ORDINANCE NO. H—2019-20
Supervisor Culbertson moved, seconded by Supervisor Spears, for adoption.

ORDINANCE NO. H—2019-20 IS ADOPTED.

VOTE RESULTS: Passed By Majority Vote

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ORDINANCE NO.: H—2019-20

TO THE HONORABLE, THE OUTAGAMIE COUNTY BOARD OF SUPERVISORS

LADIES AND GENTLEMEN:  

Outagamie County is desirous of updating the Code of Ordinances as pertains to Subdivision VII, Commercial Ground Transportation.

NOW THEREFORE, the undersigned members of the Property, Airport, Recreation and Economic Development Committee recommend adoption of the following ordinance.

BE IT ORDAINED, that the Outagamie County Board of Supervisors does amend Subdivision VII. – Commercial Ground Transportation of the Outagamie County Code of Ordinances to read as follows (additions are in bold, italics, and underlined; deletions are struck through):

Sec. 10-243. - Commercial ground transportation generally.

(1) No person shall conduct any commercial ground transportation services described in section 10-244, including advertising and soliciting of customers on any part of the airport, without a valid and current authorization and a permit or contract issued by the county specifically to operate at the airport. The issuance of a contract or permit, and the respective terms of the contract or permit shall be at the sole discretion of the county through the Airport Director.

(2) Each commercial ground transportation service provider shall pay to the county the fees prescribed herein-in their respective permit or contract for the right and privilege of providing commercial ground transportation services on the airport.

Sec. 10-244. - Types of commercial ground transportation services.

(1) On-airport rental agencies. On-airport rental agencies are those that have a written contract with the county and lease counter space on airport property and parking spaces for the delivery and return of vehicles. Under the terms of the written contract executed with the county the fees shall be no less than ten percent of gross sales, with a minimum guarantee of the lowest accepted on-airport concession bid for each year of the contract period.

(2) Off-airport rental agencies. Off-airport rental agencies are those that have a written contract or permit with the county, but which do not rent counter space or have a permanent parking space on the airport premises. No rental agency shall be permitted to operate off-airport car rental activities of any kind on the airport premises without a written and valid contract or permit. This contract or permit shall require:

(a) Payment of fees of not less than 20 percent of the gross sales derived from airport business.
(b) No advertising or soliciting car rental business outside of the designated area for courtesy vehicles.
(c) No entering into a written contract with a customer while on airport property.
(d) No leaving of courtesy vehicles unattended, except in a designated parking area determined by the Airport Director.
(e) Obtaining and maintaining for the entire term of the contract or permit, general liability and automobile liability at the same limits described in the leases of on-airport rental agencies or as described in their respective permit or contract.

(f) Such other terms and conditions as will permit fair operation of off-airport rental agencies in light of the existence of openly bid-on airport leases, provide for enforcement of the terms of the contract or permit, and provide for the safe and efficient operation of the airport and protect the interests of the county.

(3) Vehicles engaged in commercial ground transportation activities generally.

(a) No vehicle engaged in any commercial ground transportation activity shall operate on airport property if its owner or operator does not possess a valid permit or contract, issued by the county, to do so.

(b) No individual shall engage in any commercial ground transportation activity on airport property if the individual does not possess a valid permit or contract, issued by the county, to do so.

(c) For the purposes of this division, an owner or operator of a vehicle is not "engaged in commercial ground transportation activities" if the owner or operator solely drops off a passenger and, after dropping off the passenger, immediately leaves airport property without accepting another fare.

(d) No individual who has obtained a permit from the county shall fail to comply with any of the terms or conditions stated in the permit.

(e) Permits shall be valid for a one-year period, commencing on January 1 of each year through December 31 of the current year. Permits or Contracts issued by the County shall be valid for the period specified in each respectively. Owners or operators of vehicles which engage in commercial ground transportation activities who have not obtained a permit from the county, previously may apply for a permit at any time during the year, however the permit shall expire on December 31 of that current year and the fees set forth shall be prorated if the permit is for a period of less than one year. There shall be no refunds for entities that cease operations during the contract or permit term, either voluntarily or through revocation or suspension of said contract or permit. In addition to any other terms and conditions stated in the contract or permit, owners or operators of vehicles which engage in commercial ground transportation activities shall be subject to the following terms and conditions:

1. The owner or operator shall abide by all applicable laws of the United States and all applicable statutes, codes, ordinances, rules and regulations of the state and the county, and such rules and regulations as may be prescribed from time to time by the airport director, including, without restrictions because of enumeration, the parking of operator's vehicles on the airport and the conduct of operator's employees, or independent contractors on airport premises.

2. All vehicles shall be permanently marked in letters of sufficient size so that they may be clearly distinguished from both sides of the vehicle from a distance of at least 50 feet as an off airport rental vehicle by describing the purpose of the vehicle, such as limousine, taxicab, etc., or transportation network company logo.

3. All vehicles shall be kept in good operating condition and appearance. The airport director has the right to order removed from service any vehicle that is deemed unsafe or unkempt in appearance.

4. The owner or operator shall furnish satisfactory evidence to the county that it maintains financial responsibility as required by Wis. Stats. Ch. 344.

(f) Subsections (3)(a)–(e) do not apply to TNC vehicles or participating drivers.

(4) Transportation network companies.

(a) No Transportation Network Company (Hereinafter TNC) TNC–vehicle engaged in commercial ground transportation activities shall operate on airport property if the transportation network company through which the TNC vehicle or driver is engaged, does not possess a valid permit or contract, issued
by the county, to do so. The issuance of a contract or permit, and the respective term of the contract or permit shall be at the sole discretion of the county through the Airport Director.

(b) No participating driver shall engage in commercial ground transportation activities on airport property if the transportation network company through which the participating driver is engaged does not possess a valid permit or contract, issued by the county, to do so.

(c) For the purposes of this Division, a participating driver of a TNC vehicle is not "engaged in commercial ground transportation activities" if the driver solely drops off a passenger and, after dropping off the passenger, immediately leaves airport property without accepting another fare.

(d) No transportation network company which has obtained a contract or permit from the county shall fail to comply with any of the terms or conditions stated in the permit.

(e) No participating driver whose transportation network company has obtained a contract or permit from the county shall fail to comply with any of the terms and conditions stated in the permit.

(f) If a transportation network company obtains a contract or permit from the county, the contract or permit shall apply to any and all of the participating drivers associated with the company. Contracts and Permits shall be valid for a one-year period, commencing on January 1 of each year through December 31 of the current year, for the time period specified in each contract. Transportation network companies who have not obtained a permit from the county previously may contract with the county at any time during the year; however the permit shall expire on December 31 of that current year and the fees set forth shall be prorated if the permit is for a period of less than one year. There shall be no refunds for transportation network companies who cease operations during the permit term, either voluntarily or through revocation or suspension of said permit.

(5) Special events. If a special event is to occur on airport property, or if a special event is to occur which will affect passenger traffic on airport property, an owner or operator of a vehicle engaged in commercial ground transportation activities, or a transportation network company, may obtain a contract or permit to conduct commercial ground transportation activities on airport property for the duration of the special event only. Such contracts or permits shall be issued by the airport director and are subject to the same terms and conditions as set forth in the preceding sections. There shall be no refunds for entities that cease operations during the term of the contract or permit, either voluntarily or through revocation or suspension of said contract or permit.

Sec. 10-245. - Performance of commercial ground transportation services.

(1) Drivers shall remain within ten feet of their assigned vehicles, unless the specific duty of assisting passengers in loading or unloading passengers or baggage warrants such deviation.

(2) No person shall solicit for the provision of commercial ground transportation services at the airport. Prohibited solicitation occurs when a commercial ground transportation service provider initiates a conversation with a passenger, makes a public announcement, displays a sign advertising ground transportation services or the name of a provider, distributes literature or otherwise attempts to arrange for the provision of commercial ground transportation services on the airport. Any driver standing inside the terminal or on the sidewalk immediately outside the terminal shall be presumed to be engaged in prohibited solicitation in the absence of evidence, to be provided upon request of an airport employee or law enforcement officer, of a prior arrangement to pick up a passenger. Acceptable evidence may include, for example and without limitation, a sign, list, invoice, or other document containing the name of a passenger or passengers having a prior arrangement for service. The following activities shall not be considered prohibited solicitation: actions by a taxicab driver, shuttle service driver or courtesy vehicle driver responding to an inquiry or request from a passenger concerning ground transportation services, actions by an on-airport rental car company employee conducted while behind the company service
counter, and actions by an airline employee arranging for ground transportation for a passenger of the
airline.
(3) Commercial ground transportation service providers shall be subject to the rules for personal conduct
prescribed by the airport rules and regulations. In addition, vehicle drivers shall not threaten or
jeopardize the safety and well being of another person, make boisterous or threatening comments to
passengers or other drivers, refuse to transport a passenger without good cause, or fail to follow the
direction of airport employees or law enforcement personnel in the operation of a commercial motor
vehicle or the conduct of commercial ground transportation.
(4) No commercial ground transportation service provider may give false or misleading information
concerning the terms of its service or any competitor's service, including destinations served and fares
for ground transportation services.
(5) All persons entering the airport in order to provide commercial ground transportation services shall
operate vehicles in full compliance with this section; other sections of the rules and regulations
governing the movement of ground vehicles; all applicable motor vehicle and traffic ordinances and
rules imposed by the county; and federal and state motor vehicle laws and regulations; as each of the
foregoing may be amended from time to time.
(6) Unless engaged in active loading or unloading of passengers or luggage, a driver shall not allow his
or her vehicle engine to idle and shall turn the engine off.
(7) The airport director may identify specific areas of the terminal for commercial ground transportation
service providers waiting for arriving passengers; and further may prescribe other rules as needed to
address safety, security and congestion issues associated with persons meeting arriving passengers.
(8) The airport director may designate a staging area; portions of the curb in front of the terminal; and
other areas of the airport for passenger pick up and drop off. The airport director further may designate
holding areas away from the terminal to alleviate or avoid congestion or security risks immediately in
front of the terminal. Commercial ground transportation service providers arriving at the airport shall
park or wait in the designated location and follow the instructions and hand signals of airport employees
and law enforcement personnel.
(9) Each driver must provide a written receipt on a form containing the name of the ground
transportation service provider to a passenger upon request, reflecting the fare, pick-up location and
destination.
(10) The county reserves the right to limit or restrict access to any area of the airport to commercial
ground transportation service providers, with or without prior notice, for reasons including, but not
limited to, safety and security of the general public, construction or renovation work at the airport, or
natural disasters. Those owners, operators, or drivers who are party to a contract or permit with the
county shall waive any claim for damages or other relief against the county resulting from any limit on
access to the airport.
(11) Subsections (1)—(10) do not apply to TNC vehicles or participating drivers.

- Sec. 10-246. - Suspension and revocation of contracts and permits.

(1) Permits or contracts issued under the preceding sections may be revoked or suspended by the airport
director in the event the permitted entity, its employees, agents, servants, or participating drivers become
involved on the airport premises in any disturbance, altercation, or dispute, verbally or otherwise, with
the public or with the agents or servants of any transportation or aviation company, or with the
employees, agents or officers of the county, or if the permitted entity, its employers, agents, servants, or
participating drivers have failed to comply with any of the following:
(a) Terms and conditions of the permit or contract;
(b) Directives issued by the airport director; or
(c) The Code of Ordinances of Outagamie County.
(2) Prior to revocation, or suspension of a permit or contract, except under subsection (3) of this section, the permitted entity or the entity under the permit or contract must be given a ten-day written notice of the reasons for suspension or revocation unless otherwise provided in the terms of their respective permit or contract.
(3) The airport director shall have the authority to suspend a contract or permit immediately when an emergency or a threat to the safety of the airport users exists.
(4) Should the commercial ground transportation service provider become in arrears in the payment of the whole or any part of the amount agreed upon herein for a period of ten days after the time such payments become due, this shall be considered a material breach of the terms of the permit or contract and subject to immediate termination without notice.
(5) In the event that a contract, permit, or special event permit is revoked or suspended as allowed under subsections (1), (2) or (4) of this section, the entity previously under contract or permit shall not be allowed to reapply for a contract, permit, or special event permit for one full calendar year following the year of revocation or suspension unless otherwise approved by the Airport Director.

BE IT FURTHER ORDAINED, that this ordinance shall be in full force and effect upon approval by the Outagamie County Board of Supervisors and publication per Wisconsin State Statutes §59.14 and §66.0103, and

BE IT FINALLY ORDAINED, that the Outagamie County Clerk be directed to forward a copy of this ordinance to the Appleton International Airport Director and Municipal Code Corporation for inclusion in the Outagamie County Code of Ordinances.

Dated this 31st day of January 2020.

Respectfully Submitted,

PROPERTY, AIRPORT, RECREATION & ECONOMIC DEVELOPMENT COMMITTEE

[Signatures]

Dean Culbertson
Lee W. Hammren
Joy Hagen
Ronald Klemp
Ordinance No. H—2019-20

Jason Wegand

Duly and officially adopted by the County Board on: January 28, 2020

Signed: [Signatures of Board Chairperson and County Clerk]

Approve: 1.29.20

Vetoed: ______________

Signed: [Signature of County Executive]