

Chapter 12-19

BOISE AIR TERMINAL PARKING PERMIT

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Section 12-19-01 DEFINITIONS AND GENERAL PROVISIONS

For the purposes of this Chapter, the following terms, phrases, words, and derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. Words used throughout this Chapter, but not defined herein, shall have their plain, ordinary, and common meaning. Words in any gender shall apply to the feminine, masculine and neuter genders.

COMMERCIAL VEHICLE:

Taxicabs, revenue shuttles, off-airport parking shuttles, hotel/motel courtesy vehicles and regularly scheduled and chartered buses not publicly funded and operating on a fixed route.

COMPANY:

Any person engaged in the business of operating one or more commercial vehicles, or whose business includes the operation of one or more commercial vehicles.

DIRECTOR:

The Director of the Airport or the Director's designee, who must be an employee of the City.

DWELL TIME:

The time during which a shuttle or other commercial vehicle (excluding a taxicab) is stationary in any shuttle lane or space, beginning at the time of arrival at the revenue shuttle loading area.

COURTESY VEHICLE:

Any motor vehicle having eight-passenger or greater capacity which, on behalf of a business, transports Airport patrons or passengers, who are patronizing the vehicle's business, to the business. Such vehicles are not for hire by the general public at any time, and shall be clearly marked with the business' name or logo, owned by, leased by, or contracted for by the business, and exclusively dedicated to serve the business and patrons of the business or other contracting businesses, at no charge to the patron. Courtesy vehicles may not provide transportation to any passenger for a charge.

OFF-AIRPORT PARKING SHUTTLE:

Any motor vehicle transporting persons to or from the airport and a fixed off-airport location which charges for vehicle parking.

OTHER VEHICLES:

Any vehicle not specifically referenced above, including but not limited to delivery vehicles, construction/repair vehicles and government vehicles, engaged in commercial activity at the Airport.

REVENUE SHUTTLE:

Any motor vehicle which is for hire by passengers for transport to or from the Airport and any number of locations or destinations, and charges passengers on the basis of time, or by a fixed rate depending upon the destination, or some other method rather than distance traveled. This definition shall apply regardless of whether a name, logo, or company designation is displayed, and shall therefore include "limousines" within its definition. Taxicabs, off-airport parking shuttles, and courtesy vehicles are not considered revenue shuttles for purposes of this chapter or title.

REVENUE SHUTTLE LOADING AREA:

The area on the Boise Air Terminal grounds set aside and designated for the loading of shuttle passengers. This loading area is for shared use by commercial vehicles and shall be as clearly marked and designated for use by commercial vehicles or otherwise by the Airport Director pursuant to Section 16, Chapter 19, Title 12.

TAXICAB:

Any motor vehicle that is equipped with a taxi meter and licensed by Boise City pursuant to Chapter 24 of Title 5 of the Boise City Code to transport passengers for hire.

TAXICAB HOLDING AREA:

The area on the Boise Air Terminal grounds set aside and designated for the parking of taxicabs waiting to enter the taxicab loading area, as designated by the Airport Director pursuant to Section 16, Chapter 19, Title 12.

TAXICAB LOADING AREA:

The area on the Boise Air Terminal grounds set aside and designated for the loading of taxicab passengers, as designated by the Airport Director pursuant to Section 16, Chapter 19, Title 12.

TRIP FEE:

A per entrance fee paid to the Airport in accordance with Title 12 of the Boise City Code, allowing the operator of a commercial vehicle or other vehicle to access restricted areas of the

Airport which are designated by the Airport Director for the purpose of loading or unloading passengers or goods.
 (Ord-3-17, Amended, 2/7/17; 6309, Amended, 03/02/2004; 6219, Amended, 04/01/2003; 5620, Amended, 03/07/1995)

Section 12-19-02 PURPOSE

The purpose of this Ordinance is to provide or the regulation of commercial ground transportation service at the Boise Air Terminal, to insure a high quality of service, and to establish fees and charges for commercial vehicles using the Boise Air Terminal.

Section 12-19-03 PERMIT REQUIRED

It shall be unlawful for any person or company to operate a commercial vehicle at the Boise Air Terminal, or own such a vehicle there operating, without a valid Boise Air Terminal Parking Permit.
 (5698, Amended, 02/06/1996)

Section 12-19-04 APPLICATION

Application for said Boise Air Terminal Parking permit shall be made to the Boise Airport Director upon forms provided by the Director. All applicants for a permit to operate a taxicab must provide proof of a valid Boise City Taxicab License issued under Title 5, Chapter 24, Boise City Code. The Boise Airport Director must, within thirty (30) days of application, either grant or deny the requested permits. Appeal from a denial of a permit may be taken as provided in Title 5, Chapter 2 of this Code.
 (5698, Amended, 02/06/1996)

Section 12-19-05 FEES

- A. Each owner or operator of each of the following commercial vehicles shall pay the following applicable fees:
1. Hotel/motel courtesy vehicles - \$100.00 per vehicle per year.
 2. Revenue shuttles, and regularly scheduled and charter bus companies not publicly funded and operating on a fixed route:

<u>Shuttle Size (passenger capacity)</u>	<u>Permit Fee</u>	<u>Trip Fee (fee per entrance into the revenue shuttle loading area)</u>
1-6 ("Class A")	<u>\$50.00 per vehicle per year</u>	<u>\$1.50</u>
7-16 ("Class B")	<u>\$100.00 per vehicle per year</u>	<u>\$1.50</u>
More than 16 ("Class C")	<u>\$200.00 per vehicle per year</u>	<u>\$1.50</u>

3. In addition to the schedule set forth above, the driver, owner or operator of any size commercial passenger vehicle may purchase a \$10.00 day permit which shall be valid for a twenty-four (24) hour period and shall allow the permitted vehicle a single trip to the revenue shuttle loading area without a trip fee. Each additional trip made during the permitted 24 hour time period will be charged in accordance with the Trip Fee established above.

4. Taxicabs - \$20.00 per year per vehicle plus \$1.00 per entrance into the taxicab loading area. The per entrance fee shall increase to \$1.50 effective May 1, 2003.
 5. Off-Airport parking shuttles - \$50.00 per vehicle per year plus, \$1.25 per 24 hour period for each vehicle that parks in off-airport lots with more than ten (10) spaces allocated to off-airport parking. Off-Airport parking shuttles which serve lots with ten (10) or less spaces allocated to off-Airport parking shall pay the permit fee and a \$1.50 trip fee only.
- B. All permits issued hereunder shall continue for a term of one (1) year or three months. All annual permits shall expire on December 31 of each year; all quarterly permits shall expire on March 31, June 30, September 30 or December 31. In the event an application for a permit under this Chapter is denied, the fees accompanying the application shall be returned to the applicant.
- C. The City of Boise expressly reserves the right to impose fees and require permits for other vehicles upon amendment to this Chapter.
(6309, Amended, 03/02/2004; 6219, Amended, 04/01/2003; 6177, Amended, 09/10/2002; 6057, Amended, 05/01/2001; 5620, Amended, 03/07/1995)

Section 12-19-06 TRANSFER

Upon approval by the Airport Director, and payment of a transfer fee of fifteen dollars (\$15.00), a Boise Air Terminal Parking Permit may be transferred to another vehicle. The transferee must possess and maintain all of the qualifications and conditions applicable to an applicant for initial license. Denial of a permit transfer may be appealed in the manner provided for denial of a permit under Section 12-19-4.

Section 12-19-07 FARES

Taxicabs operating at the Boise Air Terminal may add an additional charge to the fare limits specified in Boise City Code 5-24-13 A., C. and I. for fares departing from the Boise Air Terminal which amount shall be equal to and shall not exceed the fee for use of the taxicab loading area established pursuant to 12-19-05.

Section 12-19-08 COMPLIANCE WITH REGULATIONS

Every permit issued pursuant to this Chapter shall be conditioned upon strict compliance with all laws, including but not limited to this Chapter, the rules and regulations and lawful orders of the Boise Air Terminal, and, with respect to taxicabs, the provisions of Title 5, Chapter 24, Boise City Code.
(5698, Amended, 02/06/1996)

Section 12-19-09 REVOCATION OR SUSPENSION OF PERMIT

Upon a determination that any permittee or other person has violated any law, rule, or regulation established by the Boise Airport, any provision of this Chapter, or any condition of a permit governed by this chapter, the Director may:

- A. Initiate informal enforcement procedures including, but not limited to, issuing written orders or letters, or engaging in alternative dispute resolution;
- B. Revoke or suspend the permit governed by this Chapter; or

1. Every permit revocation or suspension shall be effective at twelve o'clock (12:00) a.m. on the seventh (7th) day following the date written notice of the suspension or revocation is sent to the permittee.
2. Notice of revocation or suspension shall be deemed properly served if sent by United States Postal Service Certified mail to the address on file with the Airport that was provided by the applicant or permittee, or if hand-served upon the permittee. A permittee's failure to accept, acknowledge, or receive notification of revocation or suspension shall not invalidate the revocation or suspension, provided notice was served as provided in this section.
3. Notice of revocation or suspension shall include the grounds upon which the revocation or suspension is based, and shall include a statement that informs the permittee of their right to appeal the revocation or suspension.
4. A third (3rd) suspension in one (1) twelve (12) month period shall be deemed a revocation.
5. Revocation shall be for a period of no more than one (1) year. A permittee who has a permit revoked must re-apply for a new permit after completion of the revocation period.
6. Suspension shall not exceed a period of one hundred eighty (180) days.

C. Pursue any other action authorized by laws.
(Ord-3-17, Amended, 2/7/17: 5698, Amended, 02/06/1996)

Section 12-19-10 TAXICAB OPERATION

- A. Quality of Service: Taxicab companies shall at a minimum operate their taxicabs, while on the Boise Air Terminal, in a manner consistent with Boise City Code Title 5, Chapter 24. The Airport Director shall have the right to call to the attention of a company or a driver any violation of the rules and regulations required to be observed under Section 12-19-8.
- B. Right to Accept Passengers: No taxicab shall accept passengers at the Boise Air Terminal unless it shall:
 1. Proceed to the taxicab loading area.
 2. Pay the fee for use of the taxicab loading area established under Section 12-19-05.
 3. Be in the proper position in the taxicab loading area according to the rotation of taxicabs based upon the order of arrival, except that passengers may be accepted other than in the proper rotation if by passenger direction or choice.
- C. Taxicab Parking Area Operation: A maximum of eleven (11) taxicabs will be permitted in the taxicab loading area. When the taxicab loading area is full, any taxicab arriving at the Boise Air Terminal must wait in the taxicab loading holding area until a vacancy is created in the taxicab loading area. The order of taxicabs in the holding area will be in the order of arrival.
- D. There shall be no loading except in the taxicab loading zone, other areas designated for loading in the Airport Rules and Regulations, or areas specified by the Airport Director or his or her designee. Taxi will-call spaces (for pre-arranged trips), may be provided at the sole discretion of the Airport Director or his/her designee. Taxi will-call spaces, if provided, shall be excluded from

the 11 spaces designated in C. above.

- E. It shall be unlawful for a taxicab driver or company to charge a passenger a fare that is excessive or otherwise in violation of Section 5-24-13 of the Boise City Code, as modified by Section 12-19-7.

(6670, Amended, 06/10/2008; 5698, Renumbered, 02/06/1996, 12-19-12)

Section 12-19-11 REVENUE SHUTTLE OPERATION

- A. **Quality of Service:** Revenue shuttle companies shall at a minimum operate their vehicles, while on the Boise Air Terminal, in a clean and orderly manner, and consistent with Boise City Code, and the Boise Airport Rules and Regulations. The Airport Director shall have the right to call to the attention of a company or a driver any violation of the code or rules and regulations required to be observed under Section 12-19-8 or the Boise Airport Rules and Regulations.
- B. **Right to Accept Passengers:** No revenue shuttle shall accept passengers at the Boise Air Terminal unless it shall:
1. Pay the fee for use of the revenue shuttle loading area established under Section 12-19-05.
 2. Be in the proper position in the revenue shuttle loading area according to the Airport Director's designations.
 3. Be in possession of a manifest or other documentation of pre-arranged or pre-booked passenger identities.
- C. **Revenue Shuttle Parking Area Operation:** These spaces will be clearly designated for use by the Airport Director pursuant to Section 16, Chapter 19, Title 12 for shared use by courtesy vehicles, revenue shuttles, and regularly scheduled and chartered buses not publicly funded and operating on a fixed route.
1. **Designated Parking:** No revenue shuttle may dwell or park in the revenue shuttle parking area unless it is located in a space or area designated for that specific type of commercial vehicle use.
 2. **Dwell Time:** No commercial vehicle may exceed forty-five (45) minutes in dwell time in the revenue shuttle parking area; owners or operators whose vehicles exceed the maximum dwell time will be assessed a penalty of fifty cents (50¢) per minute in excess of the maximum dwell time, an amount which shall be paid within thirty days of written notice of the violation.
 3. No company may be allowed to have more than one (1) revenue shuttle in the revenue shuttle loading area at one time, unless otherwise negotiated by contract.
- D. There shall be no loading except in the revenue shuttle loading zone.
(6219, Added, 04/01/2003)

Section 12-19-12 DRIVERS CONDUCT

It shall be prohibited for any driver of a commercial vehicle to do any of the following:

- A. Litter in or about the Boise Air Terminal, as prohibited by Boise City Code 12-18-05.
- B. Solicit, induce, or encourage passengers to accept transportation by any visual or manual device,

unless the driver is seeking to establish contact with a pre-arranged or pre-booked passenger or group of passengers.

- C. Engage in verbal, uninvited solicitation of customers or passengers.
- D. Park a commercial vehicle in any area other than that designated for that type of vehicle.
- E. Loiter in the Boise Air Terminal building, except that a driver may assist a passenger with luggage, or use the Boise Air Terminal restaurant and restroom facilities.
- F. Engage in any conduct or activity upon the Boise Air Terminal grounds which is prohibited by Chapter 1, Title 6, Boise City Code, or the provisions of this Chapter.

(6219, Renumbered, 04/01/2003; 5698, Renumbered, 02/06/1996, 12-19-13; 5379, Amended, 03/10/1992)

Section 12-19-13 COMMERCIAL VEHICLE CONDITION

All commercial vehicles must be maintained in a clean and mechanically workable condition. Commercial vehicles with substantial body or interior damage are expressly prohibited from the Boise Air Terminal grounds. Permits may be suspended, revoked or not renewed until such conditions are corrected.

(6219, Renumbered, 04/01/2003; 5698, Renumbered, 02/06/1996, 12-19-14)

Section 12-19-14 INDEMNITY

The driver and company assume all responsibility for the safe and proper carriage and delivery of passengers, their baggage and personal effects, and agree to indemnify and hold Boise City and all employees harmless from and against any and all liabilities, demands, claims, suits, damages, causes of action, fines or judgments, including costs, attorneys and witness fees and expenses incident thereto, for injuries to persons (including death) and for loss, damage, or destruction to property arising out of or in connection with the operations permitted by this Chapter unless caused by the gross negligence or willful misconduct of Boise City or its employees.

(6219, Renumbered, 04/01/2003; 5698, Renumbered, 02/06/1996, 12-19-15)

Section 12-19-15 ASSIGNMENT

No driver or company shall assign any right granted by any permit issued pursuant to this Chapter, unless the written consent of the Boise Airport Commission is first obtained.

(6219, Renumbered, 04/01/2003; 5698, Renumbered, 02/06/1996, 12-19-16)

Section 12-19-16 PARKING REQUIREMENTS

All commercial vehicles, including other vehicles, whether or not a permit is required under this Chapter, must stop or park only in the areas designated for such vehicle or class of vehicles by the Airport Director.

(6219, Renumbered, 04/01/2003; 5698, Renumbered, 02/06/1996, 12-19-17; 5620, Amended, 03/07/1995)

Section 12-19-17 REVIEW OF REVOCATION OR SUSPENSION OF PERMIT

- A. Upon receipt of a notice of suspension, or revocation, a permittee may request a review

by the Director within ten (10) business days after the date the notice is mailed or otherwise delivered to the permittee.

- B. A request for a review shall contain the following information:
 - 1. The name of permittee;
 - 2. The Airport Permit number; and
 - 3. The reasons for which the review is requested set forth with specificity.
- C. Upon receipt of a request for review the Director shall:
 - 1. Review the decision or action and any information submitted by a permittee; and
 - 2. Communicate with the permittee if additional documentation or clarification is required.
- D. The Director will refuse to consider any request for review that is not received within ten (10) business days of the date of the notice of suspension or revocation.
- E. If the permittee fails to respond to communication requests, the revocation or suspension shall become effective at twelve o'clock (12:00) a.m. on the effective date of the notice.
- F. The permittee has the burden of proof and must establish that the decision to revoke or suspend the permit was arbitrary or capricious.
- G. The Director shall review the decision or action and the reasons therefore with the permittee. The permittee, in person, may present any evidence showing reason why the decision or action was arbitrary or capricious.
- H. If a permittee fails to appear at the review, the Director shall uphold the suspension or revocation.
- I. The Director's written decision will be issued within seven (7) business days of the review. The Director's written decision will include the reasons supporting the decision.
- J. The Director's decision shall become effective ten (10) business days after the date the written decision is mailed or hand-delivered to the permittee.
- K. The review shall not be conducted by the individual who issued the notice of revocation or suspension.

(Ord-3-17, Amended, 2/7/17)

Section 12-19-18 PENALTIES

Any person violating any of the provisions of, or doing any act forbidden by, or failing to perform any act required in this Chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding one thousand dollars (\$1,000) or be imprisoned for a period not exceeding six (6) months or be both so fined and imprisoned.

(Ord-3-17 Amended 2/7/17, 6219, Renumbered, 04/01/2003; 5698, Renumbered, 02/06/1996, 12-19-18; 4844, Added, 07/22/1985, Chapter)