

MARANA ORDINANCE NO. 2017.015

RELATING TO MARANA REGIONAL AIRPORT; AMENDING TITLE 15 (MARANA REGIONAL AIRPORT) OF THE MARANA TOWN CODE BY REPLACING EXISTING TITLE 15 WITH A COMPREHENSIVE REWRITE OF TITLE 15; AND DESIGNATING AN EFFECTIVE DATE

WHEREAS A.R.S. § 28-8411 authorizes the Town Council of the Town of Marana to undertake all activities necessary to acquire, establish, construct, own, control, lease, equip, improve, maintain, operate and regulate an airport; and

WHEREAS A.R.S. § 28-8419 authorizes the Town Council to adopt rules for the use of airport facilities; and

WHEREAS the Town Council finds that the airport rules and regulations established by this ordinance are necessary for the public health, safety and general welfare of the Town of Marana.

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

SECTION 1. Existing Title 15 of the Marana Town Code “Marana Regional Airport” is hereby replaced with the comprehensive rewrite of Marana Town Code Title 15 “Marana Regional Airport,” one paper copy and one electronic copy of which are on file in the office of the Town Clerk of the Town of Marana, Arizona, which was made a public record by and attached as Exhibit A to Resolution No. 2017-058 of the Town of Marana, Arizona, and is hereby referred to, adopted and made a part of this ordinance as if fully set out here.

SECTION 2. The following penalty clauses are included in the comprehensive rewrite of Title 15 “Marana Regional Airport”:

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

- A. Whenever in this title any act is prohibited or declared to be unlawful or the doing of any act is required or the failure to do any act is declared to be unlawful, the violation of that provision is a class one misdemeanor.
- B. The provisions of this title and any resolutions, minimum standards or other rules and regulations promulgated under this title, and the provisions of any other ordinance or law related to the airport, may be enforced in any manner provided for by town ordinances and state or federal laws.
- C. No delay or failure on the part of the town in enforcing any aspect of this title shall impair the town’s enforcement action, nor shall any delay be construed as a waiver of such enforcement action.

- D. No single or partial exercise of an enforcement action shall preclude any further exercise of enforcement right, or privilege of the town.
- E. No waiver of any aspect of this title shall be valid unless made in writing and signed and dated by the airport director, and then only to the extent expressly specified in such writing and expressly permitted by this title.
- F. Each day any violation continues shall constitute a separate offense.
- G. Revocation or suspension of any license or permit required by this title or any state or federal law shall not be a defense against prosecution.

15-1-9 Administrative penalties

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

SECTION 3. The various town officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

SECTION 4. All ordinances, resolutions, or motions and parts of ordinances, resolutions, or motions of the Council in conflict with the provisions of this ordinance are hereby repealed, effective as of the effective date of this ordinance.

SECTION 5. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 6. This ordinance shall become effective on the thirty-first day after its adoption.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, this 20th day of June, 2017.

Mayor Ed Honea

ATTEST:

APPROVED AS TO FORM:

Jocelyn C. Bronson, Town Clerk

Frank Cassidy, Town Attorney