

Chapter 12-21

PASSENGER FACILITY CHARGE

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Section 12-21-01 DEFINITIONS

As used in this Ordinance, the following definitions apply:

- A. "Airport " shall mean the 4900 acre area of Boise Air Terminal.
- B. "Charge Effective Date" shall mean the date on which the Passenger Facility Charge is effective as provided in Boise City Code Section 12-21-3.
- C. "Enplaned Passenger" means a domestic, territorial or international revenue passenger enplaned at the Airport in a scheduled or nonscheduled aircraft in interstate, intrastate, or foreign commerce, provided that Enplaned Passenger shall not include a passenger enplaning to a destination receiving essential air service compensation as provided by 14 C.F.R. 158.9 or a passenger both enplaning and deplaning at the Airport.
- D. "Director" shall mean the Airport Director for the City of Boise.
- E. "FAA" shall mean the Federal Aviation Administration, Department of Transportation, United States of America.
- F. "Passenger Facility Charge" shall mean the charge imposed on Enplaned Passengers pursuant to Boise City Code Section 12-21-03.

(Ord. No. 5513, Enacted, 12/21/93)

Section 12-21-02 FINDINGS AND PURPOSE

The City finds that:

1. The City owns and controls that certain Airport and air navigation facility located in Ada County, State of Idaho, and known as Boise Air Terminal ("Airport"); and
2. The Airport promotes a strong economic base for the community, assists and encourages world trade opportunities, and is of vital importance to the health, safety, and welfare of the State of Idaho; and
3. The Airport is a commercial service airport as that phrase is defined in 14 Code of Federal Regulations Part 158, as adopted by FAA, being a public airport enplaning 2,500 or more

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scheduled air passengers per year; and

4. The deregulation of the airline industry, the restructuring of airline ownerships, and fluctuating market changes in the field of commercial aviation have placed new financial challenges on the City; and

5. The operation of Boise Air Terminal as a public facility attracting scheduled airline passenger service by airline carriers at the Airport imposes financial responsibility on the City for airport facilities and operations; and

6. The City will require substantial expenditure for capital investment, operation, maintenance, and development of the Airport facilities to meet the future demand for passenger air travel; and

7. The Congress of the United States has authorized the adoption of a Passenger Facility Charge program by local airports pursuant to the Aviation Safety and Capacity Expansion Act of 1990 (Pub. L. 101-508, Title IX, Subtitle B, November 5, 1990) (hereinafter the "Act"); and

8. It is in the City's best economic interest to adopt and in the interest of airline passengers that the City adopt a Passenger Facility Charge program as identified in this Ordinance to maintain and further expand the transportation facilities of the City; and

9. In establishing and implementing the Passenger Facility Charge program, the passengers using the Airport should contribute to a greater degree toward the development of Airport Facilities used by passengers and continued development thereof; and

10. The fees implemented by this Ordinance are reasonable for the use of the Airport and aviation facilities by the general public.

11. The purpose of this ordinance is to enact a Passenger Facility Charge program consistent with the above findings and this Ordinance and the regulations published pursuant thereto shall be liberally construed to effectuate the purposes expressed.

(Ord. No. 5513, Enacted, 12/21/93)

Section 12-21-03 PASSENGER FACILITY CHARGE

- A. Commencing not later than the first day of the second month thirty days after the approval by the FAA of the City's Passenger Facility Charge program authorized by this Ordinance, or on such date thereafter as the Passenger Facility Charge can be collected as determined by the Manager ("Charge Effective Date"), thereafter shall be imposed at Boise Air Terminal, a Passenger Facility Charge up to the maximum level allowed by the Federal Aviation Administration (FAA) ("Passenger Facility Charge").
- B. The Passenger Facility Charge authorized by this Ordinance shall expire on the date determined pursuant to regulations adopted by FAA.
- C. The Airport Director or designee is authorized to execute the FAA application for authorization of the City's PFC program including the assurances contained therein and other documents necessary for implementation of the PFC program on behalf of the City.

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(Ord. No. 5513, Enacted, 12/21/93)
(6056, Amended, 05/01/2001)

Section 12-21-04 ELIGIBLE PROJECTS

The Passenger Facility Charge collected pursuant to this program shall be expended for projects approved by resolution of the Boise Airport Commission and determined by the FAA to be eligible under the Act and rules and regulations adopted by FAA pursuant to such statute.

(Ord. No. 5513, Enacted, 12/21/93)

Section 12-21-05 COMPLIANCE WITH FAA REQUIREMENTS.

The Passenger Facility Charge authorized by this Resolution shall be collected and distributed pursuant to the rules and regulations adopted by FAA pursuant to such statute.

(Ord. No. 5513, Enacted, 12/21/93)

Section 12-21-06 VIOLATIONS

Sanctions: In the event any airline violates any term or condition of this Ordinance, the City may exercise any rights or remedies allowed by law or equity.

(Ord. No. 5513, Enacted, 12/21/93)

Section 12-21-07 SAVINGS CLAUSE

In the event any phrase, clause, sentence, paragraph, or paragraphs of this Ordinance is declared invalid for any reason, the remainder of this Ordinance shall not be invalidated, but shall remain in full force and effect, all parts of this Ordinance being declared separable and independent of all others. In the event that a judgment is entered, and all appeals exhausted, which judgment finds, concludes or declares this Ordinance is unconstitutional or is otherwise invalid, the Passenger Facility Charge authorized by this Ordinance shall be suspended and terminated as of the date of declaration of unconstitutionality.

(Ord. No. 5513, Enacted, 12/21/93)