

**FORT WAYNE-ALLEN COUNTY AIRPORT AUTHORITY  
RESOLUTION NO. 11-06**

**WHEREAS**, on November 15, 2010, the Fort Wayne-Allen County Airport Authority Board (“Board”) adopted Resolution No. 10-06, entitled “Rules Regulating Time, Place and Manner of Expressive Activities, Literature Distribution and Solicitation at Fort Wayne International Airport (“Resolution No. 10-06”); and

**WHEREAS**, the Board wishes to make changes to the rules contained in Resolution No. 10-06, to maintain safety and order in the terminal at Fort Wayne International Airport, while attempting to avoid unnecessary litigation.

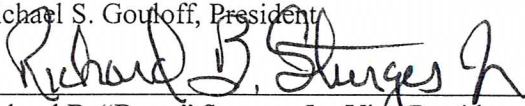
**NOW THEREFORE, BE IT RESOLVED** that:

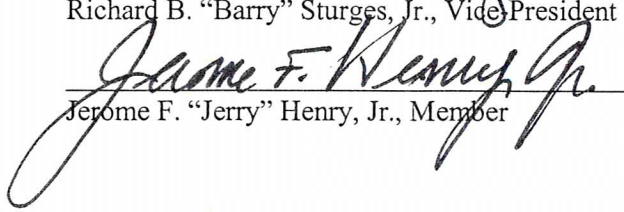
1. Resolution No. 10-06 is hereby repealed in its entirety.
2. The rules set forth in Exhibit “1” attached hereto and incorporated herewith by reference are hereby adopted.
3. By adopting this resolution, the Board does not intend to make Fort Wayne International Airport a designated public forum, as that term has been defined by the United States Supreme Court.
4. This resolution shall be effective immediately upon passage.

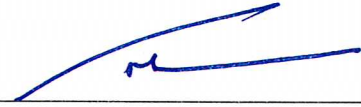
Adopted this 21<sup>st</sup> day of March, 2011.

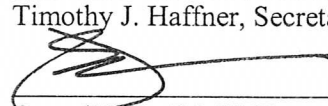
ABSENT

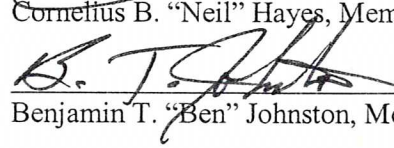
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Michael S. Gouloff, President

  
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Richard B. “Barry” Sturges, Jr., Vice-President

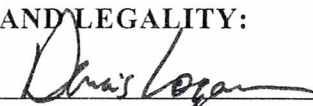
  
\_\_\_\_\_  
Jerome F. “Jerry” Henry, Jr., Member

  
\_\_\_\_\_  
Timothy J. Haffner, Secretary

  
\_\_\_\_\_  
Cornelius B. “Neil” Hayes, Member

  
\_\_\_\_\_  
Benjamin T. “Ben” Johnston, Member

**APPROVED AS TO FORM  
AND LEGALITY:**

  
\_\_\_\_\_  
F.L. Dennis Logan, Attorney  
Fort Wayne-Allen County  
Airport Authority

**RULES REGULATING TIME, PLACE AND MANNER OF EXPRESSIVE ACTIVITIES,  
LITERATURE DISTRIBUTION AND SOLICITATION AT  
FORT WAYNE INTERNATIONAL AIRPORT**

**PREAMBLE:** This “Rule” is intended to regulate the time, place and manner in which individuals and groups may exercise their constitutional rights to free speech at Fort Wayne International Airport (the “Airport”), which is controlled by the Fort Wayne-Alen County Airport Authority (the “Authority”), so as to ensure that the security, operational efficiency and aesthetics of the Airport’s terminal will not be impaired directly or indirectly by the use of the terminal for such free speech purposes. This Rule shall become effective immediately upon approval of a Resolution adopting the Rule and upon its execution and promulgation by the Board of Directors.

**SECTION ONE. PURPOSE:**

The Rules set forth herein are necessary for the accomplishment of the following purposes:

- (a) To ensure that persons seeking to exercise constitutional freedoms of expression can communicate effectively with users of the Airport;
- (b) To ensure adequate nearby police presence for the protection of persons exercising free speech rights at the Airport;
- (c) To restrict such activities to certain areas of the Airport’s terminal;
- (d) To protect persons using the Airport’s terminal from harassment, intimidation, and unlawful conduct on the part of persons exercising free speech rights;
- (e) To ensure the free and orderly flow of pedestrian traffic through the Airport’s terminal premises and to reduce congestion; and
- (f) To preserve and safeguard desirable aesthetic qualities and features of the Airport’s terminal.

**SECTION TWO. DEFINITIONS:**

- (a) “Expressive Activity” is defined as any protest, proselytization, propagandizement, or other communication or conveyance of an idea or ideas, or message or messages.
- (b) “Literature Distribution” is defined as the handing out or other dissemination of

documents or other material containing or setting forth language or some other form of written or printed matter, symbols or images.

- (c) “Solicitation” is defined as any request, whether spoken or communicated by conduct or some form of sign or message, for a donation, bequest or other form of grant of funds, money, negotiable instrument or other valuable asset, to the person making the request, or to any other person or group. Commercial solicitation is governed by paragraph 1.21 of 2009 Airport Rules and Regulations Ordinance No. 09-03.
- (d) “Expressive Activity”, “Literature Distribution”, and “Solicitation” does not include or refer to: communication, conveyance, document distribution or solicitation of an idea or ideas, or message or messages, that is incidental to the use of the Airport’s facilities, such as conversation, discussion or other form of contact, literature distribution or solicitation among and between travelers, persons employed at the Airport, and other persons whose primary purpose for being present at the Airport is a purpose other than exercising free speech rights; symbolic attire such as political campaign buttons or T-shirts emblazoned with logos, phrases or statements by persons whose primary purpose for being present at the Airport is a purpose other than exercising free speech rights.

### **SECTION THREE. PERMIT PROCESS:**

No person or group may engage in Expressive Activity, Solicitation or Literature Dissemination activities as defined in this Rule, on the Airport, unless they have obtained a Permit in accordance with this section.

- (a) Permits shall:
  - (1) limit Expressive Activity, Solicitation or Literature Dissemination to the Free Speech Area(s) located on Exhibit “A”, attached hereto and incorporated herein. Such location(s) may be moved at any time at the sole discretion of the Authority’s Executive Director or his/her designee (“Director”) to other area(s) on the Airport should conditions as listed in Section Five of this Rule exist or to otherwise provide for the normal operation of the Airport;
  - (2) limit Expressive Activity, or Literature Dissemination to the Free Speech Area(s) located on Exhibit “B”, attached hereto and incorporated herein.

Solicitation shall not be allowed in the areas identified in Exhibit "B" or in any other areas inside the terminal. Such location(s) may be moved at any time at the sole discretion of the Authority's Executive Director or his/her designee ("Director") to other area(s) on the Airport should conditions as listed in Section Five of this Rule exist or to otherwise provide for the normal operation of the Airport;

- (3) limit Expressive Activity, Solicitation or Literature Dissemination to the hours between 7:00 a.m. and 10:00 p.m.;
- (4) prohibit the emplacement, affixation or other attachment of any matter, written, symbolic or graphic, to any Airport structure or facility;
- (5) limit authorized Expressive Activity, Solicitation or Literature Dissemination activities to thirty (30) calendar days per permit period; and
- (6) be used solely for, and are hereby limited to the purpose set forth in the Permit. The Permit is not transferable or assignable in whole or in part.

(b) Any person, group of persons, or organization desiring to engage in Expressive Activity, Literature Distribution or Solicitation shall first obtain a written Permit therefore from the Authority's Director. To obtain such a Permit, there shall be submitted to the Director a written application on a form prepared by and available from the Director, setting forth the following information;

- (1) the full name, mailing address and telephone number of the individual person or organization sponsoring, promoting or conducting the proposed Expressive Activity, Solicitation or Literature Dissemination activities;
- (2) the subject matter of the proposed Expressive Activity, Solicitation or Literature Dissemination (must describe the topic or subject of the proposed message or idea, but need not express the viewpoint that will be communicated or conveyed);
- (3) the targeted audience for the proposed Expressive Activity, Solicitation or Literature Dissemination activities;
- (4) the number of persons that will be engaged in the Expressive Activity, Literature Distribution or Solicitation activities;

- (5) the location(s) where the proposed Expressive Activity, Solicitation or Literature Dissemination is to occur;
  - (6) the dates and hours, the person, persons or organization requesting to conduct the proposed Expressive Activity, Solicitation or Literature Dissemination activities.
- (c) Applicants shall submit their applications to the Director a minimum of two (2) calendar days prior to the date(s) of the proposed activities.
- (d) Applicants may reapply for an additional Permit as described in Section Three (b). In the event that the number of applicants desiring and permitted to use the area(s) described in Section Three (a)( 1) of this Rule exceeds three for any one period of time, the Director shall schedule each applicant's use of an area so as to apportion equally the available time at the area(s) to each applicant.
- (e) No permit shall be denied based upon the identity of the person, group of persons, or organization desiring to engage in Expressive Activity, Literature Distribution, or Solicitation nor may a permit be denied based upon the topic or content of the proposed activity.
- (f) The number of persons permitted in each Free Speech Area at any one time shall be limited to twenty.

#### **SECTION FOUR. DAY OF PERMITTED ACTIVITY**

Any person, group or organization granted a Permit shall give the Director verbal notice upon arrival at the Airport on each day that his/her/its Permit authorizes Expressive Activity, Solicitation or Literature Dissemination.

No sound or voice amplification device shall be used in connection with any Expressive Activity, Solicitation or Literature Dissemination permitted under this Rule.

No sign, heater, or any other electrical devise may be connected to any Airport electric outlet.

#### **SECTION FIVE. DIRECTOR EMPOWERMENT**

The Director is empowered to wholly or partially restrict or suspend the activities authorized under Permits issued pursuant to Section Three of this Rule in the event of emergencies that disrupt the normal operations or threaten the security of the general public, including, but not limited to, strikes affecting the operations of the Airport, aircraft, or traffic accidents, riots or

civil unrest, power failures, or other emergency conditions or circumstances that disrupt the normal operations of the Airport.

At the request of an Applicant, the Director is further empowered to designate additional free speech areas and/or shorten the permit application deadline, providing that the proposed free speech activity or the time of the proposed free speech activity does not interfere with the safe and orderly operation of the Airport and is consistent with the purposes of this Resolution, as defined by Section I, above.

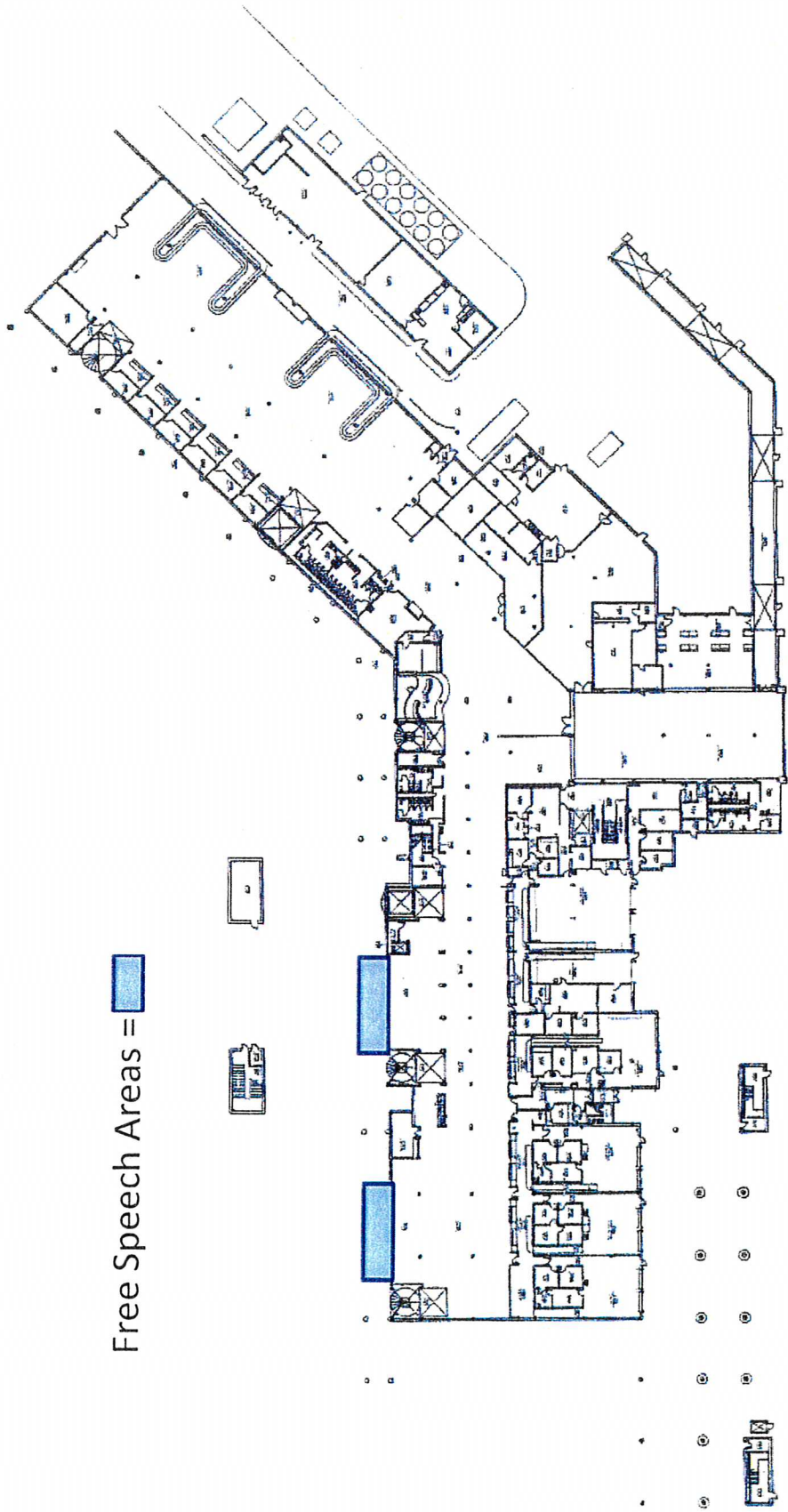
#### **SECTION SIX. APPLICABILITY**

If any portion or section of this Rule shall be declared unconstitutional by a judgment or decree or any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining portions or sections of this Rule because these portions and sections would have been promulgated without the incorporation in this Rule of any such unconstitutional portion or segment.



# EXHIBIT A

## Fort Wayne International Airport



# EXHIBIT B

## Fort Wayne International Airport

