

ORDINANCE NO. 426

AN ORDINANCE OF THE CITY OF MACKAY, CUSTER COUNTY, STATE OF IDAHO, REPEALING ORDINANCE NUMBER 297 AND ANY RELATED RESOLUTIONS TO THAT ORDINANCE OR DECISIONS MADE AND RECORDED IN THE MINUTES OF CITY COUNCIL MEETINGS; ENSURE ORDERLY GROWTH; ESTABLISH TIE-DOWN FEES; ESTABLISH DUE DATES FOR LONGER TERM TIE-DOWN FEES AND PENALTY FOR LATE PAYMENT; AUTHORIZE LONG TERM LEASE OF PROPERTY FOR CONSTRUCTION OF HANGARS; ESTABLISH OWNERSHIP OF HANGARS; PROVIDING THAT VIOLATION OF THIS ORDINANCE IS TRESSPASSING; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MACKAY, CUSTER COUNTY, IDAHO:

SECTION 1: Ordinance of the City of Mackay No. 297 is repealed in its entirety rather than edit the ordinance which proved to be cumbersome due the number of items needing to be changed. Also repealed are any resolutions or decisions recorded in the minutes of the City Council related to Ordinance No. 297.

SECTION 2: The City of Mackay (City) in order to ensure the orderly growth of the Mackay City Airport (Airport) and preclude the granting of an exclusive right to conduct any aeronautical activity on said airport and to assure all persons the availability of airport property on fair and reasonable terms and without discrimination, establishes this Ordinance.

SECTION 3: All persons, firms, and corporations desiring the use of the Airport for a time period of greater than two (2) weeks shall be required to pay a tie-down fee duly established by Resolution of the City Council at a special or regular City Council Meeting.

SECTION 4: Any person, firm, or corporation desiring to pay an annual tie-down fee shall pay said fee to the City Clerk by January 10th of each year. Persons, firms, or corporations desiring to pay the monthly fee shall pay said fee to the City Clerk prior to the tenth (10th) day of each month. Payments not received by the due date are subject to a ten percent (10%) late fee.

SECTION 5: Long term leases of Airport property are subject to approval by the City Council. These leases may be made to persons, firms, and corporations for the construction of hangars for the storage of aircraft, or aeronautical associated activities only. Leases shall be for periods of at least 1 year or longer. The Annual Tie-Down Permit fee shall be assessed each year for storage of aircraft or aeronautical associated activities requiring Airport facilities. The lease fee shall be subject to renegotiation on an annual basis.

SECTION 6: Lessees of Airport property shall carry as a minimum the following amounts of insurance with the City of Mackay Listed as additional insured: one million dollars (\$1,000,000.00) public liability insurance and included in said liability a "Fire Legal Liability" in the amount of one million dollars (\$1,000,000.00). Lessee shall provide a certificate(s) of insurance indicating Lessee currently carries said insurance to the LESSOR prior to occupying the leased Airport property.

SECTION 7: Lessees of Airport property shall not hold the City liable or responsible for damage or loss of Lessee property and the Lessee shall releases and discharges the City of and from any liability for loss or damage to the property of Lessee while on the leased Airport property.

SECTION 8: All structures erected on Airport leased property shall be approved by the City Council and are subject to City of Mackay building permit requirements. Structures become the property of the City upon termination of the property lease on which the structure is erected.

SECTION 9: Any violation of the terms of this Ordinance shall be deemed Trespassing and subject to injunction under the Laws of the State of Idaho and the Ordinances of the City of Mackay.

SECTION 10: This Ordinance shall be in full force and effect immediately upon its passage and publication according to law, the Council dispensing with the rule that ordinances must be read on three different days, all as provided by law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MACKAY, CUSTER COUNTY, IDAHO, THIS 7th DAY OF APRIL 2015.

CITY COUNCIL OF THE CITY OF MACKAY, CUSTER COUNTY, IDAHO A MUNICIPAL CORPORATION OF IDAHO

By: Wayne C. Olsen
Wayne C. Olsen, Mayor

ATTEST: Suzanne Whitworth
Suzanne Whitworth, City Clerk

