

BEFORE THE SPOKANE AIRPORT)
BOARD IN THE MATTER OF APPROVING)
AND ADOPTING RULES AND)
REGULATIONS GOVERNING FIRST)
AMENDMENT ACTIVITIES AND)
COMMERCIAL ADVERTISING)

RESOLUTION
NO. 03-17

WHEREAS, Spokane County, Washington (“County”) and the City of Spokane, Washington (“City”), by and through the agency of the SPOKANE AIRPORT BOARD (“Board”), jointly operate Spokane International Airport, Felts Field Airport and Spokane International Airport Business Park, collectively referred to as SPOKANE AIRPORT, under and pursuant to the Constitution and Laws of the State of Washington, including Ch. 14.08 RCW, RCW 14.08.200, and that certain Joint Resolution and Operating Agreement of the County and City dated August 28, 1990; and

WHEREAS, pursuant to state law and the Interlocal Agreement, the Board is empowered and authorized to exercise all of the powers granted to municipalities pursuant to the provisions of RCW 14.08 *et seq.* in the management, operation, and control of SPOKANE AIRPORT for aviation and business park purposes; and

WHEREAS, from time to time, individuals and groups seek to engage in non-commercial activities implicating the First Amendment to the United States Constitution and/or Article I, Section 5 of the Washington Constitution, such as demonstration to express an opinion or message, distribution of literature or other materials, charitable solicitation, and charitable surveying (“First Amendment Activities”) at SPOKANE AIRPORT; and

WHEREAS, it is necessary that such First Amendment Activities be subject to reasonable time, place and manner regulations in order to allow for First Amendment Activities while accommodating a number of different governmental interests, which include but are not limited to the following:

1. Ensuring the free and orderly flow of pedestrian traffic into and through SPOKANE AIRPORT and of the vehicular traffic outside and around the SPOKANE AIRPORT;
2. To protect persons using SPOKANE AIRPORT from repeated communications or encounters that are or might be unwanted and/or perceived as harassment or intimidation;
3. To protect travelers at SPOKANE AIRPORT from being an unwilling captive audience;
4. To maintain security at SPOKANE AIRPORT by restricting the activities allowed to certain public-use, non-secured areas at SPOKANE AIRPORT and by implementing additional restrictions where necessitated by increased security threats;
5. To accommodate the requests of persons and groups to engage in First Amendment Activities by providing designated areas at or within SPOKANE AIRPORT;

6. To resolve conflicts between different persons and groups who may otherwise arrive with the intent to use the same areas at or within SPOKANE AIRPORT at the same time for competing interests;
7. To protect the integrity of the contractual relationships with lessees and/or concessionaires at SPOKANE AIRPORT; and
8. To reasonably further the proprietary purpose of SPOKANE AIRPORT.

WHEREAS, such reasonable time, place and manner regulations for First Amendment Activities are necessary because SPOKANE AIRPORT is not a public forum; and

WHEREAS, such reasonable time, place and manner regulations for First Amendment Activities are necessary because SPOKANE AIRPORT is relatively space-constrained inside its terminal and facilities, as well as on areas facilitating the use of SPOKANE AIRPORT, which shall include but is not limited to skywalks, sidewalks, parking garages, parking lot areas, roadways and adjacent roadway shoulders, and rights-of-way; and

WHEREAS, despite space constraints of SPOKANE AIRPORT, it is the second largest airport in the State of Washington, processing over 3,000,000 passengers annually; and

WHEREAS, regardless of the space constraints and annual number of passengers, SPOKANE AIRPORT operates in an actual and regulatory environment that, after the events of September 11, 2001, demands the highest level of security and safety for aviation travel; and

WHEREAS, the Board wishes to designate, confirm and reaffirm SPOKANE AIRPORT is a non-public forum for First Amendment Activities and such First Amendment Activities shall be carried out in accordance with the rules, regulations and policy of the SPOKANE AIRPORT; and

WHEREAS, from time to time, individuals or businesses also seek to engage in commercial advertising that is lawful and not misleading at SPOKANE AIRPORT that implicates the First Amendment to the United States Constitution and/or Article I, Section 5 of the Washington Constitution (“Commercial and Promotional Advertising”); and

WHEREAS, it is necessary that such Commercial and Promotional Advertising also be subject to reasonable regulations to allow for Commercial and Promotional Advertising while accommodating a number of different governmental interests, which include but are not limited to the following:

1. To maintain the orderly administration and operation of SPOKANE AIRPORT;
2. To ensure the safety of SPOKANE AIRPORT’s patrons and employees;
3. To protect minors who use SPOKANE AIRPORT’s facilities;
4. To maximize revenue generated by the sale of advertising space;
5. To avoid any perceptions of favoritism or discrimination; and

6. To maintain a position of neutrality on controversial issues.

WHEREAS, the Board wishes to designate, confirm and reaffirm SPOKANE AIRPORT is a non-public forum for Commercial and Promotional Advertising, unless in part expressly designated otherwise by SPOKANE AIRPORT, and such Commercial and Promotional Advertising shall be carried out in accordance with rules, regulations and policy of the SPOKANE AIRPORT.

NOW, THEREFORE, BE IT RESOLVED by the Board, as follows:

1. Approval and Adoption of Regulations Governing First Amendment Activities. The Board hereby approves and adopts the "Regulations Governing First Amendment Activities" in substantially the form attached hereto as "Exhibit A" and by this reference incorporated herein.
2. Approval and Adoption of Regulations Governing Commercial Advertising. The Board hereby approves and adopts the "Regulations Governing Commercial Advertising" in substantially the form attached hereto as "Exhibit B" and by this reference incorporated herein.
3. Severability. If any section, sentence, clause, or phrase of this Resolution should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Resolution.
4. Repealer. All resolutions, laws, and regulations, or parts thereof in conflict with this Resolution are, to the extent of said conflict, hereby repealed.

ADOPTED by the SPOKANE AIRPORT BOARD at a regular meeting thereof held on the 25 day of MAY, 2017.

ATTEST:


Secretary

SPOKANE AIRPORT BOARD


Chair

APPROVED AS TO FORM :



Brian M. Werst
General Counsel

EXHIBIT "A"

REGULATIONS GOVERNING FIRST AMENDMENT ACTIVITIES

Spokane Airport

Regulations Governing First Amendment Activities

The Spokane International Airport and Felts Field Airport (the “Airport”) is publicly owned and operated for the proprietary purpose of facilitating air travel in a safe and secure manner.

The Airport terminal, and those areas of the Airport dedicated to supporting the Airport and/or facilitating the use of the Airport, which shall include but is not limited to skywalks, sidewalks, parking garages, parking lot areas, roadways and adjacent roadway shoulders, and rights-of-way, are a non-public forum for purposes of activities actually or purportedly related to the First Amendment to the United States Constitution and/or Article I, Section 5 of the Washington Constitution (hereafter, “First Amendment Activity” or “First Amendment Activities”). To the extent the Airport has allowed activities that are incompatible with a non-public forum in the past, these Regulations are designed to create a non-public forum going forward as set forth herein. To the extent the Airport allows activities that are incompatible with a non-public forum in the future, these Regulations are designed to maintain a non-public forum as set forth herein. Any First Amendment Activities on Airport property are subject to the regulations set forth herein.

Section 1. Purposes of Regulating First Amendment Activities

These Regulations are adopted in furtherance of the following government interests:

- A. To ensure the free and orderly flow of pedestrian traffic into and through the Airport and of the vehicular traffic outside and around the Airport;
- B. To protect persons using the Airport from repeated communications or encounters that are or might be unwanted and/or perceived as harassment or intimidation;
- C. To protect travelers from being an unwilling captive audience;
- D. To maintain security by restricting the activities allowed hereunder to public-use, non-secured areas in the Airport and by implementing additional restrictions where necessitated by increased security threats;
- E. To accommodate the requests of persons and groups to engage in First Amendment activities by providing designated areas within the Airport;
- F. To resolve conflicts between different persons and groups who may otherwise arrive with the intent to use the same areas at the same time for competing interests;
- G. To protect the integrity of the contractual relationships with lessees and/or concessionaires at the Airport; and

- H. To reasonably further the proprietary purpose of the Airport.

Section 2. Authorized First Amendment Activities

The following First Amendment Activities are authorized at the Airport, subject to the restrictions and permit requirements set forth herein:

- A. **Demonstration.** “Demonstration” means a person or gathering of persons for the purpose of expressing an opinion to observers through the use of speech, signs and/or expressive conduct. Excluded from this definition is the expression of any message for a commercial purpose, which shall be subject to the Airport’s Regulations Governing Commercial Advertising.
- B. **Distribution.** “Distribution” means the dissemination of literature and other materials, including, without limitation, leaflets, pamphlets, flyers, books, photos, or any other written or printed material, for the expression of ideas and opinions in the exercise of freedom of speech, association, assembly, and religion. Excluded from this definition is the expression of any message for a commercial purpose, which shall be subject to the Airport’s Regulations Governing Commercial Advertising.
- C. **Solicitation.** “Solicitation” means an appeal for support on behalf of a not-for-profit organization organized for charitable, patriotic, political, social justice or religious purposes. Excluded from this definition is any request or invitation for an immediate exchange of funds or other in-kind support, which is expressly prohibited. Also excluded from this definition is the expression of any message for a commercial purpose, which shall be subject to the Airport’s Regulations Governing Commercial Advertising.
- D. **Surveying.** “Surveying” means conducting surveys on behalf of any not-for-profit organization organized for charitable, patriotic, political, social justice, religious, or educational purposes.

Section 3. Permit Requirement and Application Process

- A. **Permit Required.** Any person or group seeking to engage in a First Amendment Activity at the Airport must first obtain a written permit from the Airport Properties Director.
- B. **Application Procedure.** Applicants for a permit to engage in First Amendment Activity shall submit a written application to the Airport Properties Director and Airport Police Chief at least five (5) business days in advance of the first date for which the permit is sought; provided, however, an applicant for a permit to engage in First Amendment Activity may submit a written application to the Airport

Properties Director and Airport Police Chief at least twenty-four (24) hours in advance of the first date for which the permit is sought if the Applicant can demonstrate exigent circumstances. For the purposes of this Section 3(B), “exigent circumstances” shall exist if the Applicant can, in good faith, demonstrate the immediate need to engage in such First Amendment Activity and the proposed First Amendment Activity is reasonably related to the purposes and mission of the Airport and the applicant could not have foreseen at least five (5) business days in advance of the first date for which the permit is sought, or when circumstances beyond the reasonable control of the applicant prevented timely filing of the application. In all cases, the application shall include the following:

- (1) If the application is made on behalf of an individual, the full name, mailing address, telephone number and email address of the person who will sponsor, promote, organize and/or conduct the proposed First Amendment Activity;
- (2) If the application is made on behalf of a group or organization:
 - (a) The name of the group or organization that is sponsoring, promoting, organizing and/or conducting the proposed First Amendment Activity;
 - (b) The full name, mailing address, telephone number and email address of each person who will supervise and be responsible for the conduct of the proposed activity (“Supervisor”);
 - (c) A copy of the group’s or organization’s current bylaws or governing documents confirming that the group or organization is authorized to engage in the proposed activity;
 - (d) In the case of applications to engage in Solicitation or Surveying, reliable documentation confirming that the group or organization is a not-for-profit organization organized for charitable, patriotic, political, social justice, religious, or educational purposes, including, at a minimum, documentation from the Internal Revenue Service recognizing the status of the group or organization.
- (3) A description of the proposed First Amendment Activity (Demonstration, Distribution, Solicitation or Surveying), including the method(s) by which the applicant proposes to convey the message;
- (4) The date(s), time(s) and duration of the proposed First Amendment Activity; provided, however, that no permit will be issued for a period in excess of five

(5) calendar days and First Amendment Activities shall be limited to the hours of 8:00 a.m. to 5:00 p.m.;

- (5) The number of people who will participate in each proposed activity;
- (6) A completed Indemnification and Hold Harmless Agreement signed by the applicant or, in the case of a group or organization, an individual authorized to sign on behalf of the group or organization.

C. Application Processing. Within three (3) business days of receiving an application that complies with each of the requirements in Section 3(B) above, or within a reasonable time of receiving an application that complies with each of the requirements in Section 3(B) above involving exigent circumstances, the Airport Properties Director, after consultation with the Airport Police Chief, shall either issue a permit or provide a written denial explaining the reason(s) why the application was denied. Reasons for denial shall be limited to the following:

- (1) Non-compliance with the application requirements set forth in Section 3(B). Any such denial shall identify each requirement that has not been satisfied. The applicant may elect to submit a corrected application, which shall be processed as a new application in accordance with Section 3(C);
- (2) Insufficient space available in the areas designated for First Amendment Activities at the time(s) requested, in which case the Airport Properties Director shall offer the applicant, in writing, a substitute date(s) or time(s) for the permit and/or shall issue a permit for a smaller number of persons or a permit allowing participation by a limited number of persons at any given time;
- (3) Any alert on the National Terrorism Advisory System issued by the United States Department of Homeland Security or any other similar alert issued by a federal agency with regard to security conditions for operations at the Airport. In such cases, based on the totality of the security conditions and/or situation, including the availability of security resources in light of increased demands and requirements by any federal, state or local authority, the Airport Police Chief may deny a permit request in its entirety and/or designate alternate sites for the conduct of those activities outside the core area of the Airport. Where a permit is denied in its entirety, the Airport Properties Director, where feasible, shall designate a location for the posting of written information as an alternative means of disseminating information covered by the permit request;

- (4) Failure to comply with the terms of any previously issued permit; and
 - (5) Any emergency or unforeseen circumstances that might adversely affect the efficient transit of passengers or affect the security, health and safety of passengers and Airport workers.
- D. **Appeal Procedure.** Any applicant whose permit request is denied in full or in part may appeal the decision in writing to the Chief Executive Officer of the Airport. The appeal shall be made within five (5) business days of the date of the Airport Properties Director's written denial. The appeal shall include a copy of the applicant's written application and shall set forth the grounds for the appeal.

The Chief Executive Officer of the Airport shall review the appeal and issue a written decision affirming, denying or modifying the initial permit decision within five (5) business days of receipt of the appeal. The written decision shall constitute the final decision of the Airport. A copy of the written decision shall be sent to the applicant by email and certified mail at the addresses provided on the application, and shall be effective upon such service.

Section 4. Areas Designated for First Amendment Activities

- A. The Airport Properties Director, after consultation with the Airport Police Chief shall designate areas within the Airport for permitted First Amendment Activities in accordance with the following restrictions. Areas so designated shall be depicted on a schematic diagram of the Airport maintained by the Airport Properties Director, in consultation with the Airport Police Chief, and published on the Airport's website, which may be amended from time to time.
- (1) **Demonstration activities:** The Airport Properties Director may designate an area or areas of the Airport for Demonstration activities. Demonstration activities shall not be authorized in any other area of the Airport. The number of persons that may be permitted to engage in Demonstration activities in an area designated for the same shall be no more than will allow the Airport to safely and reasonably accommodate and further the purposes for regulating First Amendment Activities as set forth in Section 1 above.
 - (2) **Distribution activities:** The Airport Properties Director may designate an area or areas of the Airport for Distribution activities. Distribution activities shall not be authorized in any other area of the Airport. The number of persons that may be permitted to engage in Distribution activities in an area designated for the same shall be no more than will allow the Airport to safely

and reasonably accommodate and further the purposes for regulating First Amendment Activities as set forth in Section 1 above.

- (3) Solicitation. The Airport Properties Director may designate an area or areas of the Airport for Solicitation activities. Solicitation activities shall not be authorized in any other area of the Airport. The number of persons that may be permitted to engage in Solicitation in an area designated for the same shall be no more than will allow the Airport to safely and reasonably accommodate and further the purposes for regulating First Amendment Activities as set forth in Section 1 above.
 - (4) Surveying. The Airport Properties Director may designate an area or areas of the Airport for Surveying activities. Surveying activities shall not be authorized in any other area of the Airport. The number of persons that may be permitted to engage in Surveying in an area designated for the same shall be no more than will allow the Airport to safely and reasonably accommodate and further the purposes for regulating First Amendment Activities as set forth in Section 1 above.
- B. Each permit shall specify the designated area in which the permitted activity may take place; provided that the Airport Properties Director or designee, after consultation with the Airport Police Chief, may move such permitted activities from one designated area to another upon written notice to the permit holder, when, in the judgment of the Airport Properties Director or designee, after consultation with the Airport Police Chief, such relocations are or become necessary for the safe and efficient operation of the Airport.
 - C. Each person engaged in any permitted First Amendment activity shall wear an identification permit badge provided by the Airport on the outside of his or her clothing, displayed above the waist, at all times. Any lost or stolen identification permit badge shall be immediately reported to the Airport Properties Director upon discovery that the badge is lost or stolen.
 - D. Any person engaged in any permitted First Amendment activity that is involved in an accident or occurrence at the Airport that results in or may result in injuries to person or damage to property shall immediately report the accident or occurrence to Airport Police.

Section 5. Concerted Labor-Related Activities

The following shall apply to concerted labor-related activity that takes the form of Demonstration, Distribution, Solicitation or Surveying:

- A. Subject to the provisions of Sections 6 and 7 of these Regulations, one or more employees of an employer doing business at the Airport may engage in conversations with other employees regarding matters of mutual benefit of other employees of the employer, without providing notice and without first obtaining a permit, in any location as long as the conduct in that location does not interfere with Airport operations or pose a safety or security concern.
- B. Subject to the provisions of Sections 6 and 7 of these Regulations, any person may discuss wages, benefits, or terms and conditions of employment with any employee of an employer doing business at the Airport, without providing notice and without first obtaining a permit, so long as the discussion concerns wages, benefits or terms and conditions of employment.

Section 6. Off-Limits Areas

Under no circumstances shall any First Amendment Activity take place in any of the following locations:

- A. In any secured, sterile or restricted area or within ten (10) feet thereof;
- B. In any restroom facilities, elevators, escalators, stairways, terminal doors, vestibules or storage areas or within ten (10) feet thereof;
- C. Within ten (10) feet of the entrance to or exit from any area leased by an airline or concessionaire or other business;
- D. On paved portions of streets, roadways, driveways, or any drive lanes within the parking garage;
- E. In any area used and/or occupied by a concessionaire, airline or other business under a lease, contract or other agreement with the Airport and/or the Airport's advertising contractors;
- F. Within ten (10) feet of any security or screening queuing area;
- G. Within ten (10) feet of any person waiting in line or any person loading or unloading luggage;
- H. At any ticket or baggage check-in counter;
- I. At any baggage pick-up or collection area except where specifically designated;

- J. In any parking area, including the parking garage, except where specifically designated;
- K. In any portion of the Airport's transit system, if any;
- L. Beyond the boundaries of any designated areas for First Amendment Activities pursuant to Section 4 of these Regulations and/or beyond the boundaries of any area designated in a permit;
- M. In any area prohibited by any federal or state governmental agency with jurisdiction over the Airport; or
- N. In any area prohibited under Section 6 of these Regulations or otherwise prohibited by law.

The Airport Properties Director, Airport Police Chief and/or their respective designee is authorized to exercise his/her discretion to revise the above list in the interest of protecting the security, health and safety of passengers and workers, and when necessary to ensure the free flow of passengers and the efficient operation of the Airport on an emergency basis. Any revision to this list shall be published on the Airport's website.

Section 7. Rules Governing Conduct of Permitted First Amendment Activities

No person or group, while conducting First Amendment Activities, shall:

- A. Harass, intimidate, threaten or invade the rights and/or privacy of any person;
- B. Physically or verbally obstruct, delay or interfere with the free movement of any person or vehicle at the Airport or any authorized business on the Airport premises;
- C. Physically touch or make contact with any person unless such person has unequivocally consented to such contact;
- D. Use a sound or voice amplifying apparatus, musical instrument, radio communication equipment or system, or other mechanical sound device that may interfere with the public address system and/or communications system of the Airport;
- E. Chant, dance or similar conduct that may interfere with the tenants and public address system of the Airport;
- F. Use or place upon Airport premises, tables, stands, chairs, or other structures;

- G. Store placards, boxes, or supplies on Airport premises;
- H. Obstruct, impair, delay or interfere with the use of any Airport premises by any individual or vehicle or any authorized business on the Airport premises;
- I. State or represent that he or she or the organization is a representative or otherwise affiliated with the Airport;
- J. Fail to wear the required identification permit badge;
- K. Carry any banners or signs that are posted on poles or sticks of any type or that exceed the following size limitation: banners or signs may be held by a person or worn on an individual's person so long as such banners or signs do not protrude beyond the person's front or back or above the person's head or exceed the person's body width;
- L. Violate any federal, state or local law or regulation;
- M. Destroy, damage or deface Airport property;
- N. Make false, fraudulent or misleading statements or representations in the course of engaging in First Amendment Activities or in applying for a permit to engage in such activities; or
- O. Incite others to violence or other criminal activity or engage in any activity that jeopardizes the health, safety, or security of customers or workers at the Airport.

Section 8. Emergency Closure or Suspension

- A. The Chief Executive Officer of the Airport may order the emergency closure of the Airport, or any portion thereof, on account of emergency security, health or safety conditions, catastrophe or disaster, unusually congested or extreme weather conditions, or government orders. Upon such order, all persons holding permits under these Regulations shall immediately cease all activities thereunder for the duration of the emergency closure.
- B. When the federal government declares an alert on the National Terrorism Advisory System issued by the United States Department of Homeland Security or any other similar alert issued by a federal agency with regard to security conditions for operations at the Airport, the Airport Police Chief or designee may suspend First Amendment Activities in their entirety or limit the size and scope of such activities and/or designate a location for the posting of written information as an alternate

means of disseminating the information covered by the permit request. The Airport Police Chief or designee will take into account the totality of circumstances relating to security, including the availability of security resources at the Airport in light of increased demands and requirements by the federal government.

Section 9. Violations

- A. The following shall be deemed a violation of these Regulations:
- (1) Engaging in any of the activities covered by these Regulations in a location outside the area designated in the permit;
 - (2) Engaging in any of the activities covered by these Regulations without a valid permit;
 - (3) Engaging in any demonstration or other coordinated expressive activity beyond the scope of the First Amendment Activities authorized by these Regulations;
 - (4) Violating any of the rules governing conduct set forth in Sections 6 and 7 of these Regulations; and
 - (5) Failing to cease or alter activities, even if covered by a permit, during an emergency or increased security threat, as required in Section 8 of these Regulations.
- B. The occurrence of any violation shall result in:
- (1) Immediate temporary suspension of the permit; and/or
 - (2) Institution of proceedings pursuant to Section 10 of these Regulations for the revocation of the permit.
- C. Two (2) or more violations by any person participating as part of a group or in his/her individual capacity, may, at the discretion of the Airport Properties Director or designee, result in denial of future permit applications. However, depending on the egregiousness of a violation, the Airport Properties Director or designee may deny a permit application after only one (1) violation.
- D. In addition to the other remedies referenced in this section, the Airport Properties Director or designee may apply to a court of competent jurisdiction for injunctive relief barring any group or individual who has violated these Regulations, or the

terms of a permit, or has otherwise engaged in or expressed an intent to engage in activities that have the potential to impair or interfere with security or the orderly and efficient use of Airport property for the Airport's travel and transportation functions, from engaging in future First Amendment Activities at the Airport.

- E. The remedies referenced in this section are in addition to the Airport's remedies at common law and under criminal statutes. Any person who engages in First Amendment Activities in off-limits areas or in locations outside the area designated in a permit, or any person who engages in First Amendment Activities without a valid permit or who violates these rules, may be subject to arrest for trespass if such person refuses to leave when requested to do so by Airport police or personnel.

Section 10. Permit Suspension and Revocation

- A. **Suspension.** The Airport Properties Director or Airport Police Chief, may suspend a permit upon the occurrence of a violation of these Regulations or when good cause otherwise exists to suspend the permit.
- B. **Notice.** Within one (1) business day of suspending a permit, the Airport Properties Director or Airport Police Chief shall provide notice by email and certified mail to: (1) the Supervisor or person(s) otherwise responsible for the conduct of activities under the permit; and (2) any person(s) alleged to have committed a violation. Such notice shall reference the permit, permit status, and the nature of any alleged violation. Such notice shall also state that a hearing will take place before the Airport Chief Executive Officer.
- C. **Hearing.** At the hearing, the Airport Properties Director or Airport Police Chief, or both, shall present evidence through witnesses with personal knowledge of the alleged violation or the circumstances establishing good cause for suspension. The Supervisor or other person responsible for the conduct of activities under the permit, or his/her counsel or designee, may present argument and evidence and may cross examine any witness called by the Airport Properties Director or Airport Police Chief. Strict rules of evidence shall not apply. All testimony shall be audio recorded. The Chief Executive Officer of the Airport or designee shall preserve the recorded testimony and copies of all documents related to the hearing.
- D. **Revocation.** The permit will be revoked if the Airport Properties Director or Airport Police Chief proves, by a preponderance of the evidence, that an alleged violation occurred and/or that good cause otherwise exists to revoke the permit.

- E. Failure to Appear. If the Supervisor or other person responsible for the conduct of activities under the permit fails to appear for the hearing without having received prior permission from the Airport Chief Executive Officer to reschedule the hearing, the permit holder and persons who allegedly committed the violation will be considered in default and the Airport Chief Executive Officer may revoke the permit.

- F. Decision. Within five (5) business days of the conclusion of the hearing, the Airport Chief Executive Officer shall issue a written decision stating whether the permit has been revoked. If a permit has been revoked, the decision shall state the grounds for revocation. If the Airport Chief Executive Officer concludes that there was insufficient evidence to support a revocation, it shall dissolve the suspension and reinstate the permit. The decision issued by the Airport Chief Executive Officer shall constitute the final decision of the Airport.

- G. Service. This decision of the Airport Chief Executive Officer shall be effective upon delivery of the decision via email to the Supervisor or other person responsible for the conduct of activities under the permit to the address provided at the time of the application for the permit. At its option, the Airport may serve the decision by certified mail in lieu of or in addition to service via email. If the holder of any permit that has been revoked (or any persons associated with such person) engages in First Amendment Activity after the decision is issued, as an alternative to sending the decision by email and/or certified mail, the Airport Properties Director may serve a copy of the decision on the person(s) engaging in the First Amendment Activity. In that event, the decision shall be effective upon hand delivery.

Section 11. Severability

In the event that any portion of the foregoing Regulations are deemed invalid for any reason, the remainder of these Regulations shall not thereby be invalidated, but shall remain in full force and effect, all parts being hereby declared separable and independent of all others.

FIRST AMENDMENT ACTIVITIES

PERMIT

The organization or individual identified below is hereby granted a permit to conduct First Amendment activities, as follows:

Name of Organization/Individual: _____

Name, Address & Phone Number of Person in Charge of Activities:

Name: _____

Address: _____

Phone: _____

Email: _____

Airport: _____

Activity Permitted: _____

Area(s) designated for Activity: _____

Date(s): _____

Time(s): _____

Number of Participants: _____

This Permit must be held by the person in charge of the activity at all times during which the permitted activity is taking place.

This Permit expires at _____ (time), on _____, 20____, unless revoked earlier pursuant to Airport Regulations.

Airport Properties Director

Date

APPLICATION FOR FIRST AMENDMENT ACTIVITIES

PERMIT

1. Airport (Select Location for Activities)

() Spokane International Airport

() Felts Field Airport

1. Name, address, telephone number and email of person(s) or organization sponsoring, promoting or organizing activities: _____

2. In order to review compliance with Airport regulations, attach a copy of any literature to be displayed or distributed and the text of any signs or other visual displays.

3. Describe the nature of the proposed activities: _____

4. Number of persons desiring to participate: _____

Date(s) proposed for activity: _____

Hour activity is proposed to commence: _____

Planned duration of activity: _____

*Location: _____

*The Airport has designated certain areas for activity in accordance with Airport regulations. The Airport cannot guarantee location is available for the proposed activity.

5. As to each individual participating on behalf of the applicant, complete the individual questionnaire for each participant, and attach hereto.

6. Attach documentation evidencing designation as a not-for-profit organization license, and confirm that the proposed activity is not-for-profit. Check appropriate box:

() For Profit

() Not-for-Profit

7. A responsible officer of the applicant organization must complete the Indemnification and Hold Harmless Agreement required by the Airport and submit such agreement with the application

I, as an authorized representative of the applicant, sign this application on behalf of the applicant with authority to commit the organization or individual to the obligations assumed herein, if the application is approved. Moreover, by signing this application, I certified that I am authorized to make the representations set forth herein and further certify that such representations are and will remain to be true and accurate.

Signature

Title

Date

INDEMNIFICATION AND HOLD HARMLESS AGREEMENT

IN CONSIDERATION of the issuance of a First Amendment Activities Permit at SPOKANE AIRPORT, the undersigned hereby agrees to indemnify and hold harmless the City of Spokane, County of Spokane, Spokane Airport Board, and their respective elected and appointed officials, agents, representatives and employees, from any and all damages, losses, liabilities, and claims of every kind and nature arising out of the activities to be conducted at the SPOKANE AIRPORT pursuant to the Permit to be issued for such activities.

DATED this _____ day of _____, 20____.

Signature

Title

Organization

EXHIBIT "B"

REGULATIONS GOVERNING COMMERCIAL ADVERTISING

Spokane Airport

Regulations Governing Commercial Advertising

Section 1. Purpose and Intent

- A. In adopting these Regulations, the Spokane International Airport and Felts Field Airport (“Airport”) seeks to augment its operating budget through the sale of commercial advertising space in a manner consistent with the guarantees of the First Amendment to the United States Constitution and Article I, Section 5 of the Washington Constitution.
- B. The purpose of these Regulations is to create objective, definite and uniform standards for the display of advertising content in facilities owned, leased or controlled by the Airport. These standards are adopted in furtherance of the following objectives:
 - (1) To maintain the orderly administration and operation of the Airport;
 - (2) To ensure the safety of the Airport’s patrons and employees;
 - (3) To protect minors who use the Airport’s facilities;
 - (4) To maximize revenue generated by the sale of advertising space;
 - (5) To avoid any perceptions of favoritism or discrimination; and
 - (6) To maintain a position of neutrality on controversial issues.
- C. It is the express intent of these Regulations to create a non-public forum. To the extent the Airport has accepted advertisements that are incompatible with a non-public forum in the past, these Regulations are designed to create a non-public forum going forward. In keeping with its proprietary function as a provider of safe and secure air travel, the Airport does not intend for its facilities to be used as open public forums for public discourse and debate. Rather, the Airport’s fundamental purpose and intent is to accept advertising as an additional means of generating revenue to support its operations. In furtherance of that discreet and limited objective, the Airport will retain strict control over the nature of the advertisements accepted for posting in its facilities and will maintain its advertising space as a non-public forum.
- D. The Airport reserves the right to amend these Regulations at any time.

Section 2. Advertising Standards and Restrictions

- A. Permitted Advertising Content. Permitted advertising content is limited to commercial advertising of products and services (“Commercial and Promotional Advertising”).

- (1) Definition. For purposes of these Regulations, “Commercial and Promotional Advertising” is defined as advertising that promotes or solicits the sale, rental, distribution or availability of goods, services, food, entertainment, lodging, events, programs, transactions, donations, or products, or which promotes an entity that engages in such activity.
 - (2) Disclaimer. The Airport reserves the right, in all circumstances, to require an advertisement to include a disclaimer indicating that it is not sponsored by the Airport and does not necessarily reflect the views of the Airport or its employees.
 - (3) Additional Requirement. Any advertisement in which the identity of the sponsor is not otherwise readily apparent must include the following phrase in clearly visible font: “*Advertisement paid for by [sponsor’s name].*”
- B. Prohibited Advertising Content. Advertising other than Commercial and Promotional Advertising is prohibited. The following are also expressly prohibited:
- (1) False, misleading or deceptive statements. Advertisements that contain or present false, misleading, or deceptive statements, or that otherwise propose a commercial transaction in a false, misleading, or deceptive manner;
 - (2) Unlawful goods or services. Advertisements that promote, encourage or espouse the use or possession of unlawful or illegal goods or services under applicable federal, state and/or local law;
 - (3) Unlawful conduct. Advertisements that promote, encourage or espouse unlawful or illegal activity under applicable federal, state and/or local law;
 - (4) Endorsements. Advertisements that state or imply an endorsement of the subject of the advertisement by the Airport, the City of Spokane, or Spokane County, unless such position is expressly authorized in writing by all three public entities;
 - (5) Obscenity or nudity. Advertisements that contain profanity, nudity, obscenity, sexual content or prurient material as defined under applicable law; or which contain material that describes, depicts, or represents sexual activities or aspects of the human anatomy in a manner that the average adult, applying contemporary community standards, would find appeals to the prurient interest of minors or adults in sex;

- (6) Adult-oriented businesses. Advertisements that promote, encourage or espouse adult book stores, nude dance clubs and other adult entertainment, adult telephone services, adult internet sites and escort services;
- (7) Tobacco. Advertisements that promote or espouse the sale or use of tobacco or any tobacco-related product, or that depict the use of tobacco or any tobacco-related product; provided, however, that this restriction shall not prohibit advertisements that include the name of any establishment that sells or serves such product and that is open to minors;
- (8) Alcohol. Advertisements that promote the sale or use of beer, wine, distilled spirits, alcoholic beverages, or any substance licensed and regulated under Washington law; provided, however, that this restriction shall not prohibit advertisements that include the name of any establishment that sells or serves such licensed and regulated substance and that is open to minors;
- (9) Firearms. Advertisements that promote or solicit the sale, rental, distribution or availability of firearms or firearms-related products;
- (10) Depictions of violence. Advertisements that contains any image or description of graphic violence, or that depict weapons or other implements or devices associated with an act or acts of violence or harm to a person or animal;
- (11) Demeaning or disparaging content. Advertisements that contain statements or images that demean, disparage or defame any person, product, service or cause;
- (12) Political issues. Advertisements that promote or oppose (i) the election of any person for any office; or (ii) any legislation, initiative, referendum or ballot proposition measure;
- (13) Public issues. Advertisements that express or advocate an opinion, position, or viewpoint on matters of public debate about economic, political, religious or social issues;
- (14) Direct competition. Advertisements that promote, encourage or espouse services, activities or products in direct competition with Airport or Airport tenants or concessionaires and that would result in diversion of revenue from the Airport or Airport tenants or concessionaires;

- (15) Harmful or disruptive to Airport. Advertisements that present any material that is so objectionable under contemporary community standards as to be reasonably foreseeable that it will result in harm to, disruption of or interference with the Airport or its operations;
 - (16) Other. Advertisements that violate any applicable law or Airport policy.
- C. Nothing in these Regulations shall be construed to limit the rights of individuals or organizations engaged in First Amendment Activities under a permit issued pursuant to the Airport's Regulations Governing First Amendment Activities.

Section 3. Advertising Program Administration

- A. No person or entity shall post, distribute or display any advertisements, signage, literature, circulars, pictures, sketches, drawings or other forms of printed or written matter for commercial purposes without first entering into a written agreement with the Airport or the Airport's advertising sales contractors, which may require the payment of fees and the provision of certain documentation or information in accordance with the Airport's requirements.
- B. The Airport or its advertising sales contractor shall review each advertisement prior to posting to ensure that the advertisement complies with these Regulations. If it appears that an advertisement may be questionable, the advertisement shall be submitted to the Chief Executive Officer of the Airport for a final and binding determination.

Section 4. Severability

In the event that any portion of the foregoing Regulations are deemed invalid for any reason, the remainder of these Regulations shall not thereby be invalidated, but shall remain in full force and effect, all parts being hereby declared separable and independent of all others.