



City of Phoenix

ARTICLE VI. CONDUCT AT CITY AIRPORTS REQUIRING A PERMIT

Sec. 4-127. Declaration of intent.

It is the intent of the Phoenix City Council to own, maintain and operate its airport facilities as public facilities dedicated to the safe, efficient and convenient movement of departing and arriving passengers and support activities directly related thereto and that said airport facilities be financially operated as a self-sustaining proprietary function. To that end, the exercise of expressive activity at the City's airports shall be subject to regulation as provided in this article.

(Ord. No. G-4116, § 2, passed 9-2-1998, eff. 10-2-1998)

Sec. 4-128. Prohibited acts.

The following conduct is prohibited within the interior public use area of a terminal if conducted by a person to or with passersby in a continuous or repetitive manner:

- (A) The sale or distribution of any merchandise, including but not limited to, jewelry, food stuffs, candles, flowers, badges and clothing;
- (B) Solicitations and receipt of funds.

(Ord. No. G-4116, § 2, passed 9-2-1998, eff. 10-2-1998)

Cross references: Aggressive solicitation in public areas, § 23-7.

Sec. 4-129. Peripatetic noncommercial expressive activity.

Any person or organization desiring to use the City-operated airports for the purpose of noncommercial peripatetic expressive activity such as picketing, distributing literature, displaying signs, and soliciting of contributions except as otherwise prohibited in Section 4-128 shall be permitted to do so providing such activities do not result in impairing or interfering with the operational functions of the airports and further provided that such activities are in compliance with City Code provisions. The following provisions are hereby declared to be necessary for the accomplishment of the following:

- A. To insure that persons seeking to engage in noncommercial peripatetic expressive activity may reasonably do so upon the premises of City-operated airports;
- B. To restrict such activities to certain public use areas of City-operated airports;
- C. To protect all persons using the airports from being subjected to unreasonable contacts by any person or organizations seeking to exercise such rights;
- D. To insure the free and orderly flow of pedestrian traffic through the airport premises; and
- E. To insure the efficient and safe operations of the airports;

F. Nothing in this article VI shall be construed to mean that the airport premises are a traditional public forum or a designated public forum. Such public forum status is hereby expressly rejected by the City.

(Ord. No. G-4116, § 2, passed 9-2-1998, eff. 10-2-1998)

Sec. 4-130. Permit required.

No group of four or more persons shall congregate within any terminal of an airport to engage in activity as described in Section 4-129, without a permit which shall be obtained by making written application to the Aviation Director of their intent to do so at least three business days prior to the date contemplated for commencing such activities.

(Ord. No. G-4116, § 2, passed 9-2-1998, eff. 10-2-1998)

Sec. 4-131. Contents of application for permit.

The written application shall contain:

A. The full name, mailing address (other than post office box number), [and] telephone number of the person making the written application, and, if he is a member of an organization which is sponsoring, conducting, or promoting the activity, the full name, mailing address (other than post office box number), and telephone number of the organization and a responsible officer or agent thereof, and the names and addresses of all members of the organization who will be engaging in the permitted activities at the airports.

B. The purpose or subject matter of the literature, picketing, sign display, solicitation or other means of communication or expression;

C. A description of the proposed activity;

D. The date, hour, and anticipated duration of such activity;

E. The number of persons planning to participate in such activity at any one time.

(Ord. No. G-4116, § 2, passed 9-2-1998, eff. 10-2-1998)

Sec. 4-132. Issuance and denial of permits.

A. The permit or permits shall be issued promptly within three days following receipt of application by the Aviation Director, or the applicant shall be furnished a written statement indicating why the issuance of the permit or permits will be delayed or why the permit or permits are denied.

B. An applicant shall be denied a permit if the applicant has not fully complied with the disclosure provisions as provided in Section 4-131.

C. An applicant shall be denied a permit if the proposed activity stated in the application for which the permit is requested is commercial and subject to other licensing and or leasing provisions regulating business activity at City airports.

D. Any denial of a permit for activity permitted in Section 4-129 by the Aviation Director, or his designated representative, shall be subject to the notice requirement as provided in Section 4-135.

(Ord. No. G-4116, § 2, passed 9-2-1998, eff. 10-2-1998)

Sec. 4-133. Multiple applications--Limitations.

In the event that more than one application for a permit to engage in the activities described in Section 4-129 is received by the Aviation Director for the same or overlapping time period or that said activity is simultaneously being conducted by a total of four or more people within any one terminal building, the Aviation Director shall allocate space within the public use area available for such activities dividing, if possible, the areas available equally between applicants. Choice of areas available shall be afforded to applicants in accordance with the time at which their written application was received by the Aviation Director. Such allocation of space shall impose on all persons or organizations limitations as to dates or hours or numbers of participants as reasonably may be required to provide fair and equitable opportunities for all.

(Ord. No. G-4116, § 2, passed 9-2-1998, eff. 10-2-1998)

Sec. 4-134. General restrictions.

A. All persons shall conduct their proposed activities as described in Section 4-129 in or upon the public use areas of the airports with the number of persons allowed and at such time as set forth in their permits, if applicable, and as otherwise may be prescribed from time to time by the Aviation Director. However, any restrictions shall be both reasonable and appropriate and prescribed only after a fact-finding investigation and determination by the Aviation Director that the restrictions are necessary to avoid injury to persons or to property or to assure the safe and orderly use of the airport facilities by the public.

B. No more than the indicated number of persons set forth pursuant to Section 4-131(E) shall be allowed to engage in the activities permitted or as otherwise restricted by the Aviation Director pursuant to subsection A above.

C. All activities as defined in Section 4-129 shall be conducted only in or upon those airport premises which are open to the general public for common use, except as hereinafter set forth and shall not intrude upon nor take place within ten feet from any location or area reserved to a particular use, such as baggage areas, security checkpoints, offices, ticket sales counters, restaurants or any areas devoted to business enterprise. Nor shall the permitted activities be conducted within twenty feet of a centerline between the entrance to the sterile concourse on the south and the central front door on the north in Terminal 2 of Phoenix Sky Harbor International Airport.

D. The sterile concourse of Phoenix Sky Harbor International Airport is a public use area for which conduct requiring a permit under these Code provisions is prohibited for the following reasons:

1. The concourse is a conduit for rapid moving pedestrian traffic enplaning and/or deplaning; and
2. Security requirements resulting from bomb and highjacking threats dictate the need for absolute control of the rapid and free flow of pedestrian traffic.
3. As used in this subsection the term "sterile concourse" shall mean all portions of Terminal Buildings 2, 3 and 4 beyond the security checkpoint areas, to and including the aircraft boarding holding areas and jetways.

E. No person shall use sound or voice amplification systems, musical instruments, radio communication systems, or other mechanical sound devices or donation boxes or vending machines while conducting permitted activities.

F. No person, while engaging in any activities, as defined in Section 4-129 shall prevent or interfere with free movement of pedestrian traffic within the airports, nor shall such persons in any manner assail, coerce, threaten, or physically disturb any other person or persons.

G. Notwithstanding any provisions of this section to the contrary, the general restrictions contained in this section shall apply only to the permitted activity as authorized in Section 4-129 of this article.

(Ord. No. G-4116, § 2, passed 9-2-1998, eff. 10-2-1998)

Sec. 4-135. Revocation or denial of permit.

Permits will be revoked or denied by the Aviation Director when he has evidence that a permittee has violated any condition of the permit. Notice of revocation or denial of a permit shall be in writing supported by a statement of facts and witnesses, and personally served on permittee or applicant or by certified mail, return receipt requested. The aggrieved party shall have seven days from receipt of service to request a hearing before the City Manager or his designee. If requested, a hearing will be conducted as soon as reasonably practicable.

(Ord. No. G-4116, § 2, passed 9-2-1998, eff. 10-2-1998)

Sec. 4-136. Penalties.

It shall be unlawful for any person to violate any of the foregoing Code provisions and any person so doing shall be guilty of a Class 1 misdemeanor.

(Ord. No. G-4116, § 2, passed 9-2-1998, eff. 10-2-1998)

Sec. 4-137. Administrative rules and regulations.

The Aviation Director may make such reasonable and viewpoint neutral administrative rules and regulations as deemed necessary to effectuate the purpose and intent of this article.

(Ord. No. G-4116, § 2, passed 9-2-1998, eff. 10-2-1998)