

**Chapter 12-20**

**NON-TENANT RENTAL CAR BUSINESS PERMIT**

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**Section 12-20-01 PURPOSE**

In order to protect the public, to provide for public safety, to preserve the good order and peace of the Airport, and to regulate the entrances to property and buildings of the Airport and the way of ingress and egress to and from the same it is necessary to enact reasonable standards, controls, rules, regulations and procedures of Off Airport Rental Car Businesses.

**Section 12-20-02 SCOPE**

A person, persons or corporation desiring access to the Boise Air Terminal for the purpose of conducting rental car business operations, either directly or indirectly, shall first obtain a Boise Air Terminal Rental Car Non-Tenant Business Permit prior to conducting any such business on Airport property.

**Section 12-20-03 PERMITS**

Rental Car Non-Tenant Business permits will be issued annually for a twelve month period within thirty days after the application for permit has been submitted to the Airport Director, provided the application is approved.

**Section 12-20-04 REQUIREMENTS**

The Airport Director may issue a Rental Car Non-Tenant Business Permit only upon receipt of a signed and verified application from the rental car business owners containing the following information, agreements and proof:

- A. The names and addresses of every person or corporation having an interest in the business.
- B. For corporations not traded publicly, the names and addresses of every person having an interest in the business.

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- C. Proof of comprehensive general liability insurance in the amount of at least \$500,000 covering all business operations, employees, and customer and naming Boise City as an additional insured.
- D. The make, model, color, identification number, and motor vehicle identification number of all vehicles to be operated on Airport property.
- E. A written agreement to pay for the duration of the permit, to the Boise Airport, seven percent (7%) of airport-generated gross revenue receipts, payable on the 10th day of each month for the preceding month's contracts.

“Gross revenue receipts” shall mean the time and mileage charges, including revenues received and services performed for cash, on credit or otherwise, of every kind, name and nature, for the rental of automobiles effected by the permittee and receipts from the sale of personal accidental insurance, and shall include any and all amounts paid by a customer to a permittee, including any fees paid to the airport or the City of Boise by permittee which are passed through to the customer; but shall not include any federal, state, or municipal sales taxes or other similar taxes separately stated and collected from customers of the permittee now or hereafter levied or imposed, nor any sums received for damage to automobiles or other property of the permittee, or for loss, conversion, or abandonment of such automobiles.

“Airport-generated gross revenue receipts” shall mean those gross revenue receipts of a permittee which were derived from the furnishing of an automobile to an aircraft passenger by use of an automobile rental contract between a permittee and such aircraft passenger picked up at the Boise Airport who was transported either directly or indirectly by a permittee to a rental station operated by and/or for the benefit of such permittee.

- F. The names and job titles of local management personnel, as well as, all business employees engaged in the operation of vehicles to be operated on Airport property.
- G. A written agreement covenanting to obey and follow all standards and regulations and ordinances of the City of Boise and the Boise Airport Commission.
- H. Proof of all business and motor vehicle permits required by local, state, and federal authorities.
- I. A written agreement to submit written proof, on a monthly basis, to the Airport of all automobile rental contracts at the time payment is due, accompanied by a statement certified by an officer of the company attesting to the accuracy of payments due the Airport Director. The monthly written report shall include a detailed list of airport-generated gross revenue receipts and a copy of the trial balance.
- J. A written agreement to authorize the Airport Director to audit all business records and accounts at any during normal business hours time upon demand and to make said records and accounts available.
- K. A written agreement that vehicles will stop while at the Boise Airport only while in the process of loading and unloading customers. Drivers of vehicles (or company personnel that may accompany them) shall be prohibited from solicitation of business in any manner whatsoever upon the Airport. The operation of vehicles will be specifically limited to the picking up and delivery of customers.
- L. A written agreement to park only in the parking and pick-up area designated for non-tenant rental

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cars.

- M. A written agreement to indemnify and hold harmless and defend Boise City and the Boise Air Terminal from any and all claims whatsoever arising out of the permittee's business operations and proof of insurance for such contractual liability.
- N. A written agreement to abide by such additional requirements as the Airport Commission may enact from time to time.

(6070, Amended, 06/19/2001)

### **Section 12-20-05 PROHIBITED ACTIONS AND ACTIVITIES**

A Non-Tenant Rental Car Business Permit shall not be construed to permit a business holding such permit to have an office or station on Airport property, to park rental cars on Airport property, except in designated public parking facilities, or to operate rental cars on Airport property; and all of these actions and activities are expressly prohibited.

### **Section 12-20-06 ADVERTISING AND TELEPHONES**

A non-tenant rental car business not having a non-tenant rental car business permit shall not advertise on Airport property and shall not place a telephone on Airport property. A Permitted Non-Tenant Rental Car Business Permit may advertise the non-tenant rental car business on Airport property and place a non-tenant rental car business telephone on Airport property. Fees for such advertising and telephones are not included in the permit fees and charges. Advertising and telephone fees, charges, and location must be negotiated separately in addition to permit fees and charges.

### **Section 12-20-07 CONDITION OF STRICT COMPLIANCE**

Every permit issued pursuant to this Chapter shall be conditioned upon strict compliance with the regulations set forth in this Chapter, the rules and regulations of the Boise Air Terminal.

### **Section 12-20-08 VIOLATION PROCEDURE**

Upon a showing of sufficient cause to believe that a violation of the rules and regulations specified in this Chapter has occurred, the Airport Director may:

- A. Initiate proceedings to suspend or revoke the permit by notifying the permittee of the possible suspension or revocation of the permit and the grounds therefor. The notice shall specify the date, time and place of the hearing before the Airport Commission on the possible suspension or revocation of the permit and shall be served on the permittee by certified mail, personal service or substituted service at least ten (10) working days before the scheduled date of the hearing. Failure of the permittee to actually receive a notice sent or served shall not invalidate the proceedings.
- B. Immediately suspend the permit upon a determination that the conduct of the permittee and his continued operation at the Boise Air Terminal presents an exigent danger to persons or property.
  - 1. In such event, the Director shall notify the permittee by certified mail or personal service that the permittee must immediately cease and desist all activity authorized by the permit.
  - 2. The notice shall specify the grounds for the immediate suspension of the permit and the

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date, time and place of the hearing before the Commission on the continued suspension or possible revocation of the permit. The hearing shall be held not more than five (5) working days from receipt by the permittee of the notice to cease and desist.

3. If the Airport Commission determines to continue suspension of the permit or to revoke the permit, the effective date of such suspension or revocation shall be the date the permittee received the notice to cease and desist.

### **Section 12-20-09 HEARINGS**

Hearing on a denial of the issuance or transfer of a permit under this Chapter or on the suspension or revocation of a permit under this Chapter shall be before the Boise Airport Commission. At such hearing the permittee may present evidence, call witnesses and be represented by counsel. The Commission may render its decision orally at the conclusion of the hearing, but shall provide the permit applicant or permittee with written notice of its decision not later than five (5) days after the date of the hearing.

- A. On appeal of a denial of the issuance or transfer of a permit, the Commission may affirm the denial or approve the issuance or transfer of a permit, and may, upon approval thereof, impose such reasonable conditions related to the use of the permit as are appropriate in the circumstances.
- B. After hearing on the suspension or revocation of a permit, the Commission may:
  - 1. Revoke the permit.
  - 2. Suspend the permit for a period not to exceed sixty (60) days. In its decision to suspend a permit, the Commission may provide for the reinstatement of the permit prior to the expiration of the suspension period upon the fulfillment of such reasonable conditions as the commission may impose, and may further provide that in the event such conditions have not been fulfilled upon the expiration of the suspension period, the period of suspension will be extended for a stated additional period. In the event of an extension, notice thereof and the reasons therefor shall be provided to the permittee, but further hearing shall not be required, unless requested in writing by the permittee. Provided, however, that no suspension shall be continued for a total period in excess of sixty (60) days without notice and hearing as provided in this Chapter.
  - 3. Issue a letter of warning notifying the permittee that any further violation may result in the suspension or revocation of the permit.
  - 4. Allow the use of the permit to continue and impose such reasonable conditions related to the use of the permit as are appropriate under the circumstances.

### **Section 12-20-10 APPEALS**

An appeal of the decision of the Boise Airport Commission under this Chapter may be taken to the Boise City Council by filing a notice of appeal with the City Clerk within ten (10) working days of the date of the written decision of the Airport Commission. Notice of the date of hearing before the Council shall be provided to the appellant within fourteen (14) days of the hearing. At the hearing before the Council, the appellant may present evidence, call witnesses and be represented by counsel. The Council may affirm or reverse the decision of the Commission, and may delete or modify conditions imposed by the Commission, or impose such reasonable conditions as it deems appropriate.

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### **Section 12-20-11 PERMIT APPLICATION FEE**

There shall be a charge of one hundred dollars (\$100.00) payable in advance to defray administrative costs of a permit request for each permit. This cost is not refundable in the event the permit application is rejected or in the event the permit is revoked.

### **Section 12-20-12 VIOLATION AND PENALTY**

The violation of any provision of this Ordinance shall be considered a misdemeanor punishable by a fine of three hundred dollars (\$300) and or six (6) months jail.

### **Section 12-20-13 SEVERANCE**

If any part of this Ordinance is held invalid by any court or administrative agency, the remainder of this Ordinance shall continue in full force and effect. (Ord. 5134, 12-6-88)