

Chapter 3

Miscellaneous Offenses

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ARTICLE I. IN GENERAL.

SEC. 3-1. GENERAL STATE LAW.

The provisions of this Chapter shall not be construed as limitations upon the civil or criminal laws of this State which are in full force and effect within the areas under the jurisdiction of the Airport Board.

SEC. 3-2. DEFINITIONS.

ANIMAL shall mean any nonhuman vertebrate.

AUTHORIZATION, DECAL, or DEVICE shall mean any permit, badge, parking decal or other authorization issued by the CEO.

AUTHORIZED THERAPY ANIMAL shall mean any animal individually trained and authorized to do work or perform tasks for the purpose of relieving stress of individual members of the public. For purposes of this Chapter, "authorized" means the animal has met the Airport Board's therapy animal program requirements and has been approved by the CEO to be a therapy animal at the Airport.

AUTHORIZED THERAPY ANIMAL HANDLER shall mean any individual trained and authorized to handle a therapy animal that is trained to do work or perform tasks for the purpose of relieving stress of individual members of the public. For purposes of this Chapter, "authorized" means the person has met the Airport Board's therapy animal program requirements and has been approved by the CEO to be a therapy animal handler at the Airport.

ELECTRONIC SMOKING DEVICE shall mean any battery powered device that provides doses of nicotine to be inhaled by the user by way of a vaporized solution.

GARBAGE means animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

LITTER shall mean "Garbage", "refuse" and "rubbish" as defined herein and all other waste material which, if thrown or deposited as prohibited, tends to create a danger to public health, safety and welfare.

LITERATURE shall mean books, pamphlets, handbills, tracts, cards, circulars, pictures, films, magazines, or any other like item.

PICKETING means the stationing, parading, patrolling and/or assembling of one or more persons to apprise the public vocally or by standing or marching with signs, banners, or other means, of an opinion or a message or to discourage entry thereto by non-striking workers or by customers.

PUBLIC AREA shall mean any interior area to which the general public routinely has access.

REFUSE shall mean all solid wastes (except body wastes), including garbage, rubbish, ashes, street cleaning, dead animals, abandoned automobiles, and solid market and industrial wastes.

RESIDES shall mean intent to establish a temporary or permanent domicile.

RETAIL OR SERVICE ESTABLISHMENT shall mean any establishment which sells goods, food or services to the general public but excludes any private club operated by an Airport tenant within its leasehold and to which access is limited to a membership other than the general public.

RUBBISH shall mean solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

SERVICE ANIMAL shall mean:

- (a) any guide dog, signal dog, or other animal individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, and assisting non-ambulatory persons by pulling a wheelchair or fetching dropped items; or
- (b) any trained animal used by a governmental agency in police or rescue work.

SURVEY shall mean the act of repeated in-person polling or questioning of persons for the purpose of obtaining information related to, and/or securing opinions or viewpoints on, issues, candidacies, products or services.

ARTICLE II. GENERAL OFFENSES.

SEC. 3-3. ANIMALS.

- (a) A person commits an offense if while having care, custody, and control of an animal, he brings the animal, other than a service animal or an animal traveling by air, into any terminal or terminal extension located on the Airport.
- (b) A person commits an offense if while having care, custody, and control of an animal, he brings an animal traveling by air, other than a service animal, into the sterile area of a terminal building or terminal extension and removes it from its transport carrier, except in areas designated by the Airport Board as animal relief areas.
- (c) A person commits an offense if while having care, custody, and control of an animal he fails to restrain the animal at all times in an enclosed pen, carrier, or structure, or by a tether or leash while on Airport property.
 - (1) No animal may be restrained by a tether or leash unless the animal is in the immediate possession of and accompanied by the person in care, custody, and control of the animal.
 - (2) Nothing in this section shall prevent any trained animal used by a governmental agency in police or rescue work from being unleashed in the course of its official duties.
- (d) It is a defense to prosecution under this section that the person is an authorized therapy animal handler engaged in activities related to the Airport Board's therapy animal program and the animal is an authorized therapy animal.

SEC. 3-4. DEFECATION BY ANIMALS.

- (a) A person commits an offense if while having care, custody, and control of an animal he knowingly permits, or by insufficient control, allows the animal to defecate on Airport property and does not remove and dispose of any excretion the animal may deposit on Airport property in a sanitary and lawful manner.
- (b) This section does not apply to a law enforcement dog being used in law enforcement activities or to a service dog that is specially trained to assist a person with a disability and is in the custody or control of that disabled person at the time it defecated.

SEC. 3-5. URINATING OR DEFECATING IN PUBLIC.

- (a) A person commits an offense if he urinates or defecates:
 - (1) in or on a public street, alley, sidewalk, yard, park, building, structure, plaza, public or utility right-of-way, or other public place; or
 - (2) in public view.
- (b) It is a defense to prosecution under this section if the person was in a restroom.

SEC. 3-6. THROWING OR DEPOSITING LITTER.

A person commits an offense if he places, throws, deposits, or discharges litter, on the Airport, except in public or private receptacles for collection or at such places and under such conditions as the Airport Board prescribes.

SEC. 3-7. PROHIBITING THE POSTING OF NOTICES AND SIGNS ON POLES, TREES, STRUCTURES AND VEHICLES; PRESUMPTIONS.

- (a) A person commits an offense if he posts or causes to be posted any notice, poster, paper, sign, or device, designed to attract the attention of the public, to any lamp-post, utility pole, telephone pole, tree, structure, building, or vehicle on Airport property.
- (b) Whenever any notice, poster, paper, sign, or device is posted, or caused to be posted, in violation of subsection (a) of this section, it is presumed the person whose address or telephone number listed or who is otherwise identified is the person who committed the violation, either personally or through an agent or employee.
- (c) It is a defense to prosecution under subsection (a) of this section that the notice poster, paper, or device was posted in a manner and location authorized or

required by the airport operator, a lease holder within its leased area, or by state or federal law.

SEC. 3-8. OBSTRUCTION TO AVIATION.

A person commits an offense if he:

- (a) operates or releases any kite, balloon, model aircraft, model rocket, parachute, or other such device upon or above the Airport without written permission from the CEO; or
- (b) allows foreign object debris to remain on a portion of the AOA that he is obligated to keep clean pursuant to a Ground Handling/Maintenance Permit of a lease, sublease or contract with a tenant or subtenant of airline

SEC. 3-9. CAMPING, SWIMMING, PICNICKING, ETC.

A person commits an offense if he uses Airport premises for the purpose of camping, athletic games or contests, fishing, swimming, hunting or picnicking in a place not specifically designated for that purpose or without a permit issued by the CEO.

SEC. 3-10. NOISE.

A person commits an offense if he knowingly makes unreasonably loud or raucous noises, considering the location, inside terminals or other Airport buildings.

SEC. 3-11. TABLES AND CHAIRS.

A person commits an offense if he places or maintains a table, bench, chair, stool, easel, tripod or other item designed or adapted to serve a similar purpose on Airport premises unless such space has been leased from the Airport Board by that person or is authorized by another section of this code.

SEC. 3-12. FOOD, ETC.

A person commits an offense if he sells or distributes any food product at the Airport except from premises leased to that person by the Airport Board for that purpose, or pursuant to a permit issued by the CEO.

SEC. 3-13. PINS, ETC.

A person commits an offense if he pins, ties, or otherwise attaches any items on the clothing, luggage, body or vehicle of any person at the Airport, without such person's consent.

SEC. 3-14. OBSTRUCTION OF PASSAGE.

A person commits an offense if he knowingly obstructs the free passage of other persons along Airport roadways, sidewalks or into, out of, or within Airport buildings.

SEC. 3-15. FRAUDULENT MISREPRESENTATION.

A person commits an offense if he fraudulently misrepresents any material fact in making application for any permit, authorization or device issued by the CEO.

SEC. 3-16. UNAUTHORIZED TRANSFER OF AUTHORIZATION.

A person commits an offense if he sells, conveys, grants or transfers any decal, device, permit or other authorization granted by the CEO to another person, without prior written consent of the CEO.

SEC. 3-17. UNAUTHORIZED USE OF AUTHORIZATION.

A person commits an offense if he possesses or controls any decal, authorization or device not issued to him by the CEO or which has previously been reported as lost or stolen.

SEC. 3-18. TEMPORARY OR PERMANENT RESIDENCE.

- (a) A person commits an offense if he resides in or upon Airport premises.
- (b) This section does not apply to any space expressly designated by the CEO for such purposes or any period of time during which an Airport patron awaits connecting flights for which he holds a valid ticket.

SEC. 3-19. SMOKING.

- (a) The Airport CEO shall have authority to designate areas within the Airport where smoking is permitted or prohibited.
- (b) Smoking at DFW Airport is prohibited, except as follows:
 - (1) Smoking is permitted in the designated smoking areas which are identified by an appropriate sign;
 - (2) The person in control of a retail or service establishment located outside of an Airport passenger terminal or the Air Operations Area may post a

conspicuous sign at the appropriate areas of the establishment designating smoking or no smoking areas.

- (c) A person commits an offense if he or she smokes or possesses a burning tobacco product, weed, other plant product, or uses an electric smoking device in violation of this Section.

SEC. 3-20. POSSESSION OR CONSUMPTION OF AN ALCOHOLIC BEVERAGE.

- (a) A person commits an offense if he is in possession of an alcoholic beverage on the Air Operations Area unless he is:
 - (1) an airline employee serving an alcoholic beverage in performance of his duties; or
 - (2) an employee of an airline or a contracted delivery person delivering alcohol to an aircraft or a terminal building.
- (b) A person commits an offense if the person consumes an alcoholic beverage on the Air Operations Area unless he is a ticketed passenger on an aircraft where alcoholic beverages are served by airline personnel.

SEC. 3-21. REFLECTIVE GARMENTS.

- (a) A person commits an offense if he fails to wear a highly visible reflective garment, such as a reflective safety vest, at all times while he is within the movement or non-movement area of the Air Operations Area.
- (b) It is a defense to prosecution under this section that:
 - (1) The person is inside an aircraft cargo compartment at the time the garment is not being worn;
 - (2) The person is inspecting or performing maintenance on a motorized belt, conveyor, ground equipment engine, electrical equipment, or other high energy source;
 - (3) The person is a member of the Airport Board Department of Public Safety engaged in performance of his official duties or is a Transportation Security Inspector or Federal Aviation Administration Inspector acting in an official capacity;
 - (4) The person is under lawful escort;

- (5) The person is present due to a public safety emergency, as declared by a government official or determined by the CEO or Airport Board Department of Public Safety; or
- (6) The person is attending an event and is separated from routine airport operations.

SEC. 3-22. FAILURE TO RETURN SECURITY CREDENTIALS

A person commits an offense if he fails to return to the Airport Board all Board-issued security credentials upon cessation or termination of employment at the Airport or upon notice from the Airport Board that such security credentials have been revoked. It is not a defense to prosecution that such security credentials were lost or stolen unless the person pays to the Airport Board the fee charged for lost or stolen security credentials.

ARTICLE III. FIRST AMENDMENT ACTIVITY.

SEC. 3-23. PERMITS REQUIRED.

No person may engage in Distribution of Literature, Solicitation of Funds, Surveys, or Picketing without a permit issued by the CEO. Failure to obtain a permit and follow mandatory permit conditions provided in this Article III will constitute a violation of this Code.

SEC. 3-24. PERMIT APPLICATIONS.

- (a) An application shall be submitted to the Legal Department of the Airport at least three (3) business days in advance of the first day sought for the activity, using the form provided by the Airport, which shall include the following:
 - (1) the full name and street address of the applicant;
 - (2) the name, phone number, and email address of the person in charge of the activity;
 - (3) the full name and mailing address of the person or organization sponsoring, conducting, or promoting the activity, if other than the applicant or the person in charge of the activity;
 - (4) whether the sponsoring organization is a branch or division of a national organization and, if so, the organizations name and street address;

- (5) if the sponsoring organization is a Texas corporation, a copy of its certificate of incorporation shall be furnished; if it is a foreign corporation, a copy of its Authorized Certificate to do business in the State of Texas shall accompany the application;
 - (6) the dates and hours of the activity;
 - (7) each exact Airport Location for which request is made;
 - (8) the nature of the activity and the subject thereof; and
 - (9) the approximate number of persons who will participate in such activity.
- (b) Permits will be issued on a first come first served basis, and will be issued within three (3) business days of receipt of the application, provided the Airport staff is reasonably able to evaluate and accommodate the request within that amount of time. Permit applications may be denied, or a permit granted may be revoked, if one or more of the statements in the application is found to be untrue or contrary to the mandatory permit conditions, and any application may be denied for reasons of public safety or the impact on Airport operations. Permits will be issued for a period of not more than thirty (30) days. When an application for a permit hereunder is denied or revoked, the Legal Department will, within five (5) business days of the denial or revocation, furnish the Applicant a written explanation of the reasons for the denial or revocation.

SEC. 3-25. MANDATORY PERMIT CONDITIONS.

Permittees, other than the Airport Board or a representative of the Airport Board, will not be permitted to conduct the activity for which the Permit is issued:

- (a) in Airport roadways;
- (b) inside airline gate departure lounges;
- (c) in areas restricted to airline or Airport personnel;
- (d) in restrooms;
- (e) in premises leased to a concessionaire;
- (f) in stairwells, staircases, elevators, or escalators;
- (g) in baggage claim areas;

- (h) in any area temporarily or permanently restricted for security or construction reasons to necessary personnel;
- (i) within twenty (20) feet of any ticket counter, departure lounge, check-in counter, baggage check-in counter, or security screening check point;
- (j) to any person waiting in line at those areas listed above or loading or unloading baggage from a public or private vehicle;
- (k) inside any passenger terminal building if prohibited by this Code;
- (l) in parking garages or parking areas;
- (m) using tables, chairs, easels, or any other structural elements;
- (n) using sound or voice amplification systems, musical instruments, radio communications systems, or other mechanical sound devices, donation boxes, or vending machines while conducting permitted activities; or
- (o) that interferes with free movement of pedestrian traffic or in any manner that assails, coerces, threatens, or physically disturbs any other person.

While engaging in a permitted activity, a permit holder or a designee must be present at the location for the duration of the permitted activity and wear a badge, nameplate, card, or other personal identification on the upper torso and clearly visible to the public. That identification must state the true and correct legal name of the person and the organization or cause represented.

SEC. 3-26. DISTRIBUTION OF LITERATURE.

- (a) No literature may be disseminated in the secure or sterile area of an Airport Terminal.
- (b) Nothing herein prohibits the distribution of literature by or on behalf of the Airport Board on Airport property.

SEC. 3-27. SOLICITATION OF FUNDS.

- (a) A person commits an offense if he solicits funds for himself or on behalf of another without a permit from the Airport Board. Solicitation of funds includes any oral or written request for money or other things of value, in person or by drop-in device, even if the solicitation seeks delivery of funds at another time or another place. Solicitation of charitable donations is never permitted inside a terminal, not even for tenants or permittees.

- (b) This prohibition does not include airlines or concessionaires selling goods or services pursuant to an airline agreement or concession permit. All persons, including airlines and concessionaires, are prohibited within an airport passenger terminal from soliciting funds or other things not authorized by their agreements or permits.

SEC. 3-28. SURVEYS.

- (a) No person may conduct a survey within a passenger terminal, except for:
 - (1) an Airport tenant in that part of an Airport passenger terminal exclusively leased to that tenant; and
 - (2) the Airport Board or its designees.

SEC. 3-29. PICKETING.

- (a) Permittees may not carry pickets, devices, or similar signs with a dimension that exceeds the Permittee's height or width. Any conflict between this rule and applicable State law shall be resolved in favor of State law, provided that State law impresses more stringent requirements on the conduct regulated hereby.
- (b) Picketing may be conducted only in the following areas:
 - (1) Sidewalk near Terminal A upper level, between A8 and A10;
 - (2) Sidewalk near Terminal B upper level, between B43 and B47;
 - (3) Sidewalk near Terminal C upper level, between C35 and C38;
 - (4) Sidewalk near Terminal D upper level, between D28 and D29;
 - (5) Sidewalk near Terminal E upper level, between E1 and E2;
 - (6) Other areas of the Airport which the CEO deems conducive to the safety, security, and operations of the Airport.