

PART 50: LEAFLETING AND SOLICITATION

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PART 50: LEAFLETING AND SOLICITATION

50.01 Authority and Purpose

- 50.01-1 This Part 50 of the Denver International Airport Rules and Regulations (the “Rules and Regulations”) is adopted by the City and County of Denver’s (the “City’s”) Department of Aviation (“DEN”) pursuant to the City and County of Denver Charter, Part 11 and the Denver Revised Municipal Code, Section 5-16(d).
- 50.01-2 The City owns and operates the Denver International Airport, which is designed, operated, and maintained to facilitate and ensure the safe, efficient, and orderly transportation of the traveling public and cargo. The Airport is not designed or intended for use as a public forum for First Amendment speech-related activities. The Airport is hereby declared not to be a public forum, and no use of the Airport hereunder shall cause the Airport to be deemed a public forum.
- 50.01-3 The purpose of this Part 50 is to allow a person, organization, or group to apply for a permit to conduct speech-related activity at the Airport and to reasonably regulate and condition such activity to ensure the safe, secure and efficient operation of the Airport and Airport activities, including the free flow of the traveling public and persons in and around the Airport, the business activities of concessionaires, airlines and other tenants and permittees, and Airport safety and security measures.

50.02 Scope

This Part 50 applies to all leafleting, picketing, signature gathering, solicitation of funds, and other speech-related activity conducted at Denver International Airport for religious, charitable, or political purposes, or in connection with labor disputes. This Part 50 does not apply to permits issued for commercial activities at the Airport. Apart from the general conduct limitations applicable to all persons, including as set out in the Rules and Regulations, the permitting requirements of this Part 50 do not apply to incidental, personal, or casual interactions and communications between persons on Airport property.

50.03 Definitions

When used in this Part 50, the following definitions apply:

- 50.03-1 Applicant shall mean any person(s), organization(s), or any other group(s) or entity that submits a permit request pursuant to this Part 50.
- 50.03-2 Charitable shall mean and include the following words: patriotic, philanthropic, social service, health, welfare, benevolent, educational, civic, cultural or fraternal, either actual or purported.

- 50.03-3 Contributions shall mean and include alms, money, subscription, property, any donations under the guise of a loan of money or property, or any other donation of any kind, in any form.
- 50.03-4 Leafletting includes but is not limited to the repetitive distribution of free literature such as leaflets, handbills, pamphlets, flyers, brochures, pins, buttons, badges, cards, pictures, envelopes, invitations, or any similar items. It does not mean and include the acts included in the definition of “picketing.”
- 50.03-5 Permit application shall mean the application for a permit provided for in this Part 50 to conduct speech-related activity at the Airport, in the form furnished by the Airport Operations Office.
- 50.03-6 Permittee shall mean the person(s), organization(s) or other group(s) or entity that is granted and holds a valid permit under this Part 50.
- 50.03-7 Picketing shall mean one or more persons marching or stationing themselves in an area in order to communicate their position on a political, charitable, or religious issue, or a labor dispute, including through verbal or physical expression or by displaying one or more signs, posters, written messages, or similar devices.
- 50.03-8 Political shall mean and include speech or activities related to any of the following: government, a government or governmental entity, political party, or the conduct of government, a government official, political party, or a candidate for public office; the right to vote or attempts to influence or protest the outcome of any election or nomination campaigns; social or economic issues; and/or existing or proposed legislation, policies, petitions, referenda, or other measures to be submitted to the citizens for vote.
- 50.03-9 Receipt of funds shall mean receiving cash, checks, credit card transactions, electronic transactions, or any other exchange of items for value.
- 50.03-10 Regular business hours shall mean between 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding holidays observed by the City and County of Denver.
- 50.03-11 Religious and religion shall not mean and include the word “charitable,” but shall be given their commonly accepted definitions.
- 50.03-12 Solicit, solicitation, and solicitation of funds shall mean any request made on the premises of Denver International Airport for the contribution or donation of money (cash), checks, credit card transactions, electronic transactions, goods, services, or financial assistance on the representation that such contributions or donations, or a part thereof, will be used for a religious, charitable, memorial or political purpose. These words shall include the following methods of making such solicitations:

- a. any oral or written request;
- b. any offer to sell merchandise, subscription, ticket or any other good or service; or
- c. any attempt to solicit immediate or future donations or contributions, including entreaties to encourage donation or contribution at another time or place, or the distribution of contribution envelopes.

All other capitalized terms shall have the meaning provided in Part 10 of these Rules and Regulations.

50.04 Permit Required for Speech-Related Activity

- 50.04-1 No person, organization, or group shall leaflet, conduct surveys, display signs, picket, gather signatures, solicit funds, or engage in other speech-related activity at Denver International Airport for religious, charitable, or political purposes, or in connection with a labor dispute, except pursuant to, and in compliance with, a permit for such activity issued by DEN.
- 50.04-2 A person, organization, or group desiring to engage in speech-related activity at the Airport shall complete and submit an application including the information required by this Part 50.
- 50.04-3 Nothing herein shall be construed to prohibit a current Airport tenant or other authorized user from conducting a survey on Airport property exclusively leased to that tenant. Further, nothing herein shall be construed to prohibit the City and County of Denver from conducting a survey on Airport property, either directly or through a third-party contractor.

50.05 Permit Application Requirements

- 50.05-1 Any person or organization desiring to leaflet, display signs, picket, gather signatures, solicit funds, or engage in other speech-related activity at Denver International Airport for religious, charitable, or political purposes, or in connection with a labor dispute, shall contact DENRule50Permit@flydenver.com for a permit application, complete the permit application, and submit it via email during regular business hours at least seven (7) days prior to the requested commencement of the activity for which the permit is sought and no earlier than thirty (30) days prior to the requested commencement of the activity.
- 50.05-2 The permit application shall be submitted using the form provided by the Airport and shall include all of the following:
 - a. The name, address, and phone number of the person(s) and/or organization that is requesting the permit;

- b. The name(s) and phone number(s) of the on-site representative(s) who will be in charge of the group engaged in the activity;
- c. The number of persons requested to be engaged in the activity. For activities inside the Terminal, the number of persons shall not exceed four (4) sets of two (2) persons. For activities outside of the Terminal, DEN will determine whether the number of persons requested is appropriate and, based on airport safety, the free and efficient movement of passengers and goods, cargo or products, and other relevant conditions, shall indicate in the permit the maximum number of persons permitted to engage in the activity;
- d. The nature of the activity;
- e. The area(s) at which the activity is requested to be conducted, subject to the limitations of this Part 50;
- f. The purpose(s) of the activity;
- g. The specific date(s) and times requested, including beginning and end dates and times, of such activity;
- h. If the Applicant is a labor organization, the Applicant shall also identify the employer or entity that is the subject of the proposed activity; and
- i. If Applicant's description of the proposed activities includes the solicitation of the future receipt of funds, the Applicant must attach the following documents to the application:
 - 1. Federal Tax Exempt Status Form pursuant to United States Internal Revenue Code Section 501(c); and
 - 2. Colorado State Certificate of Exemption.

50.06 Issuance of Permits

- 50.06-1 DEN shall review the permit application and shall issue a permit to the Applicant if the following criteria are met:
- a. The permit application is complete, accurate, and contains all the information and documentation required by this Part 50;
 - b. There is an appropriate area available in or around the Terminal in which the proposed speech related activity may be conducted for the proposed date(s) and time(s);
 - c. The proposed activity does not conflict with events or conditions affecting Airport functions and/or operations, including but not limited to pedestrian

flow, construction in or around the Jeppesen Terminal, evolving security requirements, inclement weather events, and other relevant circumstances;

- d. The proposed activity does not inhibit or unreasonably interfere with the safe, secure, and efficient operation of the Airport and Airport activities, including the free flow of the traveling public and persons in and around the Airport, the business activities of concessionaires, airlines and other tenants and permittees, and Airport safety and security measures; and
- e. The proposed activity can be conducted in accordance with the limitations and regulations set forth in this Part 50, the Rules and Regulations, and applicable law, including building and fire codes.

50.06-2 Permits shall be issued on a first come-first served basis. No permits shall be issued by DEN for a period of time in excess of thirty-one (31) days.

50.06-3 Permits shall only be valid for the specific date(s) and times specified on the permit.

50.06-4 If an Applicant requests to conduct speech-related activity in an area that is unavailable or otherwise inappropriate, DEN may (a) permit the activity to take place in/on an alternative appropriate area, date, and/or time, and/or (b) restrict the number of persons participating in such activity in accordance with the space available, or (c) deny the permit.

50.06-5 If there is not appropriate space available, the Applicant can choose to place his or her name and phone number on a waiting list. The Applicants on such waiting list shall be granted preference in order of application as space becomes available.

50.06-6 In issuing permits or allocating space, DEN shall not exercise any discretion or judgment regarding the purpose or content of the proposed activity, except as provided in this Part 50. The issuance of a permit is a strictly ministerial function and does not constitute an endorsement by the City and County of Denver of any organization, cause, religion, political issue, labor dispute, or other matter.

50.07 Appropriate Areas

50.07-1 To maintain the Airport as a safe and orderly transportation facility, DEN has determined that only certain areas of the Airport that are open to the public provide a reasonable opportunity for speech-related activity and are therefore appropriate to facilitate such activity while not impeding the primary purpose and use of the Airport. In issuing permits, DEN will identify the appropriate area(s) that provide a reasonable opportunity for the specific permitted speech-related activity to take place.

- 50.07-2 DEN may move, remove, or change the size of any area previously identified under Part 50.07-1 as necessary to respond to events or conditions affecting Airport functions and/or operations, including but not limited to changes in pedestrian flow, construction in or around the Jeppesen Terminal, evolving security requirements, inclement weather events, and other relevant circumstances.
- 50.07-3 DEN may move permitted speech-related activity from one location to another and/or disperse such activity around the Airport upon reasonable notice to each affected Permittee if DEN determines such action is necessary for the efficient and effective operation of the Airport.
- 50.07-4 DEN has determined that certain areas of the Airport do not provide a reasonable opportunity for speech-related activity and, therefore, such activity is expressly prohibited in the following areas:
- a. Airport Operations Areas, Controlled Areas, Restricted Areas, Secured Areas, Sterile Areas, and concourses;
 - b. Beyond the security screening checkpoints;
 - c. Ansbacher Hall leading to A Bridge Security Checkpoint;
 - d. In or around the Airport Office Building;
 - e. Within the premises of any concession area, office, or other exclusive leased area;
 - f. On or in any Airport roadway, vehicle access or Loading Zone, or any vehicle loading island at the Terminal;
 - g. Parking lots or parking structures;
 - h. On or in the concourse buildings, passenger trains, train platforms, rail stations, bus stops, baggage drop areas, or Transit Center;
 - i. In or around the baggage claim areas or airline ticket counter or kiosk areas;
 - j. Within twenty-five (25) feet of the entrance to any concession area, office, or other exclusive leased area;
 - k. Within twenty-five (25) feet of any access doors of general circulation providing means of ingress to or egress from a train;
 - l. In or within twenty-five (25) feet of any stairwell, escalator, security screening area, elevator, manned information booth, or area under construction;

- m. Within an area around each exterior Terminal Door on Levels 1 through 6, which is (1) a distance of eight feet (8') toward curbside from the plane of the doorway, and (2) a distance of six feet (6') in each direction from the center point of the door opening;
- n. In or around any Airport restroom;
- o. In or around the Airport Hotel;
- p. In or around the Plaza area, unless the use of the Plaza area for the requested speech-related activity can be conducted in accordance with the requirements, limitations and regulations set forth in this Part 50 (including the application process set forth in Parts 50.05 and 50.06), the DEN Rules, and other applicable law and DEN policy, including applicable safety rules, security procedures, fire codes, and building regulations, subject to events or conditions affecting Airport functions and/or operations; and
- q. Anywhere not listed on the Applicant's permit of approved area(s) to engage in permitted speech-related activities.

50.07-5 In addition to the areas listed above, picketing is prohibited in all interior areas of the Terminal.

50.08 Manner of Approach

No more than one (1) person engaging in speech-related activity pursuant to a valid permit shall approach a person for the purpose of leafleting or other speech-related activity permitted in this Part 50.

50.09 Solicitation of the Immediate Receipt of Funds Prohibited

Solicitation of the future receipt of funds may be done at the Airport with a valid permit but the immediate receipt of funds shall not take place on Airport property. Receipt of funds shall mean cash, checks, credit card transactions, electronic transactions, or any other exchange of items for value. Donation envelopes to be mailed to another address may be distributed by the Permittee.

50.10 Minimum Credentials Required

The Permittee shall have on his or her person any credentials as are required by Chapter 47 of the Denver Revised Municipal Code, this Part 50, the Rules and Regulations, or applicable federal, state, or local laws governing political organizations.

50.11 Display of Permit

When conducting speech-related activities pursuant to a permit issued under this Part 50, the Permittee or the Permittee's designated representative shall at all times carry a valid form of identification and the permit issued by DEN under this Part 50. The permit and

identification must state the true and correct legal name of the person and the organization or cause being represented. Engaging in leafleting, solicitation, picketing, or other speech-related activity as described herein without a permit obtained in accordance with this Part 50 is prohibited. **Permits remain the property of the Airport and must be presented to any Airport official or member of the public at any time upon request. Permits must be surrendered to Airport officials upon request.**

50.12 Prohibited Conduct

Persons, organizations, and groups on Airport property, with or without a permit, shall not:

- 50.12-1 Grab, touch, restrain, or in any way intimidate any person;
- 50.12-2 Repeatedly attempt to engage with and/or give literature to any person who has indicated that such person does not wish to accept the literature;
- 50.12-3 Interfere with the public's unimpeded and free access to any place of business;
- 50.12-4 Disrupt or interfere with the free and orderly flow of pedestrian or vehicular traffic;
- 50.12-5 Use any noise making device or amplification device capable of amplifying the human voice;
- 50.12-6 In any manner indicate to the public that he or she is an official of the City and County of Denver or Denver International Airport, or in any manner misrepresent to the public the true identity of the organization he or she represents;
- 50.12-7 Erect any racks, tables, or other means of displaying printed materials or other items or place any chairs, boxes or other obstructions in the public areas, unless otherwise permitted by DEN;
- 50.12-8 Attach any sign, circular, or other written material to any wall, booth, post, counter, or other surface;
- 50.12-9 Leave unattended on Airport premises, discard, or abandon bags, boxes, or other containers of literature, food, or other items (except in appropriate Airport trash, recycling, or compost receptacles);
- 50.12-10 Distribute any items of food or drink, unless otherwise permitted by DEN;
- 50.12-11 Conduct such activities in or on roadways or vehicle access lanes;
- 50.12-12 Wear or carry a sign or placard larger than two feet by three feet in size;
- 50.12-13 Engage in leafleting, picketing, solicitation, or any other speech-related activity without a permit and/or in any area not permitted by this Part 50; or

50.12-14 Solicit, receive, or accept any immediate payment or donation of money from any person on Airport property.

50.13 Inappropriate Signage

DEN may request the removal of signage that is deemed inappropriate for public display. All signage and other materials must be removed at the time the individual or group leaves the Airport. The Airport will not be responsible for any items left unattended. Any materials left unattended will be disposed of by the Airport.

50.14 Compliance with Laws

Each Permittee shall act in compliance with all Denver International Airport Rules and Regulations, the Denver Revised Municipal Code, and all other applicable local, state and federal laws and regulations, and shall be familiar with the applicable Denver International Airport Rules and Regulations.

50.15 Revocation or Suspension of Permit

50.15-1 If a Permittee has been issued a permit or permits under this Part 50 but has violated any of the provisions herein, the Rules and Regulations, or any applicable law or regulation, DEN may revoke such permit(s), issue an Administrative Citation under Part 15 of these Rules and Regulations, and/or suspend the person, organization, or group from obtaining a permit for up to one (1) year thereafter, taking into account the seriousness of the violation(s), repeated violations, and/or the impact on Airport operations. DEN's determination shall be subject to the administrative hearing procedure provided in Section 50.16, below.

50.15-2 **DEN may revoke, suspend, or reschedule an issued permit of any person, organization, or group** in the event of a significant weather event such as a tornado or blizzard, aircraft accident, security threat, significant volume of air traffic delays, power failure, epidemic, pandemic or other event or condition under which the exercise of speech-related activity in such space creates a danger to persons or property, interferes with the orderly formation and progression of waiting lines, or interferes with any of the following: 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 or construction operations.

50.16 Administrative Hearing

If an Applicant's permit application is denied, if an Applicant's permit has been revoked, or if Applicant is suspended or issued an Administrative Citation, the Applicant may request an administrative hearing by petition received by the CEO within thirty (30) days after denial or revocation. The CEO may conduct the hearing him or herself or he or she may

designate a person to act as the hearing officer. The hearing shall be conducted as expeditiously as possible and in accordance with the provisions of §5-17, Denver Revised Municipal Code, and any rules adopted by the CEO for such proceedings. A final determination of the CEO is subject to judicial review pursuant to C.R.C.P. 106(a)(4), in accordance with the provisions of §5-17, D.R.M.C.

50.17 Labor Disputes

In the event of a labor dispute between any employer occupying any part of Denver International Airport and any of its employees who are organized in a collective bargaining unit, leafleting or picketing will be permitted upon such conditions prescribed by DEN concerning locations, number and conduct of the persons engaged in such activity as shall be necessary in order that the same will not hinder or prevent the lawful work or employment of persons other than such employer, and that the same will not tend to induce violence, breach of the peace, or other unlawful conduct, or obstruct or interfere with free and uninterrupted use of said premises by other tenants or occupants or by other persons lawfully using the Airport. Drive-by rallies and any forms of parading or congregating with vehicles are prohibited on the Airport roadways. Notwithstanding any other provisions of this Part 50, DEN shall consider all relevant facts and issues in reviewing and acting upon a permit application to which this Section 50.17 applies.

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