

DRAFT

ATTACHMENT B

COMMERCIAL AND NON-COMMERCIAL ACTIVITIES

**SECTION 1. Revisions.** The City Code, Section 3-22, is amended to read as indicated below. Additions are underlined and deletions are ~~struck through~~.

**Sec. 3-22. - Commercial and non-commercial activities.**

(a) *Commercial activities.*

(1) It shall be unlawful for any person or entity:

- a. To engage in any commercial activity or services on the premises of the airport without first entering into an agreement with the eCity.
- b. To engage in commercial activity not specifically authorized by an agreement with the eCity.
- c. To post, distribute or display signs or advertisements not pursuant to the conditions of a written agreement with the eCity.

(2) Agreement shall mean a written contract, authorized by eCity ordinance as applicable, executed by the parties, and enforceable by law between the eCity and a person or entity. Such agreement will recite the terms and conditions under which specified activities will be conducted at the airport and the rights and obligations of the respective parties.

(3) *Commercial activity* shall mean and include any and all activity conducted at or out of the airport by any person, in which any product, goods, services, or entertainment is offered, exchanged, or sold for monetary gain, an asset, or service, or the promise thereof.

(b) *Solicitation.*

(1) No person shall engage in any solicitation for any purpose or in any manner on airport property unless such solicitation is authorized pursuant to an agreement with the eCity.

(2) *Solicitation* or *soliciting* is defined as any request, direct or indirect, for money, credit, property, financial assistance, or other thing of value in pursuit of a commercial activity or for religious, political or charitable purposes. Solicitation, as defined herein, shall be deemed completed when communicated to any person located upon the airport regardless of whether or not the person making such solicitation receives any contribution or makes any sale.

(c) *Non-commercial activity.*

(1) *Purpose.* ~~Any person or organization desiring to use airport property for non-commercial purposes, to include exercising constitutional rights of free speech and freedom of religion, such as the distribution of literature, shall be permitted to conduct such activities providing the activities 1) do not result in impairing or interfering with the operational functions of the airport, and 2) such activities are in compliance with the provisions of this section and other applicable provisions of this chapter. The regulations set out herein are necessary for the accomplishment of the following purposes:~~

DRAFT

- a. ~~To ensure that persons seeking to exercise their constitutional rights of free speech and freedom of religion may reasonably do so upon the premises of the airport;~~
- b. ~~To restrict such activities of free speech and freedom of religion to the designated public use areas of airport set out in subsection (c)(4) below;~~
- c. ~~To protect all persons using the airport from harassment, intimidation, and being subjected to unreasonable contacts by any persons or organizations seeking to exercise rights of free speech and freedom of religion;~~
- d. ~~To ensure the free, orderly, and efficient flow of pedestrian traffic through the airport premises; and~~
- e. ~~To ensure the efficient and safe operations of the airport.~~ The City of San Antonio supports our citizens' freedom to exercise their constitutional rights of free speech, as long as such activity does not interfere with the safe and efficient operation of San Antonio Airport System facilities (including San Antonio International Airport and Stinson Municipal Airport), or impede its passengers, tenants or members of the general public. Any person or organization desiring to use airport property for non-commercial purposes, to include exercising constitutional rights of free speech and freedom of religion, such as public demonstrations or the distribution of literature, shall be permitted to conduct such activities providing the activities meet the criteria indicated in Sec. 3-22 (c) (3), and:

a. allow for the free, orderly, and efficient flow of pedestrian and vehicular traffic through the airport premises, do not result in impairing or interfering with operational functions; and

b. protect all persons using the airport from harassment, intimidation, and being subjected to unreasonable contacts by any persons or organizations seeking to exercise rights of free speech.

~~(2) General. No person, group, association, organization, or entity shall engage in picketing, demonstrations, or marches, nor distribute literature of any nature whatsoever on the airport without first obtaining a permit from the Director., and under the terms and conditions set forth in this chapter and a permit issued by the city.~~

~~(3) Permits.~~

a. The Director shall exercise no judgment regarding the purpose or content of the proposed activities, and shall exercise no discretion over the issuance of a registration permit hereunder, it being the intent of this division that the issuance of a permit by the Director shall be a routine, clerical, and mandatory function. The Director shall consider only factors effecting the safe and efficient operation of the airport. The content or viewpoint of the requestor's speech shall not be considered in any manner by the Director.

DRAFT

~~a.b. No person shall~~ A permit is required to engage in picketing, demonstrations, marches or distribute literature at the airport without first obtaining a permit form unless the Director waives such requirement. An written application showing the nature of the intended activities must be received by the director at least two (2) business days prior to the date contemplated for commencing the activity, and may be applied for no more than thirty (30) days in advance of such activities may be submitted to the Director up to thirty (30) days in advance of such activities. Groups or individuals can request a permit and obtain information on the process by calling (210) 207-7242.

The written application shall contain:

1. ~~The full name, residential mailing address, and telephone number of all persons expected to engage in the proposed activity;~~
2. ~~The full name, business and/or residential mailing address, and telephone number of the individual or the organization sponsoring, conducting, or promoting the proposed activities;~~
2. The full name, residential mailing address, and telephone number of the contact person in the organization who will have supervision of and responsibility for the proposed activities;
- 4.3. ~~The dates and hours on and during which the activities are proposed to be carried out, and the expected duration of the proposed activities;~~
- 5.4. ~~A description of the proposed activities, indicating the type of communication involved; and~~
5. The area (if any) of the airport where the applicant prefers to conduct the activity.
6. ~~The terminal the applicant prefers.~~

~~b. Permit(s) shall be issued promptly within two (2) business days following receipt by the director of a fully and accurately completed registration form. The director shall issue the person a permit approval letter that shall indicate the person/group's registration number and the date of expiration, and shall designate the area of the airport to which the person/group has been assigned.~~

c. *Timing.* Permit(s) shall be requested no later than two (2) calendar days prior to the proposed activity unless the director waives such requirement. Permit will be issued promptly (normally within two (2) calendar days following receipt) by the Director of a fully and accurately completed registration form. The Director shall issue the person a permit approval letter that shall indicate the person/group's registration number and the date of expiration, and shall designate the area of the airport to which the person/group has been assigned and any other necessary restrictions. If unusual circumstances preclude two (2) day notice for permitting processing, the Director may issue approval for public activities, pending submission of a permit request. While the request to the Director may be in a form other than a written permit, the Director shall, time permitting, provide

DRAFT

notification of approval to the requestor through electronic mail, as a minimum, with notification to other Aviation Department staff. Notification shall include the authorized location for the proposed activities.

~~e. The Director shall exercise no judgment regarding the purpose or content of the proposed activities, and shall exercise no discretion over the issuance of a registration permit hereunder, it being the intent of this division that the issuance of a permit by the Director shall be a routine, clerical, and mandatory function. The Director shall consider only factors effecting the safe and efficient operation of the airport. The content or viewpoint of the requestor's speech shall not be considered in any manner by the Director.~~

~~d. Failure to furnish the information required by this section, or making false or misleading statements on the application, will result in the denial of the permit application.~~

~~e. The permit shall be issued for a period of not more than ten (10) days.~~

~~f. To enhance access to approved free speech areas by new individuals or groups, the director may implement rules and procedures such as 1) restricting the number of hours per day during which an activity by a particular user/group is authorized, 2) bumping permits for up to seven (7) days to ensure a new user/group is not blocked from access by a user/group who has had use of the area(s) during the past thirty (30) days, and 3) limiting the number of consecutive days that a user/group is authorized to use an area.~~

f.d. To enhance access to approved free speech areas by new individuals or groups, the Director may implement rules and procedures regarding timing, duration, and/or location(s) of the event(s) in order to provide fair and equitable exposure for an activity, while protecting the safe and efficient operation of the airport.

~~g.e. Permit(s) are nontransferable.~~

~~h.f. Any person conducting any activities referred to in this division shall keep the permit approval letter on his or her person at all times while conducting any activities regulated hereunder and shall display the permit approval letter upon the request of any person.~~

~~i. Any person conducting any activities referred to in this division shall wear a nameplate, card or other personal identification on his upper torso and clearly visible to the public. This identification must contain the legal name of the individual and the full legal name of the group, organization or cause he represents.~~

(4) Location of activities. In order not to unduly interfere with the orderly flow of the general public, picketing, demonstrations, distribution of literature, marches, or other first amendment activities ~~shall be conducted only in the areas the city has specified on the terminal layout plan or the designated employee parking lot location. The terminal layout plan is on file and available for inspection at the aviation department. These designated areas are located to allow reasonable access to persons enplaning and deplaning so as not to interfere with the flow of pedestrian or vehicular traffic or security.~~ the director will provide a prominent area(s) depending on the size of the protesting group that allows reasonable access to the intended audience, while not interfering with the safe and efficient operation

DRAFT

of the airport Applicant shall have the option of requesting spaces that are not pre-designated in their permit application. The Director shall review those requests on a case-by-case basis and will make a decision based on balancing First Amendment rights with the safe and efficient operations of the airport.

a. The Director may move the permitted activities from one area to another area when, in the judgment of the Director, a move(s) is necessary for the efficient and effective operation of the transportation function of the airport.

~~(5) Booths. In each area~~ Booths are identified in subsection (c)(4), and are located inside a terminal building, inside the terminal building of San Antonio International Airport. One  
(1) booth will be provided by the City at no cost to the person or persons using the booth. In order not to interfere with the free flow of passenger traffic and efficient airport operations, users/groups must limit activities to the space four (4) feet behind the booth and not to exceed the width of the booth. User/groups may not conduct activities in front of the booth.

~~a. The Director may move the permitted activities from one area to another area when, in the judgment of the Director, a move(s) is necessary for the efficient and effective operation of the transportation function of the airport.~~

(6) Placard, sign, circular or other written material. Placard, sign, circular or other written material may be affixed to the a booth or carried by participant(s), pursuant to the requirements in Section c(5), but only during such time as the associated person(s), group, association, or organization physically occupies such booth. The placard, sign, circular or other written material must be affixed only in such a manner as not to damage the booth in any manner and to be easily removable.

(7) Number of persons.

~~a. No more than three (3) permitted persons engaged in picketing, demonstrations, marches, or distribution of literature shall be present in the locations set out in subsection (c)(4) at any one time and such persons shall restrict their activities to such designated areas.~~

b. When the number of persons/groups desiring to engage in picketing, demonstrations, marches, or distribution of literature at the airport exceeds the number specified for any one area as stated herein, the Director may impose reasonable and equitable restrictions limiting the dates or hours of such activities in order to provide as fair and equitable as possible an opportunity for all persons to conduct such activities, while ensuring the safe and efficient and effective operation of the transportation function of the airport. Every effort shall be made to identify a location for the proposed activity that allows the expression of speech, including reasonable access to the intended audience and does not interfere with the safe and efficient operation of the airport, its passengers, tenants or members of the general public.

DRAFT

~~e. The director may move the permitted activities from one area to another among the different areas when, in the judgment of the director, a move or moves are necessary for the efficient and effective operation of the transportation function of the airport.~~

~~(8) Curbside and employee parking lot locations. User/groups designating either the curbside or employee parking lot as the preferred location for their activities must limit such activities to the space and location described in the appropriate permit received.~~

~~(9) (8) Prohibited conduct. The following conduct is prohibited:~~

a. Performing any ceremony, speech, song, carrying of any sign or placard, or other such activity which constitutes a danger to persons or property, or which hampers, delays or interferes with the authorized business of the airport including, but not limited to, the orderly formation and progression of waiting lines, pedestrian and/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 and exit from vehicles, security procedures, government inspection procedures, cleaning, maintenance, repair and/or construction operations.

b. Carrying or displaying a sign or placard larger than twenty-four (24) inches by thirty-six (36)" ~~twenty eight (28) inches (24" × 2836")~~ in size.

c. Intentionally leaving unattended any brochure, flyer, or any other item intended for distribution.

d. Distributing any merchandise, including but not limited to jewelry, food stuffs, candles, flowers, badges and clothing.

e. Affixing any placard, sign, circular or other written material to the exterior or interior of any building or other appurtenance within the airport premises, including, but not limited to, any wall post, counter, billboard, or any other surface, with the exception of the eCity-provided booths in the areas indicated in subsection (c)(4) above.

f. Erecting any table, chair, mechanical device or other structure, with the exception of persons requiring the use of a wheelchair or other disadvantaged related device.

g. Using a stick or pole to support any hand carried sign.

h. Preventing or interfering with the conduct of business at the airport.

i. Soliciting as defined in subsection (b)(2) above.

j. Providing any service.

(10) *Indemnity.* All persons conducting non-commercial activities at the airport agree to indemnify the eCity, its agents, and employees from and against any and all claims and demands from third parties, whether just or unjust, for personal injuries (including death) and/or property damage (including theft or loss) caused by, or alleged to be caused by, the activities of such person on airport property.

(d) *Emergencies.* The dDirector is empowered to wholly or partially restrict or suspend the activities authorized under permits issued pursuant to subsection (c)(3) above in the event of emergencies that disrupt the normal operations of the airport or threaten the security of the general public.

Emergencies include, but are not limited to, unusual conditions due to adverse weather, emergency security measures, aircraft or traffic accidents, ~~strikes affecting the operations of the airport,~~ power

DRAFT

failures, fires, or other emergency conditions or circumstances disrupting the normal operations of the airport.

(e) *Revocation of permit.* A permit granted pursuant to subsection (c)(3) above may be revoked by the Director for any of the following reasons:

- (1) Violation of any provision or restriction of the registration form;
- (2) Any action by permittee that adversely affects the ~~health~~ or safety of the public;
- (3) Discovery of fraud or misrepresentation in the permit application; or
- (4) Violation of any of the terms and conditions of this chapter.

(Ord. No. 2015-04-09-0289, 1(Att. I), 4-9-15)

DRAFT