

## **PART 40 – CONDUCT OF COMMERCIAL OPERATORS USING THE AIRPORT**

### **40.1 COMPLIANCE**

Tenants, licensees, permittees, contractors, vendors, and their employees will comply with all rules and regulations pertaining to conduct of the general public while on the property or in any building at DEN, as well as all other rules that are applicable to the operation of their respective businesses.

### **40.2 CLEANLINESS OF AIRPORT**

#### **40.02-1 Users' Responsibility for Cleanliness**

All tenants, licensees, permittees, contractors, vendors, and their employees are responsible for the cleanliness of their areas (i.e., keeping such areas safe, orderly, and free of debris), including Leased, Licensed, Ramp, Airfield, and Gate Areas and Joint Use Facilities, and for the removal and proper management of all waste (i.e., trash, recyclables, restaurant grease, paper, plastic, glass, aluminum cans, newspapers, pallets, and cardboard, debris, etc.) in compliance with DEN Rules and Regulations including Part 40, Part 180, and the DEN Tenant Development Guidelines ("TDGs"). Leased, Licensed, Ramp, Airfield, and Gate Areas, and Joint Use Facilities may be inspected monthly by representatives to determine the acceptability, cleanliness, and general upkeep of the areas.

#### **40.02-2 Ground Support Equipment at Joint Use Facility**

Out of service or non-functional Ground Support Equipment ("GSE") should, to the maximum extent possible, be located at the Joint Use Facility for repair, and the GSE must be staged neatly. The airlines or aviation service vendors responsible for such GSE should attempt to repair and return said GSE to operational service as soon as possible. The CEO, following discussions and agreement with the airlines or aviation service vendors, may remove non-functional GSE. If the airlines or aviation service vendors find it necessary to store operational/functional equipment in the Joint Use Facility, the entity or person responsible for such equipment must adhere to the standards of Part 40.02-1.

#### **40.02-3 Ground Support Equipment at Company Specific Site**

If a tenant's, licensee's, permittee's, contractor's, or vendor's agreement with the City permits repairs at a company specific site, then all out of service or non-functional GSE should, to the maximum extent possible, be located at that individually contracted site for repair and returned to operational service as soon as possible. The entity or person responsible for such GSE must adhere to the standards of Part 40.02-1 and -2.

#### **40.02-4 Drains and Environmental Conditions**

No person shall allow any solid or liquid (including any new or waste restaurant fry oil) to be placed into any interior floor drains, manholes, or other sewer connections, except those fluids approved by the Denver Rules and Regulations Governing Sewage Charges, Fees, and Management of Wastewater and the Metro Wastewater Rules and Regulations, and with concurrence of DEN Environmental Services. Chemical storage must be conducted in a manner to minimize the potential for spills to reach any drains. Bulk chemical storage drums must be placed within spill pallets to contain spills and releases. In addition, no person shall allow any solid or liquid to be discharged to any exterior drain, inlet, manhole, or other storm sewer connection without first obtaining approval from DEN Environmental Services to do so. A permit issued by Colorado Department of Public Health and Environment (“CDPHE”) is required for any discharge to a storm sewer system.

#### **40.02-5 Handling of Waste Restaurant Fry Oil**

Tenants, licensees, and or contract service providers that generate waste fry oil from cooking operations are responsible for the safe and compliant handling of this material through the Terminal or Concourses to the proper disposal receptacle. The City has contracted for a single contractor responsible for providing recycle containers on the ramp level and for the transport and recycling of the material. Tenants, licensees, and or contract service providers are responsible for transporting the material to the centralized recycle containers in a manner that eliminates spillage. Transport of waste fry oil in 5-gallon buckets or other unsuitable containers is prohibited. Pumpable grease caddies or shortening disposal units are the only allowable transport container for this purpose. Each tenant is responsible for purchasing the unit and ensuring proper maintenance of the unit. Training must be conducted for each person responsible for transporting waste fry oil to ensure proper operation. This system will reduce spillage during transport and eliminate spillage during the transport of the material into the proper recycle container on the ramp.

#### **40.02-6 Compliance with EMS, TDGs, and Applicable Laws**

All tenants, licensees, permittees, contractors, vendors and their employees must comply with all environmental provisions contained in Part 180 of the DEN Rules and Regulations and the TDGs as well as all applicable state, federal, and local laws and regulations.

### **40.3 WASTE MANAGEMENT**

The City has contracted for a single waste contractor for the removal and transport of all municipal solid waste (“MSW”) materials and transport of specific recyclable materials. Tenants, licensees, permittees, contractors, vendors, and their employees are responsible to pay for such services, either as a common charge portion of their applicable rates under Part 120 of the DEN Rules and Regulations, or if not included, a direct billing for the services. DEN’s business partners are required to participate in the recycling and composting programs in order to reduce solid waste disposal generation and costs. In the event a tenant, licensee, permittee, contractor, vendor or their employees are not participating, additional service charges may be imposed upon that entity.

Proper disposal of all other solid waste (including municipal, special, and hazardous waste) will

be the responsibility of tenants, licensees, permittees, contractors, vendors and their employees in compliance with Part 180 of the DEN Rules and Regulations, the TDGs, and all applicable state, federal, and local laws and regulations. No waste shall be disposed on DEN property.

#### **40.4 ALTERATIONS OF AIRPORT FACILITIES**

No tenants, licensees, permittees, contractors, vendors, or their employees shall make any alterations of any nature whatsoever to any facility, building, ramp or other space, nor erect any building or other structure without prior written permission of the CEO. Following such permission from the CEO, the details of all such changes and alterations must be submitted to DEN's Airport Infrastructure Management Division and must be in compliance with the TDGs. Alterations made in areas where fire sprinkler systems are provided shall be designed so as not to interfere with sprinkler protection.

#### **40.5 SIGNAGE**

All signage installed in public areas of DEN, including areas outside of concession locations, must be approved by the CEO and must comply with the TDGs. Scheduled airlines requesting permission to install new signs must submit a performance bond in an amount established by the CEO to cover the City's costs of signage removal and site restoration should the airline fail to do so.

#### **40.6 BUILDING DAMAGE**

Tenants, Licensee, permittees, contractors, vendors, or their employees must report to the CEO any damage to or malfunctioning of buildings, structures, utilities or other DEN property shall be reported as soon as reasonable practicable.

#### **40.7 VALVES, SWITCHES, ETC.**

No persons other than authorized employees of the City or the Denver Fire Department shall at any time move, or in any way tamper with, any valve, switch, or other fixture of, or in any way tamper with, any sprinkler system installed at DEN.

#### **40.8 WHEELS AND WEIGHT LOADS OF WHEELED CARTS, VEHICLES, HAND TRUCKS, AND DOLLIES IN THE TERMINAL BUILDING AND PUBLIC AREAS OF THE CONCOURSES**

##### **40.08-1 Responsibility; Inspection; Removal of Noncompliant Vehicles**

All tenants, licensees, concessionaires, and their vendors, suppliers, or contract service providers as well as City and construction personnel that specify the purchase of and/or use carts or wheeled vehicles in the terminal and concourses are responsible for the types of wheels on those vehicles, and for assuring that the maximum cart load is not exceeded. The same companies or individuals are also responsible for periodic inspection of those carts and vehicles to assure that the wheels are in good condition, and for removing from service any cart that is in disrepair and could cause damage to the flooring. Each cart or other wheeled vehicle that does not have the approved wheels must be immediately removed from the facility and not returned to use in the facility until the proper wheels are installed. No cart or other vehicle may be operated on granite terrazzo flooring in excess of the load standard.

## **40.08-2 Standards**

### **40.08-2(1) Materials and Conditions**

The wheels of all delivery carts, dollies, hand trucks, baggage carts, riding electric carts, maintenance lift vehicles, or any other carts that are used on the finished stone and terrazzo flooring surfaces of the terminal and the concourses must be made of soft materials with durometers of 50 to 75 Shore A range, such as polyurethane, rubber, thermoplastic rubber, pneumatic, or semi-pneumatic. Hard wheels, with durometers in the Shore D range or greater, such as phenolic, polyolefin, nylon, cast iron, and steel, are not allowed in the public areas of the terminal and concourses. The wheels are to be kept in good condition, and must be periodically checked for embedded items, such as screws, nails or rocks that could damage the flooring.

### **40.08-2(2) Loading**

The maximum cart or other vehicle load that can be transported on the granite or terrazzo flooring without flooring protection is 400 pounds per wheel, with the loading uniformly distributed between a minimum of 4 wheels spaced a minimum of 24 inches by 48 inches apart, or as otherwise established by the City.

### **40.08-2(3) Pallet Jacks**

Pallet jacks are not allowed in the public areas of the terminal and concourses.

### **40.08-2(4) Prohibited Use on AGTS (Train) System**

Transportation of large or bulk merchandise, products, or equipment using wheeled carts, hand trucks, dollies, affixed wheel equipment, etc. on the Automated Guideway Transit System (AGTS) is not allowed (wheeled suitcases are allowed). Delivery of these items must be via the service tunnels, using an electric or Compressed Natural Gas (CNG) vehicle or airfield surface routes. Wheelchairs (one per employee) are allowed to be transported, but must have their brakes applied and be placed at a right angle to the train motion, if applicable.

## **40.9 USE OF MOTORIZED CARTS IN THE TERMINAL BUILDING, CONCOURSES, AND TUNNELS**

No tenant, licensee, contractor, vendor, or other DEN permittee shall operate any motorized carts in the terminal building, the concourses, or tunnels unless such vehicle displays the appropriate company logo.

### **40.09-1 Cart Identification**

All motorized carts shall display the, the appropriate company logo and other signage required by the DEN.

**40.09-2 Use of Carts**

Use of motorized carts in the Terminal and concourses shall be primarily used to transport elderly customers, customers with disabilities, and families travelling with small children. Customers meeting these criteria should be given first priority to boarding electric carts. Baggage and other cargo shall be reasonably secured in the cart to prevent safety hazards to other pedestrians.

**40.09-3 No Charge for Use of Carts**

No charge shall be made for the carriage of passengers on motorized carts.

**40.09-4 Insurance**

Each cart operated in the terminal and on the concourses shall be covered by liability insurance in single limit amounts to be determined and established by the CEO that shall, in his sole and absolute discretion, be deemed sufficient to protect the public and the City. Proof of current liability insurance shall be provided to the DEN Property Office annually.

**40.09-5 Equipment**

Each cart shall be equipped with a permanently attached, corrosive-proof battery drip pan so as to prevent acid drips on the floor surfaces; and shall have oil and grease fittings equipped with caps so as to prevent leakage of oil and grease onto the floor surfaces; and have vehicular tires with straight tread, non-marking on floor surfaces. Each cart shall be equipped with an acid-proof mat large enough in size to extend three (3) inches beyond the outermost edges of the cart when parked. No warning devices of any kind are allowed, except as authorized by the CEO or his designee. No such cart shall be operated unless all safety equipment thereon is in proper working condition. Inoperative carts shall be promptly repaired or removed from the terminal or concourses within five (5) days if they cannot be repaired.

**40.09-6 Cart Dimensions**

DEN Operations has the authority to determine if a cart exceeds size dimensions to safely operate in the facility. Carts that prohibit safe operations inside the facility shall be removed from service.

**40.09-7 Reserved.**

**40.09-8 Training of Cart Drivers**

Owners of electric carts shall adequately train all drivers in the operation of such carts, including familiarization with all pertinent safety rules and regulations and parking locations.

**40.09-9 Reserved.**

**40.09-10 Seating of Passengers**

No motorized cart shall be operated until all persons thereon are seated.

**40.09-11 Speed Limit**

Electric cart speed will be governed by a factory installed tamperproof means. Speed limit throughout the terminal/concourses shall not exceed a brisk walk (approximately 3.5 mph) at any time. Electric carts used in the Controlled and Secured Areas will obey speed limits established for those areas.

**40.09-12 Passing Other Carts**

The operator of a motorized cart shall not pass another cart proceeding in the same direction unless the front vehicle is at a full stop. When carts approach each other from opposite directions, each cart shall be driven to the right side of an imaginary centerline between the two.

**40.09-13 Accidents Involving Carts**

Any driver involved in an incident or in an accident with a cart shall immediately report such incident or accident involving personal injury or property damage to DEN Operations and to his/her employer.

**40.09-14 Safety**

Carts will be operated in a safe and courteous manner and yield to all pedestrian traffic at all times. Drivers are not allowed to request pedestrians to yield to carts. Carts will not be operated on moving walkways or through automatic doors, and passengers must be seated at all times.

**40.09-15 Suspension of Driving Privileges**

A Violation Notice will be issued to a cart driver for: moving too fast in crowded areas; demanding payment of any gratuity or tips; reckless operation of the cart; and/or operation or parking of a cart in a manner that violates any provision of this Part 40.

**40.09-16 Parking of Motorized Carts**

Carts may be parked by tenants in their exclusive leased area where so authorized. All other commercial users of carts in the service tunnel shall pay the monthly parking fee established by the CEO.

**40.10 EMPLOYEE USE OF PUBLIC FACILITIES**

Personnel employed at the DEN will not use public seating, boarding areas, and lounge areas within the Terminal and concourses. The above areas are intended for use by the general public and not as a rest or lounge facilities for employees. Employees using the food courts or restaurants in the Terminal and concourses are expected to maintain professional standards at all times.

**40.11 RESERVATION DISPLAY BOARDS**

The CEO may, from time to time, establish, operate and maintain hotel and motel reservation display

boards with an automatic direct dialing service in the Terminal.

#### **40.12 VENDING PUSH CARTS**

The CEO may issue 28-day permits to merchants for the operation of vending push carts in the Terminal and concourses for the sale of small nonfood items which no other merchant has an exclusive right to sell at the DEN. Inquiries should be made in writing to the Concessions Offices. Acceptance of any inquiry shall be at the sole and absolute discretion of the CEO and shall be done in writing. There shall be no agreement unless in writing and executed by both parties.

The total fee for a 28-day permit shall be determined on a tenant by tenant basis. This fee must be received one week prior to the commencement of the permit period. Failure to pay on the date due will result in immediate cancellation of the permit.

#### **40.13 PURCHASE AND DELIVERY OF FOOD AND PRODUCTS FROM UNLICENSED VENDORS**

Tenants, licensees, and or concessionaires shall not sell or permit the sale of food, food products, or beverages (alcoholic and non-alcoholic) in their areas, by vending machines or other method, except by a concessionaire with whom the City has contracted.

#### **40.14 PEDESTRIANS ON THE AOA**

##### **40.14-1 Ramp Traffic**

Pedestrian traffic is prohibited on the ramp, except when performing duties related to aircraft arrivals and departures.

##### **40.14-2 Gate Traffic**

Pedestrian traffic is authorized in and around a tenant's leased area or gate area when that movement is required for the conduct of normal operations.

#### **40.15 TRAVEL IN AUTHORIZED AREAS**

No individual shall travel on the DEN other than on roads, walks, or other areas provided for that particular class of traffic. No person shall use the roads, walks, or other areas in such a manner as to hinder or obstruct their proper use.

#### **40.16 AIRLINE SNOW REMOVAL RESPONSIBILITIES**

Each airline has the following responsibilities in connection with snow removal:

##### **40.16-1 Monitoring**

The airline shall monitor snow conditions and determine if they are within the limitations of their airline's own operating specifications.

#### **40.16-2 Removal**

The airline shall remove snow on its leasehold or licensed area. If any airline elects to plow snow in an aircraft gate area, it shall follow the ramp snow removal procedures specified in the DEN Snow and Ice Control Plan. If the snow depth is less than two inches, the City will not normally plow or haul snow from the ramp.

#### **40.16-3 Snow Removal Personnel Procedures**

The airline shall ensure that all personnel operating snow removal equipment comply with current security directives. Without limiting the foregoing, all equipment operators must be briefed on the following matters:

- a. Right of Way: Vehicles must give way to aircraft at all times.
- b. Haul Route: Drivers must be familiar with the haul route and procedures.
- c. Radios: Drivers must maintain two-way radio contact with a company snow removal supervisor.

### **40.17 PAVEMENT DEICING**

#### **40.17-1 Prior Approval**

The DEN tenant or licensee must obtain prior written approval from the Director of Environmental Programs, the Senior Vice President of Airport Operations and the Director of Field Maintenance prior to the application of any product not listed in this rule.

#### **40.17-2 Prohibited Products**

- a. The use of urea -based products is prohibited on both landside and airside pavement surfaces at Denver International Airport.
- b. Products containing chloride are strictly prohibited from use airside.
- c. No products prohibited by the FAA for deicing use shall be used landside or airside at DEN.

#### **40.17-3 Approved Products**

- a. Airside – The use of pavement deicers on the Air Operations Area (AOA) must comply with the requirements specified in FAA Advisory Circular 150/5200-30C, Section 4-6.a and any other FAA publications. Currently, the only approved products for application on airside surfaces at DEN are glycol-based fluids, potassium acetate, potassium formate, sodium formate and sodium acetate.
- b. Landside – The use of pavement deicers on landside pavement must comply with the requirements in FAA Advisory Circular 150/5200-30C, Section 4-6.b. Currently the only FAA approved products for application on landside surfaces at DEN are chloride based products. However, according to FAA Advisory Circular 150/5200-30C, chloride based products are corrosive to aircraft. They are prohibited for use on aircraft operational areas. When any corrosive chemical is



used, precautions should be taken to ensure that (1) vehicles do not track these products onto the aircraft operational areas and (2) chemical trucks used for transporting corrosive chemicals are cleaned prior to transporting airside chemicals or sand.

#### **40.18 SMARTE CARTE LUGGAGE CARTS**

No carts may be taken into offices or other private areas of the DEN not accessible to the public. Use of Smarte Carte baggage carts by commercial companies, including ground transportation permittees, airlines, or other DEN business partners, in the operation of their business is prohibited.

#### **40.19 FAILURE TO PAY WHEN DUE**

In the event tenants, licensees, permittees, vendors, or other business entities operating at DEN are delinquent in paying to City any fees or charges for a period of five (5) business days after the payment is due, City reserves the right to charge interest on the principle amount, from the date such fees or charges became due to the date of payment, at the Federal Reserve Bank of New York prime rate in effect on the date the fees or charges became due plus four percent (FRBNY prime +4%) or 18% per annum, whichever is greater, to the maximum extent permitted by law.

#### **40.20 TENANT EMPLOYEE ORGANIZATIONS**

##### **40.20-1 Recognition**

A DEN tenant employee organization may be recognized by the CEO if it is operated exclusively for nonprofit purposes and can demonstrate requisite formal structure by regularly reporting on its approved activities and properly accounting for its fund uses/expenditures. Recognition imparts to the organization certain privileges available only to bona fide nonprofit organizations.

##### **40.20-2 Vending Machines**

A recognized tenant employee organization may own and/or operate vending machines for the use of its members, and such vending machine(s) shall not be accessible to the general public. Funds from such ownership/operation shall be entirely reserved for the organization's nonprofit purposes.

Vending machines owned and/or operated by a concessionaire under contract with the City shall not be utilized to generate revenue for any tenant employee organization unless the CEO recognizes that organization. The concessionaire's contract with the City shall provide that only a recognized organization is entitled to a contribution from the gross revenues generated by the machines.

A recognized tenant employee organization is eligible to obtain a permit or contract through the DEN Property Office for the purpose of establishing the organization's rights and obligations with respect to certain vending machine(s). An annual fee of one dollar (\$1.00) will be charged to the organization.

A recognized tenant employee organization may be asked to demonstrate that all revenue collected by the organization is eligible for exemption from federal and state income tax pursuant to U.S. Internal Revenue Code section 501(c)(3) and Colorado law.

## **40.21 TELECOMMUNICATIONS**

### **40.21-1 Airport Premise Wiring and Communications Systems**

No licensee or other DEN user shall make any modifications or connections of any nature whatsoever to the DEN Premise Wiring and Communications System (PWCS) owned and operated by the City without prior written permission of the CEO. No equipment or facilities of any kind shall be installed or otherwise occupy DEN designated telecommunications rooms or space without prior written permission of the CEO. The DEN PWCS includes but is not limited to the following: all copper and fiber optic backbone, station cabling and termination systems (wireline and/or wireless based); SONET, Gigabit Ethernet, DSL, or FDDI rings supporting Local Area Networks (LANs), voice data, video systems and elements, owned and operated by the City or its telecommunications service contractor, including but not limited to: Fire Alarm Systems, Security Card Access Systems, Closed Circuit Television System, Voice Paging Systems, Public Affairs, Television System, Parking and Ground Transportation Systems.

### **40.21-2 Radio/Wireless Communications Systems**

No licensee or other DEN user shall install, modify, or operate any Radio/Wireless Communications System (including receive only antenna systems) anywhere on the DEN without first submitting a written RF Application (current revision) to the Telecommunications Office and receiving written permission to proceed from the CEO or authorized Telecommunications Office representative. Installation (including antenna placement), modification, and operation of any radio/wireless communication system shall comply with DEN Radio Frequency (RF) Technical Standards, as amended, available from the DEN Telecommunications Office. Following such permission from the CEO or Telecommunications Office representative, the physical and technical details of all such Radio/Wireless Communications System installation, modification, and operation must be submitted for review and action to both the DEN Engineering Office and the DEN Telecommunications Office.

As used herein a "Radio/Wireless Communication System" is any of the following:

- a. Traditional public safety and industrial two-way radio, including airline "air to ground" and "ground to ground" systems.
- b. Trunked wide area two-way radio, such as the 800 MHz system used by the City and County of Denver for Public Safety.
- c. Fixed base station or control system providing commercial services offered by wireless communication companies, SMR (Specialized Mobile Radio) and ESMR (Enhanced Specialized Mobile Radio) providers and PCS (Personal Communications System) providers, paging systems providers and mobile data providers.
- d. Data transmission for specialized purposes on City owned and operated radio systems using frequencies assigned to the City, such as the Metro AVL system.

e. Data transmission services including, but not limited to, microwave, point to point and point-to-multipoint wireless systems.

f. Unlicensed limited area coverage systems, including IEEE 802.x wireless access point devices/networks.

g. Personal consumer wireless devices are not "Radio/Wireless Communication Systems," as such term is used herein.

#### **40.21-3 Tenant Development Guidelines**

All licensees and other DEN users shall comply with the DEN TDGs and DEN policies and standards in connecting to or modifying the PWCS or installing, modifying or operating Radio/Wireless Communications Systems on DEN.

#### **40.21-4 Disconnection**

Any connection, modification, installation, or operation of any telecommunications systems not in compliance with this section of the Rules and Regulations may be disconnected or shut down by the CEO at the CEO's discretion. Such disconnection may occur without notice to the affected party if the noncomplying system is interfering with other DEN users' systems or operations or is not labeled or identified sufficiently for notice to be given.

### **40.22 SAFETY MEASURES**

#### **40.22-1 Reflective Clothing in Certain Areas**

All DEN employees, contractors, vendors, tenants, licensees, regulators, and visitors (i.e. Federal Aviation Administration, maintenance technicians, airlines, and delivery drivers) must wear, at a minimum, an American National Standards (ANSI) Class II high visibility safety vest/garment while working in or visiting the following areas: the Airport Operations Area, within airport roadways and parking lots, or any maintenance or construction project. This sub rule also applies to personnel working within 15 feet of moving vehicles in the baggage tunnels.

#### **40.22-2 Responsibilities of Employees and Supervisors**

Each employee shall ensure that his/her safety vest/garment is kept clean to maintain the reflectivity and visibility the garment is designed to provide. The safety vest/garment must be worn on top of all other clothing, jackets, or garments. No employee shall be allowed to work in the areas described above without the proper safety equipment.

The management of each organization covered by this rule is responsible for providing safety vest/garments to its employees and for the compliance and enforcement of this rule.

DEN vehicles must have extra safety vests/garments stored in them at all times.

#### **40.22-3 Exceptions**

The following classes are exempt from this sub rule:

- a. Denver Police, Fire, and Paramedic personnel performing normal work functions.
- b. Flight crews performing preflight checks
- c. Personnel in transit between a parked vehicle and a building for the purpose of reporting to or leaving work or meetings.
- d. Personnel walking directly from one building door to another.

#### **40.23 SMOKING PROHIBITION**

##### **40.23 -1      Smoking Prohibited**

a. Pursuant to the Mayor's Executive Order No. 99, December 1, 1993, "at Denver International Airport, smoking is prohibited in all indoor public places, including bars, restaurants, and food courts, except in fully enclosed, independently ventilated smoking areas pursuant to DRMC 24-304(a)(1). Smoking is prohibited in the tunnels and all restricted access areas.

b. Smoking at the entrances or on the grounds of City-owned or managed facilities may be regulated by the manager in charge of the facility with an effort made to reduce exposure to second-hand smoke.

(1) Smoking is prohibited within 25 feet of any building entrance, outdoor air intakes, and operable windows;

(2) Smoking is prohibited within 100 feet of aircraft;

(3) Smoking is prohibited within 100 feet of hazardous regions (fueling operations, flammable liquid storage, explosive atmospheres, combustible storage, etc.); and

(4) Smoking at the DEN is allowed in designated smoking areas only.

(i) DEN will identify and approve all designated smoking areas;

(ii) DEN will be responsible for signage and pavement markings; and

(iii) Airlines will be responsible for providing and maintaining non-combustible receptacles for discarding all smoking materials. These receptacles must be approved by DEN.

c. Smoking is prohibited in City-owned vehicles.

##### **40.23 -2      Regulation of Smoking in Places of Employment**

Article IX of Chapter 24 of the Den. Rev. Mun. Code, Sec. 24-305:

a. Employers shall provide a smoke-free work area for every employee requesting not to have to breathe environmental tobacco smoke.

b. Each employer having an indoor place of employment shall implement, make known, follow, and enforce a written smoking policy which shall:

(1) State that every employee has a right to work in an area free of environmental tobacco smoke. If a designated smoke-free area does not eliminate environmental tobacco smoke from the employee's work area except in food service establishments, the employer will take steps to eliminate the environmental tobacco smoke. In any dispute concerning the smoking policy, the health of the non-smoker shall take precedence. In food service establishments, employers shall accommodate an employee's request to work in the no-smoking section unless such accommodation is impractical;

(2) Prohibit smoking in auditoriums, classrooms, conference/meeting rooms, elevators, elevator lobbies, hallways, stairwells, escalators, medical facilities and restrooms; and

(3) Prohibit smoking in employee cafeterias, lunchrooms, and lounges unless separate facilities are available to non-smokers.

c. An employer may prohibit smoking throughout an entire place of employment by posting signs required by DRMC Section 24-309.

#### **40.23-3 No Smoking Signs**

Any smoking or no smoking signs should comply with Article IX of Chapter 24 of the Den. Rev. Mun. Code, Sec. 24-309.

### **40.24 MARIJUANA PROHIBITED AT DENVER INTERNATIONAL AIRPORT**

#### **40.24-1 Marijuana at Denver International Airport**

It shall be unlawful to:

- (a) possess, consume, use, display, transfer, distribute, sell, transport, or grow Marijuana on any property or facilities owned by Denver International Airport including but not limited to any building, structures, terminals, parking and ground transportation facilities, roadways, land, hangars, warehouses runways, shops, hotels, motels and administrative offices;
- (b) sell, display, or advertise any product bearing the image, likeness, description, or name of Marijuana or Marijuana-themed paraphernalia; and
- (c) advertise a Marijuana-related business or establishment.

#### **40.24-2 Exceptions**

Section 40.24-1(b) shall not apply to the following:

- (a) Publications or other commercial, print media products in which Marijuana or the image, likeness, or description thereof is incidental to the principal purpose of the publication or product;
- (b) Non-commercial products containing educational materials relating to Marijuana.

### **40.25 FIREARMS AND CONTRABAND**

## **25-1 Findings**

The CEO hereby finds and declares that possession of loaded firearms and Contraband at DEN poses a threat to the health, safety, and security of all patrons and employees at DEN and jeopardizes the safe and efficient operation of DEN.

## **25-2 General Rule**

It is unlawful for any person to possess or present on or about their person or property any loaded firearm whether concealed or not, in the terminal, sterile, secured, or controlled areas, or while seeking to enter the sterile, secured, or controlled areas at DEN.

### **25-2-1 Exemption**

Persons exempt from prosecution under this section include any person who, at the time of the offense alleged under subsection 19-2 was an official or employee of a municipality, or State, or of the United States who is authorized to carry arms in the performance of the person's official duties, and who was, in fact, engaged in the performance of those duties. The CEO reserves the right to grant further exemptions to this rule for security personnel engaged by a carrier to provide security services at the airport, upon request, in their sole and absolute discretion.

The fact a person did not intentionally and/or knowingly cause the loaded firearm to be in their possession or to be presented for entry into the terminal, sterile, secured, or controlled areas of DEN, shall be no exemption to prosecution under this section.

## **25-3 Contraband**

It is unlawful for any person to possess on or about their person or property any Contraband in the terminal, sterile, secured, or controlled areas, or while seeking to enter the sterile, secured, or controlled areas of DEN.

## **25-4 Proof of Violation**

If any person:

25-4-1 Seeks to pass into the terminal, sterile, secured, or controlled areas of DEN while possessing a loaded firearm and/or Contraband on the person or in the person's baggage; or

25-4-2 Has entered the terminal, sterile, secured, or controlled areas of DEN in any manner while possessing a loaded firearm on the person or in the person's baggage; or

25-4-3 Has caused any item of baggage which contains any loaded firearm and/or Contraband to be passed through a security checkpoint; or

25-4-4 Otherwise has possession or control over any item of baggage which contains any loaded firearm and/or Contraband, and seeks to pass the checkpoint, or enter the sterile, secured, or controlled areas of DEN;

These circumstances shall be prima facie evidence of violation of this Rule 40.25.

#### **40.26 AUTONOMOUS DRIVING SYSTEMS NOTIFICATION**

To ensure the safety and security of all persons and vehicles operating in all areas of the Denver Municipal Airport System, including DEN, all commercial operators seeking to utilize and/or test autonomous vehicles on Denver Municipal Airport System property, including DEN, must provide written notification to the Chief Executive Officer of the Department of Aviation no later than sixty (60) days prior to any planned utilization or testing. Written notification must include the following:

1. The areas of the Denver Municipal Airport System they wish to utilize and/or test on; and
2. The make, model VIN and year for each vehicle you wish to test; and
3. All authorized autonomous testing vehicle operators to include a current driver's license number and corresponding state; and
4. A letter of authorization, from the appropriate corporate official, certifying the utilization and/or testing is officially sanctioned by the company, meets all applicable federal and state regulations, and is covered under the company's insurance policy.

Department of Aviation staff will review the notification and provide a written response no later than thirty (30) days prior to the planned utilization and/or testing. The Department of Aviation reserves the right to approve, deny, and/or place restrictions deemed necessary on requests for utilization and/or testing of autonomous vehicles on Denver Municipal Airport System property.