

Chapter 8 Commercial Activities

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ARTICLE I. GENERAL COMMERCIAL ACTIVITIES.

SEC. 8-1. COMMERCIAL ACTIVITY.

A person commits an offense if he conducts any commercial activity at the Airport without a permit, license, lease or other agreement with the Airport Board, except for the operation of aircraft. Commercial activity at the Airport includes the delivery of goods at the Airport for compensation (including rentals), the performance of services at the Airport for compensation, or the solicitation or facilitation of either type of business, regardless of how or where the solicitation or facilitation occurs. Commercial activity at the Airport specifically includes, but is not limited to, the transport of people or baggage from the Airport for compensation, and the transport of vehicles to or from the Airport for compensation. It also specifically includes the transport of people, baggage or vehicles to or from the Airport as a courtesy incidental to the parking business, the rental car business, or the hotel business.

SEC. 8-2. ADVERTISING.

A person commits an offense if he posts, distributes or displays any signs, advertisements, handbill, circular or printed or written matter of a commercial nature at the Airport or electronically advertises products or services available at the Airport without a concession or permit granted by the CEO.

SEC. 8-3. COMMERCIAL PHOTOGRAPHY AND MOVING PICTURE PRODUCTION.

- (a) A person commits an offense if he takes still or motion pictures for commercial use or public exhibition, publication, or display on any portion of the Airport grounds without a permit.
- (b) A person commits an offense if he produces any motion picture, television program or commercial advertisement on any portion of the Airport grounds without a permit.

- (c) No permits are needed for the taking of still or motion pictures or videotaping by:
- (1) Airport users for personal non-commercial purposes; or
 - (2) news media in covering news events or filming documentary productions at the Airport.
- (d) An application shall be submitted to the Airport Board at least ten (10) business days in advance of the first day sought for photographic or other similar production, and shall include the following:
- (1) the full name and street address of the applicant;
 - (2) the full name and street address of the organization sponsoring, conducting, or promoting the production;
 - (3) whether the producing organization is a branch or division of a national organization and, if so, the name and street address thereof;
 - (4) if the producing organization is a Texas corporation, a copy of its certificate of incorporation, as amended, shall be furnished; if it is a foreign corporation, a copy of its certificate to do business in the State of Texas shall accompany the application;
 - (5) the purpose of the production;
 - (6) the date or dates and hours of the production;
 - (7) the location(s) proposed for such production; and
 - (8) the total number and size of production equipment required for the production and total number of personnel.
- (e) The permit will be issued within ten (10) business days of receipt of the application; however, the permit application may be denied or a permit granted hereunder revoked if one or more of the statements in the application is found to be untrue.
- (f) Time, location and manner: When permits are granted, the following rules and standards will apply:
- (1) location: Permittees shall be escorted by Airport Board Personnel at all times and shall only be permitted to conduct the permitted activity in those locations specified in the permit.

(2) Permits will be issued for a period of not more than thirty (30) days.

(3) manner of operation:

(A) a person may not engage in such production unless he carries such permit granted under this section at all times while conducting production activities.

(B) a person conducting production activities hereunder shall, in that connection, obey all applicable state and federal laws and all applicable rules and regulations of the Airport Board. Unless specified in the permit, permittees will not be permitted to conduct the activity for which the permit is issued:

(i) in Airport roadways,

(ii) inside airline gate departure lounges,

(iii) in areas restricted to airline or Airport personnel,

(iv) in restrooms,

(v) in premises leased to a concessionaire,

(vi) in stairwells, staircases, elevators or escalators,

(vii) in baggage claim areas, or

(viii) in any area temporarily or permanently restricted for conducting or promoting the production.

(g) Grounds for denial: The Airport Board reserves the right to deny a permit based on, but not limited to, these factors:

(1) Availability of staff to escort crews into the secured area.

(2) Lack of available space

(3) The proposed photography would affect the safe and efficient operation of the Airport, disrupt travel, impair security measures, or materially increase congestion at the Airport.

(4) Preservation of public health and safety

(5) Interference with the flight operations at the Airport

- (6) Failure to comply with Federal, State or Local laws, statues, ordinances, rules and regulations governing operation and security of the Airport, including, but not limited to, regulations promulgated by the federal aviation Regulations and Transportation Security Regulations.
- (7) Construction, repair or maintenance activities at the Airport.
- (8) An Airport Emergency
- (9) The termination of a prior permit by the Applicant within the previous twelve months for failure of the Permit Holder to comply with Permit conditions.
- (10) the failure of the Applicant to pay outstanding damage claims arising out of prior Permits, or to provide security deposits, surety bonds, or liability insurance, if required.

SEC. 8-4. NEWSRACKS.

A person commits an offense if he sells or distributes any publication on the Airport premises by means of newspaper stand, racks or other similar devices, except by franchise, concession or permit granted by the Airport Board.

ARTICLE II. FOOD ESTABLISHMENTS.

SEC. 8-5. DESIGNATION OF HEALTH AUTHORITY.

The Airport Board shall by resolution designate from time to time a health authority for the purpose of ensuring minimum standards of environmental health and sanitation within the scope of that department's function.

SEC. 8-6. STATE REGULATIONS ADOPTED.

- (a) The following statutory provisions are hereby adopted by reference: Texas Board of Health's "Texas Food Establishment Rules" 25 TAC sections 229.161-229.171, 229.173-229.175; Health and Safety Code, Chapter 431-"Texas Food, Drug and Cosmetic Act"; and Health and Safety Code Chapter 341-"Minimum Standards of Sanitation and Health Protection."
- (b) A certified copy of each rule manual (above) shall be kept on file in the office of the Airport Concessions Department.

SEC. 8-7. DEFINITIONS.

All definitions in the "Texas Food Establishment Rules" are hereby incorporated by reference. In addition, the following definitions shall be understood.

HEALTH AUTHORITY shall be understood to mean the representatives of any health department or health agency designated by the Airport Board to enforce the provisions herein by resolution of the Airport Board.

SERVICE OF NOTICE shall mean a notice provided for in these rules is properly served when it is delivered to the holder of the permit or the person in charge, or when it is sent by registered or certified mail, return receipt requested, to the last known address of the holder of the permit.

FOOD ESTABLISHMENT shall mean all places where food or drink are stored, sold, commercially prepared, or otherwise handled, whether offered for sale, given in exchange, or given away for use as food or furnished for human consumption. The location of commercially packaged single portion non-potentially hazardous snack items and wrapped candy sold over the counter, or by vending machine, is excluded.

SEC. 8-8. FOOD PERMITS.

- (a) Requirement: A person commits an offense if he operates a food establishment at the Airport without possessing a current and valid health permit issued by the health authority designated by resolution of the Airport Board.
- (b) Posting: A valid permit shall be posted in public view in a conspicuous place at the food establishment for which it is issued.
- (c) Non-transference (Change of ownership): Permits issued under the provisions of this article are not transferable. Upon change of ownership of a business the new business owner will be required to meet current standards as defined herein and Texas law before a permit will be issued.
- (d) Multiple permits: A separate permit shall be required for every type food establishment and temporary food establishment whether situated in the same building or at a separate location, except that:
 - (1) lounge operations located in the same building operating under the same liquor license will not require a separate permit unless potentially hazardous food is being served; and
 - (2) establishments with minimal food handling involving limited preparation of potentially hazardous food (such as a snack bar) and under common ownership may be grouped under one permit. All

establishments with extensive food handling or open potentially hazardous foods will be required to have a separate permit.

- (e) Suspension of permit: The health authority may suspend any permit to operate a food establishment if the operation of the establishment does not comply with the requirements of this chapter, Texas laws, or the operation of the food establishment otherwise constitutes an imminent health hazard. Before a permit is suspended, the holder of the permit, or the person in charge, shall be notified in writing that their permit may be suspended and that they are entitled to a hearing, if a request for hearing is made in writing to the authority within ten (10) days from the date the notice of suspension is received. If no written request for hearing is filed within ten (10) days, the permit will be suspended. The health authority may end the suspension any time if reasons for suspension no longer exist. When a permit is suspended, food service operations shall immediately cease.
- (f) Revocation of permit: The health authority may, after providing notice and an opportunity for a hearing, revoke a permit for serious or repeated violations of any of the requirements of these rules or for interference with the health authority in the performance of its duties. Prior to revocation, the health authority shall notify the holder of the permit, or the person in charge, in writing of the reason for which the permit is subject to revocation and that the permit shall be revoked at the end of ten (10) days following service of such notice unless a written request for a hearing is filed with the health authority by the holder of the permit within the ten (10) day period. If no written request for hearing is filed within the ten (10) days, revocation will be final.
- (g) Service of notices: Notices shall be served in accordance with the definition of "service of notice", above. A copy of the notice shall be filed in the records of the health authority and in the office of the Vice President of Airport Concessions, or to such other person as may be designated by the Airport Board.
- (h) Hearings: The hearings provided for in these rules shall be conducted by the health authority at a time and place designated by it. Based upon the recorded evidence of such hearings, the health authority shall make a final finding, and shall sustain, modify or rescind any notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the office of the Airport Concessions Department and the holder of the permit, license, or certificate.
- (i) Right of appeal: Any permit holder who wishes to dispute the decision of a hearing may appeal the decision to the director of the health authority issuing the order being appealed.

- (j) Application after revocation: When a revocation of a permit has become final, the holder of the revoked permit may make written application to the health authority for a new permit.
- (k) Permit fees: Health permit fees, as established by the health authority, are due and payable directly to the health authority in the amounts and at the times specified by the health authority.

SEC. 8-9. INSPECTIONS.

- (a) Pre-operational inspection: The health authority shall inspect any food establishment prior to its beginning operation to determine compliance with this chapter.
- (b) On-going operations: The health authority shall be entitled to inspect any food establishment at any time without prior notice in order to determine compliance with this chapter.

SEC. 8-10. FOOD MANAGER CERTIFICATION.

- (a) Requirements: A person commits an offense if he operates a food establishment at the Airport without a manager, or person in charge, who possesses a valid and current food manager's certificate, or equivalent, approved by the health authority designated by resolution of the Airport Board. A certified manager, or person in charge, must be on duty during all hours of operation of any nonexempt food service establishment employing six (6) or more employees; provided that, only one certified manager, or person in charge, shall be required to be on duty during all hours of operation in each terminal building for food establishments under common ownership and operation. Only one certified manager, or person in charge, shall be required to be on duty during all hours of operation at each hotel.
- (b) Manager's certification: Upon written application and presentation of evidence of satisfactory completion of a food manager's course, equivalent training or examination as approved by the health authority, the health authority shall issue a food manager's certificate valid for three (3) years from the date of training or evaluation unless sooner revoked. Suspension or revocation of an establishment's health permit by the health authority shall constitute cause for revocation of that manager's certification. Whenever the food service operator holding the manager's certificate terminates employment, is terminated, or is transferred to another food establishment, the person owning, operating or managing the food establishment shall be allowed sixty (60) days from the date of termination or transfer of the certificate holder to comply with this section.

- (c) Exemptions from certificate requirement: Temporary food establishments and persons participating as volunteer food handlers performing charitable activities for periods of fourteen (14) days or less may be exempted from the requirement for manager's certificate. Exemptions are within the discretion of the health authority.

SEC. 8-11. OPTIONS.

Notwithstanding the provisions of this chapter which provide for grouping of food establishments under one permit, and one certified manager for food establishments under common ownership and operation, each business owner shall have the option to waive the grouping provisions and obtain one permit for each food establishment or temporary food establishment, and to maintain one certified manager, or person in charge, for each food establishment location.

ARTICLE III. POOLS AND SPAS.

SEC. 8-12. DESIGNATION OF HEALTH AUTHORITY.

The Airport Board shall by resolution designate from time to time a health authority for the purpose of ensuring minimum standards of environmental health and sanitation within the scope of that department's function.

SEC. 8-13. STATE REGULATIONS ADOPTED.

- (a) The following statutory provisions are hereby adopted by reference: Texas Department of Health Minimum Standards of Sanitation and Health Protection Measures, Chapter 341, Subchapter D, Section 341.064 and Design Standards for Public Swimming Pool Construction, 25 TAC, Chapter 337, Section 337.71 through 337.96.
- (b) A certified copy of each rule manual (above) shall be kept on file in the office of the Commercial Development Department.

SEC. 8-14. DEFINITIONS.

All definitions in the Texas Minimum Standards and Health Protection Measures and Design Standards for Public Swimming Pool Construction are hereby incorporated by reference. In addition, the following definitions shall be understood.

HEALTH AUTHORITY shall be understood to mean the representatives of any health department or health agency designated by the Airport Board to enforce the provisions herein by resolution of the Airport Board.

SERVICE OF NOTICE provided for in these rules is properly served when it is delivered to the holder of the permit or the person in charge, or when it is sent by registered or certified mail, return receipt requested, to the last known address of the holder of the permit.

PUBLIC SWIMMING POOL shall mean an artificial body of water, including a spa, maintained expressly for public recreational purposes, swimming and similar aquatic sports or therapeutic purposes.

SEC. 8-15. PUBLIC SWIMMING POOL AND SPA PERMITS.

- (a) Requirement: A person commits an offense if he operates a public swimming pool or public spa at the Airport without possessing a current and valid health permit issued by the health authority designated by resolution of the Airport Board.
- (b) Posting: A valid permit shall be posted in public view in a conspicuous place at the public swimming pool and public spa.
- (c) Non-transference (Change of ownership): Permits issued under the provisions of this article are not transferable. Upon change of ownership of a business the new business owner will be required to meet current standards as defined herein and State law before a permit will be issued.
- (d) Separate permits: A separate permit shall be required for every public swimming pool and public spa, whether situated in the same building or at a separate location.
- (e) Suspension of permit: The health authority may suspend any permit to operate a public swimming pool or public spa if the operation of the establishment does not comply with the requirements of this chapter, Texas laws or the operation of the establishment otherwise constitutes an imminent health hazard. Before a permit is suspended, the holder of the permit or the person in charge, shall be notified in writing that their permit may be suspended and that they are entitled to a hearing if a request for hearing is made in writing to the authority within ten (10) days from the date the notice of suspension is received. If no written request for hearing is filed within ten (10) days, the permit will be suspended. The health authority may end the suspension any time if reasons for suspension no longer exist. When a permit is suspended, use of the public swimming pool or public spa shall immediately cease.
- (f) Revocation of permit: The health authority may, after providing notice and an opportunity for a hearing, revoke a permit for serious or repeated violations of any of the requirements of these rules or for interference with the health authority in the performance of its duties. Prior to revocation, the health

authority shall notify the holder of the permit, or the person in charge, in writing of the reason for which the permit is subject to revocation and that the permit shall be revoked at the end of ten (10) days following service of such notice unless a written request for a hearing is filed with the health authority by the holder of the permit within the ten (10) day period. If no written request for hearing is filed within the ten (10) days, revocation will be final.

- (g) Service of Notices: Notices shall be served in accordance with the definition of "service of notice" above. A copy of the notice shall be filed in the records of the health authority and in the office of the Vice President of Commercial Development, or to such other person as may be designated by the Airport Board.
- (h) Hearings: The hearings provided for in these rules shall be conducted by the health authority at a time and place designated by it. Based upon the recorded evidence of such hearings, the health authority shall make a final finding, and shall sustain, modify or rescind any notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the office of the Vice President of Commercial Development and the holder of the permit, license, or certificate.
- (i) Right of appeal: Any permit holder who wishes to dispute the decision of a hearing may appeal the decision to the director of the health authority issuing the order being appealed.
- (j) Application after revocation: When a revocation of a permit has become final, the holder of the revoked permit may make written application to the health authority for a new permit.
- (k) Permit fees: Health permit fees, as established by the health authority, are due and payable directly to the health authority in the amounts and at the times specified by the health authority.

SEC. 8-16. INSPECTIONS.

- (a) Pre-operational inspection: The health authority shall inspect any public swimming pool and public spa prior to its beginning operation to determine compliance with these rules.
- (b) On-going operations: The health authority shall be entitled to inspect any public swimming pool and public spa at any time without prior notice in order to determine compliance with these rules.

SEC. 8-17. PUBLIC POOL/SPA MANAGER CERTIFICATION.

- (a) Requirement: A person commits an offense if he operates a public swimming pool or spa at the Airport without a manager or person in charge, who possesses a valid and current pool/spa manager's certificate or equivalent, approved by the health authority designated by resolution of the Airport Board. Pool or spa managers shall have at least one certified pool manager employed to maintain the pools/spas per location.
- (b) Manager's certification: Upon written application and presentation of evidence of satisfactory completion of a pool/spa manager's course, equivalent training or examination as approved by the health authority, the health authority shall issue a pool/spa manager's certificate valid for one (1) year from the date of training or evaluation unless sooner revoked. Suspension or revocation of an establishment's health permit by the health authority shall constitute cause for revocation of that manager's certification. Whenever the public pool/spa manager holding the certificate terminates employment or is terminated or transferred, the business shall be allowed sixty (60) days from this termination or transfer date to provide a new certificate holder.
- (c) This requirement is applicable even if pool maintenance operations are contracted to an outside company.

ARTICLE IV. BUILDING SAFETY INSPECTION PROGRAM.

SEC. 8-18 CERTIFICATE OF OCCUPANCY HOLDER SELF-INSPECTION

The holder of a certificate of occupancy for any building at DFW International Airport shall be required to comply with requirements of the Airport's Building Safety Inspection Program, as approved by the Airport Board. Certificate holders shall be required to hire professional engineers to inspect properties that are at least 30 years old for code compliance and life safety, and to submit a written report to DFW Airport code enforcement officials, detailing and certifying their findings. After the first of such inspections, certificate holders are required to obtain and submit reinspection reports every 10 years. Nothing in this inspection program shall restrict the authority of DFW Airport to perform its own inspections to determine whether repairs or other modifications are necessary. Nothing in this inspection program shall restrict the certificate holder's right to rely on grandfather privileges shall justify conditions that make any building unsafe for occupancy. The inspection reports shall be submitted within six months of the 10th anniversary of the prior report. Failure to comply with the requirements of this section shall be an offense under the Code, in addition to administrative penalties such as revocation of certificates of occupancy.