

ORDINANCE #65942
Board Bill No. 135

An Ordinance, recommended and approved by the Airport Commission and the Board of Estimate and Apportionment, authorizing a First Amendment to the Ground Transportation Policy Ordinance 64406 approved July 1, 1998, which established certain ground transportation policies for Lambert-St. Louis International Airport (the "Airport") by defining terms; authorizing the Airport Director to issue regulations governing the conduct of ground transportation operators at the Airport and to enter into, execute, issue, and amend Airport ground transportation use agreements ("Permits"), requiring any ground transportation operator to secure a Permit to use designated areas at the Airport to conduct its business, and establishing a schedule of fees and charges which must be paid by ground transportation operators at the Airport as a condition precedent to the rights granted to the operator under the Permit, by deleting Section 1 and Section 4 of the Ground Transportation Policy Ordinance 64406 and enacting in lieu thereof a new Section 1 defining the additional terms "Airport Taxicab" and "Reserve Taxicab" and a new Section 4 revising and increasing the schedule of fees and charges which must be paid by ground transportation operators of taxicabs at the Airport; containing a severability clause; and containing an emergency clause.

WHEREAS, Ground Transportation Policy Ordinance 64406 approved July 1, 1998 established certain ground transportation policies for Lambert-St. Louis International Airport (the "Airport") by defining terms; authorizing the Airport Director to issue regulations governing the conduct of ground transportation operators at the Airport and to enter into, execute, issue, and amend Airport ground transportation use agreements ("Permits") and renew Permits to ground transportation operators, and to establish procedures for determining adjusted gross receipts; requiring any ground transportation operator to secure a Permit to use designated areas at the Airport to conduct its business; establishing a schedule of fees and charges which must be paid by ground transportation operators at the Airport as a condition precedent to the rights granted to the operator under the Permit; prohibiting soliciting by ground transportation operators, off-Airport rental car operators and off-Airport parking operators; providing for the filing by ground transportation operators of certain reports with the Airport Director and for the auditing of the reports; providing for the denial, suspension, or revocation of a Permit for cause and a procedure for appealing the denial, suspension or revocation; and containing a severability clause; and,

WHEREAS, the City of St. Louis (the "City"), the owner and operator of the Airport, has determined that it is in the best interest of the City, Airport, and the traveling public to define the terms "Airport Taxicab" and "Reserve Taxicab" and revise and increase the schedule of fees and charges which must be paid by ground transportation operators of taxicabs at the Airport.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION 1. Section 1 of the Ground Transportation Policy Ordinance 64406 approved July 1, 1998 is hereby amended by deleting the following words and figures:

"SECTION 1. Definitions: The following words and phrases, when used in this Ordinance, shall have the meanings respectively ascribed to them in this section:

- A. "Adjusted Gross Receipts" means Gross Receipts less the "fixed dollar amount" established in Section 2.C. of this Ordinance.
- B. "Airport" means Lambert-St. Louis International Airport, which is owned and operated by the City of St. Louis.
- C. "Airport Authority" means the City of St. Louis department responsible for managing and operating the Airport.
- D. "Airport Director" means the Director of Airports for Lambert - St. Louis International Airport or his designee.
- E. "City" means the City of St. Louis, a municipal corporation of the State of Missouri.
- F. "Designated Area" means those areas of the Airport roadways and parking areas designated by St. Louis County Ordinance, by the City, by the Airport Authority, or by the Airport Director for specified uses by specified Ground Transportation Operators of classes of Ground Transportation Operators.
- G. "Dwell Time" means the total time, in minutes, a vehicle spends in a Designated Area, from its entrance to its exit.

- H. “Gross Receipts” means the total amount charged to customers, except as otherwise provided below:
1. Gross Receipts shall include, but are not limited to, the following: charges for all rental car services including all time and mileage charges, net of any discounts, on vehicles rented at an Off-Airport Facility or on vehicles taken by customers from an Off-Airport Facility regardless of what station or establishment may receive the vehicles or the rent from them, including vehicles taken by customers in exchange for vehicles originally rented or taken by customers at an Off-Airport Facility; drop charges charged to customers renting vehicles at an Off-Airport Facility but delivering them to another location; all monies paid or payable for personal accident insurance coverage; surcharges or other miscellaneous fees (e.g. recovery of automobile property taxes, vehicle title and registration fees or sales tax on purchase of rental vehicle); all other monies charged to or collected from customers for associated service and equipment (e.g., child restraint devices and telecommunications devices); and shall include all monies or charges separately stated and collected to recover the Airport permit fee, Airport rent, or any other Airport fee or charge, except those specifically excluded below.
 2. Gross Receipts shall not include the following: monies recovered from insurance or otherwise for damage to or for loss, conversion or abandonment of vehicles or other property; taxes or payments in lieu of taxes levied by an Off-Airport Rental Car Operator on behalf of competent governmental authority which taxes or payments are required by law to be separately stated and collected from customers; monies separately stated and collected from customers for collision damage waivers and loss damage waivers; monies separately stated on customers’ rental agreements and collected from customers for refueling of vehicles; proceeds from the disposal of an Off-Airport Rental Car Operator’s owned equipment or vehicles sold wholesale; payments by customers for vehicles dropped off at an Off-Airport Facility and originally rented at another Airport facility to which the Off-Airport Rental Car Operator pays a fee; and credits for refunds to customers for sales made at an Off-Airport Facility; all monies paid for non-Airport rentals, supported by certification on the rental agreement that the customer was not transported, either by the Off-Airport Rental Car Operator or by others, from the Airport to the Off-Airport Rental Car Operator’s Off-Airport Facility and that the customer had not arrived by passenger aircraft at the Airport within the 24 hours preceding the rental.
- I. “Ground Transportation Operator” means any individual, partnership, corporation or other business entity (except any public, tax supported transit agency or authority) that provides ground transportation services at, to or from the Airport, or that uses Airport roadways or parking areas in providing ground transportation services. Ground Transportation Operators include, but are not limited to, all of the following which operate at, to or from the Airport or use Airport roadways or parking areas: taxicabs, scheduled and non-scheduled vans, custom limousines, scheduled buses, Off-Airport Parking Operators, Off-Airport Rental Car Operators, courtesy vehicles (including hotel/motel, off-airport parking, and off-airport rental car shuttles), and charter buses.
- J. “Non-Airport-Related Business” means Gross Receipts from business transacted with customers that have not arrived at, and will not depart from, the Airport within 24 hours of any aspect of the business transaction.
- K. “Off-Airport Facility” means any business establishment or facility that is owned, operated or used by an Off-Airport Rental Car Operator or an Off-Airport Parking Operator in conducting its business.
- L. “Off-Airport Parking Operator” means any individual, partnership, corporation or other business entity (except any public, tax supported transit agency or authority) that provides vehicle parking and related services, e.g., vehicle washing, at a facility located off the Airport’s property and that draws customers from the Airport, whether it picks up and drops off passengers with its own employees and equipment or otherwise. This includes hotels, Off-Airport Rental Car Operators or other ground transportation operators, which provide parking services to the public.
- M. “Off-Airport Rental Car Operator” means any individual partnership, corporation or other business entity (except any public, tax supported transit agency or authority) that provides rental car services and does not have an Airport concession agreement with the City and that draws customers from the Airport, whether it picks up and drops off passengers with its own employees and equipment or otherwise.
- N. “Public Parking Space” means a parking stall or space used by an Off-Airport Parking Operator to park customer

vehicles. It does not include the minimum number of spaces or stalls required by law for the disabled, but does include any additional spaces or stalls for the disabled above the minimum number required by law.

- O. "Permit" means the ground transportation use agreement provided for in Section 3 of this Ordinance.
- P. "Solicit" or "Soliciting" means any action taken at the Airport by an individual or business entity to sell or promote goods or services except as otherwise provided by contract or Permit with the City.
- Q. Words and phrases not defined in this Ordinance shall have their customary meanings. Singular terms shall be construed to include the plural, and vice-versa."

and replacing in lieu thereof the following words and figures:

"SECTION 1. Definitions: The following words and phrases, when used in this Ordinance, shall have the meanings respectively ascribed to them in this section:

- A. "Adjusted Gross Receipts" means Gross Receipts less the "fixed dollar amount" established in Section 2.C. of this Ordinance.
- B. "Airport" means Lambert-St. Louis International Airport, which is owned and operated by the City of St. Louis.
- C. "Airport Authority" means the City of St. Louis department responsible for managing and operating the Airport.
- D. "Airport Director" means the Director of Airports for Lambert - St. Louis International Airport or his designee.
- E. "Airport Taxicab" means a taxicab licensed by the authorized governmental agency for the jurisdiction where the Airport is situated to provide taxicab service only from the Airport, unless other service is authorized by said governmental agency.
- F. "City" means the City of St. Louis, a municipal corporation of the State of Missouri.
- G. "Designated Area" means those areas of the Airport roadways and parking areas designated by St. Louis County Ordinance, by the governmental agency authorized to issue taxicab licenses for the jurisdiction where the Airport is situated, by the City, by the Airport Authority, or by the Airport Director for specified uses by specified Ground Transportation Operators or classes of Ground Transportation Operators.
- H. "Dwell Time" means the total time, in minutes, a vehicle spends in a Designated Area, from its entrance to its exit.
- I. "Gross Receipts" means the total amount charged to customers, except as otherwise provided below:
 - 1. Gross Receipts shall include, but are not limited to, the following: charges for all rental car services including all time and mileage charges, net of any discounts, on vehicles rented at an Off-Airport Facility or on vehicles taken by customers from an Off-Airport Facility regardless of what station or establishment may receive the vehicles or the rent from them, including vehicles taken by customers in exchange for vehicles originally rented or taken by customers at an Off-Airport Facility; drop charges charged to customers renting vehicles at an Off-Airport Facility but delivering them to another location; all monies paid or payable for personal accident insurance coverage; surcharges or other miscellaneous fees (e.g. recovery of automobile property taxes, vehicle title and registration fees or sales tax on purchase of rental vehicle); all other monies charged to or collected from customers for associated service and equipment (e.g., child restraint devices and telecommunications devices); and shall include all monies or charges separately stated and collected to recover the Airport permit fee, Airport rent, or any other Airport fee or charge, except those specifically excluded below.
 - 2. Gross Receipts shall not include the following: monies recovered from insurance or otherwise for damage to or for loss, conversion or abandonment of vehicles or other property; taxes or payments in lieu of taxes levied by an Off-Airport Rental Car Operator on behalf of competent governmental

authority which taxes or payments are required by law to be separately stated and collected from customers; monies separately stated and collected from customers for collision damage waivers and loss damage waivers; monies separately stated on customers' rental agreements and collected from customers for refueling of vehicles; proceeds from the disposal of an Off-Airport Rental Car Operator's owned equipment or vehicles sold wholesale; payments by customers for vehicles dropped off at an Off-Airport Facility and originally rented at another Airport facility to which the Off-Airport Rental Car Operator pays a fee; and credits for refunds to customers for sales made at an Off-Airport Facility; all monies paid for non-Airport rentals, supported by certification on the rental agreement that the customer was not transported, either by the Off-Airport Rental Car Operator or by others, from the Airport to the Off-Airport Rental Car Operator's Off-Airport Facility and that the customer had not arrived by passenger aircraft at the Airport within the 24 hours preceding the rental.

- J. "Ground Transportation Operator" means any individual, partnership, corporation or other business entity (except any public, tax supported transit agency or authority) that provides ground transportation services at, to or from the Airport, or that uses Airport roadways or parking areas in providing ground transportation services. Ground Transportation Operators include, but are not limited to, all of the following which operate at, to or from the Airport or use Airport roadways or parking areas: Airport Taxicabs, Reserve Taxicabs scheduled and non-scheduled vans, custom limousines, scheduled buses, Off-Airport Parking Operators, Off-Airport Rental Car Operators, courtesy vehicles (including hotel/motel, off-airport parking, and off-airport rental car shuttles), and charter buses.
- K. "Non-Airport-Related Business" means Gross Receipts from business transacted with customers that have not arrived at, and will not depart from, the Airport within 24 hours of any aspect of the business transaction.
- L. "Off-Airport Facility" means any business establishment or facility that is owned, operated or used by an Off-Airport Rental Car Operator or an Off-Airport Parking Operator in conducting its business.
- M. "Off-Airport Parking Operator" means any individual, partnership, corporation or other business entity (except any public, tax supported transit agency or authority) that provides vehicle parking and related services, e.g., vehicle washing, at a facility located off the Airport's property and that draws customers from the Airport, whether it picks up and drops off passengers with its own employees and equipment or otherwise. This includes hotels, Off-Airport Rental Car Operators or other ground transportation operators, which provide parking services to the public.
- N. "Off-Airport Rental Car Operator" means any individual partnership, corporation or other business entity (except any public, tax supported transit agency or authority) that provides rental car services and does not have an Airport concession agreement with the City and that draws customers from the Airport, whether it picks up and drops off passengers with its own employees and equipment or otherwise.
- O. "Public Parking Space" means a parking stall or space used by an Off-Airport Parking Operator to park customer vehicles. It does not include the minimum number of spaces or stalls required by law for the disabled, but does include any additional spaces or stalls for the disabled above the minimum number required by law.
- P. "Permit" means the ground transportation use agreement provided for in Section 3 of this Ordinance.
- Q. "Reserve Taxicab" means a taxicab other than those licensed as Airport Taxicabs.
- R. "Solicit" or "Soliciting" means any action taken at the Airport by an individual or business entity to sell or promote goods or services except as otherwise provided by contract or Permit with the City.
- S. Words and phrases not defined in this Ordinance shall have their customary meanings. Singular terms shall be construed to include the plural, and vice-versa."

SECTION 2. Section 4 of the Ground Transportation Policy Ordinance 64406 approved July 1, 1998 is hereby amended by deleting the following words and figures:

"SECTION 4. Fees and Charges: Beginning September 1, 1998, all Ground Transportation Operators, Off-

Airport Parking Operators, and Off-Airport Rental Car Operators must pay, as a condition precedent to the rights granted to the operator under the Permit, the following fees and charges. If an operator provides multiple services under multiple Permits, fees and charges will be calculated and paid separately for each service for which the operator holds a Permit. For example, if an operator provides multiple services, one of which is an off-Airport rental car operation, then the operator must report Gross Receipts from the rental car operation separately and pay the fee for Off-Airport Rental Car Operators accordingly, in addition to calculating and paying separately the fees charged for each additional service for which the operator hold a Permit.

- A. Permit Fee: Every Ground Transportation Operator holding a Permit shall by its terms pay a monthly permit fee in the amount specified below:
1. for charter buses, twenty-five (\$25) dollars per bus per entry to the Airport;
 2. for Off-Airport Parking Operators, the following fee per Public Parking Space per year, one-twelfth of which is paid each month:
 - a. From September 1, 1998 through June 30, 1999, \$30.00,
 - b. From September 1, 1999 through June 30, 2000, \$32.00,
 - c. From September 1, 2000 through June 30, 2001, \$34.00,
 - d. From September 1, 2001 through June 30, 2002, \$36.00,
 - e. From September 1, 2002 through June 30, 2003, \$38.00,
 - f. From September 1, 2003 thereafter, \$40.00;

for Ground Transportation Operators other than charter buses or Off-Airport Parking Operators, the greater of one hundred-fifty dollars (\$150), or thirty dollars (\$30) per vehicle operated at, to or from the Airport by that Ground Transportation Operator in that month; and,
 4. for Off-Airport Rental Car Operator the greater of the fee specified below or the amount specified in 4.A.3 above each month:
 - g. From September 1, 1998 through August 31, 1999, the permit fee shall equal six (6) percent of monthly Adjusted Gross Receipts.
 - h. Beginning September 1, 1999, the permit fee shall equal eight (8) percent of monthly Adjusted Gross Receipts.
- B. Fee Waiver for Infrequent Users: In the best interest of the City, the Airport, and the traveling public, the Airport Director may waive in order to facilitate the Airport's governance, financial integrity and operation the permit fees for Ground Transportation Operators, except charter bus operators, whose vehicles only pick up passengers at the Airport 5 (five) times or less a month. Such operators must still obtain a Permit if they use Designated Areas."

and replacing in lieu thereof the following words and figures:

"SECTION 4. Fees and Charges: Beginning September 1, 1998, all Ground Transportation Operators, Off-Airport Parking Operators, and Off-Airport Rental Car Operators must pay, as a condition precedent to the rights granted to the operator under the Permit, the following fees and charges. If an operator provides multiple services under multiple Permits, fees and charges will be calculated and paid separately for each service for which the operator holds a Permit. For example, if an operator provides multiple services, one of which is an off-Airport rental car operation, then the operator must report Gross Receipts from the rental car operation separately and pay the fee for Off-Airport Rental Car Operators accordingly, in addition to calculating and paying separately

the fees charged for each additional service for which the operator holds a Permit.

- A. Permit Fee: Every Ground Transportation Operator holding a Permit shall by its terms pay a monthly permit fee in the amount specified below:
1. for charter buses, twenty-five dollars (\$25.00) per bus per entry to the Airport;
 2. for Off-Airport Parking Operators, the following fee per Public Parking Space per year, one-twelfth of which is paid each month:
 - a. From September 1, 1998 through June 30, 1999, \$30.00,
 - b. From September 1, 1999 through June 30, 2000, \$32.00,
 - c. From September 1, 2000 through June 30, 2001, \$34.00,
 - d. From September 1, 2001 through June 30, 2002, \$36.00,
 - e. From September 1, 2002 through June 30, 2003, \$38.00,
 - f. From September 1, 2003 thereafter, \$40.00;
 3. for Ground Transportation Operators other than charter buses, Airport Taxicabs, Reserve Taxicabs or Off-Airport Parking Operators, the greater of one hundred-fifty dollars (\$150.00), or thirty dollars (\$30.00) per vehicle operated at, to or from the Airport by that Ground Transportation Operator in that month; and,
 4. for Ground Transportation Operators of Airport Taxicabs forty dollars (\$40.00) per Airport Taxicab operated at, to or from the Airport by a Ground Transportation Operator of Airport Taxicabs in that month. Plus a trip fee of two dollars (\$2.00) for each exit from the Designated Area by an Airport Taxicab operated at, to or from the Airport by the Ground Transportation Operator of Airport Taxicabs in that month.
 5. for Ground Transportation Operators of Reserve Taxicabs a trip fee of two dollars (\$2.00) for each exit from the Designated Area by a Reserve Taxicab operated at, to or from the Airport by the Ground Transportation Operator of Reserve Taxicabs in that month.
 6. for Off-Airport Rental Car Operator the greater of the fee specified below or the amount specified in 4.A.3 above each month:
 - a. From September 1, 1998 through August 31, 1999, the permit fee shall equal six (6) percent of monthly Adjusted Gross Receipts.
 - b. Beginning September 1, 1999, the permit fee shall equal eight (8) percent of monthly Adjusted Gross Receipts.
- B. Fee Waiver for Infrequent Users: In the best interest of the City, the Airport, and the traveling public, the Airport Director may waive in order to facilitate the Airport's governance, financial integrity and operation the permit fees for Ground Transportation Operators, except charter bus operators, whose vehicles only pick up passengers at the Airport five (5) times or less a month. Such operators must still obtain a Permit if they use Designated Areas."

SECTION 3. The sections, conditions, or provisions of this Ordinance or portions thereof shall be severable. If any section, condition, or provision of this Ordinance or portion thereof contained herein is held invalid by a court of competent jurisdiction, such holding shall not invalidate the remaining parts of this Ordinance.

SECTION 4. This Ordinance being deemed necessary for the immediate preservation of the public peace, health or safety,

it is hereby declared to be an emergency measure pursuant to Article IV, Section 20 of the City of St. Louis' Charter and shall become effective immediately upon passage and approval by the City of St. Louis' Mayor.

Approved: July 15, 2003