

WILMINGTON INTERNATIONAL AIRPORT

POLICY ON FIRST AMENDMENT ACTIVITIES SOLICITING, PICKETING, SIGNATURE GATHERING, AND LEAFLETING

The New Hanover County Airport Authority (“NHCAA” or “Authority”) has the authority to adopt and amend all necessary rules, regulations, and ordinances, for the management, government, and use of the Wilmington International Airport (“ILM” or “Airport”) and any properties under its control. The Airport is neither designed nor intended as a public forum for First Amendment activities. Such activities will only be permitted in or upon the public areas of the Airport as set forth and, in the manner, prescribed by this Policy.

This Policy shall be enforced in a content-neutral manner without regard to the identity of the person or organization seeking to engage in First Amendment activities or the viewpoint of the message sought to be communicated.

This Policy is adopted to maintain and enhance the efficient operation of the Airport for the following purposes:

1. To ensure the free and orderly flow of passenger traffic through and around the Airport.
2. To ensure the efficient functioning of Airport operations and services by avoiding congestion, operational disruptions, duress and disturbance to passengers, patrons, concessionaires, tenants, and licensees.
3. To ensure the safety and security of the Airport is maintained.
4. To protect persons using the Airport from duress, fraud, harassment, intimidation, interruption, and inconvenience.
5. To protect the business operations of Airport concessionaires, tenants, and licensees.

As such, the Airport allows people to engage in free speech activity at the Airport, subject to the following rules and regulations:

1. Scope

This Policy applies to all leafleting, signature gathering, solicitation of funds, and other speech related activity at the Airport.

2. Definitions

- A. "Airport" shall mean all of the area comprising the Wilmington International Airport as set forth in the Airport Layout Plan on file with the Airport Director as now existing or as the same may be expanded and developed and shall include all of its facilities including but not limited to all Airport buildings and property, enclosed or not enclosed, under the control, management or legal ownership of the NHCAA.
- B. "Business Days" means Monday through Friday between 8:00 am and 5:00 pm.
- C. "Designated Area" shall mean a 2,500 square foot area at the end of Continental Drive and is depicted on **Exhibit A** attached hereto. An alternative Designated Area may be selected by the Airport Director to a location that will not interfere with the operations of the Airport or its concessionaires, tenants, and licensees or passenger and vehicular movements and consistent with the safety and security of the Airport where the use of the Designated Area at the requested time and date would interfere with scheduled construction activities in or near the Designated Area or there is inclement weather that would unreasonably interfere with the proposed activity.
- D. "Leafleting" includes but is not limited to the distribution of free literature such as leaflets, handbills, pamphlets, flyers, brochures, pins, buttons, badges, cards, pictures, envelopes, invitations, or any similar items.
- E. "Person or persons" includes any individual, partnership, corporation, company, association, club, joint venture, estate, trust, or any other group of individuals or combination of individuals acting as a unit.
- F. "Picketing" shall mean one or more persons marching or stationing themselves in an area in order to express or broadcast their position on an issue.
- G. "Soliciting" shall have the following meaning: To approach or otherwise personally engage with a passenger or the general public without the request, permission or invitation of such person(s), to ask for anything of value, without prior written authorization of the Airport Director.

3. Solicitation Prohibited

Soliciting as defined in this Policy is prohibited at the Airport without a current operating agreement, contract, lease, or other written agreement with the Authority or as otherwise permitted by New Hanover County Code section 8-189.

4. Leafleting, Signature Gathering, and Picketing

No person or organization shall engage in Picketing, Leafleting, or gathering signatures on a petition or similar document at the Airport except pursuant to and in compliance with a permit for such activity issued by the Airport Director or designee and in accordance with the following:

- A. Signature gathering, Picketing, and Leafleting shall occur only in the Designated Area.
- B. Persons gathering signatures, Picketing, or Leafleting shall not block, hinder, interfere, or otherwise impede passengers and employees wishing to enter or exit the Airport terminal.
- C. Persons gathering signatures or Leafleting shall not intimidate passengers or employees into signing or accepting a leaflet.
- D. Persons Picketing, gathering signatures or Leafleting shall not occupy areas designated as fire or emergency lanes and shall not occupy parking spaces.
- E. Persons engaged in Leafleting shall be responsible for picking up all discarded leaflets and properly disposing them or removing them from the Airport.
- F. Persons gathering signatures, Picketing, or Leafleting shall not intentionally grab, restrain, or in any way intimidate any person.
- G. Persons gathering signatures, Picketing, or Leafleting shall not disrupt or interfere with the free and orderly flow of pedestrian or vehicular traffic.
- H. Persons gathering signatures, Picketing, or Leafleting shall not make loud noises or create any other disturbances. Dancing and chanting is not permitted. The use of drums, cymbals, other musical instruments or any noise making devices or amplification devices capable of amplifying the human voice is not permitted.
- I. Persons gathering signatures, Picketing, or Leafleting shall not in any manner indicate to the public that he or she is an official of the Airport or in any manner misrepresent the identity of the organization he or she represents.
- J. Persons gathering signatures, Picketing, or Leafleting shall not erect any racks, tables, or other means of displaying printed materials or other items or place any chairs, boxes, or other obstructions.
- K. Persons gathering signatures, Picketing, or Leafleting shall not attach any sign, circular, or other written material to any wall, booth, post, counter, or other surface of the Airport.
- L. Persons are responsible for returning the areas used in conducting their events or activities to their original condition and are responsible for any vandalism, damage, breakage, loss or other destruction to the Airport or personal property of

- the Airport caused by that person or a participant in the person's activity. Costs will be assessed to persons for damages incurred.
- M. Persons issued a permit for gathering signatures, Picketing, or Leafleting shall indemnify and hold harmless the Airport and New Hanover County, their board members, agents and employees, from and against any and all suits, damages, claims, or other liabilities due to personal injury or death, damage to or loss of property to the Airport or to others, or for any other injury or damage arising out of or resulting from their use of the Airport.
 - N. Persons gathering signatures, Picketing, or Leafleting shall not engage in speech activities in a manner prohibited by this Policy or contrary to this Policy.
 - O. A copy of the notice of approval for the activity shall be either displayed by the persons gathering signatures, Picketing, or Leafleting or available for display upon request at all times while engaged in the activity on the Airport.
 - P. Persons gathering signatures, Picketing, or Leafleting are subject to the restrictions of New Hanover County Code section 8-15 and section 8-16.

5. Permit Required

Prior to engaging in any activity regulated by this Policy at the Airport, a person shall complete a request for permission to engage in the activity at the Airport. The request shall include the following information: The name of the person engaged in the activity, the nature of the activity, the purpose of the activity, the hours during which the activity is proposed to be conducted, the number of individuals anticipated to be involved in the activity, and the beginning and end dates of such activity.

Permission must be requested at least three (3) Business Days in advance for all activities. A request shall be considered received on a Business Day if submitted prior to 4:00 pm on a Business Day.

Upon presentation of a complete request and any documentation required by this Policy, the Airport Director or designee will issue a permit within three (3) Business Days from the date of receipt of the request if there is space available in the Designated Area for the times and dates requested and all documentation as required by this Policy has been provided. Permits shall be issued on a first come-first served basis. No permit shall be issued for a period of time in excess of fourteen (14) days.

Where Picketing is requested as a result of an exigent, sudden event occurrence where it would be unreasonable or difficult to request permission three (3) Business Days in advance, permission shall be requested at least 24 hours in advance. Upon presentation of a complete request and any documentation required by this Policy, the Airport Director or designee will issue a permit.

Upon granting permission, the Airport Director or designee shall provide the person with written notice of approval along with the time period of approval and two (2) copies of this Policy or a summary of this Policy, one copy of which shall be executed by the person and returned to the Airport Director or designee as acknowledgement by the person granted permission that they have received a copy of this Policy or a summary.

The Airport reserves the right to require accommodations, such as barricades or law enforcement presence, that may be determined necessary in light of the proposed activity. Any accommodations that may be required shall be at the expense of the person requesting to conduct the activity.

6. Revocation of Denial of Permission

If a person is denied permission, the person may appeal the denial to the Authority.

If a person has violated any of the foregoing provisions of this Policy, the permission may be revoked. Permission may be revoked in the event of a significant weather event such as a blizzard, aircraft accident, or such other event or condition under which the activity permitted creates a danger to persons or property, interferes with the orderly formation and progression of waiting lines, or interferes with passenger and employee movement, the entry to and exit from vehicles, security procedures, government inspection procedures, cleaning, maintenance, repair or construction operations. The person may appeal a revocation to the NHCAA.

An appeal shall be submitted to the Airport Director within thirty (30) days after denial or revocation. The NHCAA shall hear the appeal at the next regularly scheduled meeting of the NHCAA following the denial or revocation provided that the appeal is received at least seven (7) days prior to the meeting. The person shall be given notice of the hearing and an opportunity to present at the hearing. The person may have representation at the hearing. The NHCAA may affirm, reverse, or modify the

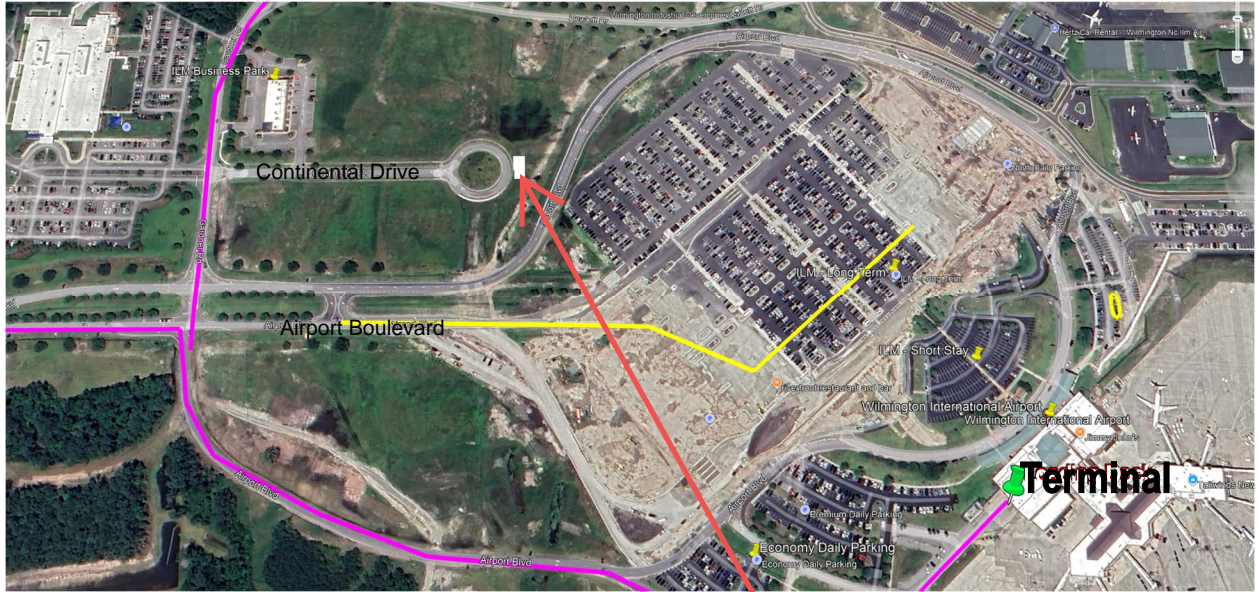
revocation or denial following the hearing. A final decision of the NHCAA is subject to judicial review.

7. Miscellaneous

The Airport will not be and shall not assume responsibility for any harm or injury suffered by persons engaging in activities regulated by this Policy at the Airport.

The presence of persons engaging in activities regulated by this Policy at the Airport does not constitute the Airport's support of or opposition to the subject matter of any free speech activity. The presence of person(s) engaging in activities regulated by this Policy at the Airport does not constitute the Airport's endorsement of the viewpoints, policies, beliefs, or political affiliations of any person engaging in the activities.

Exhibit A
Designated Area



Designated Area

