

(Published in The Journal Record September 26, 2012)

ORDINANCE NO. 24,533

**AN ORDINANCE RELATING TO AVIATION, AMENDING CHAPTER 10, DIVISION 1, ARTICLE II, OF THE OKLAHOMA CITY MUNICIPAL CODE, 2010, SECTION 10-16, DEFINITIONS AND CREATING A NEW SECTION 10-26, OFF-AIRPORT RENTAL CAR CONCESSION FEE AND RENTAL CAR AGREEMENT.**

**ORDINANCE**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OKLAHOMA CITY:**

**SECTION 1.** That Section 10-16 of Division 1, Article II, of Chapter 10, Aviation, of the Oklahoma City Municipal Code, 2010, is hereby amended to read as follows:

CHAPTER 10

AIRPORTS

\* \* \*

ARTICLE II. MUNICIPAL AIRPORTS

\* \* \*

DIVISION 1. GENERALLY

**§ 10-16. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) Aircraft means any contrivance used or designed for navigation or flight in the air.
- (2) Airport, airport proper and airport property mean any and all real property held by the City and/or the Oklahoma City Airport Trust together with its facilities, appurtenances and improvements and used for airport purposes as the same may be enlarged, diminished or otherwise modified. The terms shall not be construed to include any water supply lakes wherein amphibious aircraft may be permitted to land.
- (3) Airport Customer means any person or entity that is transported from airport property to an off-airport rental car business within a ten (10) mile radius of Will Rogers World Airport for the purpose of entering into an automobile rental

agreement for a fee. Customers with a valid Oklahoma driver's license evidencing an Oklahoma zip code shall be excluded from the definition of Airport Customer.

- (4) Concession Fee means the fee as described in this Article and imposed on Off-Airport Rental Car Businesses for the privilege granted to said businesses and operators for accessing Airport Customers.
- (35) Contract means those bona fide documentary agreements entered into between the Oklahoma City Airport Trust and/or the City and a second or third party, granting the second or third party the right and privilege to engage in aviation or allied activities.
- (46) Department of Airports means all personnel of the City duly employed in the operation, maintenance, supervision, protection and policing of all land and real estate acquired by and recorded in the name of the City and/or the Oklahoma City Airport Trust for airport and air navigation purposes, together with all improvements, appurtenances and facilities, including roadways not dedicated as public streets and other appurtenances which are used for municipal airport purposes.
- (57) Director of Airports or Director means the head of the Department of Airports as appointed by the City Manager and the General Manager of the Oklahoma City Airport Trust to administer, govern, superintend, control and protect the aviation interest of the City and/or the Oklahoma City Airport Trust.
- (8) Gross Revenues means all monies paid or payable to or in consideration of determinable value received from customers by rental car business, after discounts and coupons deducted at the time of rental exclusive of any retroactive adjustments for volume discounts. Gross revenues shall include:
- (a) All time and mileage charges and separately stated fees for rental of vehicles and other related or incidental services, and any other items or services, regardless of where the vehicles or services are delivered or returned;
  - (b) All amounts charged to the customer for insurance offered by rental car business incidental to the rental of such vehicles, including, but not limited to, personal accident insurances;
  - (c) All charges attributable to any vehicle originally rented to an airport customer which is exchanged at any other location of rental car business;
  - (d) All proceeds from the long-term lease of vehicles to any airport customer;

(e) The amount charged to rental car business's customers which is separately stated on the rental agreement as an optional charge for waiver by rental car business of its right to recover from customer for damage to or loss of the vehicles rented;

(f) The amount charged to rental car business's customers at the commencement or the conclusion of the rental transaction for the cost of furnishing and/or replacing fuel provided by rental car business;

(g) The amount charged by rental car business as a pass through to its customers of concession fees;

(h) Any and all additional charges not expressly excluded under this provision.

Gross Revenues shall not include:

(a) Any Federal, State, County, or City sales or other similar taxes or surcharges separately stated and collected from customer of rental car business;

(b) Any amounts received as insurance proceeds or otherwise for damage to automobiles or other property of rental car business, or for loss, conversion or abandonment of such vehicles;

(c) Revenue from the wholesale transfer of salvage vehicles;

(d) All non-revenue rentals to employees of rental car business; and

(e) The Customer Facility Charge, at such time as a Customer Facility Charge may be imposed on rental car business's Airport Customers.

(69) Landing field means that portion of any airport lying within 750 feet of the centerline of any designated runway and including that area lying within 750 feet beyond the end of any designated runway.

(10) Off-airport rental car business means any person or brand renting or providing the use of an automobile for a fee, whether for short or long term use, with an airport customer directly from or through a facility which is located off airport property.

(11) On-airport rental car business means any person or brand which has entered into an Automobile Rental Concession Agreement and Lease with the Oklahoma City Airport Trust, or such other lease or operating agreement to operate a certain brand, to rent or to provide the use of an automobile for a fee, whether for short or long term use, with an airport customer from or through a facility which is located on airport property or as otherwise provided for by an agreement.

(712) Vehicles means every description of carriage, vehicle or other conveyance, propelled or drawn by mechanical or any other power, owned or operated by any person and used for any private, public or commercial purposes.

**SECTION 2.** That a new Section 10-26 of Division 1, Article II, of Chapter 10 of the Oklahoma City Municipal Code, 2010, is hereby created to read as follows:

CHAPTER 10

AIRPORTS

\* \* \*

ARTICLE II. MUNICIPAL AIRPORTS

\* \* \*

DIVISION 1. GENERALLY

\* \* \*

**§ 10-26. Off Airport Rental Car Concession Fee and Rental Car Agreement.**

Any off-airport rental car business entering into a rental car agreement with an airport customer shall pay monthly to the Oklahoma City Airport Trust a concession fee based on a percentage of the gross revenues of each daily transaction with an airport customer that is equal to the percent concession fee required of on-airport rental car companies. The concession fee shall be set by the Oklahoma City Airport Trust and approved by The City of Oklahoma City. The Oklahoma City Airport Trust may require all off-airport rental car companies to enter into an Off Airport Rental Car Concession Agreement with the Trust before entering onto the airport premises or accessing airport customers.

**INTRODUCED AND READ** in open meeting of the Council of The City of Oklahoma City, Oklahoma, this 28th day of August, 2012.

**PASSED** by the Council of The City of Oklahoma City, Oklahoma, on this 25th day of September, 2012.

**SIGNED** by the Mayor of The City of Oklahoma City, Oklahoma, on this 25th day of September, 2012.

s/b Mick Cornett  
**MAYOR**

ATTEST: (seal)

Frances Kersey  
City Clerk