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**DEPARTMENT OF AVIATION
CLARK COUNTY AVIATION SYSTEM****OPERATING DIRECTIVES**

Title: Use of Airport Operating Directive	Number: 01-4
	Effective Date: June 1, 2001
Authority Signature: RANDALL H. WALKER, Director of Aviation 	No. of Pages: 13

OPERATING DIRECTIVE 01-4: USE OF AIRPORT***A. GENERAL RESTRICTIONS******1. Commercial Photography, Film, and Recordings***

No person, unless authorized in writing by the Director or designee, shall:

- a.*** Take still, motion, or sound motion pictures or sound records or recordings of voice or otherwise for commercial, training or education purposes, other than news coverage, or use of electronic amplification devices in public areas of the terminal or on the public areas of any facility under the administration of the DOA;
- b.*** Construct or cause to be constructed any buildings or structures, additions to any such buildings or structures, or any paving, excavations, removal of soil or fill material or other improvements to land on the Airport, whether on leaseholds or elsewhere;
- c.*** Pose or distribute commercial signs, advertisements, literature, circulars, pictures, sketches, drawings, handbills, or any other form of printed or written commercial matter or material at the Airport;
- d.*** Commission, install or display any work of art on any Airport property;
- e.*** Use electronic amplification devices;
- f.*** Load cargo on or unload cargo from an aircraft, other than in designated areas;
- g.*** Construct or install any sign, unless such sign is a traffic-control device within a leasehold area and is in conformity with State and County regulations; unless otherwise provided in a lease or other written lease, agreement, or permit.

As a condition of authorization, the DOA may require reimbursement for its costs of personnel, equipment and/or supplies used in the support of such activities and may impose fair and equitable rental rates for extended use of any space under the administration of the DOA.

2. *Storage of Property*

Unless otherwise provided in a lease or other written agreement or permit, no person shall use any area of the Airport for storage of cargo, aircraft, vehicles, motor vehicles, mobile equipment or other property without prior written permission of the Director or designee. If such person uses such area for storage without first obtaining permission, the Director of Aviation shall have such property removed at the risk and expense of the owner of consignee thereof. Any property left beyond a reasonable time as determined by the Director of Aviation or designee, may be considered abandoned by owner. The Department of Aviation may then dispose of the property without further responsibility or liability to owner.

No person shall load cargo on or unload cargo from an aircraft, other than in designated areas established by Operational Directive issued by the Director of Aviation, or in areas totally contained within an established leasehold or restricted area, which are authorized for such activity.

3. *Signs and/or Works of Art*

No person, unless authorized in writing by the Director of Aviation, shall erect, install, operate, nor cause or permit to be erected, installed, or operated upon the Airport, other than in areas specifically designated by the Director of Aviation or designee, any signs or other similar advertising devices for its own business, unless such sign is a traffic-control device within a leasehold area and is in conformity with State and County regulations. County reserves all rights to establish any advertising signs located on the Airport and/or within designated areas surrounding the Airport.

Any identifying signs erected, installed, operated or attached to the Airport will require the prior written approval of the Director of Aviation or designee. Such approval may consider and provide conditions concerning factors including, but not limited to size, type, content, and method of installation.

No person shall commission, install or display any work of art without the prior written approval of the Director of Aviation or designee and without a full written waiver by the artist of all rights under the Visual Arts Rights Act of 1990, 17 U.S.C. (Sections 106A and 113).

B. NON-COMMERCIAL/FIRST AMENDMENT RIGHTS ACTIVITIES

The primary purpose of the Airport is to facilitate air travel. The Airport's terminals and parking areas and the sidewalks adjacent to the terminals and parking areas are not public fora. Some First Amendment activities must, by law, be accommodated to at least some extent at the Airport. It is the declared intent of Clark County to not allow the Airport to become a public forum for dissemination, debate or discussion of political, social or religious issues as far as permitted by law. Permission by the County or an authorized agent thereof, expressly or by implication, to enter upon or use the Airport or any part thereof, for non-commercial purposes or to conduct First Amendment Rights activities shall be conditioned upon compliance with the Airport Rules and Regulations and the Clark County Code.

1. Restrictions

The Director shall have the authority to prescribe from time to time restrictions applicable to First Amendment activities at the Airport. All restrictions prescribed by the Director shall be reasonable and appropriate, and made only after a finding by the Director that the restrictions are necessary to avoid injury, or the likelihood of injury, to persons or property, or to assure the safety and orderly use of the Airport facility by the public. Such restriction may include, but not be limited to, identifying specific locations of First Amendment zones in the Terminal Buildings, sidewalks and other Airport facilities, limiting the number of persons permitted in such zones, and providing a method for resolving conflicting requests for use of First Amendment zones.

2. Permits to Conduct First Amendment Rights Activities

Any person seeking to conduct or participate in labor or any other form of demonstration, including picketing, parades, marches, sit-ins and public assemblies; distributing pamphlets, books or other written, printed or graphic material; or any other First Amendment activity conducted with or directed towards passers-by in a continuous or repetitive manner ["First Amendment Rights activities"] in or upon the public areas of the Airport not occupied by a lessee shall apply to and obtain from the Director of Aviation a written permit to conduct First Amendment Rights activities.

a. Conditions of Issuance:

Permission by the County or authorized agent thereof, expressly or by implication, to enter upon or use the Airport or any part thereof, for non-commercial purposes or to conduct First Amendment Rights activities shall be conditioned upon compliance with Airport Rules and Regulations and the Clark County Code. The permit to conduct First Amendment Rights activities shall be issued upon the application to the Director of Aviation. The Director of Aviation may verify the truthfulness and completeness of the information provided on the application, and may take adequate precautions to promote the public health and safety and assure the efficient and orderly use of Airport property for its primary purpose: the facilitation of air travel.

b. Application:

The written application shall state:

- (1)** The name and address of the applicant and the applicant's legal status, i.e. natural person, partnership, corporation, association or other organization.
 - (2)** If a partnership, the names and both business and residence address of all partners.
 - (3)** If a corporation, the laws under such corporation was organized, the address of the Nevada office of such corporation, if any, and the names and addresses of all officers and directors of trustees of such corporation.
 - (4)** If an association or other organization, the principal office and place of business of the association or organization, and the names and addresses of all members of the association or organization, unless they exceed twenty in number, in which case the application shall so state, and the names and addresses of the officers of the association or organization shall be given.
- c.*** The period within which the activity is to be conducted, giving beginning and ending dates of the activity and the times of day the activity will occur.
- d.*** The names, addresses and telephone numbers of all individuals who will act as agents for the applicant on Airport property.
- e.*** A statement to the effect that, if a permit is granted, such permit will not be used or represented to be an endorsement by Clark County, Nevada, or any of its officers or employees.
- f.*** A statement whether or not the applicant (including all partners, officers, directors or trustees of the applicant) or any of its agents has had a prior permit revoked for violation of the Airport Rules and Regulations.
- g.*** The application shall be subscribed and sworn to, before an officer authorized to administer oaths, by the applicant; if a partnership, by a member of the firm; if a corporation, trust or association, by one of the officers or trustees. Immediately above his or her signature, the individual signing shall write out the following statement in his or her own handwriting: "I have carefully read the foregoing application and swear that every statement therein is true and correct."

h. If the applicant is an agent, his principal or duly authorized member, officer or trustees of his principal shall certify by endorsement on the application that the agent has been employed for the purposes outlined therein.

i. The application herein required shall be delivered to the Director of Aviation.

3. Issuance / Denial of Permits

Except for a permit to picket, the permit shall be issued promptly within three (3) working days following receipt of the application by the Director of Aviation, or the applicant shall be furnished a written statement within that same period setting forth why the permit was denied.

The Director of Aviation shall issue a permit for picketing in accordance with the provision of state law and these Rules and Regulations. The permit shall be issued or denied for cause within one (1) working day after a written application for the same has been made to the Director of Aviation.

a. Grounds for Denial:

Grounds for denial of a permit shall be any of the following:

- (1)** The applicant has not fully complied with the disclosure provisions as set forth in this Chapter.
- (2)** The applicant has made statements in the application which are not true.
- (3)** The applicant (including any partner, officer, director or trustee) or its agent has had a permit revoked for violation of the Airport Rules and Regulations within the past sixty (60) days.
- (4)** The proposed activity for which the permit is requested is commercial and subject to other provisions regulating such activity.

4. Permit / Appeals

Any applicant who is denied a permit within three (3) working days (one (1) day for picketing applications) after submission to the Director of Aviation or whose permit has been revoked may appeal in writing to the Board of Clark County Commissioners by filing an appeal with the County Clerk. The Board of Commissioners, after a hearing at a time and place set by the Board at its next regular meeting after the date of filing of such appeal, shall either grant, deny, reinstate, or refuse to reinstate such permit.

5. *Permit / Contents / Time Permit*

Permits issued under this Chapter shall bear the name and address of the permit holder who shall conduct the activity, the date issued, the dates within which the permit holder may conduct its activity, time, place and manner restrictions upon the activity, and a statement that the permit does not constitute an endorsement by the County. The number of picketers, demonstrators, or participants and areas used for these or other purposes must be specifically assigned by the Director of Aviation for such picketing or other permitted First Amendment rights activity.

a. Expiration:

Every permit granted under authority of this Chapter shall expire at the termination of the period specified on the permit, not to exceed sixty (60) days from the date of issuance.

b. Required Permit:

A separate permit is required for each program or activity.

c. Filing:

A copy of the permit and application shall be filed with the Clark County clerk for public inspection.

6. *Identification*

Each person proposing to act on behalf of a permit holder shall use as identification the permit issued by the Director of Aviation. The permit shall be issued after the applicant has identified himself or herself by means of a birth certificate, social security card, driver's license, or other lawful proof of identification, and has presented written authorization from the permit holder to act as its agent. The permit shall be carried by the person to whom it is issued at all times while he or she is engaged in any activity on behalf of the permit holder. The permit shall be surrendered to the Director of Aviation upon termination of authority to act for on behalf of the permit holder whose name appears on the permit or upon revocation of the permit for any violation of this Chapter.

7. *Specified Public Airport Areas*

Permittees shall conduct their proposed activities in or upon the specified, allowable public Airport areas, with the number of persons allowed and at such times as set forth in their permits and as otherwise may be prescribed from time to time by the Director of Aviation; however, any restrictions shall be both reasonable and appropriate and prescribed as determined by the Director of Aviation that the restrictions are necessary to avoid injury to person or to property or to assure the safe and orderly use of the Airport facilities by the air traveling public.

8. Conditions Governing Revocation of a Permit

Violation of any of the prohibited activities or a failure to abide by any required standards of conduct set forth in this Section IV of the Rules and Regulations entitled "USE OF AIRPORT" shall be sufficient cause for cancellation of the permit by the Director of Aviation upon twenty-four (24) hours notice. In the event a violation creates a threat to public safety, no advance notice of cancellation of the permit shall be required.

9. Standards of Conduct

Any person or organization (authorized permit holders) taking part in any First Amendment Rights activity, including any picketing or demonstration, shall conduct such activities in accordance with the standards of conduct, including but not limited to those standards set forth as follows:

- a.** In a peaceful and orderly manner contemplated by law, without physical harm, molestation, threat, or harassment of persons, obscenities, violence, breach of the peace or other unlawful conduct.
- b.** Without obstructing the use of the Airport by others and without hindrance to or interference with the proper, safe, orderly, and efficient operations of the Airport and activities conducted thereupon. No person may 1) intentionally operate a motor vehicle as to delay, impede, or interfere with the ability of persons or vehicles to enter or leave the Airport roadway system or 2) knowingly spread, drop, throw or otherwise disperse nails, tacks, staples, glass or other objects that may cause harm or any entrance, exit or passageway.
- c.** In strict accordance with the Department of Aviation operating procedures governing such activities on the Airport and pursuant to directions and conditions outlined in writing by the Director of Aviation in each instance.

C. PROHIBITED ACTIVITIES / CONDUCT

The following activities and conduct is prohibited in public areas of the Airport which are not occupied by a lessee if conducted by a person to or with passers-by in a continuous or repetitive manner.

1. Prohibited Areas

In order to facilitate the free and efficient movement of the large number of passengers and other people through narrow or congested areas and to provide for the safety and security of the users of the terminal buildings and parking structures, it is prohibited to conduct activities under a permit in the following areas of McCarran International Airport or in the following manner:

- a.* Sterile areas (those beyond screening checkpoints)
- b.* The bridge and esplanade areas located between the A/B security checkpoint and the mezzanine level above the baggage claim area. The Director of Aviation shall maintain a diagram outlining these areas which shall be available for inspection during normal business hours.
- c.* In any area of McCarran International Airport which is under lease to any private person, corporation or organization, without the permission of the lessee.
- d.* Within twenty (20) feet of any escalator, elevator, stairs or doorway.
- e.* Lawful picketing, marching or demonstrations on the Airport may be conducted only upon Airport public roads, rights-of-way, streets or sidewalks, in accordance with reasonable procedures established by the Director of Aviation.
- f.* It shall be unlawful to picket, march or demonstrate within any Terminal Building structure at McCarran International Airport.
- g.* It is prohibited for any person conducting activities under a permit to approach any person waiting in any ticket or baggage line or in any security screening line.

2. *Obstruction*

No permit holder or agent, while engaging in any permitted activity, shall prevent, interfere with or obstruct any person's access to, egress from, or free movement along any Airport building, hallway or passageway, airline lease area of premises, nor shall any permit holder or agent in any manner assail, coerce, threaten, offensively touch, or physically restrain or disturb any other person for any reason, nor shall such activity prevent, interfere with, hamper or curtail the conduct of business at the Airport.

3. *Unattended Materials*

The intentional leaving of any items unattended which are intended for distribution to passers by is prohibited.

4. *Solicitation / Offering Goods / Services*

No person shall offer goods or services for sale or solicit alms or contributions of funds for religious or charitable purposes within the interior areas of the Airport terminal buildings or parking structures or in other parking areas at the Airport or on the sidewalks adjacent to the terminal buildings, parking structures or other parking areas. Nothing herein is intended to prohibit the distribution of

flyers, brochures, pamphlets, books of any other printed matter as long as such distribution is not made with the intent of immediately receiving money or any other form of payment on Airport property and is conducted in accordance with these Rules and Regulations and the time, place and manner restrictions set forth in the permit issued by the Director of Aviation.

5. *Danger to Persons/Property or Interference with Formation/Progression of Traffic*

No person shall perform any ceremony, speech, song, carrying of any sign or placard, or any activity:

- a.* Which constitutes a danger to persons or property;
- b.* Which interferes with the orderly formation and progression of waiting lines;
- c.* Which interferes with any pedestrian and/or vehicular travel;
- d.* Which interferes with the issuance of tickets or boarding passes or equivalent documents for air or ground transportation and/or the entry to and exit from vehicles;
- e.* Which interferes with any luggage or cargo movement or handling; security procedures, government inspection procedures, or cleaning, maintenance, repair or construction operations.

6. *Written Materials*

No person in or upon the public areas of the Airport not occupied by a lessee shall attach any placard, sign, circular or other written material to any wall, post, counter, billboard, or any other surface nor shall any person erect any chair, table, mechanical device or other structure in said public areas.

D. *PICKETING/MARCHING/DEMONSTRATIONS*

No person shall walk in a picket line as a picket or take part in a labor or other form of demonstration including, but not limited to parades, marches, patrols, sit-ins, and public assemblies on any part of the Airport without permission from the Director of Aviation. The number of picketers and areas used for these or other purposes must be specifically assigned by the Director of Aviation for such picketing or other permitted demonstration. The Director of Aviation shall issue a permit for picketing in accordance with the provisions of state law. The permit shall be issued or denied for cause within three (3) working days after a written application for the same has been made to the Director of Aviation. Except for the time limit for issuing the permit, all of the terms and conditions of Section B, Non-Commercial / First Amendment Rights Activities of this Operating Directive, shall apply.

Any picketing or demonstrating shall be conducted as follows:

1. Conduct

In a peaceful and orderly manner contemplated by law, without physical harm, molestation, threat or harassment of persons, obscenities, violence, breach of the peace or other unlawful conduct. While taking part in any picketing or demonstration, no person may:

- a.** Intentionally operate a motor vehicle as to delay, impede, or interfere with the ability of persons or vehicles to enter or leave the Airport roadway system.
- b.** Knowingly spread, drop, throw or otherwise disperse nails, tacks, staples, glass, or other objects that may cause harm in any entrance, exit, or passageway.

2. Obstruction

Without obstructing the use of the Airport by others and without hindrance to or interference with the proper, safe, orderly, and efficient operations of the Airport and activities conducted thereupon.

3. Conditions

In strict accordance with the Department of Aviation operating procedures governing such activities on the Airport and pursuant to directions and conditions outlined in writing by the Director of Aviation in each instance.

E. ADVERTISING POLICY

No person, unless authorized in writing by the Director or designee, shall post or distribute commercial signs, advertisements, literature, circulars, pictures, sketches, drawings, handbills, or any other form of printed or written commercial matter or material at the Airport.

The privilege to advertise in or on the Airport shall be conditioned upon compliance with all limitations on advertising contained herein. All prospective advertisements are subject to review and rejection by the Director of Aviation or his designee prior to display if any advertisement does not meet the standards of acceptability set forth in any advertising policy adopted by the Board of Commissioners.

Any advertising agency with which the County contracts to sell advertising space shall be responsible for monitoring the quality of all advertisements proposed for posting in or on the Airport. In the event that said agency receives an advertisement for Airport advertising space which may violate any of the standards set forth in any advertising policy adopted by the Board of Commissioners of this policy, the agency shall refuse to sell space at the Airport for placement of that advertisement.

1. Advertising Policy and Objectives

The primary purpose of the Airport is to facilitate air travel. The Airport is not a public forum. It is the declared intent of Clark County to not allow the Airport become a public forum for dissemination, debate or discussion of political, social or religious issues to the extent permitted by law. Clark County reserves the right to control the access of advertisers to this non-public forum based upon subject matter and speaker identity in light of the purpose served by the airport.

Clark County has an obligation to maximize revenue obtained through advertising at the Airport. In order to prevent a detrimental effect on Clark County's ability to attract long term commercial advertising at the Airport, it is in the best interest of Clark County to not allow the advertising spaces at the Airport to become areas for the debate of political, social, religious or other non-commercial issues

To avoid the risk of imposing these subjects upon a captive audience, to minimize chances of abuse and to avoid the appearance of favoritism or endorsement of political candidates or political, social or religious issues, it shall be the policy of Clark County to limit the subject matter of advertising for display at the Airport to speech which proposes a commercial transaction. It shall be the objective of Clark County to maximize Airport advertising revenue while maintaining standards of decency and good taste and without infringing upon the First Amendment rights of prospective commercial advertisers.

2. Advertising/Marketing Strategy

To enhance the environment of the Airport and the reputation of the Airport and Clark County as a preeminent worldwide tourist destination, to provide mutually beneficial promotion of the businesses which are largely responsible for making the Airport the twelfth largest passenger volume airport in the country; to provide mutually beneficial promotion of Airport tenant businesses which directly contribute revenue to the Airport; and to attract and maintain long term commercial advertising from these types of businesses, it shall be the policy of Clark County to actively solicit advertisements from: hotel resort casinos; restaurants; car rental companies; airlines; tour companies; ground transportation companies; and airport tenants. Advertisements from other businesses which propose a commercial transaction may be accepted for display. To provide mutually beneficial promotion of conventions, shows and special events which bring a large number of air passengers to the Airport, short term advertising/promotional space related to such events may be made available on a preferred basis.

3. *Applicable Area*

This Policy applies to all interior public areas of any Airport terminal building and the exterior walls of any County owned Airport building or structure, including the Airport Connector Tunnel.

4. *Right of Review*

The right to advertise in or on the Airport shall be conditioned upon compliance with all limitations on advertising contained herein. All prospective advertisements are subject to review and rejection by the Director of Aviation or his designee prior to acceptance for the purpose of display if any advertisement does not meet the standards of acceptability set forth in Section 5 of this Policy. All advertising graphic designs must be submitted in sufficient detail to determine content and final general appearance to the Director of Aviation for review and approval before the application is considered.

5. *Standards of Acceptability*

Only advertisements which propose a commercial transaction are acceptable. The County will not accept an advertisement that:

- a.* is false, fraudulent, misleading, deceptive, or libelous;
- b.* relates to an illegal activity;
- c.)* contains explicit sexual material, obscene material, or material harmful to minors as these terms are defined in Clark County Code Section 12.14.010 and/or the Nevada Revised Statutes;
- d.* does not conform to prevailing advertising industry standards for similar public spaces including, but not limited to depictions of violence and/or anti-social behavior; or use of language which is obscene, vulgar, profane or scatological.

6. *Denial / Appeal*

Any advertising agency with which the County contracts to sell advertising space shall be responsible for monitoring the quality of all advertisements proposed for posting in the area described in Section 3 of this Policy. In the event that said agency receives an advertisement for Airport advertising space which may violate any of the standards set forth in Section 5 of this Policy, the agency shall refuse to sell space at the Airport for placement of that advertisement. At the option of the prospective advertiser, the decisions of the agency to refuse the advertisement may be appealed to the Director of Aviation for a final determination of the acceptability of the advertisement in question. If the Director of Aviation determines the advertisement in question to

not be acceptable, the applicant shall have the right to appeal this matter within thirty (30) days to the Board of County Commissioners after the determination is made by the Director of Aviation. If the Board of County Commissioners upholds the Director of Aviation's determination, the applicant shall have the right to file in state court a petition for writ of review of the denial of the application as provided by NRS 34.010 through 34.140.

7. *Amendments*

The County reserves the right to amend this Policy at any time at a properly noticed meeting of the Board of Commissioners. Any revisions or amendments to this Policy shall be in writing and supplied to all advertising contractors and to any Airport advertising agency. Any member of the public may obtain a copy of the McCarran International Airport Advertising Policy at the office of the Clark County Department of Aviation, 5757 Wayne Newton Boulevard, Third Floor, Las Vegas, Nevada 89111, or at the office of the Clark County Clerk - Commission Division, 500 South Grand Central Parkway, Sixth Floor, Las Vegas, Nevada 89106, during normal business days and hours.

8. *Severability*

Should any portion of this Policy be declared unlawful or unconstitutional, the remaining portions shall remain in full force and effect.

9. *Pre-Existing Non-Conforming Advertising*

Any non-conforming advertising, including public service announcements from or on behalf of private non-profit organizations, shall be permitted to remain until the lease term expires. No lease renewals or extensions will be permitted. Advertising and informational announcements by or on behalf of Clark County or other government entities are not affected by this Policy.