loading zone at any City Facility, except as may be necessary for loading and unloading passengers.

D. Taxicab Requirements: No driver shall stop, stand, and/or park a taxicab at any City Facility for the purpose of picking up a passenger or passengers without meeting the following requirements:

1. Permanently displaying in a manner readily visible to both prospective and actual passengers the fares to be charged the passenger and the name of the permittee in a manner as directed by the permit.

2. Having a roof or top sign mounted on the vehicle which readily identifies the vehicle as a taxi.

E. Passenger Pick-up: Pick-up of passengers shall be as follows:

1. Airport:

a. Off-Airport vehicle rental company, taxicab and limousine drivers shall make initial contact at curbside or within the area identified by the two double doors on the northwest side of the terminal. Once initial contact is made, the driver may enter the terminal to assist the passenger(s) with baggage. Once inside the terminal, solicitations for business shall not be allowed.

b. Motorcoach, time-scheduled or tour van and courtesy vehicle drivers may enter the terminal for the purpose of meeting their scheduled passengers. Once inside the terminal, solicitations for business shall not be allowed.

2. Other City Facilities: Except as otherwise prohibited or regulated by City Code or other applicable law, all permitted service providers may enter other City Facilities for the purpose of meeting their scheduled passengers. No solicitations for business shall be allowed.

F. Soliciting: A driver of a commercial ground transportation vehicle shall not solicit passengers for hire at any City Facility. Fare negotiations with passengers shall take place only in passenger loading zones as designated outside the City Facility.

Charging Excessive Rates: No permittee or driver shall charge rates exceeding any rate displayed on said vehicle.

Direct Routes: A driver of a taxi shall take the most direct route to the passenger's destination unless otherwise directed by the passenger.

G. Fighting: No permittee or driver of a commercial ground transportation vehicle shall engage in any physical fighting or loud, boisterous verbal disputes while at any City Facility. Violators shall be subject to immediate permit suspension pursuant to the provisions of Section 8-06-001-0007.7 (E).

8-06-001-0007.11 FEES:

Schedule of payment; miscellaneous fees:

There is hereby established the following annual per company fee for all commercial ground transportation vehicles picking up any passenger or passengers at any City Facility. The company shall total the number of all vehicles covered by the permit and pay the single highest fee associated with that total:

	1-5 vehicles	6 or more vehicles
Motorcoach (Charter)	150.00	200.00
Rental Car	50.00	50.00
Courtesy Vehicle	50.00	50.00
Unscheduled - Limousine	50.00 each	300.00
Unscheduled - Taxicab	50.00 each	300.00
Time Schedule or Tour Van	50.00 each	300.00
V.I.P. Vehicle	50.00 each	300.00

B. The annual fee per company as provided in subsection A above shall be due and payable on an annual basis on the anniversary date of the issuance of the permit.

C. An off-Airport vehicle rental company fee, in addition to the annual fee, shall be paid by the off-Airport vehicle rental company and shall be measured by the gross receipts of such company. The rate of such fee shall be four percent (4%) of the gross income from that portion of the off-Airport vehicle rental company's rental receipts derived from persons transported from the Airport to such vehicle rental facility by courtesy vehicle or other vehicle of such company.

The City, or its designated representative, shall have the right to examine, inspect and audit the books and other records of the off-Airport vehicle rental company, including the reservation register and rental contracts, in a manner that is in compliance with generally acceptable accounting principles including, but not limited to, statistical sampling.

Rental receipts and exclusions shall be governed by Section E below. Fees shall be paid on a monthly basis on or before the twenty-fifth (25th) day of the month next succeeding the month in which the fee accrues.

D. The forms for reporting, computing and remitting fees imposed by this Ssection shall be provided by the City Sales Tax Division.

Definition of gross receipts and exclusions:

1. The term “gross receipts” as used herein shall be construed to mean the aggregate amount of all revenue realized by the off-Airport vehicle rental company from the vehicle rental services provided to customers transported from the Airport to such vehicle rental facility by courtesy vehicle or other company vehicle (“transported customers”), except as hereinafter provided. “Gross receipts” shall include but are not necessarily limited to:

   a. All monies paid for personal accident insurance coverage incidental to the rental of automobiles by transported customers;

   b. All time and mileage charges, after discount, for the rental of vehicles by transported customers, after discounts, including all revenue received by the company from rental of vehicles delivered elsewhere; or, from exchanges whereby a vehicle, delivered to a transported customer, is exchanged for another vehicle within a radius of 30 miles from the Airport, wherein rental agreements run consecutively;

   c. Credits given to transported customers for such things as out-of-pocket purchases for gas, oil, or emergency service, and deposits regardless of where made; and

   d. Revenue, of any type, generated at off-Airport facilities, the origin of which involved services provided to transported customers;

2. Gross receipts, however, shall not include:

   a. Federal, State or municipal sales taxes or similar taxes which are separately stated and collected from transported customers;

   b. Revenue realized by the off-Airport vehicle rental company as reimbursement for refueling an automobile rented pursuant to a rental agreement under which the transported customer is obligated to return the automobile with a full tank of gasoline;

c. Amounts received as insurance proceeds or otherwise for damages to automobiles and other property of the off-Airport vehicle rental company;

d. Sums received for loss, conversion or abandonment of such company's vehicles;

e. Sums received from transported customers under such company's right to recover from transported customers for damages to rental vehicles;

f. Proceeds received by the off-Airport vehicle rental company from the sale of its vehicles;

g. "Drop charges" charged to transported customers for delivering a rental vehicle to another dealer at the destination point;

h. Loss damage waiver insurance proceeds; and

i. Mechanical exchanges.

8-06-001-0007.12 EXEMPTIONS:

The provisions of this Chapter shall not apply to a ground transportation vehicle owned and operated by the United States, the State of Arizona, or any political subdivision thereof or to any vehicle operated on City Facilities pursuant to a separate lease or permit with the City.

8-06-001-0008 TENANT OBLIGATIONS

8-06-001-0008.1 HANGAR STORAGE

Aircraft storage hangars shall be used primarily for aircraft storage. Unless otherwise approved by the Airport Manager, no commercial activities or other activities prohibited by Federal, State, or local laws, permits, regulations and ordinances shall be conducted within any aircraft storage hangar located on the Airport premises.

8-06-001-0008.2 SANITATION

No person shall discard garbage, papers, oil, or other solid waste, liquid or hazardous materials or waste, on the Airport premises, except in appropriate receptacles provided for that purpose.

8-06-001-0008.3 PRESERVATION OF PROPERTY

No person shall destroy, damage, deface or disturb, in any way, any Airport property.

8-06-001-0008.4 INTERFERING OR TAMPERING WITH AIRCRAFT

No person shall interfere or tamper with any aircraft on the Airport premises without permission of the owner of the aircraft, unless specifically directed to by the Airport Manager.

8-06-001-0008.5 ABANDONING PERSONAL PROPERTY

No person shall abandon any personal property on the Airport premises. Any personal property so abandoned shall be disposed of in the manner prescribed by applicable law.
The owner of any abandoned property on the Airport premises shall be subject to the recovery of applicable storage and/or transfer charges.

8-06-001-0008.6 CLEANING AND PAINTING AIRCRAFT

Painting, paint stripping, washing or degreasing of aircraft on the Airport premises shall be conducted only in areas designated for that purpose by the Airport Manager.

8-06-001-0008.7 REMOVAL OF GAS, OIL AND GREASE

A. Spillage or dripping of gasoline, oil, grease, or any material which may be unsightly or detrimental to the pavement or apron in any area on the Airport premises, shall be removed immediately. The responsibility for the immediate removal of such gasoline, oil, grease, or other material shall be assumed by the operator or owner of the aircraft or equipment causing same or by the tenant or concessionaire responsible for the deposit thereof on the pavement. Upon failure of the responsible party to clean such area, the City may provide the necessary cleaning and recover all reasonable expenses incurred from the responsible party.

B. Any fuel spillage on the Airport premises in excess of one gallon shall be immediately reported to Airport personnel.

8-06-001-0008.8 WASTE

No petroleum products or industrial waste matter shall be dumped or allowed to drain into or upon any runways, sidewalks, drainage ditches, canals, rivers, ponding areas, sewer systems, storm drains, aprons, or any other paved or unpaved areas on the Airport premises.

8-06-001-0008.9 SMOKING

No person shall smoke or carry lighted cigars, cigarettes, pipes, matches or any open flame in or upon any place where smoking is specifically prohibited by City ordinance, or any Federal, State or local law, statute, ordinance or regulation.

8-06-001-0008.10 EXPLOSIVES AND OTHER DANGEROUS ARTICLES

A. No person shall store, keep, handle, use, dispense or transport at, in or upon the Airport premises any Class A or Class B explosives, radioactive substances or material, or any other material at any such time or place, or in any manner or condition as to endanger, or as to be likely to endanger, persons or property.

B. Aircraft transporting explosives shall request and be granted permission from the Airport Manager before landing. If such permission is granted, the Airport Manager shall designate an appropriate loading and unloading area at the Airport.

8-06-001-0008.11 LUBRICATING OILS

A. No person shall keep or store lubricating oils on the Airport premises, except that such materials may be kept or stored in the aircraft or hangar in appropriate retail receptacles provided with suitable draw off devices, and kept or stored only in such places as approved by the Fire Chief in accordance with the Uniform Fire Code, Article 79.

B. Lessees or owners of hangars, other aircraft servicing or maintenance buildings, or other areas on the Airport premises where lubricating oil is present, shall provide suitable metal receptacles with self-closing covers for the storage of oily wastes, rags, and other rubbish and trash.

8-06-001-0009 AIRCRAFT SERVICING

8-06-001-0009.1 BONDING OF ELECTRICAL POTENTIAL DURING FUEL HANDLING

During all fuel handling operations at the Airport, including aircraft fueling, the aircraft and the fuel dispensing or draining apparatus shall be bonded by wire to prevent the possibility of static ignition of volatile liquids.

8-06-001-009.2 STORAGE OF FUEL TRUCKS AND FUEL TRAILERS

All refueling units shall be stored outside and not less than fifty (50) feet from a building. Except for the performance of minor repairs or maintenance, no gasoline truck, empty or otherwise, shall be brought into, kept or stored within any building on the Airport premises, unless such building is designed, equipped and used exclusively for providing safe shelter for gasoline hauling vehicles.

8-06-001-009.3 FIRE EXTINGUISHERS AVAILABLE

A. During commercial fuel handling operations in connection with any aircraft at the Airport, at least two (2) approved/required fire extinguishers shall be immediately available for use in connection therewith.

B. During self-fueling handling operations in connection with any aircraft at the Airport, fire extinguishers shall be available as required by Fire Code.

8-06-001-009.4 SELF-FUELING; COMMERCIAL SELF-FUELING

A. ALL SELF-FUELING

The aircraft owner/operator may bring fuel onto the Airport to service an owner/operator aircraft in conformance with the reasonable safety standards or other reasonable requirements of the Airport and of the National Fire Prevention Association for the type of dispensing equipment in use.

1. All self-fuelers shall have their equipment inspected by the Airport Manager/ Fire Department.

2. All self-fueling shall take place in lessee’s allotted areas or directly in front of lessee’s hangar.

3. No aircraft may be self-fueled which is not owned or operated by the self-fueler. Any violation of this provision shall constitute an automatic material breach of the rental agreement or lease, and shall provide a basis for immediate termination of the rental agreement or lease.

4. All aircraft owners or operators who desire to self-fuel shall apply for an aircraft fuel dispensing and handling permit, and shall provide proof of public liability and environmental impairment liability insurance to the Airport Manager prior to permit issuance.

B. COMMERCIAL SELF-FUELING ONLY

1. All commercial enterprises engaged in self-fueling shall pay a flowage fee as established in the Airport rates and charges. The operator shall provide the Airport Manager with monthly fuel purchase and delivery documents in a form acceptable to the Airport Manager.

2. All commercial enterprises engaged in self-fueling shall train their employees annually, or more frequently if necessary, on safe fueling practices, fire fighting procedures, and spill containment. All such commercial enterprises shall provide the Airport Manager with proof of training certification NFPA# 407 FAA AC 150/5230-4.

8-06-001-009.5 REFUELING & DEFUELING AIRCRAFT; DISPENSARY

No aircraft shall be refueled or defueled except by contractually authorized commercial enterprise or via a self-fueling permit issued by the Airport Manager.

8-06-001-0010 FBO & SPECIALTY SHOP - MINIMUM STANDARDS

There is hereby incorporated into the AR&R by reference the Minimum Standards for all service providers on the Airport premises. The Minimum Standards may be amended from time to time as Airport management guidelines by the City Manager upon recommendation by the Airport Commission. The Minimum Standards

shall be established to provide the threshold entry requirements for those wishing to provide aeronautical services to the public on the Airport premises. The Minimum Standards shall be based on existing and planned Airport service facilities, and shall enhance the public interest and the future aviation role of the Airport by ensuring fair and responsible standards for all Airport service providers. Pursuant to the Minimum Standards, all prospective FBO or specialty shops shall agree to offer specific services, or a variety of services at least at a specified minimum level, in order to operate on the Airport premises. The procedures to be followed and services to be provided by individual service providers at the Airport shall be determined by the Minimum Standards. Such minimum service specifications shall be set forth in all lease agreements or operating permits. The Airport Minimum Standards shall establish the minimum requirements to be met by individuals and companies as a condition for the privilege of providing commercial aviation services on the Airport premises.

8-06-001-0011 RATES & CHARGES

The Airport is an enterprise fund and is expected to provide revenue-producing services at a rate which will allow the Airport to be reasonably self-sufficient in its funding. Rates and charges shall be established for the following:

tiedown, t-hangar, corporate hangar, executive hangar, t-shade, overnight tiedown, landing fee, fuel flowage, parking, leases and all permits. The Airport Manager shall establish rental rates and charges with assistance of the Airport Commission and approval by the City Manager.

8-06-001-0011.1 MONTHLY LANDING REPORTS OF COMPANIES

A. As a condition precedent to the right to use and occupy said Airport, each certificated air carrier and air transportation related company shall be required to furnish the Airport Manager on or before the 10th day of each month hereafter, duly certified as true and correct by the person delegated by said air carrier or air transportation company as its official representative having custody of the records of same, the number of its flights which have landed at the Airport during the preceding month, together with the manufacturer, type and maximum allowable gross landing weight, of each of its aircraft, scheduled, nonscheduled, and chartered, which have landed at the Airport during the preceding month.

B. In tabulating weights, the weight of each aircraft shall not be less than the maximum allowable gross landing weight as computed at mean sea level by the Federal Aviation Administration.

C. Each certificated air carrier or air transportation company using the Airport shall include in the monthly landing report the quantity of cargo, mail, and express handled upon its aircraft on its flights and the number of enplanements/deplanements.

8-06-001-0011.2 LANDING FEES

A. The monthly landing report as provided in Section 8-06-001-0011.1, shall be the basis for calculation and payment of landing fees for said air

carrier or air transportation company. Landing fees shall be paid according to the following:

Each air carrier and air transportation related company shall, not later than the 20th day of the month, pay the landing fees for the previous month based upon the monthly landing report described in Section 8-06-001-0011.1. Fees not timely paid shall be considered delinquent after the 20th day of the month and shall from said date bear a delinquent account charge of 1.5% per month until paid. If landing fees are not timely paid, occupancy rights on the Airport premises may be considered expired by the City.

8-06-001-0011.3 EXEMPTIONS

Sections 8-06-001-0011.1 & 11.2 of the AR&R shall not apply to Airport FBOs, specialty shops or privately owned aircraft.

8-06-001-0011.4 AERONAUTICAL COMMERCIAL USE PERMITS; COMMERCIAL USE PERMIT CLASSIFICATIONS

A. Individuals or companies who provide services within the classifications herein described, shall be required to obtain a Commercial Use Permit authorizing their commercial activity on or from the Airport premises as follows:

1) A Class A Permit is required of sublessees. Individuals or companies who provide services as certificated air carriers are exempt from the Class A Permit requirement, but shall be required to pay landing fees pursuant to Sections 8-6-001-0011.1 and -0011.2 above.

2) A Class B Permit is required of individuals or companies who provide service for general aviation aircraft or ancillary groundside services, including but not limited to, small aircraft washing, propeller repair service and aircraft maintenance.

3) A Class C Permit is required of Airport based individuals or companies who provide unscheduled air passenger and/or air cargo pick-up or delivery service.

4) A Class D Permit is required of non-Airport based individuals or companies including rental car companies utilizing the facilities for Commercial Activities.

5) A Class E Permit is required for placement, usage and maintenance of newsrack vending machines at the Airport. Permits shall be issued upon application made to and on forms provided and approved by the Airport Manager. The application shall also contain provisions indemnifying the City of Flagstaff for any liability arising out of the vendor’s acts or omissions in maintaining, operating or servicing said newsrack vending machines.

B. The provisions of this Section shall not be in conflict with or in derogation of the Minimum Standards, lease agreements or operating permits of FBOs and specialty shops on the Airport premises.

8-06-001-0011.5 PERMIT REQUIRED; APPLICATION; EXPIRATION

A. No individual or company shall engage in the business activities permitted in connection with the issuance of Class A, B, C, D & E permits as described in Section 8-06-001-0011.4 above on the Airport premises without first having obtained a Commercial Use Permit as provided in this Section.

B. Permits as described in Section 8-06-001-0011.4 shall not be issued until the permittee has executed a permit agreement with the City, which, at a minimum, shall contain the following information and certifications as deemed necessary by the Airport Manager:

1) The name and address of the permittee;

2) A description of the activity, equipment to be used, and copies of all appropriate licenses;

3) A certificate of comprehensive general liability insurance in amounts as specified by the City of Flagstaff;

4) An indemnification clause indemnifying the City of Flagstaff against the acts or omissions of the permittee and the permittee's agents or employees;

5) A certification that all statements provided by the permittee are true and that any falsification is grounds for immediate revocation of the permit; and

6) A City business license.

C. Unless otherwise terminated, suspended or revoked as provided in this Section all Commercial Use Permits shall expire at the end of each calendar year except as same may be renewed in a manner provided by the Airport Manager. The fees for such permits shall be pro-rated the first year.

8-06-001-0011.6 COMMERCIAL USE PERMIT FEES

Commercial Use Permit fees shall be as established and approved by the City Manager after review and recommendation by the Airport Commission.

8-06-001-0011.7 PARKING AND REMAIN OVERNIGHT FEES

A. Parking fees - Remain Over Night (R.O.N.) parking fees for aircraft shall be based upon the following categories:

1) Single Engine Piston

2) Twin Engine Piston

3) Single or Twin Engine Turbo Prop

4) General Aviation Jet Aircraft

a. under 12,500 lbs.

b. over 12,500 lbs.

5) All Transport Category Aircraft

a. over 12,500-20,000 lbs.

b. over 20,000-50,000 lbs.

c. over 50,000 lbs.

6) Helicopters

All parking fees for the Airport, including R.O.N. parking fees for aircraft, shall be published and adjusted on a yearly basis. The Airport Manager shall be authorized to waive parking fees as deemed necessary or appropriate under the circumstances.

B. All parking fees assessed in accordance with this Section are due and payable upon presentment by the (FBO) or City representative.

C. The parking fees set forth in this Section shall not be applicable to Airport tenants.

8-06-001-0011.8 TERMINATION BY THE CITY COUNCIL

The City Council may, by ordinance, terminate any and all aeronautical Commercial Use Permits issued pursuant to Section 8-06-001-0011.5 above at the end of any calendar month. Any unused fee shall be prorated and refunded.

8-06-001-0011.9 REVOCATION BY THE AIRPORT MANAGER; ORDER TO SHOW CAUSE REQUIRED; APPEAL TO CITY MANAGER

A. The Airport Manager may revoke, for a period up to six months, an aeronautical Commercial Use Permit issued pursuant to Section 8-06-001-0011.5 above, upon the occurrence of any one of the following events:

1) A violation of the provisions of the Commercial Use Permit or any AR&R; or

2) Falsification of any Commercial Use Permit information.

B. Any action taken by the Airport Manager pursuant to Section 8-06-001-0011.9, may be appealed to the City Manager. The City Manager shall review the facts of the appeal and render a decision within three (3) working days of the City Manager’s receipt of a written appeal. This right of appeal shall be in addition to any other appeal permitted by law.

8-06-001-0011.10 GENERAL AVIATION AIRCRAFT STORAGE CHARGES; PERMIT

Hangar and tie-down storage charge rates for small, non-commercial aircraft using t-hangar and tie-down facilities at the Airport shall be established and published annually for the following facilities:

Small T-Hangar
Large T-Hangar
Covered Tie Down (T-Shade)
Open Tie Down (3 mo. min.)
Open Tie-Down with Electricity
Corporate Hangar
Executive Hangar

All hangar and tie-down rates assessed in accordance with this Section shall be due and payable as provided in an aircraft storage permit, which shall be required for the storage of all small, non-commercial aircraft on the Airport premises.

8-06-001-0012 FLAGSTAFF PULLIAM AIRPORT COMMISSION

8-06-001-0012.1 POWERS AND DUTIES

The Flagstaff Pulliam Airport Commission ("Airport Commission") shall:

A. Submit to the City Council recommendations on basic municipal policies concerning the Airport;

B. Study and promote the advancement of scheduled airline service to the community, and recommend to the City Council steps that should be taken to secure additional scheduled airline service;

C. Study and promote the development of general aviation and commercial activity at the Airport and airpark, and recommend to the City Council strategies for promotion of such development;

D. Review and make recommendations to the City Manager regarding amendments to the Minimum Standards for the establishment of effective Airport management guidelines pertaining to Airport service provider leases and operating permits;

E. Review and make recommendations concerning rate structures and fees at the Airport for: monthly hangar, t-shade and tie-down fees; Commercial Use Permit fees; parking and R.O.N. fees; annual business permit or license agreement fees; annual easement agreement fees; fueling vehicle inspection and storage fees; and fuel flowage fees. The rates and charges shall be developed by the Airport Manager with the advice and consent of the City's Administrative Services Director, prior to review and recommendation by the Airport Commission to the City Manager. Authorization for implementation of fees shall be delegated by the City Council to the City Manager;

F. Review Airport leases negotiated by the Airport Manager utilizing lease formats approved by the City Attorney and then bid by the Purchasing Division. The lease proposal, after review, shall be recommended by the Airport Commission and conveyed to the City Council for approval; and

G. Refer Airport zoning matters to the Flagstaff Planning & Zoning Commission with recommendations by the Airport Commission and Airport Manager as necessary.

8-06-001-0013 ZONING

8-06-001-0013.1 DEFINITION OF AIRPORT AVIGATION EASEMENT AND OVERFLIGHT ZONE

As per the following City Code Sections:

10-03-009-0001.	PULLIAM AIRPORT AREA HEIGHT LIMITATIONS
10-03-009-0002.	PULLIAM AIRPORT AVIGATION AREA ZONE AND AVIGATION EASEMENT POLICY:
10-03-009-0002.A	Purpose
10-03-009-0002.B	Avigation area zone
10-03-009-0002.C	Avigation easement policy
10-03-009-0002.D	Avigation easement
10-03-009-0002.E	Appeal

8-06-001-0014. PENALTIES

Unless otherwise provided or designated, any person convicted of a violation of any provision of the AR&R shall be guilty of a misdemeanor, and shall be fined in a sum not to exceed two thousand five hundred dollars ($2,500.00) for any one offense, and a person may be confined in the County jail for a period not exceeding ninety (90) days. Any violation which is continuing in nature shall constitute a separate offense on each successive date the violation continues as per Ord. 1642, 11-7-89 and City Code 1-04-001-0001.

8-06-001-0014.1 PERSONAL PROPERTY POSSESSORY LIEN – A.R.S. Section 33-1023

The City shall hold a possessory lien on all aircraft, vehicles or other personal property stored, parked or kept on City property on the Airport premises without payment of any fees or charges thereon due and owing. In the event that any such aircraft, vehicles or other personal property are stored, parked or kept on City property on the Airport premises for a period of twenty (20) days or more after any fees or charges, including late fees or charges imposed under lease, permit or license agreements, for such storage or parking have accrued and remain unpaid, the City shall notify the owner, if residing in Coconino County, to pay all such fees or charges. If, within ten (10) days after such notification, the owner fails to pay all such fees or charges in full, the City may sell the aircraft, vehicles or other personal property at public auction and apply the proceeds to payment of the overdue fees or charges. If the owner does not reside in Coconino County, the City shall not be required to give the ten (10) days notice before proceeding to sell. The City shall give the owner five (5) days' notice of sale, or, if the owner cannot be located, the City shall give such notice of sale by two publications in a newspaper published in Coconino County. A.R.S. Section 33-1023.

8-06-001-0015. CONFLICTING REGULATIONS

Where there exists a conflict between any of the AR&R and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or other matter, the more stringent limitation or requirement shall govern and prevail.

8-06-001-0016. AMENDMENTS

The provisions of the AR&R may from time to time be amended, supplemented, changed, modified or repealed by following the procedure prescribed by law for the amendment and repeal of comprehensive zoning regulations.

08-06-001-0017. SEVERABILITY

In the event any portion of the AR&R is declared invalid for any reason, the remainder of the provisions shall not be thereby invalidated but shall remain in full force and effect, all parts being declared severable and independent of all others.

(Ord. No. 1913, Enacted, 07/16/96; Ord. 2003-18, Amended, 12/02/03)

CHAPTER 8-07
CEMETERY REGULATIONS

SECTIONS:

8-07-001-0001 **INTERMENTS:**
8-07-001-0002 **BLASTING; PERMIT REQUIRED:**
8-07-001-0003 **PERPETUAL CARE FUND**

SECTION 8-07-001-0001 INTERMENTS:

It shall be unlawful for any person responsible for or having charge of any interment within the City to accomplish such interment without serving notification of such interment upon the appropriate official of the City within seventy two (72) hours of such interment, giving the exact location thereof, giving the lot number and/or block number of the cemetery or subdivision in which same is made or accomplished, if available, and if not available then by accurate description.

Any person who prepares a grave or place of interment within any cemetery or other place of interment located within the corporate limits, shall close same immediately after burial and shall restore the premises to a condition as existed prior to preparation within forty eight (48) hours after closing said grave including the clean up of any debris in the surrounding area caused by this said interment or operation.

SECTION 8-07-001-0002 BLASTING; PERMIT REQUIRED:

In such places and under such conditions as it may be necessary to do blasting in connection with the opening or closing of a grave, an application for a permit to do each such blasting operation must be filed by the individual responsible for such blasting with the Fire Chief of the City or his duly authorized representative, and a permit obtained therefor. (Ord. 579, 7-24-62)

SECTION 8-07-001-0003 PERPETUAL CARE FUND

A. All lots in Citizens Cemetery (the "Cemetery") for which internment rights are sold or transferred shall have "perpetual care" as defined in this section without further cost to the purchaser, or purchaser's successor in interest, after payment of the original purchase fees.

B. "Perpetual Care" shall mean that the City will provide at regular intervals the planting, cutting, watering and care of lawns; the pruning of shrubs and trees; and the maintenance required for the general preservation of Cemetery lots and grounds, walks, roadways, boundaries and structures, other than those exempted by this section. Perpetual Care does not include watering and care of plants and flowers not provided by the City, repairing and resetting of monuments and markers, nor any repairs of damage caused by the elements, accidents for which the City is not responsible, or acts of vandalism.

C. The City Treasurer shall maintain a separate fund from all other funds of the City which shall be known as the Cemetery Perpetual Care Fund (the "Fund"). The Treasurer shall invest the principal of the Fund in

accordance with state law and the requirements of the City's Charter. The entire revenue received from the investment of the Fund shall be expended for the care and maintenance of Cemetery lots which have been purchased from the City.

D. The City Manager, or the City Manager's designee, is authorized to review and revise purchase and other fees, as necessary, for the Cemetery.

(Ord. 2001-25, Add, 10/16/2001)

CHAPTER 8-08
OFFSITE IMPROVEMENT CODE

SECTIONS:

8-08-001-0001	**PUBLIC IMPROVEMENTS DEFINED:**
8-08-001-0002	**WHEN REQUIRED:**
8-08-001-0003	**EXEMPTIONS:**
8-08-001-0004	**MINIMUM REQUIREMENTS:**
8-08-001-0005	**LIMITATION:**
8-08-001-0006	**OPTIONS FOR ASSURANCE OF PERFORMANCE FOR CONSTRUCTING PUBLIC IMPROVEMENTS:**
8-08-001-0007	**PROJECT ENGINEER:**
8-08-001-0008	**PERMIT REQUIRED FOR WORK WITHIN CITY RIGHTS OF WAY OR EASEMENTS:**
8-08-001-0009	**CONSTRUCTION AND INSPECTION:**
8-08-001-0010	**ACCEPTANCE OF PUBLIC IMPROVEMENTS:**
8-08-001-0011	**BUILDING PERMITS:**
8-08-001-0012	**OCCUPANCY:**
8-08-001-0013	**APPEALS:**
8-08-001-0014	**PENALTIES:**

SECTION 8-08-001-0001 PUBLIC IMPROVEMENTS DEFINED:

Public improvements shall mean any construction or reconstruction within a City, State, or County public right-of-way, public easement, or drainage way within the corporate limits of the City of Flagstaff. Public improvements include, but are not limited to:

A. The construction of a street section including grading, base course, pavement, street lights, curb and gutter, sidewalk or bicycle path, other traffic improvements, and drainage facilities to adopted City standards and specifications.

B. The construction and/or extension of public facilities including water, sewer, gas, electric power, street lighting, telephone, and cable television in accordance with the requirements of the owning franchise or City utility and adopted City standards and specifications.

C. The construction of an alley section including grading, base course, pavement, and drainage facilities to adopted City standards and specifications.

D. The installation of fire hydrants shall be in accordance with City standards. The number and location of fire hydrants shall be pursuant to Fire Department requirements and adopted City Standards and Specifications.

E. The construction of drainage improvements shall be in accordance with adopted City standards and specifications and City Flood Plain Regulations. (Ord. 1925, 12/03/96)

(Ord. No. 1925, Enacted, 12/03/96; Ord. No. 1925, Amended, 12/03/96)

SECTION 8-08-001-0002 WHEN REQUIRED:

Public improvements shall be required:

A. For any subdivision of land, subject to the subdivision regulations of the City, including minor land divisions as defined and regulated by the City's Land Development Code.

B. For all development or improvements requiring a building permit as defined by the Building Code of the City, except as exempted hereinafter. Development and improvement are defined as any improvement, alteration, or construction activity that requires a building permit.

C. Single family or duplex developments on contiguous parcels, being developed simultaneously or in phases, and owned by the same or related parties or entities, will be considered as one development and shall be subject to the provisions of this Ordinance.

D. For the development or permanent outdoor uses which do not necessarily require a building permit, but which do require Development Review Board approval, including parks and active public or private recreation facilities. (Ord. 1925, 12/03/96)(Ord. No. 1925, Enacted, 12/03/96; Ord. No. 1925, Amended, 12/03/96)

SECTION 8-08-001-0003 EXEMPTIONS:

The following developments shall be exempt from constructing public improvements pursuant to the provisions of this Ordinance as indicated:

A. A single-family detached residence or a duplex residence of any value or an addition or alteration to any existing single-family residence or existing duplex residence, except for water and sewer line extensions needed to serve the development and sized per the minimum requirements, pursuant to Section 8-08-001-0004.

B. Except as provided for in Paragraph C, any addition to an existing nonresidential structure, or multi-family residential structure, as well as any alteration to either of these two uses that results in an increase in the intensity of the use, which does not exceed fifty percent (50%) of the actual value of the structure prior to the start of construction as determined from the records of the Coconino County Assessor or by a current appraisal by a state licensed appraiser.

C. All improvements to the structures described in paragraph B of this section shall be cumulative with respect to time and, upon reaching the fifty percent (50%) cumulative value of the structure, the provisions of this Ordinance shall apply. Cumulative improvement valuation shall be applicable upon the effective date of this Ordinance. (Ord. 1925, 12/03/96)(Ord. No. 1925, Enacted, 05/02/97)

SECTION 8-08-001-0004 MINIMUM REQUIREMENTS:

Public improvements shall be required for all projects in conformance with the following minimum requirements. The Development Review Board is authorized to apply the City's Ordinance requirements as a condition for approval:

A. Right-of-Way and/or drainage way: If, as determined by the Development Review Board, the property to be developed does not have adequate rights-of-way to facilitate intensified use due to the new development, or will not accommodate proposed or contemplated public improvements or drainage and drainage access, then necessary right-of-way and/or drainage way shall be granted to the City. The Development Review Board may impose special building setback requirements to assure clear space for future right-of-way needs as may be contemplated under the existing GMG or other approved land use documents. Public rights-of-way or public utility easements must be provided for all public improvements which are or will become property of the City.

B. Water: Water lines sized for the development in accordance with City Codes and standards, and water impact studies, if required, shall be extended across the full frontage, sideage, and rearage of the property being developed, where needed, as determined by the City Engineer.

C. Sanitary Sewer: Sanitary sewer lines sized for the development in accordance with City Codes and standards, and sewer impact studies, if required, shall be extended across the full frontage, sideage, and rearage of the property being developed, where needed, as determined by the City Engineer.

D. Drainage: Drainage plans and improvements shall be required in accordance with City Codes and standards.

E. Street Improvements: Street improvements shall be constructed across full property frontage, sideage, and rearage by the Developer as follows:

1. Any multi-residential or non-residential construction shall be required to construct street improvements pursuant to Section 8-08-001-0004 E.6. If the property being developed is not adjacent to an existing improved public street, Section 8-08-001-0004 E.4 or Section 8-08-001-0006 shall apply.

2. When it is determined by the Development Review Board that the construction of street improvements as required in Section 8-08-001-0004 is not practical at that point in time, the Development Review Board may recommend that Section 8-08-001-0006 apply.

3. If the City has budgeted, in the current fiscal year, funds for the construction of street improvements for the street in question, then the improvements required by this Ordinance will be reduced by the improvements to be funded by the City.

4. Where the property being developed is separated from an existing improved public street by an unimproved section of public street, the City may construct street improvements thereby making the property being developed adjacent to an existing improved public street. If the City elects to construct the street improvements, it will construct the street improvements at a time that will coincide with the construction of the street improvements required of the property being developed.

5. When property access is necessary or proposed via an alley, as the result of a new development or a change of use, full width alley

improvements shall be constructed along the alley frontage according to City Engineering Design Standards. Alley improvements shall also be extended to the nearest public street if no such improved connection, in whole or part, presently exists.

6. The street improvement requirement shall be the greatest of the following:

   a. A one-half (1/2) plus eight (8) foot section of a Type VIA or IVB Street for rural residential development; or

   b. A one-half (1/2) plus eight (8) foot section of a Type IV Street for residential development; or

   c. A one-half (1/2) plus eight (8) foot section of a Type III Street for all other development; or

   d. A one-half (1/2) plus eight (8) foot section of a Type Street as indicated by the City's Circulation Element or as indicated by the Arizona Department of Transportation or Coconino County within their respective jurisdiction; or

   e. A one-half (1/2) plus eight (8) foot section of the Type Street as determined by the estimated Average Daily Traffic to be generated by the specific development; or

   f. A Type Street adequate to serve the anticipated traffic volumes generated by the development and the projected neighborhood growth patterns resulting in future developments as may be contemplated under the existing GMG or other approved land use documents.

F. The City may participate in the cost of constructing new Type I or II Streets upon a finding by the City Council that:

   1. The Type I or II Arterial Street in Question is shown on the City's Circulation Element; and

   2. There are no existing improvements on the proposed arterial; and

   3. In the opinion of the City Council the street is a reasonable distance to an existing, improved arterial street to allow connection; and

   4. The Developer or the City can obtain the necessary right-of-way for the Arterial Street and its connection to the existing street system.

   Provided all the above conditions are met, the City's participation shall be limited to the difference in construction cost between the Type Street indicated on the Circulation Element and that Type Street necessary to serve the Average Daily Traffic generated by the proposed development as determined in Section 8-08-001-004 E.6.

G. When it is necessary to improve a street and, after application of the requirements of Section 8-08-001-0004 A., sufficient right-of-way is not available from other area property owners not subject to the provisions

of this Ordinance, the Community Development Director may, with the approval of the City Council, obtain the right-of-way upon terms that are equitable to the property owner and the City, including assumption by the City of all or part of the costs of street improvements.

H. TRAFFIC RELATED PUBLIC IMPROVEMENTS REQUIRED.

1. Pursuant to the City of Flagstaff, Engineering Division, and the Engineering Design and Construction Standards & Specifications, certain developments are required to perform, and submit for approval, a Traffic Impact Analysis (TIA).

2. When the approved TIA identifies impacts to the public road system, as a result of the proposed development, impact mitigation is required. Design and construction of improvements that mitigate the identified impacts will be constructed by the Developer.

3. All required improvements identified in the TIA must be wholly attributable to the impact created by the development.

I. OTHER IMPROVEMENTS: As may be reasonably required by the Development Review Board. (Ord. 1925, 12/03/96)

(Ord. No. 1925, Enacted, 12/03/96; Ord. No. 1925, Ren&Amd, 12/03/96, 8-08-001-0003)

SECTION 8-08-001-0005 LIMITATION:

To ensure that public improvements required to be constructed under this Ordinance are equitable to the affected property owner, the limitations listed below shall apply. These limitations do not apply to subdivisions of land.

1. If the rights-of-way required to be dedicated comprise an area greater than one-half (1/2) of the designated Street Type rights-of-way as determined by the City's Circulation Element or roadway designation per the Arizona Department of Transportation; or

2. If the rights-of-way required to be dedicated comprise more than fifteen percent (15%) of the total land area of the property being developed;

   Then upon dedication of the rights-of-way to the City, the City shall pay the property owner the fair market value for that amount of land which exceeds the amounts identified in A.1 or A.2 above.

B. If the public improvements proposed by the City are greater than those required for the subject development street improvement, and if at the time of development the City wishes to make improvements to its infrastructure capacities, the City will bear the additional cost associated with the upgrading of capacities of those improvements. The limits of the City's participation shall be determined by the difference in the approved design and construction costs with and without capacity increases of those improvements.

C. In the event that the granting of right-of-way or drainage way creates a nonconforming lot due to the decrease in land, the remaining portion

shall, at the City's option, either be considered a legal nonconforming lot or be purchased by the City at fair market value. (Ord. 1925, 12/03/96)

(Ord. No. 1925, Ren&Amd, 12/03/96, 8-08-001-0004)

SECTION 8-08-001-0006 OPTIONS FOR ASSURANCE OF PERFORMANCE FOR CONSTRUCTING PUBLIC IMPROVEMENTS:

A. ACCEPTABLE OPTIONS: Pursuant to the recommendation of the Development Review Board prescribed in Section 8-08-001-0004 E.2, and subject to approval by the Grants/Contracts Manager, City Engineer, and City Attorney, the following alternatives for assurance of performance are available to the Developer:

1. Cash Deposit. The Developer/Principal may fulfill the public improvement requirement by a cash deposit. A separate accounting for the cash deposit will be maintained by the Finance Division, however, the Developer/Principal does not accrue interest on this type of assurance.

2. Certificate of Deposit. The Developer/Principal may provide a certificate of deposit (automatically renewable) as assurance of construction of the public improvements required. The certificate of deposit must be accompanied by an "Assignment of Certificate of Deposit and Acknowledgement by Issuer" form. The interest accrued would be returned to the Developer/ Principal along with the certificate of deposit.

3. Letter of Credit. The Developer/Principal may provide a letter of credit from an approved financial institution authorized to do business in the State of Arizona.

4. Performance Bond. The Developer/Principal may post a performance bond issued by a surety bonding company holding a certificate of authority to transact surety business in the State of Arizona. Bonds shall not be executed by an individual surety or sureties. The bond shall be made payable and be acceptable to the City of Flagstaff, shall be written or countersigned by an authorized representative of the surety who is either a resident of the State of Arizona or whose principal office is maintained in this State, and shall have attached thereto a certified copy of Power of Attorney of the signing official. In addition, said company shall be rated "A-" or better as required by the City of Flagstaff, as currently listed in the most recent Best Key Rating Guide, published by the A.M. Best Company.

5. Pledge of Collateral. The Developer/Principal may offer security involving the pledge of collateral, e.g. real property held in trust for the City's benefit.

6. Other. Such other assurance or security as the Grants/ Contracts Manager, City Engineer, and City Attorney may recommend and the Mayor and Council may approve as appropriate and necessary to secure completion of the required improvements.

B. PROCEDURES FOR ASSURANCE OPTIONS:

1. All of the above assurance options must be accompanied by a City of Flagstaff "Assurance of Performance" agreement for the public improvements. In addition, if the Developer/Principal is a corporation, the assurance must also be accompanied by a City of Flagstaff "Authorized Signature" form.

2. Assurance of construction for not less than one hundred twenty percent (120%) of the estimated construction costs of uncompleted, required public improvements may be offered to and accepted by the City upon approval by the Grants/Contracts Manager, City Engineer, and City Attorney. As determined by the City Engineer, the assurance amount may be increased above one hundred twenty percent (120%) in situations which may include, but not limited to, incomplete and/or failure to provide design construction plans or if design or construction difficulties are anticipated. A company providing such security on behalf of the Developer shall be properly licensed to do business in the State of Arizona. Upon acceptable completed portions of the work as determined by the City, the City Engineer may authorize releases of no less than twenty percent (20%) of the security (engineer's estimate plus twenty percent 20% contingency). In no event shall the assurance be reduced below ten percent (10%) of the principal amount until the project is completed and accepted. All remaining security shall be returned or released within thirty (30) days after final written acceptance of public improvements by the City Engineer.

3. The City of Flagstaff assurance approval, partial release and final release procedures are as follows: (1) allow minimum of four working days to process an approval, (2) allow a minimum of six working days to process the partial or final release, with the exception of a cash assurance, which will be determined by the cut-off of the Finance Division Accounts Payable schedule.

C. TERM OF OBLIGATION:

1. The period within which the required public improvements must be completed and shall be incorporated in the documents creating the assurance. If the improvements are not completed within the specified period identified by the assurance as evidenced either by a lack of work on the improvements for a period of sixty (60) consecutive calendar days (except for adverse weather conditions); or the improvements as constructed are not acceptable to the City and the Developer/Principal is unwilling or unable to make satisfactory corrections, the City may, upon verification of those facts to the Developer/ Principal, draw upon the said deposited funds the estimated amount necessary to complete the public improvements.

2. The assurance shall remain in full force and effect until (1) the public improvements for said project have been completed and accepted by the City as evidenced by a letter of acceptance by the City Engineer, or (2) said deposited funds have been exhausted by withdrawals by the City.

3. An extension may be granted for sufficient cause for the said project at the discretion of the Grants/Contracts Manager and/or City Engineer if requested in writing by the Developer/Principal.

4. In the event that the required street improvements are not constructed, or under construction, within three (3) years, the assurance of construction will be reviewed for a possible two (2) year extension with due consideration of the Funded and Unfunded Listing of the Five (5) Year Capital Improvement Projects. If the City does not commence construction of street improvements adjacent to the subject property within this five (5) year period, the City may: (1) require the Developer to construct said street improvements within the following 12 month period; (2) require the Developer to provide a new surety acceptable to the City; (3) the City may call the surety and build the improvement; or (4) waive the surety.

D. ASSURANCE OF CONSTRUCTION: The amount of assurance of construction shall be the cost required to design, if necessary, and construct the required improvements as approved by the City Engineer, subject to the provisions in subsection A.4. above. All public improvements shall be required to be completed prior to a certificate of occupancy being issued, unless Section 8-08-001-0012 applies. (Ord. 1925, 12/03/96)

(Ord. No. 1663, Ren&Amd, 08/07/90, 8-08-001-0005; Ord. No. 1925, Ren&Amd, 12/03/96, 8-08-001-0005)

SECTION 8-08-001-0007 PROJECT ENGINEER:

A. The owner or developer shall assure the City that an engineer or land surveyor, as required, registered in Arizona will be employed to provide required services for public improvements, unless waived by the City Engineer. The responsibilities of the engineer or land surveyor shall include, but not be limited to the following:

1. Preparation of the required Engineering Design Report for subdivisions and/or plans for required public improvements.

2. Certification that horizontal and vertical alignment and dimensions of public improvements have been staked in conformity to City standards and specifications and to the Engineering Design Report or plans approved by the City Engineer.

B. The owner or developer shall pay a fee of one percent (1%) of the construction estimate for water, sanitary sewer, street and drainage improvements to the City of Flagstaff for the preparation of "as-built" plans by the City. (Ord. 1925. 12/03/96)(Ord. No. 1925, Enacted, 12/03/96; Ord. No. 1925, Ren&Amd, 12/03/96, 8-08-001-0006)

SECTION 8-08-001-0008 PERMIT REQUIRED FOR WORK WITHIN CITY RIGHTS OF WAY OR EASEMENTS:

A permit issued by the City Engineer, and/or other jurisdictional authority, shall be required prior to any construction within public rights-of-way or

public easements. Such permit shall be issued subject to the following requirements:

A. Approval of an Engineering Design Report and construction plans for subdivisions or approval of construction plans for other public improvements, unless plan requirements have been waived by the City Engineer. Plans shall have Arizona Department of Environmental Quality approval for water and sanitary sewer systems and shall be approved by all utility companies.

B. Payment of inspection and testing fees for all public improvements located within public rights-of-way or public easements shall be in accordance with the current fee schedule adopted by Resolution of the City Council and on file with the City Clerk.

C. Engineering Design Report and/or plan approval shall be valid for one year from the approval date of the City Engineer, after which time review and approval by the City Engineer, payment of fees for any uncompleted work at the then current fee schedule, and reissuance of the permit(s) are required.

D. Private utility companies shall be required to obtain permits for work upon their facilities within public rights-of-way or public easements and shall be exempt from payments of fees.

E. All departments of the City of Flagstaff shall be required to obtain permits for work upon new facilities within public rights-of-way or public easements and shall be exempt from payment of fees. (Ord. 1925, 12/03/96)

(Ord. No. 1663, Amended, 08/07/90; Ord. No. 1925, Ren&Amd, 12/03/96, 8-08-001-0007)

SECTION 8-08-001-0009 CONSTRUCTION AND INSPECTION:

A. Construction and scheduling of construction of public improvements shall be the responsibility of the owner or Developer or his/her designated representative. All construction shall conform to adopted City standards and specifications and to the Engineering Design Report and/or plans approved by the City Engineer.

B. No underground utilities shall be installed in a new street until rough grading of the street is complete. All underground utility construction shall be complete, including service lines to each lot, prior to paving a street.

C. Inspection for conformity to the Engineering Design Report and/or plans and specifications approved by the City Engineer will be provided by the City. Scheduling of inspection, including notification before beginning construction and requests for inspection at check points during the course of construction, shall be required. The City Engineer shall have the authority to temporarily halt construction and order any changes necessary to bring the construction of public improvements into conformity with City standards and specifications and the Engineering Design Report and/or plans approved by him/her. (Ord. 1925, 12/03/96)

(Ord. No. 1925, Ren&Amd, 12/03/96, 8-08-001-0008; Ord. No. 1925, Ren&Amd, 12/03/96, 8-08-001-0008; Ord. No. 1925, Ren&Amd, 12/03/96, 8-08-001-0008)

SECTION 8-08-001-0010 ACCEPTANCE OF PUBLIC IMPROVEMENTS:

A. The City Engineer shall provide for inspection of required improvements during construction to ensure their satisfactory completion.

B. If the City Engineer finds upon inspection that any of the required improvements have not been constructed in accordance with the City's adopted engineering standards and specifications and the approved construction plans, the Developer/Principal shall be responsible for completing or replacing such improvements as to the specifications of the City.

C. Final inspection of public improvements will be scheduled with the City Engineer prior to their acceptance.

D. Except as hereinafter provided in Section 8-08-001-0006B.2. and 8-08-001-0006, the City will not accept the required improvements nor release any assurance until the project is accepted by the City Engineer. The City Engineer shall issue a letter of completion upon final acceptance. (Ord. 1925, 12/03/96)

(Ord. No. 1925, Enacted, 12/03/96; Ord. No. 1925, Ren&Amd, 12/03/96, 8-08-001-0009)

SECTION 8-08-001-0011 BUILDING PERMITS:

The Chief Building Official may issue a building permit when:

A. The required Engineering Design Report and/or construction plans for public improvements have been conditionally approved by the City Engineer and found to be in substantial compliance with City standards and specifications; and

B. An assurance has been provided pursuant to Section 8-08-001-0006; and

C. Roadway infrastructure, pavement, curb/gutter, and sidewalk have been completed for single-family subdivisions. If roadway infrastructure completion is not practical, an agreement may be executed by the Developer that obligates the Developer to ensure the continued repair and maintenance of all paving, curb/gutter, and sidewalk until final completion and City acceptance of the subdivision infrastructure. Said agreement must be approved by the City Engineer and the City Attorney's Office. (Ord. 1925, 12/03/96)

(Ord. No. 1925, Enacted, 12/03/96; Ord. No. 1925, Ren&Amd, 05/06/97, 8-08-001-0010; Ord. No. 1925, Ren&Amd, 12/03/96, 8-08-001-0010)

SECTION 8-08-001-0012 OCCUPANCY:

The Chief Building Official may issue a certificate of occupancy for any building when all required public improvements have been completed and accepted by the City Engineer. If paving is impossible due to climatic conditions, completion of paving, curb, gutter, and sidewalk may be postponed until after occupancy, provided:

A. All other public improvements are complete and acceptable to the City Engineer; and

B. An engineer-certified all-weather road, including necessary maintenance agreements to ensure passage of emergency vehicles, is provided to each building site; and

C. Temporary storm drainage facilities, approved by the City Engineer, that provide for the safe conveyance of storm waters until infrastructure completion are provided; and

D. Assurance of construction for the uncompleted street improvement for not less than one hundred twenty percent (120%) of the cost of completing the public improvements within one (1) year in accordance with Section 8-08-001-0006 and Section 8-08-001-0010 is offered to and accepted by the City upon approval by the Grants/Contracts Manager, City Engineer, and City Attorney. (Ord. 1925. 12/03/96)

(Ord. No. 1925, Enacted, 12/03/96; Ord. No. 1925, Ren&Amd, 12/03/96, 8-08-001-0011)

SECTION 8-08-001-0013 APPEALS:

The owner or Developer may request that the City Council grant a variance from the minimum requirements established by this Ordinance. In addition, if appropriate, the owner or Developer may also appeal any dedication or exaction requirement imposed by the Development Review Board or other administrative agency or official that exceeds the minimum development standards required by this ordinance to a Hearing Officer in accordance with A.R.S. 9-500.12.

A. VARIANCE REQUEST PROCEDURE

The following procedures shall apply to a request for a variance:

1. Application. The applicant shall submit to the Community Development Director a written request setting forth the nature of the variance request. The request shall reference the specific minimum engineering standards or other ordinance requirements from which variance relief is requested and also contain a narrative description of the special circumstances in support of the variance. Said special circumstances may include, but not be limited to topographical conditions, architectural or engineering considerations, construction practices or other factors or circumstances that make the application of said minimum engineering standards or other ordinance requirements unnecessary or impractical.

2. Fee. A variance application fee as required by this section shall be submitted with the application. Said fee shall be a minimum of $200.00. The fee for any project with an estimated public construction cost of $40,000.00 or greater shall be one-half (1/2) of one percent (1%) of estimated construction cost, not to exceed $1,000.00. Failure to submit the appropriate fee will result in an incomplete variance request which will not be scheduled for hearing until the application fee has been received.

3. Planning and Zoning Commission Review. Upon receipt of a completed application, the variance request will be scheduled for consideration at a public meeting of the Planning and Zoning Commission within 21 days, unless scheduling requires otherwise. The applicant will be notified in writing of the Planning and Zoning Commission hearing date. The Planning and Zoning Commission may recommend granting the requested variance, modifying the request, or denying the variance request.

4. City Council Review. The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for consideration at a public meeting. The variance request will be scheduled as soon as practical but normally should not exceed 30 days from the date of the Planning and Zoning Commission hearing, unless scheduling requires otherwise. The applicant will be notified in writing of the date of the City Council meeting.

B. ADMINISTRATIVE APPEAL PROCEDURE

The following procedures shall apply to an administrative appeal:

1. The appeal must be filed on a form provided by the City and filed with the Hearing Officer designated by the City of Flagstaff within 30 days after the Development Review Board or administrative official has made a determination requiring the dedication or exaction.

   The identity of the Hearing Officer is as follows:

   The City of Flagstaff Planning and Zoning Commission
   c/o The Community Development Director
   Community Development Department
   211 W. Aspen Avenue
   Flagstaff, Arizona 86001
   (520) 779-7610

2. The appeal shall specify, by allegation or allegations, the basis for the request.

3. The hearing will be scheduled within thirty (30) days of receipt by the Hearing Officer of the applicant's request. In the event the appeal is based on issues pertaining to essential nexus and/or rough proportionality, the City will bear the burden of proving that the dedications or exactions to be imposed on the property bear an essential nexus between the requirement and a legitimate city interest and that the proposed dedication or exaction is roughly proportional to the impact of the land use, improvement or development proposed by the applicant.

4. A minimum of ten (10) calendar days notice will be given to the applicant of the date, time and place of the hearing unless the applicant indicates to the Hearing Officer in the appeal request that less notice is acceptable. In the event a staff report is prepared for submittal to the Hearing Officer, the applicant shall be entitled to receive a copy as soon as it becomes available.

5. The Hearing Officer's decision shall be rendered within five (5) working days after the appeal is heard.

6. The Hearing Officer may affirm the dedication or exaction, modify it, or delete the requirement.

7. No fee will be charged for filing the appeal.

8. There are no further administrative appeals beyond the Hearing Officer. If the applicant is dissatisfied with the decision of the Hearing Officer, the applicant may file a complaint for a trial de novo with the Coconino County Superior Court within thirty (30) calendar days of the Hearing Officer's decision.

C. Public Notification Procedure. For either an appeal or variance request, the property shall be posted with a plainly visible notice indicating the appeal/variance matter and scheduled hearing(s) and location(s) information. The City shall also provide written notification of the appeal/variance to the adjacent property owners as shown by the last assessment of the adjacent properties by first-class mail. (Ord. 1925, 12/03/96)

(Ord. No. 1925, Enacted, 12/03/96; Ord. No. 1925, Ren&Amd, 12/03/96, 8-08-001-0012)

SECTION 8-08-001-0014 PENALTIES:

Unless otherwise provided or designated, any person convicted of a violation of any section of this City Code is guilty of a misdemeanor and shall be fined in a sum not to exceed two thousand five hundred dollars ($2,500) for any one offense, and a person may be confined in the County jail for a period not exceeding ninety (90) days. Any violation which is continuing in nature shall constitute a separate offense on each successive date the violation continues, unless otherwise provided. (Ord. 1995, 12/03/96)(Ord. No. 11, Renumbered, 05/01/97, 8-08-001-0013; Ord. No. 1925, Ren&Amd, 12/03/96, 8-08-001-0013)

CHAPTER 8-09
UTILITY POLES AND WIRES

SECTIONS:

8-09-001-0001	**DEFINITIONS:**
8-09-001-0002	**REGULATION OF ERECTION OF NEW UTILITY POLES AND WIRES:**
8-09-001-0003	**PROCEDURE FOR SECURING PERMITS:**
8-09-001-0004	**PRESCRIBING STANDARDS FOR ISSUANCE OF PERMITS:**
8-09-001-0005	**DENIAL OF PERMIT; APPEAL PROCEDURE:**
8-09-001-0006	**EXEMPTION:**

SECTION 8-09-001-0001 DEFINITIONS:

As used in this Chapter:

A. DISTRIBUTION FEEDER is that portion of the distribution system feeding from a distribution substation to a specific load area and having a capacity of over three thousand (3,000) kva.

B. TRANSMISSION LINE is an electric line used for the bulk transmission of electricity between generating or receiving points and major substations or delivery points, and having a rating of over twenty five thousand (25,000) volts.

C. UTILITY POLES AND WIRES shall mean poles and structures and the wires, cables, transformers and all other facilities installed upon them used in or as a part of the distribution or transmission of electricity or in the transmission of telephone, telegraph, radio or television communications.

D. EXISTING UTILITY POLES AND WIRES shall mean such poles and wires and other facilities as are in place and in operation as of the effective date of this Chapter and including repairs, replacements, relocations on the same general alignment, additions, installation of services from existing lines or betterments, changes, improvements hereinafter made to maintain or increase service capabilities of existing utility poles, wires, service drops and other facilities, but shall not include extensions made to existing distribution lines.

SECTION 8-09-001-0002 REGULATION OF ERECTION OF NEW UTILITY POLES AND WIRES:

After the effective date of this Chapter, no new utility poles and wires shall be erected in the City above the surface of the ground unless a permit is first secured therefor from the City Engineer; except that the following construction may be installed without such a permit:

A. Transmission lines and distribution feeder lines, together with related switchyards, substations and related equipment.

B. Pad-mounted transformers or pull boxes, service terminals, pedestal-type telephone terminals, telephone splice closures or similar on-the-ground facilities normally used in connection with and as part of underground electric distribution, telephone, telegraph or television system, or on-the-ground facilities attached to existing overhead facilities and which

are used for the purpose of connecting an underground system with the existing facilities.

C. Temporary service facilities, such as facilities to furnish emergency service during an outage, facilities to provide service to construction sites, or other service of a limited duration, such as to a fair, carnival, outdoor exhibit or other function where the facilities will be installed for a temporary period only.

SECTION 8-09-001-0003 PROCEDURE FOR SECURING PERMITS:

Any person showing due cause and seeking a permit for the erection of any new utility poles and wires within the City boundaries and above the surface of the ground shall first make application therefor to the City Engineer which application shall be approved or denied within thirty (30) days,

SECTION 8-09-001-0004 PRESCRIBING STANDARDS FOR ISSUANCE OF PERMITS:

A permit for the erection of new utility poles and wires may be granted only in the event the applicant makes an affirmative showing that the public's general health, safety and welfare and that of adjacent property owners will not be impaired or endangered or jeopardized by the erection as proposed. In deciding such matter, the following factors shall be considered: The location and heights of such poles and wires and their relation to present or potential future roads; the crossing of such lines over much travelled highways or streets; the proximity of such lines to schools, churches or other places where people congregate; the probability of extensive f lying in the area where such poles and wires are proposed to be located and the proximity to existing or proposed airfields; fire or other accident hazards from the presence of such poles and wires and the effect, if any, of same upon the effectiveness of fire fighting equipment; the aesthetics involved; the future conditions that may be reasonably anticipated in the area in view of a normal course of development; the practicality and feasibility of underground installation of such facilities with due regard for the comparative costs between underground and overground installations; provided, however, that a mere showing that an underground installation shall cost more than an overground installation shall not in itself necessarily require issuance of a permit.

SECTION 8-09-001-0005 DENIAL OF PERMIT; APPEAL PROCEDURE:

In the event the permit is denied, the applicant may appeal the decision of the City Engineer by presenting his objections in writing to the City Engineer with a copy to the City Clerk within ten (10) days of the City Engineer's denial. The City Engineer may grant the permit within five (5) days or shall submit the appeal together with a written report of his recommendations to the City Council within twenty (20) days of the date of receipt of the appeal. The Council may hear arguments and shall decide the matter.

SECTION 8-09-001-0006 EXEMPTION:

Specifically exempted from the provisions of this Chapter are those parts of the Single-Family Residential-Rural Zoning District (R-R) that because of

distances and cost considerations, and in the opinion of the City Engineer would cause undue hardship and economic burden to develop. (Ord. 832, 5-28-72)

CHAPTER 8-10
GENERAL CONSTRUCTION STANDARDS AND SPECIFICATIONS

SECTIONS:

8-10-001-0001 **STANDARDS AND SPECIFICATIONS ADOPTED:**

SECTION 8-10-001-0001 STANDARDS AND SPECIFICATIONS ADOPTED:

A. Engineering Design and Construction Standards and Specifications: The City Council of the City of Flagstaff hereby acknowledges that three duplicate original copies of a document entitled "Engineering Design and Construction Standards and Specifications", as they were revised through July of 1993, have been filed with the City Clerk and have become public records; and hereby adopts those Engineering Design and Construction Standards and Specifications as revised in July of 1993 to be effective within the City of Flagstaff for all construction begun under permits that were issued after the effective date of this Ordinance. (Ord. 1805, 06/15/93)

That Section L pertaining to street lighting standards as set forth below be added to the Engineering Design and Construction Standards and Specifications, and that three (3) copies of the revised Engineering Design and Construction Standards and Specifications including Section L be forwarded to and maintained by the City Clerk. Section L shall read as follows:

SECTION L - STREET LIGHTING

L-1.00 General
Streets are lighted to achieve a number of different objectives. These objectives require widely varying light levels and different equipment to achieve the desired effects. There is evidence to support the desirability of lighting streets in both urban and rural areas. At-grade intersections, turning movements, signalization, parking and pedestrian traffic are common elements that benefit from street lighting. Roadway lighting is generally accepted as an important contributor to safe and efficient traffic operation.
L-1.01 Lighting Required

Street lights shall be installed on all streets in accordance with these standards. The developer shall be responsible for the design, installation and all costs associated with the installation of the street lighting system. Plans shall be submitted to the City Engineer for review and approval and shall conform to City standards. The street lights shall become the property of the City when the final inspection of all offsite improvements is made and the improvements accepted by the City Engineer.

The electrical lines connecting the street light shall be installed by Arizona Public Service (APS) and will remain the property of APS. The developer shall be responsible for making necessary arrangements with APS for the installation of the electrical service for the street lighting system.

L-2.00 Lighting Layout

The intent of roadway lighting is for improved transportation safety and efficiency. The individual elements that compose the lighting installation should compliment this intent. The street lighting design must include safety considerations to minimize hazards. The following elements for light pole design and location shall be applied.

L-2.10 Street lights at intersections

Street lights shall be installed at any intersections involving a type I or II street. The luminaire should extend over the higher class street.

For signalized intersections, the street lights shall be attached to the signal poles and there shall be two lights positioned at diagonally opposite locations.

L-2.20 Spacing of street lights

In addition to intersection locations, street lights shall be spaced along streets in accordance with the following table:

Street Type	**Luminaire**	**LPS Lumens**	**Adjacent Land Use**	**Approximate Spacing**
Type I	180 watts	(33,000)	Commercial	26O'
135 watts		(22,500)	Residential	36O'
Type II, V	180 watts	(33,000)	Commercial	44O'
	135 watts	(22,500)	Commercial	340'
	90 watts	(13,500)	Residential	440'
Type III	135 watts	(22,500)	Commercial	480'
	90 watts	(13,500)	Residential	340'
Type IV, VI	90 watts	(13,500)	Residential	380'
	55 watts	(8,000)	Residential	260'

L-2.21 Location and Placement of Equipment

In addition to the table, the following layout criteria shall be used:

1. When a street light location falls near an unlit intersection, the light should be located at the intersection.

2. Street lights should be located at property lines but not in conflict with other utility service locations.

3. The spacing selected should not vary more than 10% from span to span.
4. With relation to roadway cross-sections, poles should be located:

   a. One foot back of sidewalk, or,

   b. When the sidewalk is separated from the curb, two feet back of curb, or,

c. When there is curb but no sidewalk, six feet back of curb, or,

d. On a Type V roadway (a future Type II roadway), six feet back of the future alignment of the curb for the Type II roadway, or,

e. On a Type VI roadway, 6 feet from the edge of pavement.

5. Existing poles should be used whenever possible.

6. Where a raised median divides a roadway, the pole should be located therein, whenever practicable, twin mast arms used, and appropriate adjustments in spacing made with regard to the divided roadway width.

7. Wiring for street lights shall be underground and located behind curb.

8. Additional lighting may be required when potential traffic hazards are identified in the plan review process.

L-3.01 Luminaires

Luminaires shall meet all requirements of any City ordinance pertaining to lighting, when applicable.

A list of acceptable luminaires will be maintained by the City Engineer. Luminaires not on this list will require submittal of technical information for review and approval by the City Engineer.

Luminaire style and wattage should not alternate too frequently. This will facilitate maintenance, lighting consistency, and system appearance.

L-3.02 Street Light Support Structures

Street light support structures consist of the base, pole and mast arms. The standards of construction for this equipment shall follow those of Arizona Public Service (APS).

A copy of the APS standards is available for review at the Engineering Division.

L-4.00 Plan Submittals

All new preliminary plan, site plan, tentative plat or construction plan submittals shall show adjacent existing street lights with their luminaire type and wattage.

New street lights and auxiliary equipment and changes to street lights and equipment in the vicinity of the project which are required as a result of the project, shall also be shown on these plan submittals with the luminaire type, wattage, and other pertinent information.

Typical construction details for the support structure shall be made a part of the construction plans.

L-5.00 Modifications to the Existing System that are not a Part of Development Requirements

Individual requests for additions to, or deletions from, the City's street light system, which are not in accordance with the Lighting Layout of the Standard, shall be acted on by the City Engineer or his authorized representative.

L-6.00 Repair and Replacement

If an existing street light installation, which is not in conformance with these standards, suffers damage to such an extent that the cost of repairing the damage is greater than 50% of the cost of replacing the non-conforming installation, then either:

A. The light shall not be repaired, but rather, replaced with an installation which fully conforms to these Standards if such an installation would be in conformance with the intersection and spacing requirements of the Standards; or,

B. The light shall be removed if the intersection and spacing requirements of the Standards would be violated by its repair or replacement.

If the repair cost is less than 50% of the replacement cost then the installation shall be repaired in accordance with these Standards whenever possible.

L-7.00 Variances

Variances for these requirements for unusual circumstances shall be approved by the City Engineer or his authorized representative. (Ord. 1645, 11/7/89)

That the City Council of the City of Flagstaff hereby revises Section I-3.50 of a document entitled "City of Flagstaff Engineering Design and Construction Sandards and Specifications", by adding the following:

"...Such systems are also subject to a fee equal to the estimated amount of operation and maintenance expenses for a period of twenty years. Such fee shall be agreed to by the City and Developer and paid prior to any occupancy being allowed in the development. Operation and maintenance expenses shall be based on all personnel, contractual, commodities, and replacement capital costs that are estimated for the first twenty years of operation. Replacement capital costs shall be based on a ten year life of pumps and motors. Capital with a life of greater than ten years shall be depreciated based on its life expectancy. The actual amount paid shall be based on the future value of the estimated amounts assuming a 5% rate of inflation and then discounted back to their present value using a factor equal to the previous average six month interest paid by the Arizona State Treasurer's Office paid on the Local Government Investment Pool or other investment vehicles the City may have. (Ord. 1716, 10/1/91)

B. Maricopa Association of Governments "Uniform Standard Specifications for Public Works Construction", 1979 edition,

together with the 1980 - 1989 revisions thereof and the City of Flagstaff addendum thereto of November, 1988; and the Maricopa Association of Governments "Uniform Standard Details for Public Works Construction", the 1979 edition together with the 1983 - 1989 revisions, are hereby adopted and shall be the minimum standards for public works construction within the City limits. (Ord. 1672, 8/21/90)

Three copies of the aforesaid Standard Specifications and Standard Details and of the revisions thereto, together with the 1988 City of Flagstaff addendum thereto shall remain on file in the office of the City Clerk to be available during normal business hours for the use and inspection of the public. (Ord. 1672, 8/21/90)

If any part of the Maricopa Association of Governments Uniform Standard Specifications, the MAG revisions or the City of Flagstaff addendum thereto; or of the Standard Details and of the MAG revisions thereto should be held to be invalid by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions thereof. (Ord. 1672, 7/21/90)

(Ord. No. 1599, Amended, 12/06/88; Ord. No. 1628, Amended, 08/01/89; Ord. No. 1645, Amended, 11/7/89; Ord. No. 1597, Rep&ReEn, 12/06/88; Ord. No. 1672, Rep&ReEn, 08/21/90; Ord. No. 1716, Amended, 10/01/91)

CHAPTER 8-11
POLICIES REGARDING USE OF MUNICIPAL PARKS

SECTIONS:

8-11-001-0001	**PURPOSE:**
8-11-001-0002	**AUTHORITY:**
8-11-001-0003	**ENFORCEMENT:**
8-11-001-0004	**DEFINITIONS:**
8-11-001-0005	**USE BY THE GENERAL PUBLIC/HOURS OF USE:**
8-11-001-0006	**PERMIT PROCEDURES:**
8-11-001-0007	**FEES AND CHARGES:**
8-11-001-0008	**DOMESTICATED ANIMALS/AND WILDLIFE:**
8-11-001-0009	**ACTIVITIES REQUIRING PERMIT:**
8-11-001-0010	**PROHIBITED ACTIVITIES:**
8-11-001-0011	**OTHER:**

SECTION 8-11-001-0001 PURPOSE:

The purpose of this Chapter is to establish regulations to provide for the safe and peaceful use of City park property by the public, for the recreational benefit and enjoyment of the public, and for the protection and preservation of the property, facilities, and natural resources of the City. (Ord. 1786, 01/05/93)

(Ord. No. 1786, Enacted, 01/05/93)

SECTION 8-11-001-0002 AUTHORITY:

The City Council authorizes the City Manager to promulgate special rules and administrative policies necessary and appropriate to administer these regulations, and to enforce the same. Such policies shall be in writing and made available to the public during normal business hours in the office of the City Parks and Recreation Division. (Ord. 1891, 09/19/95)

(Ord. No. 1786, Enacted, 01/05/93; Ord. No. 1891, Amended, 09/19/95)

SECTION 8-11-001-0003 ENFORCEMENT:

Any violations of §8-11-001-0008, §8-11-001-0009, §8-11-001-0010 shall be unlawful, shall be subject to criminal prosecution, and upon conviction shall be punishable in like manner to any other violations of this City Code. Enforcement shall be the responsibility of the City Manager or designee to include Parks and Recreation Division, Police Department, or other appropriate City employees. (Ord. 1891, 09/19/95)

(Ord. No. 1786, Enacted, 01/05/93; Ord. No. 1891, Amended, 09/19/95)

SECTION 8-11-001-0004 DEFINITIONS:

A. "Parks and Recreation Director" means the person immediately in charge of the Parks and Recreation Division, and to whom all Division employees are responsible.

B. "Park Property" means any land, its landscaping and vegetation, buildings, fixtures, monuments, or structures located thereon, devoted to park or recreational uses and owned, operated, or established by the City Council.

(Ord. 1891, 09/19/95)

(Ord. No. 1786, Enacted, 01/05/93; Ord. No. 1891, Amended, 09/19/95)

SECTION 8-11-001-0005 USE BY THE GENERAL PUBLIC/HOURS OF USE:

A. Park property and recreation programs are open to use by all members of the public regardless of race, sex, national origin, color or physical disabilities.

B. Permitted hours of use shall be between 5:00 a.m. and 10:00 p.m., Sunday through Thursday, and 5:00 a.m. and 12:00 midnight, Friday and Saturday, unless such person has acquired the appropriate permit from the City Parks and Recreation Division.

C. In park property with functioning sports lighting, the hours of use shall be extended to 12:00 midnight, Sunday through Thursday, for conducting sporting events, and other events approved by permit.

D. Hours of use shall not apply to the use of public sidewalks, or public streets located within any park property, which are being used as a transportation corridor.

E. No person shall enter park property which has been closed to use, and is so posted by the City of Flagstaff.

F. City employees and law enforcement officers acting within their authority shall be exempt from the provisions of this Section. (Ord. 1891, 09/19/95)

(Ord. No. 1786, Enacted, 01/05/93; Ord. No. 1891, Amended, 09/19/95)

SECTION 8-11-001-0006 PERMIT PROCEDURES:

A. A permit shall be obtained from the City Parks and Recreation Division whenever any person or group desires to reserve any portion of park property to conduct activities.

B. Application for a permit must be received a minimum of ten (10) working days prior to the anticipated use, on forms provided by the City Parks and Recreation Division.

C. Permits shall be issued to persons 18 years old or older by the Director or designee within a reasonable period of time following receipt of application, in accordance with this Ordinance and administrative policies pertaining to park use.

D. Permits issued pursuant to this Section must be in the possession of the permittee during the permitted activity and shown upon request.

E. Functions shall be confined to the specific part of the facility assigned to the permit holder.

F. If control personnel, parking attendant, traffic control devices, etc., are necessary to provide safe and orderly use, such shall be supplied by the permit holder.

G. Continuous use of facilities by clubs, organizations, and associations shall be permitted through signed agreement which may be reissued as necessary at the discretion of the Parks and Recreation Director or designee. A permit issued pursuant to this paragraph shall not exceed one (1) year.

H. Activities sponsored or co-sponsored by the City shall have first priority in the use of any park property.

I. Any request for a use not contemplated by this Ordinance or by administrative policies, or denied by the Parks and Recreation Director, may be forwarded to the Public Works Director who shall take the request before the City Manager for consideration.

J. Protest rallies, picketing activities, or other such gatherings to exercise free speech rights under the First Amendment shall be exempt from these permit requirements. (Ord. 1891, 09/19/95)

(Ord. No. 1786, Enacted, 01/05/93; Ord. No. 1891, Amended, 09/19/95)

SECTION 8-11-001-0007 FEES AND CHARGES:

A. Charges and facility use fees shall be established by the Parks and Recreation Director with approval from the Parks and Recreation Commission and City Council. All fees will be reviewed annually.

B. All fees and deposits must be paid prior to use, unless other arrangements are made with the Parks and Recreation Director or designee and written within the permit issued. (Ord. 1891, 09/19/95)

(Ord. No. 1786, Enacted, 01/05/93; Ord. No. 1891, Amended, 09/19/95)

SECTION 8-11-001-0008 DOMESTICATED ANIMALS/AND WILDLIFE:

A. With the exception of dogs and cats, no domesticated animal or wildlife shall be brought onto park property unless authorized by permit.

B. No person shall bring domestic animals or wildlife upon park property unless on a leash, and is at all times entirely within the control of the person bringing it upon park property.

C. Domestic animals are not permitted at any time in certain posted areas of park property.

D. Persons bringing domestic animals or wildlife upon park property are responsible for immediate cleanup and removal of the animal's defecation. It shall be unlawful for any person to cause or permit domestic animals

or wildlife to be on park property unless such person has in his immediate possession an appropriate depository for the transmission of excrement to a waste receptacle. This provision shall not apply to a person who is physically disabled.

E. No person shall catch, injure, destroy, or interfere in any way with any wildlife on park property. (Ord. 1786, 01/05/93)

(Ord. No. 1786, Enacted, 01/05/93)
(Ord. 2004, Amended, 10/05/1999)

SECTION 8-11-001-0009 ACTIVITIES REQUIRING PERMIT:

The following activities shall not be conducted on park property unless authorized by permit:

A. Playing an audio device, use a public address device, or any device to amplify music.

B. Operation of a motor vehicle of any type, including, but not limited to, automobiles, motorcycles, motorbikes, or snowmobiles except on roads or parking areas designated for that purpose.

C. Leaving personal property unattended for more than four hours.

D. Carrying, possessing or discharging a bow and arrow, dart, firearm, knife with a blade of more than three inches in length, or other dangerous weapons. Law enforcement officers acting within their authority shall be exempt.

E. Flying or launching powered model airplanes or rockets.

F. Cutting or sawing any live or dead trees or their parts with any type of equipment, power or otherwise, or remove any live or dead trees.

G. No signs, notices, decorations, or objects of any kind shall be attached to, located on or painted on any part of park property.

H. Conducting or soliciting of any business, trade or occupation.

I. Enclosure of any area or erection of any structures.

J. Planting of vegetation or causing vegetation to be planted.

K. Digging into the surface of park property.

L. Horseback riding. Law enforcement officers acting within their authority shall be exempt.

M. Roller skating, skateboards, and bicycling in areas so posted.

N. Use of any portion of a park for golfing purposes, or make use of any golf clubs, or golf balls. (Ord. 1786, 01/05/93)

(Ord. No. 1786, Enacted, 01/05/93)

SECTION 8-11-001-0010 PROHIBITED ACTIVITIES:

The following activities shall be prohibited on park property:

A. Servicing any automobile, including washing, waxing, repairing, or performing other work, except in case of an emergency.

B. Defacing, destroying or injuring in any way, misusing, or removing any park property.

C. Interfering with any City employee acting in the course of his or her official duties.

D. Possessing and discharging any fireworks or explosives on park property.

E. Depositing, leaving, or spilling refuse or other substances other than in receptacles provided for this purpose.

F. Depositing refuse from private premises in park property trash receptacles.

G. Possessing a glass beverage container in any park, trail, or facility, nor shall any person purposely throw, toss, or otherwise propel, or break any glass object on park property, parking area, or access road leading to park property.

H. Urinating or defecating other than in the facilities provided.

I. Congregating or assembling in or about any restroom or entry ways of buildings in such a manner as to hinder or obstruct the proper use thereof.

J. Violating any regulation posted for the operation of an individual recreation center or facility.

K. Utilizing a playing field which is wet or otherwise unsuitable for play and which may cause damage to the field.

L. Camping or overnight parking.

M. Fires are permitted for the purpose of cooking only in picnic areas, and are restricted to grills constructed for this purpose, and privately owned grills or stoves. Wood fires on park property are prohibited for any purpose.

N. Trapping, except when necessary by the Arizona Game and Fish Department or other law enforcement authority.

O. Consuming spirituous liquor as defined by State law. This paragraph shall not apply to a person consuming beer from a broken package on park property except as otherwise posted. (Ord. 1891, 09/19/95).

P. The outdoor use of any sound amplification device between the hours of 1:00 a.m. and 12:00 p.m. on Sundays.

(Ord. No. 1786, Enacted, 01/05/93; Ord. No. 1891, Amended, 09/19/95)

(Ord. Ord. 2003-05, Amended, 03/18/2003)

SECTION 8-11-001-0011 OTHER:

A. Lost objects found on park property must be turned over to the City Police or City Parks and Recreation Division and may be recovered by proper identification at Police Headquarters or City Parks and Recreation Office.

B. Picnic areas not requiring a permit are operated on a "first come, first serve" basis. Picnic ramadas shall be reserved by permit on a "first come, first serve basis", which must be made in person at the Parks and Recreation Office.

C. Sledding, downhill skiing, snowmobiling, tobogganing or cross-country skiing is permitted on park property unless restricted as posted. (Ord. 1891, 09/19/95)

(Ord. No. 1786, Enacted, 01/05/93; Ord. No. 1891, Amended, 09/19/95)