

WHEN RECORDED RETURN TO:

City of Buckeye
ATTN: City Clerk, Lucinda J. Aja
530 East Monroe Avenue
Buckeye, Arizona 85326

ORDINANCE NO. 17-20

AN ORDINANCE BY THE MAYOR AND COUNCIL OF THE CITY OF BUCKEYE AMENDING THE CITY OF BUCKEYE CODE, CHAPTER 22 MUNICIPAL AIRPORT RULES AND REGULATIONS, ARTICLE 22-16 AIRPORT MINIMUM STANDARDS – INSURANCE, AND ARTICLE 22-17 AIRPORT MINIMUM STANDARDS – FIXED BASE OPERATORS; ALL RELATED TO UPDATING INSURANCE REQUIREMENTS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the City desires to amend the City Code of the City of Buckeye (the “City Code”) to update the insurance requirements for business operating at the Buckeye Municipal Airport.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BUCKEYE, ARIZONA, as follows:

Section 1. General.

Chapter 22, Municipal Airport Rules and Regulations, Article 22-16 Airport Minimum Standards – Insurance, Sections 22-16-1 and 22-16-2 are hereby amended to read as follows:

Section 22-16-1 - General Insurance Requirements

All prospective FBOs and SASOs shall demonstrate to the city's satisfaction evidence of its ability to acquire at a minimum the insurance coverage as stipulated for each particular type of operation. An FBO should make its own analysis to determine if more is needed. However, such policies of insurance shall be maintained in full force and effect during all terms of existing leases, agreements or business license or renewals or extensions thereof with a thirty (30) calendar day notice of cancellation to the city. Such policies shall not be less than the statutory requirements of applicable governmental agencies and be approved in writing by the city.

Each commercial airport operator shall at all times maintain in effect the following types and minimum amounts of insurance as applicable to the business to be conducted:

- A. Comprehensive general liability insurance, on an occurrence basis for bodily injury and property damage, including products-completed operations, personal injury and advertising injury. The aggregate limit must be twice the per occurrence limit. Coverage must include damage to premises rented (fire damage liability). Airport premises liability may be used in place of comprehensive general liability;
- B. Automobile liability insurance combined single limit includes coverage for bodily injury and property damage covering any auto, owned, non-owned or hired;
- C. Worker's compensation limits based upon statutory requirement and employer's liability coverage;
- D. Aircraft liability insurance, on a per occurrence basis covering injury or damage to the property of others caused from the operation of an aircraft owned or leased;
- E. Hangar keeper's liability insurance on a per occurrence basis for damage to aircraft belonging to others in the care, custody and control or for the repair or safekeeping;
- F. Pollution liability on an occurrence basis that includes bodily injury or property damage arising out of the actual or alleged release, dispersal, discharge, etc. of pollutants.
- G. Property insurance on an all risk basis for any tenant improvements or betterments with no coinsurance penalty provision.
- H. City of Buckeye is to be named as an additional insured on all required coverages and the coverage shall be primary and non-contributory with respect to all other sources including any city insurance or self-insurance.

Section 22-16-2 - Additional Insurance Required by the City

In addition to the types and amounts of insurance required by Section 22-2-8 and Section 22-2-9 each commercial airport operator shall at all times maintain such other insurance as the city's risk manager and airport manager may reasonably determine to be necessary for such commercial airport operator's activities, or as the FAA may determine is required under the city's federal airport grant assurance obligations.

Section 2. General.

Chapter 22, Municipal Airport Rules and Regulations, Article 22-17 Airport Minimum Standards – Fixed Base Operators, Section 22-17-6 is hereby amended to read as follows:

Section 22-17-6 –Insurance

An FBO shall maintain the applicable types and amounts of insurance required by Article 22-16, except that the operator shall at all times maintain comprehensive commercial general public liability insurance in the amount as approved by the airport manager and city risk manager.

Section 3. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code are hereby repealed.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 5. The Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to take all steps and to execute all documents necessary to carry out the purpose and intent of this Ordinance.

PASSED AND ADOPTED by the Mayor and City Council of the City of Buckeye, Arizona, this 1st day of December, 2020.

Eric W. Orsborn, Mayor

ATTEST:

Lucinda J. Aja, City Clerk

APPROVED AS TO FORM:

City Attorney