



# PERMIT ATTACHMENT EXPRESSIVE ACTIVITIES

Des Moines Airport Authority  
5800 Fleur Dr, Suite 207  
Des Moines, IA 50321

**SUBMIT WITH PERMIT APPLICATION FORM PER-PUB-00-900**

## **THIS PERMIT APPLICATION FORM IS FOR SOLICITATION, DEMONSTRATION, PICKETING, AND HANDBILL AT THE DES MOINES INTERNATIONAL AIRPORT**

Any person or organization desiring to engage in expressive activity at the Des Moines International Airport must apply in writing to the Executive Director at least two business days prior to the proposed expressive activity. Expressive activity includes any distribution of printed or written materials on Airport property for the expression or advocacy of ideas, opinions, or beliefs; or any solicitation on Airport property, including sale of goods or services, conducting surveys, petitioning for signatures, or otherwise approaching members of the general public to disseminate or seek information; or any demonstration or protest on Airport property by one or more persons gathered for the purpose of communicating an opinion to observers through speech, signs, or conduct.

Permit applications will be considered in a fair, impartial, and content-neutral manner, and processed on a first-come, first-served basis, subject to availability of space. In granting the permit, the Executive Director may impose such reasonable terms and restrictions as are appropriate considering the primary purpose of the airport terminal and the safety, convenience and diverse makeup of airport users. An activity that involves approaching, lecturing, selling material to or soliciting funds from airport users will not be permitted.

Applicant will agree to indemnify and hold harmless the Des Moines Airport Authority, the Airport, any airline operating at the Airport, the Airport's tenants and lessees, and all their respective officials, officers, employees, and agents, against any claims that arise in connection with the proposed Expressive Activity.

Applicant further will agree that its expressive activities shall be limited to those activities identified in this permit application. Applicant agrees that all expressive activities shall comply with the Airport's Expressive Activity Policy, included within the Airport's Rules and Regulations and attached to this permit application.



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## A) ACTIVITY

|  |   |
|--|---|
| Description of the expressive activity proposed and the type of conduct that will be involved: |   |
| Map Attached<br><input type="checkbox"/> Yes <input type="checkbox"/> No                       | Attach Exact Copy of Items to be Distributed – They Will be Returned<br><input type="checkbox"/> Attached <input type="checkbox"/> Not Applicable |
| Estimated Number of Participants   |   |

## B) REQUESTED DATE(S) AND TIME(S) OF ACTIVITY

Provide Date(s) and Time(s) of Proposed Activities

| Range | From Date | From Time | TO | To Date | To Time |
|-------|-----------|-----------|----|---------|---------|
| 1     |           |           |    |         |         |
| 2     |           |           |    |         |         |
| 3     |           |           |    |         |         |

## C) NAMES OF PERSONS IN CHARGE AND ON-SITE AT ACTIVITY

|                 |                 |                |           |
|-----------------|-----------------|----------------|-----------|
| <b>PERSON 1</b> | First Name      | Middle Name    | Last Name |
|                 | Mailing Address |                |           |
|                 | City            | State          | Zip       |
|                 | Phone           | E-Mail Address |           |
| <b>PERSON 2</b> | First Name      | Middle Name    | Last Name |
|                 | Mailing Address |                |           |
|                 | City            | State          | Zip       |
|                 | Phone           | E-Mail Address |           |
| <b>PERSON 3</b> | First Name      | Middle Name    | Last Name |
|                 | Mailing Address |                |           |
|                 | City            | State          | Zip       |
|                 | Phone           | E-Mail Address |           |

## D) STATEMENT OF COMPLIANCE

Applicant hereby agrees to indemnify and hold harmless the Des Moines Airport Authority, the Airport, any airline operating at the Airport, the Airport's tenants and lessees, and all their respective officials, officers, employees, and agents, against any claims that arise in connection with the proposed Expressive Activity.

Applicant further agrees that its expressive activities shall be limited to those activities identified in this permit application. Applicant agrees that all expressive activities shall comply with the Airport's Expressive Activity Policy, included within the Airport's Rules and Regulations and attached to this permit application.

**EXPRESSIVE ACTIVITY RULES AND REGULATIONS – REFERENCE REG-BRD-00-0300**

3.22. Expressive Activity

3.22.1. The Des Moines International Airport is operated by the Des Moines Airport Authority to facilitate the safe and convenient air transportation of passengers and cargo. Neither the Airport nor the Airport terminal is designed, intended, or designated as a public forum. The exercise of constitutional free speech rights on Airport property shall be regulated by the following provisions, which are necessary to ensure public safety, Airport security, and efficient operations.

3.22.2. Expressive Activity Defined. For the purpose of this section, “Expressive Activity” shall be defined as:

3.22.2.1. any distribution of printed or written materials on Airport property for the expression or advocacy of ideas, opinions, or beliefs; or

3.22.2.2. any solicitation on Airport property, including sale of goods or services, conducting surveys, petitioning for signatures, or otherwise approaching members of the general public to disseminate or seek information; or

3.22.2.3. any demonstration or protest on Airport property by one or more persons gathered for the purpose of communicating an opinion to observers through speech, signs, or conduct.

3.22.3. “Expressive Activity” shall not include commercial advertisements, business transactions, or sales of printed material made pursuant to a leasing agreement with the Des Moines Airport Authority and in accordance with the terms thereof.

3.22.4. Notice and Permit Required. No person or group shall engage in Expressive Activity without submitting an Airport Permit authorizing Expressive Activities no less than two business days in advance of the date on which the Expressive Activity is proposed to begin and obtaining a permit from the Executive Director or his or her designee. Within two business days following the date on which the application is received, the Executive Director or his designee will grant the permit or provide a written response explaining the reasons for denial under Section 3.22.6.

3.22.5. Permit Application Contents. Permit applications shall be in writing and include the following information:

3.22.5.1. For individual applicants, the full name, mailing address, email address, and telephone number of the person or group seeking to conduct Expressive Activities;

3.22.5.2. For group applicants, the full name of the group, as well as the full name, mailing address, email address, and telephone number of a person or persons who will be present on Airport property to supervise the Expressive Activity at all times during which the Expressive Activity will take place;

3.22.5.3. For applicant groups, the maximum number of people who will participate in the Expressive Activity at any one time;

3.22.5.4. A description of the proposed Expressive Activity;

3.22.5.5. The date, hour, and duration of the proposed Expressive Activity;

3.22.5.6. The discrete area on Airport property in which the proposed Expressive Activity will take place;

3.22.5.7. If distribution or display of printed or written materials is involved, a copy of the materials to be distributed or displayed and a statement of measures which will be taken by the applicant to avoid littering Airport property.

3.22.5.8. In addition, the applicant shall agree to indemnify and hold harmless the Des Moines Airport Authority, the Airport, any airline operating at the Airport, the Airport’s tenants and lessees, and all their respective officials, officers, employees, and agents, against any claims that arise in connection with the proposed Expressive Activity.

3.22.6. Grounds for Permit Application Denial. No permit shall be denied on account of the viewpoint expressed or sought to be expressed by the applicant. The Executive Director or his designee may deny a permit in whole or part only on one or more of the following grounds:

3.22.6.1. The proposed Expressive Activity cannot reasonably be accommodated in any area on Airport property due to concerns for public safety, Airport security and efficient operations.

3.22.6.2. Another permit for the same time and/or area has already been granted, such that the proposed Expressive Activity cannot reasonably be accommodated.

- 3.22.6.3. The proposed Expressive Activity described by the application will not conform to the conduct requirements of Section 3.22.13.
- 3.22.6.4. The proposed Expressive Activity involves obscene conduct or distribution of obscene materials.
- 3.22.6.5. The proposed Expressive Activity is directed to inciting imminent lawless action and is likely to incite or produce such action.
- 3.22.6.6. The proposed Expressive Activity will violate local, state, or federal law. The permit application does not comply with the requirements of Section 3.22.5.
- 3.22.6.7. Within the ninety days preceding the receipt of the current application, a permit has been revoked from the same applicant following proceedings described in Section 3.22.16.
- 3.22.7. Expedited Permitting Procedure. Where the applicant's permit application has been promptly received following an event beyond the applicant's control to which the proposed Expressive Activity is intended to respond, and where the two-business-day notice requirement of Section 3.22.4 will result in a substantial burden on the timely exercise of the Expressive Activity, the Executive Director or his or her designee shall waive the two-business-day notice requirement of Section 3.22.4 grant or deny the application within twenty-four hours of receipt.
- 3.22.8. Permit Denial Appeals. Within five business days after the date on which a denial in full or in part is issued, an applicant may appeal the decision of the Director or his designee to the Executive Director by means of a written letter stating the grounds for the appeal. Within five business days after the date on which the appeal is received, the Executive Director or his designee will review the initial permit decision and issue a written decision affirming the initial decision or granting the permit. The Executive Director's decision shall be sent by certified mail to the address provided on the application. This shall constitute the final decision of the Des Moines Airport Authority, and may subsequently be appealed to the proper tribunal as provided by law.
- 3.22.9. Requested Area. Pursuant to Section 3.22.5.5, the applicant shall request a specific location on Airport property in which the proposed activity will take place. The Executive Director may grant permission for the Expressive Activity to take place in the requested area only if he or she finds that the Activity will not pose a threat to public safety, vehicle or pedestrian traffic, or efficient operation of the Airport.
- 3.22.10. Pre-approved Areas. If the Executive Director denies permission for use of a requested area, he or she shall assign the permit to a pre-approved area in which the Expressive Activity may take place. The permit shall specify which area has been assigned. The following areas have been pre-approved for permitted Expressive Activities:
- 3.22.10.1. The central plaza located east of the commercial lane and south of the skywalk. Maximum of twenty-five (25) people.
- 3.22.10.2. North Ticketing adjacent to the history wall. Maximum of two (2) people.
- 3.22.10.3. The approval of these areas does not indicate the Des Moines Airport Authority's intent to create any designated public forum. Additionally, the Executive Director may temporarily add, remove, or reduce the size of any pre-approved area when necessary to respond to construction activities, to remedy obstructions to vehicle or pedestrian traffic, or to ensure public safety or efficient operation of the Airport.
- 3.22.11. Prohibited Areas. The Executive Director shall not permit the exercise of an Expressive Activity in any of the following areas:
- 3.22.11.1. The Air Operations Area, Secured Area and Sterile Area;
- 3.22.11.2. On or within ten feet of any vehicle roadways;
- 3.22.11.3. Areas leased or assigned by agreement for use by airlines, restaurants, retail stores, other lessees, or areas within ten feet of such area;
- 3.22.11.4. Des Moines Airport Authority offices, work areas and facilities not open to the public;
- 3.22.11.5. On or within ten feet of any escalator, elevator, or baggage conveyance system;
- 3.22.11.6. Inside of, blocking, or within ten feet of any doorway, stairwell, or staircase;
- 3.22.11.7. Within ten feet of any interior queue, including ticketing and baggage check-in areas, or security checkpoints;
- 3.22.11.8. On or within fifty feet of any construction site or construction equipment.

3.22.12. Times Permitted. Expressive Activities shall be permitted in assigned areas only during hours at which the assigned area is open to the public. Expressive Activity permits shall expire after ten calendar days. Persons wishing to continue Expressive Activities beyond ten calendar days must apply for a new permit.

3.22.13. Prohibited Conduct. At no time shall a person:

3.22.13.1. Obstruct, delay or interfere with the free movements of any person, seek to coerce or physically disturb any other person, or hamper or impede the conduct of any authorized business at the Airport, including free passage along sidewalks or at entrances to or exits from Airport facilities;

3.22.13.2. Use any light, laser, UAV, sound or voice amplifying apparatus on the premises of the Airport;

3.22.13.3. Sing, chant, dance, or use drums, cymbals, or other musical instruments or noise making devices;

3.22.13.4. Erect or place a table, bench, chair, or other structure;

3.22.13.5. Harass persons at the Airport with demanding, threatening or intimidating conduct;

3.22.13.6. Distribute candy, gum, snacks, or any food product;

3.22.13.7. Pin, tie, or attach any flower or other symbol, insignia, article, or object on the clothing, luggage or vehicle of passengers or other persons, without first obtaining their consent;

3.22.13.8. Misrepresent oneself, including but not limited to representing oneself as a representative of the Des Moines Airport Authority, an airline, an Airport tenant, the State of Iowa, or the federal government;

3.22.13.9. Solicit the immediate receipt of funds from the public;

3.22.13.10. Promote, advertise, or solicit sales or business for any commercial enterprise, including but not limited to distributing free product samples or other promotional materials;

3.22.14. Emergency Suspension. Where the Des Moines Airport Authority has ordered the emergency closure of the Airport, or where the Executive Director finds that suspension of Expressive Activities is necessary to protect public safety and efficient operations in light of a sudden security threat, National Terrorism Advisory System alert, public health concern, extreme weather condition, government order, or other emergency situation, all Expressive Activity permits shall be immediately and temporarily suspended upon notice by the Executive Director. Suspension shall persist for the duration of the emergency, during which the 10-day expiration period for each permit shall toll.

3.22.15. Violation. Any violation of this policy by an individual or group member during the exercise of Expressive Activity under a valid permit will result in the immediate temporary suspension of the group or individual's permit and the commencement of revocation proceedings. For the purposes of this provision, a "violation" shall include:

3.22.15.1. Making a false or misleading material statement or omission on a permit application;

3.22.15.2. Engaging in any conduct prohibited by Section 3.22.13;

3.22.15.3. Conducting an Expressive Activity in any area or at a date or time other than the area, date and time specified on a valid permit;

3.22.15.4. Failing to cease permit activities during an emergency described by para (l) of this section.

3.22.15.5. Violating any local, state, or federal law.

3.22.16. Revocation Procedure. Within one business day of a temporary suspension under Section 3.22.15, the Executive Director shall provide written notice stating the grounds for suspension, delivered by certified mail to the address provided on the permit application. The notice shall also state the time and place of a revocation hearing, which shall occur within ten business days of service of the notice. The Executive Director shall appoint an impartial representative to preside over the hearing. At the hearing, the Des Moines Airport Authority shall present evidence of the permit holder's violation under Section 3.22.15, and the permit holder shall have the right to cross-examine any witnesses, present rebuttal evidence, and be represented by counsel. The hearing shall be audio-recorded, and all evidence shall be preserved. If the presiding representative finds by a preponderance of the evidence that a violation under Section 3.22.15 has occurred, the permit shall be revoked. If the presiding representative finds that the evidence is insufficient to establish a violation, the suspension will be lifted and the permitted Expressive Activities may resume. The presiding representative shall issue a written ruling stating the reasons for his decision within five business days of the revocation hearing, and a copy shall be delivered by certified mail to the address provided on the permit application. This ruling shall constitute the final decision of the Des Moines Airport Authority, and may subsequently be appealed to the proper tribunal as provided by law.