

**POLICY ON RELIGIOUS, CHARITABLE, AND POLITICAL ACTIVITIES AT
AUSTIN-BERGSTROM INTERNATIONAL AIRPORT.**

SECTION 1. AUTHORITY AND PURPOSE.

- (A) This policy is adopted by the City of Austin Department of Aviation pursuant to Section 13-1-31 of the Austin City Code, that states in pertinent part as follows:

“Except as authorized by the director, a person commits an offense if the person is at an airport and:

- (3) posts, distributes, or circulates leaflets, advertisements, or other written matter;
 - (4) solicits funds, contributions, alms, or donations;
 - (5) demonstrates, pickets, or holds a public gathering or meeting;”
- (B) The airport is not a public forum for First Amendment activities. Certain activities are incompatible with the transportation uses of the airport.
- (C) The purpose of this policy is to establish guidelines under which the Department of Aviation, acting through its director, will enforce Section 13-1-31 of the City Code, and consider applications for permits from persons seeking to engage in activities referred to in Subsections 13-1-31(3)-(5) of the Austin City Code on airport property.

SECTION 2. DEFINITIONS.

Unless specifically defined otherwise herein, or unless a different meaning is apparent from the context, the following terms used in this policy have the following definitions, whether or not such terms are capitalized:

- (A) AIR OPERATIONS AREA (“AOA”) means that portion of the airport, specified in the airport security program, in which security measures specified in 49 CFR Part 1500, et seq., as may be amended from time to time and as incorporated herein by this reference, are in effect and enforced. This area includes all movement areas, ramps, and safety areas for use by aircraft regulated under 49 CFR Parts 1544 or 1546, and any adjacent areas (including general aviation areas) that are not separated by adequate security systems, measures, or procedures, and includes any area of the airport used or intended to be used by aircraft for landing, takeoff or surface maneuvering.
- (B) AIRPORT means the City of Austin Austin-Bergstrom International Airport.
- (C) CONSTRUCTION PERIOD means any time period during which the director determines that there are current and ongoing construction projects

on airport property.

- (D) DEPARTMENT means the City of Austin Department of Aviation.
- (E) DEPARTMENT OFFICIAL means the officer of the department designated by the director to administer this policy.
- (F) DIRECTOR means the director and chief executive officer of the Department of Aviation or his or her designee.
- (G) LEAFLETING means the repetitive or continuous distribution of printed or written noncommercial materials.
- (H) PARTICIPANT means any person permitted under this policy to leaflet, solicit, picket, display signs or otherwise attempt to communicate their view to other users of the airport.
- (I) PERMIT means written authorization issued under this policy to leaflet, solicit, picket, display signs or otherwise attempt to communicate their view to other users of the airport.
- (J) PERSON means any individual, group of individuals, firm, partnership, corporation, company, limited liability company, limited liability partnership, association, joint stock association, governmental entity or other body politic; and includes any trustee, receiver, committee, assignee or other representative or employee thereof.
- (K) PICKETING means mean the display of placard signs as part of participating in a picket line as a picket or taking part in any labor or other form of demonstration, protest or expression of noncommercial speech, and does not include any commercial activity, including without limitation commercial solicitation.
- (L) PREMISES means that portion of the airport or terminal complex on which a participant has been granted a permit.
- (M) SECURED AREA means any area of the airport as identified in the airport security program requiring security access procedures consistent with regulations promulgated by the Federal Aviation Administration ("FAA") or Transportation Security Administration ("TSA"), and all other applicable regulations.
- (N) SOLICITATION or SOLICITING means the oral or written request for funds, signatures or anything of value conducted by a person to or with passers-by in a continuous and repetitive manner, and includes offering any property for sale, upon the representation that the proceeds will be used for charitable or religious purposes. FUNDS for purposes of this definition includes money, alms, property, and the written pledge of a future donation.
- (O) STERILE AREA means the area of the airport defined in the airport security program that provides passengers access to boarding aircraft and to which the access generally is controlled by TSA, or by an aircraft operator or a foreign air carrier, through the screening of persons and property.

- (P) **TERMINAL COMPLEX** means all buildings and structures located within the airport and open to the public for the purpose of flight ticket purchase, passenger enplanement and deplanement, including sterile areas and adjoining ramps, adjacent curbs and roadways, public lobby waiting, baggage check-in and pick up, and those other services related to public passenger air travel.

SECTION 3. GENERAL.

The airport is designed and utilized as an air transportation facility. The airport was neither designed nor intended for use as a public forum for First Amendment activities. The airport was designed to serve a substantially smaller number of passengers than the actual number of passengers it currently serves. Additionally, increased security measures adopted after September 11, 2001, have significantly impacted the flow of passenger traffic within the airport. The airport is a security sensitive environment and as a result, the security and safety of airport customers, employees and tenants while in the terminals, on the curbsides, in the parking lots, or anywhere on airport property is of paramount concern. Therefore, the regulation of certain activities at the airport is necessary to preserve the ability to utilize the airport for transportation purposes.

The restrictions on the exercise of religious, charitable, or political activities contained in this policy are necessary to preserve and promote the health, security, and safety of the passengers, other patrons and employees using airport facilities, to promote and maintain the high aesthetic and interior design qualities of the airport, to avoid visual blight and clutter, to avoid disruption of the activities and operation of the airport, and to maintain and enhance the efficient operation of the airport by maximizing passenger and pedestrian traffic flow and avoiding congestion, in keeping with the primary purpose of the airport and consistent with its design and intended function as a facility for air travel.

The airport has taken other steps to provide for the free flow of pedestrian traffic in the airport and to facilitate speedy and efficient traffic flow for passengers utilizing the airport for air transportation purposes. The airport anticipates future construction projects to expand the airport's capacity and frequent and continuous construction work at the airport for the next several years.

Airport passengers have a need to proceed quickly and freely from their automobiles or other ground transportation to the ticket counters or baggage check-in to their departing aircraft, and from their arriving aircraft to their baggage and/or to their ground transportation. With regard to those activities, time is of the essence. For individuals who park their vehicles in any of the airport's paid or permit parking lots, customer, employee and tenant safety and security while in any of these parking lots is important both during daylight and during periods when it is dark. Once out of their vehicle, pedestrians must be careful and observant of other vehicles that may be moving around them as they walk through the lots en route to the terminals, or towards a bus shelter. Because of this, it is extremely important for pedestrians as well as vehicle operators to not be distracted by persons or situations in the lot that may impact their safety or that may delay or distract them while walking or driving through the parking lots. Therefore, solicitation will not be permitted except in certain identified locations where leafleting or picketing may be allowed upon approval by the department official.

The airport has not been, and is not now, utilized or designed as a public forum. Unfettered use of the airport to leaflet, solicit, proselytize, or picket would prevent the intended use of the airport as a transportation center and potentially endanger the health and safety of passengers and employees using the airport. Moreover, such activities would impede and cause unreasonable hazards during the construction activities anticipated at the airport.

Any use of the airport for exercising rights of free expression and communication, picketing, demonstrating or displaying signs, or soliciting shall not restrict or impair the transportation function of the airport or construction during construction periods.

Passengers are susceptible to fraud or unfair treatment by solicitors because of their being unable, due to time constraints, to study requests for donations, or because of language or cultural differences.

Organizations who may request a permit at the airport to leaflet, solicit, proselytize, or picket will be given consideration regarding their request on a case-by-case basis. Decisions on whether to grant any such request will be based, in part, on the availability of designated locations for such activities during the period of request, as well as other factors enunciated herein.

SECTION 4. CONTENT NEUTRAL.

The regulation of religious, charitable, and political activities shall be content neutral and will apply and be enforced without regard to the identity of the individuals or organizations seeking to engage in such activities or the content of the message sought to be communicated.

SECTION 5. GENERAL REQUIREMENTS.

All religious, charitable, and political activities shall be conducted:

1. pursuant to this policy;
2. in the peaceful and orderly manner contemplated by law, without physical harm, molestation, threat or harassment of other persons, and without obscenities, violence, breach of the peace, damage to property, or other unlawful conduct;
3. without obstructing the use of the airport by the public and without hindrance to or interference with the proper, safe, orderly, and efficient movement of passengers and users of the airport or operation of the airport and the activities conducted thereupon, and without interference with the constitutional rights of others; and
4. in compliance with federal, state, and local statutes, ordinances, and regulations applicable to the person or the airport or the use thereof and judicial or administrative interpretations thereof, as amended from time to time, including but not limited to Federal Aviation Regulations and Transportation Security Regulations.

SECTION 6. LEAFLETING.

Leafletting in the airport or in airport parking areas is not permitted except upon compliance with the permitting procedures described in this policy and is limited to printed or written

noncommercial materials. Leafleting on vehicles in the airport parking areas is strictly prohibited. Leaflets may include text or written material, which urges contributions or the sale of goods for non-profit purposes on behalf of a non-profit organization, which has been granted a permit pursuant to this policy.

- (A) The airport has determined that only certain areas of the terminal complex provide a reasonable opportunity for leafleting while not preventing the use of the airport facility for its intended purpose of providing a safe, orderly, and efficient flow of pedestrian traffic. The director will maintain a chart designating those areas of the airport in which leafleting does not interfere with use of the airport facilities for their intended purpose. A copy of such chart will be provided to applicants and will be available for public inspection at department offices. In recognition of the importance of the right of the public to the exercise of free expression where it is not incompatible with the use of the airport facilities for their intended purpose, the airport will strive to maintain a minimum of one (1) area of at least one hundred (100) square feet or more in the parking areas and both the interior and the exterior of the non-secured areas of the terminal within the terminal complex, together with a list of the number of individuals who may leaflet in those designated areas. Where necessary to preserve the use of the airport by the public for transportation purposes, the director may reduce the size or number of or change the location of the designated areas from time to time to take into account changes in pedestrian flow, construction, alterations to the terminal complex, emergency conditions, or other unforeseen circumstances which may necessitate a change.
- (B) Notwithstanding subsection (A) above, the following areas do not provide a reasonable opportunity for leafleting without preventing the use of the airport facility for its intended purpose of providing a safe, orderly, and efficient flow of pedestrian traffic and are areas where leafleting is prohibited:
1. air operations areas, secured areas, and sterile areas;
 2. roadways and thoroughfares for vehicles;
 3. within 10 feet of any access gate or doorway to any place of business of any tenants, lessees, or permittees of the airport;
 4. any sterile areas of the terminal complex;
 5. roadway curbsides or curbs at which passengers load or unload from vehicles, motor vehicles or commercial vehicles and staging areas for ground transportation vehicles;
 6. areas leased or assigned by agreement with the airport for use by vendors or other lessees, permittees, or licensees of the airport;
 7. within 10 feet of any doorways, escalators, moving walkways, or baggage conveyance bins or equipment;
 8. within 50 feet of any construction site or construction equipment;
 9. within construction areas; and
 10. any other areas that may be designated by the director from time to time as

necessary to maintain the safety and efficiency of airport operations.

SECTION 7. PICKETING.

- (A) Picketing in the airport is not permitted except upon compliance with the permitting procedures contained in this policy and is confined to designated picketing areas. The airport has determined that only certain designated areas of the airport provide a reasonable opportunity for picketing while not preventing the use of the airport facility for its intended purpose of providing safe, orderly, and efficient flow of pedestrian and vehicle traffic. The director will maintain a chart designating those areas where picketing does not prevent the use of the airport facilities for their intended purpose. A copy of such chart will be provided to applicants and will be available for public inspection at department offices. In recognition of the importance of the right of the public to the exercise of free expression where it is not incompatible with the use of the airport facilities for their intended purpose, the airport will strive to maintain a minimum of one (1) picketing area of at least one hundred (100) square feet each in the parking areas and both the interior and the exterior of the non-secured areas of the terminal within the terminal complex, together with a list of the number of individuals who may picket in those designated areas. Where necessary to preserve the use of the airport by the public for transportation purposes, the director may reduce the number or size of or change the location of designated areas from time to time to take into account changes in pedestrian or vehicle flow, construction, alterations to the terminal complex and their surroundings, emergency conditions, or other unforeseen circumstances which may necessitate a change.
- (B) Notwithstanding subsection (A) above, the following areas do not provide a reasonable opportunity for picketing without preventing the use of the airport facility for its intended purpose of providing a safe, orderly, and efficient flow of pedestrian traffic and are areas where picketing is prohibited:
1. air operations areas, secured areas, and sterile areas;
 2. roadways and thoroughfares for vehicles, including the airport parking;
 3. within 10 feet of any access gate or doorway to any place of business of any tenants, lessees, permittee of the airport;
 4. any sterile areas of the terminal complex;
 5. roadway curbsides or curbs at which passengers load or unload from vehicles, motor vehicles or commercial vehicles and staging areas for ground transportation vehicles; except during any time which is not a construction period, picketing may take place on curbsides and curbs at an area next to every other entrance door into the terminal complex;
 6. areas leased or assigned by agreement with the airport for use by vendors or other lessees, permittees, or licensees of the airport;
 7. within 10 feet of any doorways, escalators, moving walkways, or baggage conveyance bins or equipment;

8. within 50 feet of any construction site or construction equipment, except areas designated by the director around construction work gates;
 9. within construction areas; and
 10. any other areas that may be designated by the director from time to time as necessary to maintain the safety and efficiency of airport operations.
- (C) The director may impose regulations on the size of picket signs to the extent necessary to prevent interference with use of airport facilities for their intended purpose. Picket signs may not be attached to clubs, poles, or other hard objects, and must be carried or otherwise attached to the participants engaged in picketing activities. Picket banners are strictly prohibited.
- (D) Picketing in vehicles is strictly prohibited.

SECTION 8. SOLICITING.

- (A) Soliciting in the airport is not permitted except upon compliance with the registration and permitting procedures set forth in this policy. Soliciting for charitable or religious purposes is only permitted by organizations qualified under section 501(c) of the Internal Revenue Code, as amended, as "non-profit." Commercial soliciting may be limited in any reasonable manner, and persons desiring to perform such commercial soliciting must obtain a permit from the director pursuant to prior to engaging in such activity. Any non-profit organization seeking to engage in soliciting must attach the following documents to its application:
1. federal tax-exempt status form pursuant to United States Internal Revenue Code Section 501(c); and
 2. State of Texas tax exempt status form.
- (B) The airport has determined that only certain areas of the terminal complex provide a reasonable opportunity for soliciting while not preventing the use of the airport for its intended purpose of providing a safe, orderly, and efficient flow of pedestrian traffic. The director will maintain a chart designating those areas where soliciting does not prevent the use of the airport facilities for their intended purpose. A copy of such chart will be provided to applicants and will be available for public inspection at department offices. In recognition of the importance of the right of the public to the exercise of free expression where it is not incompatible with the use of airport facilities for their intended purpose, the airport will strive to maintain a minimum of one (1) area of at least one hundred (100) square feet or more in the parking areas and in both the interior and the exterior of the non-secured areas of the terminal within the terminal complex, together with a list of the number of individuals who may solicit in those designated areas. Where necessary to preserve the use of the airport by the public for transportation purposes, the director may modify the size or number of or change the location of the designated areas from time to time to take into account changes in pedestrian flow, construction alterations to the terminal complex, emergency conditions, or other unforeseen circumstances which may necessitate a change.

- (C) Notwithstanding subsection (A) above, the following areas do not provide a reasonable opportunity for soliciting without preventing the use of the airport facility for its intended purpose of providing a safe, orderly, and efficient flow of pedestrian traffic and are areas where soliciting is prohibited:
1. air operations areas, secured areas, and sterile areas;
 2. roadways and thoroughfares for vehicles;
 3. within 10 feet of any access gate or doorway to any place of business of any tenants, lessees, or permittees of the airport;
 4. any sterile areas of the terminal complex;
 5. roadway curbsides or curbs at which passengers load or unload from vehicles, motor vehicles or commercial vehicles and staging areas for ground transportation vehicles;
 6. areas leased or assigned by agreement with the airport for use by vendors or other lessees, permittees, or licensees of the airport;
 7. within 10 feet of any doorways, escalators, moving walkways, or baggage conveyance bins or equipment;
 8. within 50 feet of any construction site or construction equipment; and
 9. within construction areas.

SECTION 9. RULES OF CONDUCT FOR PERSONS CONDUCTING SOLICITATION.

- (A) Bona Fide Representative. No person may solicit and receive funds on behalf of a permitted organization unless that person is a bona fide representative of the organization.
- (B) Misrepresentations. No person may misrepresent the identity, purpose, cause, or activity of the organization that the person represents. No person shall misrepresent the manner in which solicited funds shall be spent.
- (C) Outside Designated Areas. No person may solicit and receive funds or signatures outside the area assigned to such person by the director for soliciting activities.
- (D) Checks and Credit/Debit Card Receipts. No person may alter any check, credit card, invoice or debit card invoice received as a donation or contribution.
- (E) Receipts. Every person who solicits and receives funds must provide a written receipt upon request by the donor.

SECTION 10. REGISTRATION AND PERMITTING PROCESS.

- (A) No person may leaflet, picket, solicit, display signs or otherwise attempt to communicate their views to other users of the airport without first delivering written notice to the department official of their intent to do so in a form adopted by the director for that purpose at least ten business days prior thereto. The department official may waive the ten business day advance filing requirement upon written request for good cause shown. Such notice is required in order that adequate precautions may be taken by the airport to protect the public health, security, safety,

and order; to assure efficient and orderly use of airport property for its primary purpose; and to assure equal opportunity for freedom of expression. The written notice required herein must state:

1. the full name, mailing address, email address, and telephone number of the person delivering the written notice, or, if they are a member of an organization which is sponsoring, conducting, or promoting the activity, the full name, mailing address, email address, and telephone number of the organization, and the full name, mailing address, email address, and telephone number of a responsible officer or agent thereof;
 2. a description of the proposed activity stating the type of communication to be involved (e.g., leafleting, picketing, or soliciting) and the size and volume of the items to be handed out or the signs being utilized for the activity;
 3. the date, hour, location, and anticipated duration of such activity;
 4. the number of persons planning to participate in such activity;
 5. a statement or evidence that the person sponsoring, conducting, or promoting the proposed activity is one that is charitable, religious, or political in nature or whose purpose for the proposed activity is not for the deriving or making of profit from the sale or exchange of goods or services; and
 6. a statement acknowledging they will abide by all applicable laws, this policy, and direction from airport staff.
- (B) No person may block, hinder or otherwise impinge upon the free flow of persons, vehicles, or aircrafts upon or through the airport or otherwise prevent the orderly and efficient use of airport property for its primary purpose. No person (or collection of persons with the same or similar message) requesting approval under this policy may be granted more than a combined total of one hundred (100) square feet for a designated area to leaflet, picket, and/or solicit.
- (C) If the number of participants in possession of permits issued pursuant to this policy seeking to engage in permitted activities on any given day exceeds the number of available locations on such day, participants will be assigned locations daily on a first come, first served basis and then on the basis of the earlier of the dates the participants' permits were issued. Those participants not receiving a designated location will be placed on a waiting list and when a participant departs, the next participant on the waiting list will be assigned a location for its permitted activities. If there are multiple applicants for the same period, the permit may be limited to specified hours of the day.
- (D) The activities described herein will be conducted only in or upon those airport premises which are open to the general public for common use, and will not intrude upon nor take place in any location or area reserved to a particular use, such as baggage areas, washrooms, offices, ticket sales counters, stairways, restaurants, or any areas devoted to business enterprise.

- (E) Any organization or person may apply for a permit with the department official on any Monday through Friday, which is not a holiday between 9:00 a.m. and 3:00 p.m. The department official shall review the application for sufficiency of information and shall promptly (as defined in Subsection (I) below) issue a permit or notify the applicant in writing why issuance of a permit is delayed or denied.
- (F) Grounds for denial or delay of a permit application include:
1. failure of the applicant to file a complete and accurate application, or to supplement upon request the application with additional information reasonably required by the department to consider the application;
 2. the making of any false statement or misrepresentation in the application, or the failure to disclose any material fact, which if disclosed, would be grounds for denial of the application;
 3. the failure of the applicant to pay outstanding damage claims arising out of prior permits, or to provide security deposits, surety bonds, or liability insurance, if required;
 4. lack of available space;
 5. airport emergency;
 6. construction, repair, or maintenance activities at the airport; and
 7. the termination of a prior permit by the applicant within the previous six months for failure of the participant to comply with permit conditions.
- (G) A permit will not be granted or denied based upon the content of any noncommercial message.
- (H) If more than one person or organization submits an application pursuant to this policy, the department official will review those applications on a first come-first served basis and grant or deny permits in that order. If the department official denies the permit application, the department official will provide the applicant written notice of the grounds for denial.
- (I) “Promptly” as stated in this section means no later than the third business day after the date the application is received and in no case later than three hours prior to the proposed time for the proposed activity. If the department official fails to issue a permit promptly, the applicant will consider that a permit is denied; and the applicant may appeal the denial to the director. The appeal must be filed with the director within five calendar days from the date of the decision being appealed.
- (J) The permit will designate that the participant is eligible to conduct activities at the airport for a period of up to 30 consecutive days and the permit may be renewed on a month-to-month basis up to a maximum of one year, provided that the organization or person renewing the permit has not had its permit terminated within the previous six months, and that the number of outstanding permits has not exceeded the maximum established by the department official. At the end of the one-year period, the person or organization must reapply if they wish to continue

their activities. In such a case, applicants may be permitted to incorporate by reference any required documentation filed with a previous application.

- (K) The activities referred to herein will be conducted strictly in conformity with the terms and conditions set forth in the permit issued by the department official and this policy.
- (L) No more than the number of persons designated by the department official may engage in the permitted activity in each of the designated areas at a time.
- (M) Any organization or person who is issued a permit as provided for herein must provide identification badges for the number of persons to be engaged in said activities at the airport at any given time. The person or persons who will have supervision and responsibility for the proposed activities will maintain a record showing the name and address of each person issued a badge. Each badge will state the full name of such person, the name of the organization, if any, a badge number, the permit number, and the permitted activity and the following statement: "The holder of this badge is engaged in free speech activities which the City of Austin and the Austin-Bergstrom International Airport neither condone nor deny." Each person engaged in said activities must wear or otherwise display the badge in a manner clearly visible to the public during all times he or she is engaging in said activities.

SECTION 11. VIOLATIONS BY PARTICIPANTS.

- (A) Any violations of the provisions of this policy by any person or organization that are not promptly cured upon written notice by the department official will cause the termination of the permit; however, no prior notice and opportunity to cure will be required if the nature of the violation presents an immediate danger to public health or safety, or interferes with airport security, or airport or flight operations. Upon termination the person or organization will not be eligible for a new permit for a period of six months.
- (B) Any person or organization whose permit was so terminated may appeal the denial to the director. The appeal must be filed with the director within five calendar days from the date of the decision being appealed. The decision of the director shall be final.

SECTION 12. PROHIBITED CONDUCT.

The following activities are prohibited at the terminal complex, with or without a permit:

- (A) leafleting, picketing, or soliciting by any person at any area except during the days and times and at the locations assigned by the department official in a valid permit;
- (B) the sale, distribution, or handing out of any type of food or drink by any person engaged in leafleting, picketing, or solicitation;
- (C) any attempt to pin, tie, or attach any flower or other symbol, insignia, article, or object to the clothing, luggage, or vehicle of any person without their consent; to assault, coerce, threaten, physically disturb, assault, or commit battery on any other person; to touch any person without his or her consent; or to obstruct and interfere with the conduct of authorized business at the airport;

- (D) the use of any musical instrument, noise-making device, sound or voice amplifying apparatus, or the doing of anything which will reduce the effectiveness of the public address system or that interferes with the business functions of the airport;
- (E) the distribution of literature, other printed matter or the display of signs at the airport after the required permit is terminated or expires;
- (F) the intentional leaving of any item intended for distribution unattended;
- (G) any activity which constitutes a danger to persons or property or which interferes with the orderly formation and progression of waiting lines, or which interferes with any of the following: pedestrian or vehicular travel; the issuance of tickets or boarding passes or equivalent documents for air or ground transportation; luggage or cargo movement or handling; the entry to or exit from vehicles, elevators, escalators, doorways, or passageways; conduct of any authorized commercial activity; security procedures; government inspection procedures; cleaning, maintenance, repair, or construction operations;
- (H) any conduct which indicates or represents or attempts to indicate or represent to the public that an individual conducting leafleting, soliciting, or picketing pursuant to a permit issued by the airport is a representative of the City of Austin or the airport;
- (I) any conduct which misrepresents the identity of the individual or organization for which the individual is performing the permitted activities;
- (J) taking still or motion pictures or videotaping for commercial use or public exhibition, publication, or display, or the filming of any motion picture, television program or commercial advertisement, at the airport except in compliance with the airport's policy on photography, filming, and videotaping;
- (K) failure to cooperate in the investigation of any complaint received by the department official regarding the conduct of any participant; or
- (L) any conduct, which physically impedes, obstructs, or interferes with the free movement of any airport passenger, tenant, or employee.

SECTION 13. ADDITIONAL CONDITIONS.

Unless otherwise expressly agreed by the department official in writing, all permits are subject to the following conditions:

- (A) the participant must defend, indemnify, and hold the City, its successors, assigns, officers, employees, and elected officials, harmless from and against all claims arising out of, or concerning, the permit, or any activity of participant under the permit, caused, in whole or in part, by the fault of participant, or its agents, employees, or representatives, no matter how such claim may occur or who asserts the claim. If a claim is caused by the concurrent fault of participant and the City, participant must indemnify the City to the full proportionate extent such claim is attributable to fault of participant. "Claims" includes any and all claims, demands, suits, causes of action, judgments and liability of every character, type or description, including all costs and expenses of litigation, including attorney and other professional fees for: (i) destruction, damage, or loss of use of property, or (ii) death, bodily injury, illness, disease, worker's compensation, loss of services,

or loss of income or wages. "Fault" includes the violation by participant of any of the terms of its permit, negligence (of every kind and degree), willful misconduct, and strict liability;

- (B) if any property damage or personal injury results from a participant soliciting, picketing, or leafletting at the airport, the department official may condition the issuance of any other or future permit to participant upon the posting of a damage deposit, surety bond, or liability insurance in an amount determined by the department official; and
- (C) the participant must keep the premises clean and free from trash or debris at all times. Upon, expiration, or termination of a permit, the participant must return the premises to the City in the same condition it was in at the inception of the permit term, and must repair any damage to the premises, or the property of the airport, or any of the airport tenants caused by the participant, its agents, employees, representatives, or customers. If participant fails to comply with the provisions of this subsection, the airport may clean the premises or make any necessary repairs, and the participant must reimburse the airport for such cost.

SECTION 14. ACTIVITIES DURING EMERGENCIES.

The director may declare an emergency for all or any portion of the terminal complex because of unusually congested conditions in a facility due to adverse weather, schedule interruptions, extremely heavy traffic movements, or for emergency or security measures. Any person leafletting, picketing, soliciting, or distributing literature in an area affected by the emergency must immediately cease such activities for the duration of the emergency.

As soon as the director announces an end to the emergency, participants in possession of permits issued pursuant to this policy may resume their soliciting, picketing, or leafletting activities in accordance with the requirements of this policy.

SECTION 15. ACCIDENTS.

If any participant is involved in an accident or other incident in which any person is injured or property is damaged, a participant or the participating organization must immediately notify the department official.

SECTION 16. FURNITURE OR SIGNS.

The placement of a table, bench, chair, sign, or other item on airport property is prohibited unless expressly permitted in writing by the department official in connection with the permit for leafletting, picketing, or soliciting.

The participant must provide any furniture, display equipment and materials necessary or appropriate, consistent with the requirements of this policy. An applicant must identify in its application any special equipment or materials that it proposes to supply or use on the premises. The department official may deny or restrict the use of such furniture and display equipment and materials. Setup and removal of displays will be the responsibility of the participant.

ADOPTED this ___ day of May, 2023.



Jim Smith, Interim Director of Aviation