

**JACKSON HOLE AIRPORT BOARD
POLICY REGARDING FIRST AMENDMENT ACTIVITIES
JACKSON HOLE AIRPORT
Effective July 1, 2019**

The Jackson Hole Airport Board (the "Board"), a body corporate, organized under the laws of Wyoming, finds that:

WHEREAS, the Board is owner and operator of the Jackson Hole Airport (the "Airport"), and pursuant to Wyoming Statute §10-5-202 is authorized to operate and maintain the Airport and its allied facilities;

WHEREAS, pursuant to 16 U.S.C. §§7a-7e, the Department of the Interior and the Board entered into an Agreement dated April 27, 1983, as amended (the "Agreement"), for the operation of the Airport within Grand Teton National Park (the "Park");

WHEREAS, from time to time, individuals and groups seek to engage in activities on the Airport implicating the First Amendment to the Constitution of the United States and Article 1, Sections 20 and 21 of the Constitution of the State of Wyoming, such as speech and assembly, distribution of literature, charitable solicitation, and peaceful demonstrations and/or picketing;

WHEREAS, to ensure safe, orderly, and efficient operation of the Airport, while allowing for such activities on the Airport, it is necessary that such activities be subject to reasonable time, place and manner restrictions; and

WHEREAS, the Airport is the busiest airport in Wyoming, its location in the Park limits the land area which may be utilized for all competing Airport purposes, and the post-9/11 environment presents security demands and increased congestion.

NOW THEREFORE, the Jackson Hole Airport Board hereby adopts this policy (the "Policy") as follows:

Section 1. Activities Covered by this Policy: As used in this Policy, the following terms shall be defined as follows:

1.1. "Distribution" shall mean the distribution of literature and materials for the exposition of ideas and opinions in the exercise of freedom of speech, association, assembly; and religion.

1.2. "Solicitation" shall mean the solicitation of funds on behalf of not-for-profit organizations for charitable, philanthropic, patriotic, political, or religious purposes.

1.3. "Demonstration" shall mean any gathering of persons for the purpose of expressing a group opinion to observers through use of their speech, signs, and/or expressive conduct.

Section 2. Purpose of this Policy:

2.1. To insure the free and orderly flow of pedestrian traffic into and through the passenger terminal at the Airport, and of passenger and vehicular traffic outside the terminal;

2.2. To protect persons using the Airport from repeated communications or encounters that might be perceived as harassment or intimidation;

2.3. To protect travelers from being an unwilling captive audience;

2.4. 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;

2.5. To accommodate the requests of persons and groups to engage in such activities by providing designated areas within the Airport; and

2.6. To protect the integrity of the Board's contractual relationships with concessionaires and lessees at the Airport.

Section 3: Permit Application Process:

3.1. Any person or group seeking to engage in Distribution, Solicitation, or Demonstration at the Airport must first obtain a written permit from the AADS (the "AADS"). To obtain a permit, the applicant shall submit to the AADS a written permit application. The application shall be on a form provided by the AADS, which shall set forth the location where such permit application shall be filed. The application shall contain the following:

A. The full name, mailing address, telephone number, fax number, and email address of the person(s) or group(s) sponsoring and/or conducting the proposed activities;

B. The full name, mailing address, telephone number, fax number, and email address of:

(1) The person who will supervise and be responsible for the conduct of the proposed activities ("the Responsible Person"), and

(2) If for purposes of Distribution or Solicitation, each person who will participate in such activities at the Airport under the permit sought

C. A copy of any material proposed for Distribution at the Airport, solely for informational purposes, and not for exercising any judgment on its- contents; provided that the Board shall not grant a permit for the distribution of any material that is indecent or violates any federal, state or local law or regulation.

D. A brief description of the proposed activities, including the method of communication and which type of permit is requested, i.e., whether for Distribution, Solicitation, or Demonstration.

E. The date(s) and time(s) of the proposed activities; provided that a permit will not be issued for a period in excess of thirty (30) days, nor for any time between the hours of 10:00 p.m. and 6:00 a.m. In addition, the application shall state the number of persons who are

requested to participate at any one time (i.e., if an organization requests a permit for 20 persons, but plans to have only 5 persons present at a time).

F. Where a permit for Solicitation is requested, the application must include as an attachment reliable documentary evidence of the not-for-profit status of the charitable, philanthropic, patriotic, political, or religious organization sponsoring and/or conducting the solicitation.

G. An undertaking by the applicant(s) to indemnify and hold harmless the Board, the Airport, the Airports' tenants and lessees, and all their respective officials, officers, employees and agents, against any claims that arise or are made against any of the foregoing in connection with the activities of the permit holder(s) or its agents at the Airport.

3.2. Within five (5) business days after the AADS receives a permit application, the AADS shall issue the permit or provide a written response explaining the reasons for any denial, which shall be limited to the following:

A. Non-compliance with the permit application requirements set forth in Section 3.A. above, in which case the Board response shall explain the nature of the problem. If an applicant files another application to comply with the requirements of Section 3.A, the five-business-day review period shall start over.

B. Insufficient space available in the areas designated for such activities at the time(s) requested, in which case the AADS 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.

C. Any alert level higher than "Elevated" (Yellow) on the Homeland Security Advisory System issued by the United States Department of Homeland Security, with regard to security conditions for operations at the Airport. In such cases, based on the totality of the security situation, including the availability of security resources at the Airport in light of increased demands and requirements by the federal government, the AADS may deny a permit request for demonstrations, distributions, or solicitations in their entirety, or may limit the size or scope of such activities and/or designate alternate sites for the conduct of those outside the core area of the Airport. Where a permit is denied in its entirety, where feasible, the Board shall designate a location for the posting of written information as an alternative means of disseminating the information covered by the permit request.

3.3. Each permit issued shall include the name of the person who is entitled to use it, and each permit may be used only by the person to whom it is issued. The Board shall proscribe the form of identification that each permit holder shall be required to wear and display conspicuously on his or her person while engaged in the permit activities.

Section 4. Permit Denial Appeal Process

Any person whose permit request is denied in full or in part may appeal the decision to the Executive Director of the Airport by means of a letter stating the grounds therefor, within five (5) business days of receiving a response from the AADS. The Executive Director shall review the initial permit decision and the appeal and shall issue a written decision affirming the denial or challenged limitation, or granting or modifying the permit as requested, within five (5) business

days of receipt of such appeal. This decision shall be sent by certified mail to the responsible person at the address provided, with a copy by email and/or fax when provided and shall be effective upon such service. It shall constitute a final decision of the Board, and may be appealed to an appropriate court, as provided by law.

Section 5. Permitted Location for Permit Activities

5.1. The AADS shall designate areas within the Airport's terminal where permitted distribution and solicitation may be located (as set forth on the Airport's plans in **Exhibit 1 and Exhibit 2** to this Policy) and areas on the sidewalks outside the Airport's terminal where permitted demonstrations may be located. All distributions, solicitations, and demonstrations that take place on Airport property shall be limited to these designated areas, unless the AADS expressly designates and issues a permit for an alternative location under Section 3.B.3 of this Policy.

5.2. Each permit issued shall specify the designated area in which the covered activities may take place: provided that, the AADS may move such permitted activities from one designated area to another, upon written notice to the applicant/permit holder, when, in the judgement of the AADS, such relocations are or become necessary to the safe and efficient operation of the Airport.

5.3. In addition, under no circumstances shall any distribution, solicitation, or demonstration take place in any of the following locations:

- A. In any secure area.
- B. Beyond the security checkpoint through which passengers and visitors are required to pass when moving toward aircraft gate positions, or within fifty (50) feet thereof.
- C. In any parking areas, roadways, restroom facilities, elevators, terminal doors (or within twenty (20) feet thereof), stairways, vestibules, and storage areas.
- D. Within twenty (20) feet of any ticket or baggage check-in counter.
- E. Within twenty (20) feet of any baggage pick-up or collection areas.
- F. Within twenty (20) feet of, or within, any areas used by a concessionaire or lessee pursuant to a contract, agreement, or lease with the Board, except with the express permission of the concessionaire or lessee.

5.4. If an emergency closure of the Airport or any part of the Airport is ordered, all persons holding permits under this Policy shall immediately cease all activities thereunder for the duration of the emergency closure, upon notice by the AADS.

Section 6. Conduct of the Permitted Activities

In conducting the activities governed by this Policy, no person or group is permitted to:

6.1. Obstruct, delay, interfere with the free movement of, coerce, intimidate, impede, hamper, or physically grasp at any person, including but not limited to travelers, visitors, persons who work at the Airports, and persons checking or picking up baggage.

6.2. Assist or offer to assist any person in the carrying or handling of baggage.

- 6.3. Obstruct, delay or interfere with any vehicle.
- 6.4. State or represent that he or she or the organization is a representative of or otherwise affiliated with the Board, the Airport, Airport stakeholders, or an airline.
- 6.5. Fail to wear any required identification prescribed by the Board at any time while engaged in the permitted activities.
- 6.6. Use a sound or voice amplification device, or any noisemaker or musical instrument, since such noise may interfere with or impede the transaction of business by airlines, concessionaires, and lessees, or the safe, orderly, efficient operation of the Airport.
- 6.7. Except for holders of a permit for Solicitation under this Policy, receive or accept any donation, contribution, gift or payment of money.
- 6.8. Conduct any credit/debit card transaction or electronic funds transfer or any enrollment for any credit/debit transaction or electronic funds transfer. This prohibition specifically includes, but is not limited to, holders of permits for solicitation.
- 6.9. Erect any table, chair, or other structure and/or use any wheeled or stationary device, unless approved in the permit.
- 6.10. Store or keep any literature or other materials anywhere on the premises of the Airport, except in a carry bag, which must be carried or harnessed onto a person; so as not to extend beyond the person's body width.
- 6.11. Carry any banners or signs that are posted on poles or sticks of any type or that exceed the following size limitation: 2ft by 2ft inside the facility and 4ft by 4ft outside the facility. 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 exceed the person's body width.
- 6.12. Violate any federal, state or local law, regulation or policy.

Section 7. Violations

- 7.1. For purposes of this section, an "offense" shall mean one or more of the following:
 - A. A false or misleading material statement or omission on a permit application.
 - B. Engaging in any of the activities covered by this Policy in a location outside the area designated in the permit.
 - C. Engaging in any of the activities covered by this Policy without a valid permit.
 - D. Violating any of the provisions governing conduct set forth in Section 6 of this Policy.
 - E. Failing to cease or alter permit activities during an emergency or increased security threat, as required in Section 5.4 of this Policy.

7.2. Any offense that in the judgment of the AADS is substantial and/or did or may result in a threat to the health, safety, comfort or security of patrons and workers at the Airport shall result in:

A. The immediate temporary suspension of the permit, where applicable, of the individual or group who or which committed the offense; and/or,

B. Institution of proceedings for revocation of the permit, where applicable, under Section 8 below; and/or,

C. Prosecution for violation of the Town of Jackson Municipal Code, or other applicable law, including but not limited to Town Code Sections 12-16-040, 12-16-050 and/or 12-16-120.

Section 8. Permit Revocation Hearing Process

8.1. Within one business day of a permit suspension under Section 7.2 A above and/or where the AADS determines an offense has occurred and a permit should be revoked, the AADS shall provide written notice thereof, by certified mail to the address provided, with a copy by email and/or fax when provided, to the responsible person (as described in Section 3.1 B (1) hereof) and to the person(s) committing the offense, where different. The hearing shall be set for a date within five (5) business days of the date such notice is mailed, and the permit holder shall be entitled to a continuance of up to five (5) business days upon request. The hearing shall be held before the Executive Director, or his/her designee, serving as hearing officer.

8.2. At the hearing, the AADS shall present evidence, including from one or more witnesses with personal knowledge of the offense. The responsible person, or his or her designee, may present documentary evidence and/or witness testimony related to the alleged offense; may be represented by counsel; and may cross-examine any witness called by the AADS. Strict rules of evidence shall not apply. All testimony must be recorded, by tape or other appropriate means, and the hearing officer must preserve this record and copies of all documents related to the hearing. To revoke a permit, the AADS must show, by a preponderance of the evidence that the offense occurred. If the responsible party does not appear for the hearing and has not requested or has already received a continuance, then the hearing officer may revoke the permit by default.

8.3. Within five (5) business days following the hearing, the hearing officer shall issue a written decision stating whether the permit shall be revoked and the grounds therefor. This decision shall be sent by certified mail to the responsible person at the address provided, with a copy by email or fax when provided, and shall be effective upon such service. It shall constitute a final decision of the Board, and may be appealed to an appropriate court, as provided by law. If there was insufficient evidence for a permit revocation, any temporary emergency suspension still in effect shall be dissolved and the permit reinstated. If the decision is to revoke the permit, and the permit holder(s) is/are still engaged in distribution, solicitation, or demonstration at the Airport, the AADS may serve a copy of the decision on the persons engaged in such activities and the permit revocation shall be effective immediately.

8.4. Any person or organization whose permit is revoked shall not be entitled to apply for a new permit under this Policy for a period of three months following the date of the hearing officer's revocation decision.

Exhibit 1

Areas are highlighted in yellow below.

