



## **MOGOLLON AIRPARK RULES AND REGULATIONS**

January 6, 2024, Version 5

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## **1.0 INTRODUCTION**

This document is intended to simplify, condense and clarify the CC&Rs, Bylaws and Resolutions of the Association. It does not replace or revise anything in the CC&Rs and Bylaws or any other governing documents of the Association. It is your duty as an association member to be aware of all our governing documents. All information can be found on our website, MogollonAirpark.com. If you have any questions, please contact our property management company Community Manager, whose contact information can also be found on the website.

## **2.0 DEFINITIONS**

- “Aircraft” means a manned machine that is used or intended to be used for flight in the air.
- “Airport” means all of the airport facilities located at Mogollon Airpark, Overgaard, Arizona, as now existing or as may hereafter be expanded and developed but such definition shall not include any hangar, shade or space privately owned or any of the residential development.
- “Airport Manager” means the duly elected members of the Board of Directors or Designee.
- “Aircraft Operation” means an Aircraft arrival at or departure from the Airport, or Aircraft movement on the surface of the Airport.
- “Association” means Mogollon Airpark, Inc., an Arizona non-profit corporation, and also refers to the Homeowners’ Association.
- “Aviation accident” means an occurrence associated with the operation of an aircraft that takes place between the time any person boards the aircraft with the intention of flight and all such persons have disembarked, and in which any person suffers death or serious injury, or in which the aircraft receives substantial damage
- “Aviation incident” means an occurrence other than an aviation accident that affects or could affect the safety of operations.
- “Board” means the Board of Directors of the Association.
- “Guest” means a person who is visiting a lot owner who is in residence at the airpark or using the airpark property of the owner. A guest also includes a person who is visiting the airpark looking at property.
- “Guest Privileges” means the right of any Guest to use the Common Areas of the Association and/or to land, takeoff, operate and store aircraft at the Airport on a transient basis, subject to the Association Regulations.
- “Member” means an owner of a residential lot at the Airpark.
- “Member in good standing” in the Mogollon Airpark, Inc., an Arizona non-profit corporation means a member with no outstanding dues, or fines owed to the Association as specified in the CC&Rs.

- “Pedestrian” means a person on foot upon the Airport property of the Association.
- “Renter” means a person who is renting a member’s property.
- “UAS” means an unmanned aircraft system, which includes drones and radio controlled aircraft.
- “Vehicle” means any means in or by which someone or something is carried or conveyed. This may include but is not limited to automobiles, motorcycles, scooters, ATVs, UTVs, golf carts, Segways, or any other means as designated at the discretion of the Airport Manager.

### **3.0 PERMISSION TO USE AIRPORT**

Any Permission granted by the Airport Manager to enter upon or use the Airport or any part thereof, including but not limited to Members, Guests or Renters, emergency users, persons doing business with the Airport, lessees of Members and all other persons whatsoever, whether or not of the type indicated, is conditioned upon compliance with these General Rules and Regulations. Entry upon or into the Airport by any person shall be deemed to constitute an agreement by such person to comply with such General Rules and Regulations.

## **4.0 AVIATION USE OF THE AIRPORT**

### **4.1 Utilization**

- 4.1.1 No person shall utilize the Airport for any Aircraft Operation except a Member, Guests, passengers, or renters or for emergency uses approved by the Airport Manager. To qualify as a Guest, a person must first complete and submit an online Prior Permission Form, which is available from the Airpark website (MogollonAirpark.com). Notwithstanding the foregoing, additional persons or entities may use the airport property on a limited basis following the Requirements to fly into Mogollon Airpark, shown below.
- 4.1.2 If an owner must taxi over county roads to get to the taxiway or runway, that owner must contact the Airpark Board of Directors regarding the potential requirement for a County Use Permit.

### **4.2 Requirements to fly into Mogollon Airpark**

- 4.2.1 Current aircraft liability insurance must be in effect for Members, Guests and Renters.
- 4.2.2 Guests and Renters must first complete and submit an electronic Prior Permission Form, which is available on the Airpark website (MogollonAirpark.com).
- 4.2.3 All Pilots must read and agree to follow the Mogollon Airpark Operating Guidelines – Aviation, which is available on the Airpark website (MogollonAirpark.com).

### **4.3 Insurance Requirements**

- 4.3.1 Any Member, Guest or Renter must have (and make available for inspection to the Airport Manager if requested), proof of valid insurance prior to conducting any Aircraft Operation at

the Airport.

- 4.3.2 The amount of liability insurance to be carried by users of the Airpark runways is established at \$500,000 minimum.

#### **4.4 Accident Reports**

Persons involved in aviation accidents or certain incidents occurring on the Airport shall provide the Airport emergency contact with a copy of any written report required to be submitted to the NTSB. Emergency contact information is posted on the airpark website (MogollonAirpark.com) and on the bulletin boards outside the lodge.

### **5.0 AIRCRAFT GENERAL RULES**

#### **5.1 Aircraft weight**

The maximum gross weight of any aircraft operating on the airport shall be limited to 12,500 lbs.

#### **5.2 Removal of disabled aircraft**

Aircraft owners, their pilot or agent, shall be responsible for the prompt removal of disabled aircraft, and any part thereof, unless directed by the Airport Manager, NTSB, FAA or emergency responders (sheriff, fire department, etc.) to delay such action pending an investigation of an accident or incident. In the event of failure to remove promptly such disabled Aircraft, the Airport Manager will cause the Aircraft to be removed and bill the owners thereof for all charges incurred in the removal of same. The Association shall not be responsible for any damages incurred and shall hold a possessory lien for all such charges, which may be foreclosed in accordance with the applicable Arizona Statutes.

#### **5.3 Unmanned Aircraft Systems (UAS)**

All UAS (drones and radio controlled airplanes) must follow the airpark's UAS policy. The most current version can be found on the Mogollon Airpark website (mogollonairpark.com).

### **6.0 RESTRICTIONS UPON USE OF MOGOLLON AIRPARK**

#### **6.1 Commercial Activities and Services on Airpark Common Area**

- 6.1.1 No person shall utilize the Airport or any portion thereof to conduct revenue producing commercial activity except with written permission by the Board of Directors of the Association.

#### **6.2 Property Rental**

##### **6.2.1 Association members**

- 6.2.1.1 Rental of their private property by Association members is allowed and must follow Arizona State Statutes relating to rental property.
- 6.2.1.2 Association members who rent their property must register the rental property with the Association by completing a Rental Registration Form online at mogollonairpark.com.
- 6.2.1.3 Members are responsible for their renter's actions. Any damages to Airpark

property will be repaired at the member's sole expense; any fees for violations of the Airpark Rules and Regulations will be charged to the member.

- 6.2.1.4 Long term rentals of more than four (4) months per calendar year are not allowed in guest quarters on residential lots or hangar tracts within Unit 4B.

#### 6.2.2 Renters

- 6.2.2.1 Renters staying in a single-family dwelling on a residential lot at Mogollon Airpark have the same rights and privileges as Association members and must follow these guidelines.
- 6.2.2.2 Renters flying into the Airpark must also follow the Mogollon Airpark Operating Guidelines – Aviation.
- 6.2.2.3 Leasing/renting a hangar (whether on a residential lot or hangar storage tract) does not grant landing rights at Mogollon Airpark.

### 6.3 Advertisements

- 6.3.1 No person shall post, distribute or display signs, advertisements, circulars, printed or written matter at the Airpark without permission of the Airport Manager or designee, except for those items included in Arizona State Statue 33-1808.
- 6.3.2 For sale signs must be removed within thirty days after the sale has been consummated.

### 6.4 Sanitation

- 6.4.1 No person shall keep uncovered trash containers in any area or in any respect cause trash or foreign matter to be stored in any area at the Airport. 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.
- 6.4.2 Personal trash cans can only be placed for pick up 24 hours prior to pick up and must be removed within 24 hours after pick up.
- 6.4.3 Community dumpsters are for Members, Guests and Renters only and are for household trash only. No construction or yard debris is allowed.

### 6.5 Community Quiet Hours

Except for Aircraft Operations, community quiet hours are from 10:00 PM to 7:00 AM. Please respect your neighbors and minimize all outdoor noise of any kind during these hours. The Airport is day use only for aircraft operations.

## 7.0 LIABILITY

### 7.1 Airport Liability

All persons using the Airpark and airport facilities do so at their own risk. The Association (including its members, and officers and directors and employees) assumes no responsibility or liability for loss, injury or damage to persons or property on the airport, or using airport facilities, by reason of, but not limited to fire, vandalism, winds, flood, earthquake or collision damage (and all

parties bound by these guidelines do so release the Association) nor does it assume any liability by reason of injury to persons or property while using the facilities of same regardless of whether these guidelines are followed.

## **8.0 MEMBER OBLIGATIONS**

### **8.1 Debts**

A member has the obligation to pay all debts outstanding to the Association. A member who is delinquent in their dues or fines owed to the Association loses the right to vote in Association matters and may also lose the privilege of using the Airpark common areas, including the runway and taxiways. Failure to pay outstanding debts may result in a lien against the property.

### **8.2 Damage**

Members shall be fully responsible for all damage to buildings, equipment, real property and appurtenances of the Association caused by them, their guests, renters or service providers

### **8.3 General**

- 8.3.1 All clothes lines, equipment and/or heavy equipment, garbage cans, incinerators and service yards shall be kept screened by adequate planting or fencing so as to conceal them from view of neighboring parcels and streets.
- 8.3.2 All rubbish, trash or garbage shall be removed from the premises and shall not be allowed to accumulate thereon.
- 8.3.3 No inoperative, wrecked, abandoned, unlicensed, dismantled or junked automobiles or other vehicles or machinery shall be placed or remain on any lot for more than one week, unless stored or parked in a garage or hangar. No vehicles or equipment in excess of 12,500 gross vehicle weight shall be permitted.
- 8.3.4 Motor homes, recreational vehicles, 5<sup>th</sup> wheel trailers and travel trailers cannot be parked within the airpark more than 30 days, unless stored or parked in a garage or hangar. Exceptions for parking during construction can be found in the Architectural Design Requirements for Homeowners.
- 8.3.5 In accordance with Arizona Law and Navajo County Ordinance, pets, such as dogs, must be kept on a leash while on Airpark common area and under the control of the owner at all times. Owners are responsible for any and all damage caused by their pets.
- 8.3.6 No horses, cattle, sheep, goats, pigs, or other livestock or poultry may be kept, boarded or maintained on any lot or Tract.

### **8.4 Building Exterior and Lot Maintenance**

- 8.4.1 It is the responsibility of each owner to maintain their property so as to reduce fire danger and insect infestation. Each owner is required to remove and dispose of infested and dead trees on their property in a timely manner and according to accepted methods.
- 8.4.2 For fire safety:
  - 8.4.2.1 Keep grasses mowed short and at least 3 to 5 feet away from structures.

8.4.2.2 Prune under large trees to 4 - 6 feet.

8.4.2.3 Keep non-decorative grasses and wildflowers under 8 inches high.

8.4.3 If a lot owner fails to maintain the premises and the exterior of the buildings thereon in a manner reasonably satisfactory to the Association, or in the event the owner of any lot fails to comply with any other reasonable fire preventive requirements, the Association, shall have the right to enter upon such premises and to repair, maintain, rehabilitate and restore the exterior of any improvements situated thereon and/or clean or clear any lot of litter and debris, or take any other steps necessary to meet reasonable fire preventive regulations. However, the Association shall first give written notice to the owner of said lot of its intention to make such repairs or clean. Please refer to Mogollon Airpark Homeowners Association Compliance Policy.

## **8.5 Property Sales/Changes**

8.5.1 Any resale of aircraft storage Tracts E through M in Mogollon Airpark unit 4B shall only be to owners of lots within the Airpark and who are members of the Mogollon Airpark Homeowner's Association.

8.5.2 Any resale of aircraft storage Tracts N through Z and AA through OO in Mogollon Airpark unit 6 shall only be to owners of lots within the Airpark and who are members of the Mogollon Airpark Homeowner's Association.

8.5.3 No lot or lots shall be subdivided except with the permission of the Association and Navajo County.

8.5.4 If an owner who combined his/her adjoining lots prior to July 2005 ever „uncombines“ any or all of the lots, the owner will pay dues for each uncombined lot, effective with the next dues assessment. Lots combined after July 2005 will continue to have dues assessed based on their original, uncombined status.

## **9.0 MOTOR VEHICLE, BICYCLE, PEDESTRIAN**

### **9.1 Runway Access and Airport Right of Way**

9.1.1 When operating on the Airport, Aircraft have the right of way over all other Vehicles, persons or animals. All persons must yield the right of way to any operating Aircraft at the Airport at all times.

9.1.2 Except for emergency or airport service vehicles, the runway is for aircraft only.

9.1.3 The only approved runway crossing locations are at the ends of the runway.

### **9.2 Licensing and Registration**

No person may operate a motorized ground Vehicle on the Airport without a valid Operator's License.



### **9.3 Operation of Motor Vehicles**

- 9.3.1 Motor Vehicles may be operated only in those areas of the Airport as may be authorized from time to time by the Airport Manager and then only under the guidelines established therefore.
- 9.3.2 The speed limit for all Vehicles operating on the Airport is fifteen (15) miles per hour. At those locations where a taxiway intersects the parallel taxiway, all vehicles should slow to a speed no greater than that which a person can walk (approximately 3 - 5 miles per hour).
- 9.3.3 All Vehicles should come to a complete stop before traversing the runway at any location.

### **9.4 Restrictions as to Operation of Vehicles**

- 9.4.1 No Vehicle shall be operated at the Airport or upon any area thereof:
  - in a careless or negligent manner,
  - in disregard of the rights and safety of others,
  - without due caution or circumspection,
  - at a speed or in a manner which endangers or is likely to endanger persons or property,
  - while the driver thereof is under the influence of intoxicating liquor or drugs
  - if such Vehicle is so constructed, equipped, or loaded as to unreasonably endanger or be likely to endanger persons or property.
- 9.4.2 In addition to the foregoing, as to commercial or construction Vehicles, no operation of any kind is permitted at the Airport without the permission of the owner of the property being serviced or constructed. In general, construction traffic should be permitted upon the taxiways only if no other reasonable access exists. Any damage resulting from such use of the taxiways or runway shall be promptly repaired at the owner's sole expense. All contractors are required to submit a construction deposit to the Airpark prior to doing any work. For more information about construction guidelines, owners and construction workers should review the Architectural Design Requirement Guidelines for Homeowners document, which is available on the [mogollonairpark.com](http://mogollonairpark.com) website.
- 9.4.3 The maximum gross weight of any vehicle allowed on the runway or taxiways shall be limited to 12,500 lbs.

### **9.5 Vehicle Parking Restrictions**

- 9.5.1 The parking of Vehicles shall never be permitted on the taxiway, runway, or infield (that area between the runway and the parallel taxiways). No Vehicle or Aircraft shall be parked in a taxiway easement in such a manner as to create an obstruction to taxiing Aircraft. General Vehicle parking is provided at the parking lot at the Lodge.
- 9.5.2 Vehicles to be left at the lodge parking area longer than 48 hours, shall be registered with the Mogollon Airpark office (928) 537-1067. The owner shall provide their name, telephone number, and address. Failure to provide this information may result in the Vehicle being towed to an impound yard at the owner's expense if the parking area must be cleared for any reason.

- 9.5.3 No aircraft refueling vehicle may be parked except in areas as are designated by the Airport Manager.

## **9.6 Authority to Remove Vehicles**

The Airport Manager may cause to be removed from any area of the Airport any Vehicle which is disabled, abandoned, parked in violation of these guidelines, or which presents an operational problem, to any area of the airport, at the operator's expense and without liability for damage which may result in the course of such moving.

## **9.7 Use of Taxiways and Tie-Down Areas**

The use of the taxiways and tie-down areas by Vehicles and pedestrians is permitted subject to the following restrictions and limitations:

- 9.7.1 The taxiways and tie-down areas are not intended for the "recreational" riding of Vehicles. Rather, they are to be used for "point-to-point" transportation between hangars, other residences, and the lodge.
- 9.7.2 ATV's and UTV's used upon the taxiways and tie-down areas of the Airport shall be equipped with a U.S. Forest Service approved spark arrestor and shall contain an exhaust system which limits the noise level to the maximum level approved by the U.S. Forest Service.
- 9.7.3 Operators of any vehicle operating on the taxiways or tie-down areas are encouraged to have and utilize, an operable aircraft band radio receiver to monitor aircraft operations on the airpark.
- 9.7.4 Children under the age of 16 years are not allowed on the taxiway unless accompanied by and under the direct supervision and immediate control of an adult.

## **10.0 GUEST PRIVILEGES**

Any Member shall be entitled to guest privileges in a reasonable number. Each homeowner shall be responsible for providing each guest with a copy of these Mogollon Airpark Rules and Regulations. Members are responsible for all damages.

Renters and Guests visiting the Airpark with their airplanes are required to submit an electronic Prior Permission Form, which is available on the Mogollon Airpark website (MogollonAirpark.com). Aircraft parking shall be on a first come, first serve basis. Transient parking is available on the southeast side of Runway 3 and midfield on the west side of the runway, north of the hex hangar.

## **11.0 SPECIAL EVENTS**

Notwithstanding any provision contained herein, special events may be staged at the Airport with the approval of the Board of Directors. Anyone wishing to stage an event must complete an Event Application, which can be found on the Airpark website, MogollonAirpark.com.

## **12.0 CROSS REFERENCE**

- Mogollon Airpark ByLaws
- Mogollon Airpark CC&Rs
- Mogollon Airpark Board Resolutions (documented in meeting minutes)
- Mogollon Airpark Operating Guidelines – Aviation
- Mogollon Airpark Prior Permission Form (MAP website)
- Mogollon Airpark Event Application Form (MAP website)
- Mogollon Airpark Architectural Design Requirement Guidelines for Homeowners
- Mogollon Airpark Homeowners Association Compliance Policy
- Mogollon Airpark Unmanned Aircraft Systems (UAS) Policy
- ARS 33-1806.01 – Rental property; member and agent information; fee; disclosure
- ARS 33-1808 – Flag display; political signs; caution signs; for sale, rent or lease signs; political activities

## **13.0 AMENDMENTS**

These Mogollon Airpark Operating Rules and Regulations – General may be modified from time to time by a two-thirds vote of the Board or by 51% of Association Members at any annual meeting.

### **REVISIONS:**

1/18/2020 – motion approved during board meeting added section 6.4.2 for personal trash cans. Previous section 6.4.2 became 6.4.3.

1/23/2023 - motion approved during board meeting to change motor vehicle speed limit to 15 mph on Airport property in section 9.3.2.

1/6/2024 — motion approved during board meeting to state dog leashes required on Airpark common areas in section 8.3.5.