

1 FROM THE OFFICE OF JOSPEH J. CZARNEZKI

2
3 MILWAUKEE COUNTY CLERK

4
5 County Ordinance No. 13-7

6
7 File No. 13-300

8
9
10 AN ORDINANCE

11
12 The County Board of Supervisors of the County of Milwaukee does ordain as
13 follows:

14 **SECTION 1.** Section 4.33(3) of the General Ordinances of Milwaukee County, is
15 hereby created to read:

16
17 Section 4.33(3). Off-Airport Parking Operator Privilege Fee

18
19 (a) Purpose. It is the intent of this subsection that for and in consideration of
20 the use of the facilities of General Mitchell International Airport ("Airport") and the
21 business generated by the Airport, and further, in and for consideration of the
22 business benefits received by the Off-Airport Parking Operators from their use of
23 Airport facilities, the Airport agrees to allow and authorizes the Off-Airport
24 Parking Operators to do business at the Airport under the terms, conditions and
25 restrictions identified herein, including imposition of a fee upon the Off-Airport
26 Parking Operators for the privileges, opportunity, benefits and authorization
27 provided for in this subsection.

28
29 (b) Definitions.

30
31 (i) Airport Customer. For the purpose of this Section 4.33(3) only,
32 Airport Customer is defined as any customer arriving at the airport
33 terminal intending to travel by air and using the Airport for such purpose,
34 or patrons and tenants of the Airport, any of whom use the vehicle parking
35 and related services of an Off-Airport Parking Operator.

36
37 (ii) Courtesy Vehicle. A Courtesy Vehicle is a motor vehicle
38 transporting Airport Customers and which is further identified and defined
39 in Section 4.01(13) and Section 4.05.04 of these Milwaukee County
40 Ordinances.

41
42 (iii) Off-Airport Parking Operator. An Off-Airport Parking Operator is a
43 business association, entity or enterprise which operates a parking
44 business off or outside of the Airport premises and, without being party to
45 a concession agreement with the Airport, transports Airport Customers by

46 means of a Courtesy Vehicle to or from Off-Airport facilities or the Airport
47 for the purpose of providing vehicle parking or related services for said
48 Airport Customer.

49
50 (iv) Parking Space. A Parking Space is defined as any physical
51 location at the Off-Airport Parking Operator's parking business made
52 available for the parking of any vehicle that is capable of being licensed for
53 operation on roadways in the County. A Parking Space shall be
54 considered to be operated if that space is available for parking at any time
55 during a calendar year. Parking Spaces dedicated to a Hotel Stay/Park
56 Program shall not be considered a Parking Space within the meaning of
57 this section.

58
59 (v) Hotel Stay/Park Program. A Hotel Stay/Park Program shall be
60 defined as a promotion offered by a hotel or motel that includes within the
61 room rate a provision for a guest to park a single vehicle for no more than
62 fourteen (14) consecutive days.

63
64 (c) Privileges.

65
66 (i) The Off-Airport Parking Operator is authorized to do business at the
67 Airport, to provide vehicle parking or related services, to arrange for and
68 operate its Courtesy Vehicles on the public roadway at the Airport by the
69 most direct route authorized by the Airport Director, and to pick up and
70 deliver Airport Customers, all in accordance with Chapter 4 of Milwaukee
71 County Ordinances, as well as all other rules, regulations and procedures
72 of the Airport.

73
74 (ii) The Off-Airport Parking Operator will provide pickup and delivery
75 service only for Off-Airport Parking Customers. Courtesy Vehicles are
76 expressly prohibited from transporting customers for any reason other
77 than to take them to Off-Airport Parking Facilities for the sole purpose of
78 vehicle parking. The Off-Airport Parking Operator's Courtesy Vehicles
79 (and drivers of same), which are operated by the Off-Airport Parking
80 Operator shall, at all times, comply with and be regulated by Section
81 4.01(13), Section 4.05.04, and all other applicable Milwaukee County
82 Ordinances.

83
84 (iii) The Off-Airport Parking Operator shall operate on the airport in a
85 safe and orderly fashion and shall not allow its agents, servants or
86 employees to solicit, in any way, any business on the airport. The Off-
87 Airport Parking Operator will not allow its agents, servants or employees
88 to engage in any open or public disputes or conflicts tending to be
89 incompatible with the best interests of the traveling public. The Airport
90 shall have the right to resolve all such disputes or conflicts by the same
91 procedure as that identified in Section 4.05.04(8) applicable to permit

92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137

revocations.

(iv) The authority and permission identified herein and granted to an Off-Airport Parking Operator is not exclusive and shall in no way establish or vest any priority use of the facilities relative to other commercial users of the Airport, nor does it restrict the Airport from assigning exclusive or priority use of airport facilities to others.

(v) This subsection authorizes an Off-Airport Parking Operator to pick up and discharge its Airport Customers at the Airport in an area designated by the Airport Director or his designated representative and to enjoy the benefits derived from use of the related Airport facilities in the operation of the Off-Airport Parking Operator's business. The Off-Airport Parking Operator shall not operate an office or conduct any other kind of vehicle parking or any other business on the Airport without the written express authorization of the Airport Director or otherwise entering into a separate concession or lease agreement with the Airport.

(d) Charges, Fees and Accounting.

(i) During the term and time period that the Off-Airport Parking Operator is operating, the Operator shall operate its Courtesy Vehicle in accordance with the terms and conditions identified in Section 4.05.04(2)(a) of the Milwaukee County Ordinances. In addition, pursuant to the exercise of the privileges identified herein, said Off-Airport Parking Operator will pay to the Airport a Privilege Fee for the privilege and opportunity of using the Airport and the business benefit it derives therefrom, said privilege fee to be in the amount of thirty-eight dollars and fifty-one cents (\$38.51) per year for each parking space made available for the parking of any vehicle by the Off-Airport Parking Operator at its facility, payable monthly as defined in (d)(ii) below.

(ii) Within twenty (20) days after January 1 of each year, the Off-Airport Parking Operator shall submit to the Airport, in a form and with details satisfactory to the Airport, a statement of the number of parking spaces operated by the Off-Airport Parking Operator at its facility, such statement to be signed by a responsible officer or manager of the Off-Airport Parking Operator. All remittances for privilege fees shall be made payable to the Milwaukee County Department of Public Works-Airport Division and remitted to the Office of the Airport Director, General Mitchell International Airport, Drawer No. 979, Milwaukee, Wisconsin 53278-0979.

(iii) The Privilege Fee required under this Ordinance shall be calculated by multiplying the total number of parking spaces in existence at the Off-Airport Parking lot and contained in the report required by subsection (d)(ii) above by thirty-eight dollars and fifty-one cents (\$38.51).

138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183

(e) Audit.

(i) Milwaukee County may, at any time and at its own expense, verify the number of parking spaces subject to this Ordinance at each Off-Airport Operator's business premises.

(f) Delinquent Charges of Fees.

(i) Interest. Unless waived by the Milwaukee County Board of Supervisors, the Off-Airport Parking Operator shall be responsible for payment of interest on amounts not remitted in accordance with the terms of this Ordinance. The rate of interest shall be the statutory rate in effect for all delinquent county property taxes (presently one (1) percent per month or fraction of a month) as described in subsection. 74.80(1) Wis. Stats. The obligation for payment and calculation thereof, shall commence upon the day following the due date established herein.

(ii) Penalty. In addition to the interest described above, the Off-Airport Parking Operator shall be responsible for payment of penalties and amounts not remitted in accordance with the terms of this Ordinance, as may be determined by the Administrator of this Ordinance, or his designee. Said penalties shall be the statutory rate in effect for delinquent Milwaukee County property taxes (presently .5% per month or fraction of a month) as described in Milwaukee County Ordinance Section 6.06(1) and 74.80(2), Wis. Stats. The obligation for payment and calculation thereof shall commence upon the day following the due date established herein.

(iii) Audit Results. If, as a result of any audit required herein, additional amounts are discovered to be due and owing, interest and penalty shall be calculated thereon in accordance with the above method. The Off-Airport Parking Operator shall remit to the Milwaukee County any additional amounts identified as due and owing as a result of the audit including interest and penalty thereon within thirty (30) days following receipt of the audit report.

(iv) Non-Exclusivity. This provision permitting collection of interest and penalties by Milwaukee County on delinquent payments shall not be considered to be an exclusive remedy against Off-Airport Parking Operator. Violation of any of the terms and conditions described in this Ordinance with respect to delinquent payments and exercise of this remedy is not a waiver by Milwaukee County of any other remedy permitted by law.

(g) Security. To provide security for the Privilege Fee required hereunder, the Off-Airport Parking Operator shall comply with either of the following options prior

184 to commencing operations under this Ordinance.

185
186 (i) Post with the Airport a surety bond to be maintained throughout the
187 term and time of operation by the Off-Airport Parking Operator in an
188 amount equal to the Privilege Fee required hereunder for a period of three
189 (3) months or one thousand five hundred dollars (\$1,500.00), whichever is
190 greater. In the absence of historical data upon which to base the amount
191 of security to be paid, the Off-Airport Parking Operator shall post a bond in
192 the amount of one thousand five hundred dollars (\$1,500.00) as the
193 security required herein. Such bonds shall be issued by a surety company
194 acceptable to the Airport and authorized to do business in the state and
195 shall be in the form and content satisfactory to the Airport.

196
197 (ii) Deliver to the Airport an Irrevocable Letter of Credit drawn in favor
198 of the Airport upon a bank which is satisfactory to the Airport and which is
199 authorized to do business in the State of Wisconsin. Said Irrevocable
200 Letter of Credit shall be in an amount equal to the Privilege Fee required
201 hereunder for a period of three (3) months or one thousand five hundred
202 dollars (\$1,500.00), whichever is greater. In the absence of historical data
203 upon which to base said Letter of Credit, the Off-Airport parking Operator
204 shall furnish an irrevocable letter of credit in the amount of one thousand
205 five hundred dollars (\$1,500.00) as the security required herein.

206
207 (iii) In the event the off-airport parking company is unable to secure a
208 surety bond or irrevocable letter of credit as required hereunder, the
209 Airport may, at its sole discretion, accept a cash deposit in the amount
210 stated herein in lieu thereof.

211
212 (iv) If the off-airport parking company fails to make payments as
213 required under this ordinance, the off-airport parking company shall forfeit
214 to the Airport the bond or other security posted pursuant to this ordinance
215 or so much of that bond or other security as is necessary to satisfy that
216 difference. If the bond or other security is insufficient to satisfy the
217 difference owed, the Airport may proceed to recover the deficiency and
218 any damages allowed by law, including attorney fees and costs.

219
220 (h) *Fee Agreements Not Inconsistent with this Ordinance.*

221
222 (i) Off-Airport Parking Operators may enter into an appropriate
223 agreement for payment of the fees required by this ordinance but any
224 such agreement shall not be inconsistent with the terms of this ordinance
225 and may not extend beyond January 1, 2016.

226
227 **SECTION 2.** Section 4.33(3) shall take effect upon passage and publication.

228
229

230
231

**Adopted by the Milwaukee County Board of Supervisors
April 25, 2013**