

**CITY OF CHICAGO, DEPARTMENT OF AVIATION  
AMENDED RULES AND REGULATIONS  
GOVERNING FIRST AMENDMENT ACTIVITIES  
AT THE CITY OF CHICAGO AIRPORTS  
EFFECTIVE SEPTEMBER 29, 2006**

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Whereas, from time to time, individuals and groups seek to engage in activities implicating the First Amendment, such as the distribution of literature, charitable solicitation, and peaceful picketing, at the City of Chicago's O'Hare International and Midway Airports (the "Airports"); and

Whereas, to insure safe, orderly, and efficient operation of the Airports, while allowing for such speech activities on the premises, it is necessary that such activities be subject to reasonable time, place and manner regulations; and

Whereas, such regulations are especially necessary given that Chicago's Airports are among the nation's busiest, and the post-9/11 aviation environment presents new security demands and increased congestion; now, therefore:

Pursuant to the authority vested in the Commissioner of the Department of Aviation (the "Commissioner) by Chapters 2-20 and 10-36 of the Municipal Code of the City of Chicago, I, Nuria I. Fernandez, hereby promulgate these Amended Rules and Regulations, which supercede all earlier versions, and provide as follows:

**Section 1. Activities Covered by these Regulations:**

- A. "Distribution"
  - the distribution of literature and materials for the exposition of ideas and opinions in the exercise of freedom of speech, association, assembly, and religion.
  
- B. "Solicitation"
  - the solicitation of funds on behalf of not-for-profit organizations for charitable, philanthropic, patriotic, political, or religious purposes.
  
- C. "Demonstration"
  - a gathering of persons for the purpose of expressing a group opinion to observers through use of their speech, signs, and/or expressive conduct.

**Section 2. Purposes of these Regulations:**

- A. To insure the free and orderly flow of pedestrian traffic into and through terminals in the Airports, and of vehicular traffic outside the terminals;
- B. To protect persons using the Airports from repeated communications or encounters that might be perceived as harassment or intimidation;
- C. To protect travelers from being an unwilling captive audience;
- D. To maintain security by restricting the activities allowed hereunder to public-use, non-secured areas in the Airports and by implementing additional restrictions where necessitated by increased security threats;
- E. To accommodate the requests of persons and groups to engage in such activities by providing designated areas within the Airports; and
- F. To protect the integrity of the City's contractual relationships with concessionaires and lessees at the Airports.

**Section 3. Permit Application Process.**

- A. Any person or group seeking to engage in distribution, solicitation, or demonstration at the Airports must first obtain a written permit from the Chief of Security of the Department of Aviation (the "Chief"). To obtain a permit, the applicant shall submit to the Department of Aviation (the "Department") a written permit application. The application shall be on a form provided by the Department, which shall set forth the location where such permit application shall be filed. The application shall contain the following:
  - 1. The full name, mailing address, telephone number, fax number, and email address of the person(s) or group(s) sponsoring and/or conducting the proposed activities;
  - 2. The full name, mailing address, telephone number, fax number, and email address of
    - (a) the person who will supervise and be responsible for the conduct of the proposed activities ("the responsible person"), and
    - (b) each person who will participate in such activities at the Airports under the permit sought;

3. A copy of any material proposed for distribution at the Airports, solely for informational purposes, and not for exercising any judgment on its contents; provided that the Department shall not grant a permit for the distribution of any material that is indecent or violates any federal, state or local law or regulation.
  4. A brief description of the proposed activities, including the method of communication and which type of permit is requested; i.e., whether for distribution, solicitation, or demonstration.
  5. The date(s) and time(s) of the proposed activities; provided that a permit will not be issued for a period in excess of thirty (30) days, nor for any time between the hours of 10:00 p.m. and 6:00 a.m. In addition, the application shall state the number of persons who are requested to participate at any one time (i.e., if an organization requests a permit for 20 persons, but plans to have only 5 persons present at a time).
  6. Where a permit for solicitation is requested, the application must include as an attachment reliable documentary evidence of the not-for-profit status of the charitable, philanthropic, patriotic, political, or religious organization sponsoring and/or conducting the solicitation.
  7. An undertaking by the applicant(s) to indemnify and hold harmless the City of Chicago, the Airports, the airlines, the Airports' tenants and lessees, and all their respective officials, officers, employees and agents, against any claims that arise or are made against any of the foregoing in connection with the activities of the permit holder(s) or its agents at the Airports.
- B. Within five (5) business days after the Department receives a permit application, the Chief shall issue the permit or provide a written response explaining the reasons for any denial, which shall be limited to the following:
1. Non-compliance with the permit application requirements set forth in Section 3.A. above, in which case the Department response shall explain the nature of the problem. If an applicant files another application to comply with the requirements of Section 3.A, the five-business-day review period shall start over.
  2. Insufficient space available in the areas designated for such activities at the time(s) requested, in which case the Chief shall offer the applicant, in writing, a substitute date(s) or time(s) for the permit and/or shall issue a permit for a smaller number of persons or a permit allowing participation

by a limited number of persons at any given time.

3. Any alert level higher than "Elevated" (Yellow) on the Homeland Security Advisory System issued by the United States Department of Homeland Security, with regard to security conditions for operations at the Airport(s). In such cases, based on the totality of the security situation, including the availability of security resources at the Airports in light of increased demands and requirements by the federal government, the Chief may deny a permit request for demonstrations, distributions, or solicitations in their entirety or may limit the size or scope of such activities and/or designate alternate sites for the conduct of those outside the core area of the Airports. Where a permit is denied in its entirety, where feasible, the Department shall designate a location for the posting of written information as an alternative means of disseminating the information covered by the permit request.
- C. Each permit issued shall include the name of the person who is entitled to use it, and each permit may be used only by the person to whom it is issued. The Department shall proscribe the form of identification that each permit holder shall be required to wear and display conspicuously on his or her person while engaged in the permit activities.

#### **Section 4. Permit Denial Appeal Process**

Any person whose permit request is denied in full or in part may appeal the decision to the Commissioner, by means of a letter stating the grounds therefor, within five (5) business days of receiving a response from the Chief. The Commissioner shall review the initial permit decision and the appeal, and shall issue a written decision affirming the denial or challenged limitation, or granting or modifying the permit as requested, within five (5) business days of receipt of such appeal. This decision shall be sent by certified mail to the responsible person at the address provided, with a copy by email and/or fax when provided, and shall be effective upon such service. It shall constitute a final decision of the Department, and may be appealed to an appropriate court, as provided by law.

#### **Section 5. Permitted Locations for Permit Activities**

- A. The Chief shall designate areas within the Airports' terminals where permitted distribution and solicitation may be located (as set forth on the Airports' plans in Exhibits 1 & 2 to these Regulations) and areas on the sidewalks outside the Airports' terminals where permitted demonstrations may be located (as set forth

on the Airports' plans in Exhibits 3 & 4 to these Regulations). All distributions, solicitations, and demonstrations that take place on Airports' property shall be limited to these designated areas, unless the Chief expressly designates and issues a permit for an alternative location under Section 3.B.3. of these Regulations.

- B. Each permit issued shall specify the designated area in which the covered activities may take place; provided that, the Chief may move such permitted activities from one designated area to another, upon written notice to the applicant/permit holder, when, in the judgment of the Chief, such relocations are or become necessary to the safe and efficient operation of the Airports.
- C. In addition, under no circumstances shall any distribution, solicitation, or demonstration take place in any of the following locations:
1. In any secured area.
  2. Beyond the security, hijack, or search checkpoints through which passengers and visitors are required to pass when moving toward aircraft gate positions, or within fifty (50) feet thereof.
  3. In any parking areas, roadways, restroom facilities, elevators, terminal doors (or within twenty (20) feet thereof), stairways, vestibules, and storage areas.
  4. At any ticket or baggage check-in counter.
  5. At any baggage pick-up or collection areas.
  6. Within ten (10) feet of, or within, any areas used by a concessionaire or lessee pursuant to a contract, agreement, or lease with the City of Chicago and/or the Department, except with the express permission of the concessionaire or lessee.
  7. In any portion of the O'Hare Automated Guideway Transit System, including platforms and access bridges.
- D. The Chief may order the emergency closure of one or both of the Airports, or any portion thereof, on account of emergency security, health or safety conditions, catastrophe or disaster, unusually congested or extreme weather conditions, or government orders; and all persons holding permits under these Regulations shall immediately cease all activities thereunder for the duration of the emergency closure, upon notice by the Department.

- E. When the federal government declares any alert level higher than "Elevated" (Yellow) on the Homeland Security Advisory System issued by the United States Department of Homeland Security, with regard to security conditions for operations at the Airport(s), the Chief may suspend demonstrations, distributions, or solicitations in their entirety or, based on the totality of the security situation, including the availability of security resources at the Airports in light of increased demands and requirements by the federal government, may limit the size or scope of such activities and/or designate alternate sites for their conduct outside the core area of the Airports and/or designate a location for the posting of written information as an alternative means of disseminating the information covered by the permit request

### **Section 6. Rules Governing Conduct of the Permitted Activities**

In conducting the activities governed by these Rules and Regulations, no person or group is permitted to:

- A. Obstruct, delay, interfere with the free movement of, coerce, intimidate, impede, hamper, or physically grasp at any person, including but not limited to travelers, visitors, persons who work at the Airports, and persons checking or picking up baggage.
- B. Assist or offer to assist any person in the carrying or handling of baggage.
- C. Obstruct, delay or interfere with any vehicle.
- D. State or represent that he or she or the organization is a representative of or otherwise affiliated with the City of Chicago, the Department, the Airports, or an airline.
- E. Fail to wear the required identification proscribed by the Department at any time while engaged in the permit activities.
- F. Use a sound or voice amplification device, or any noisemaker or musical instrument, since such noise may interfere with or impede the transaction of business by airlines, concessionaires, and lessees, or the safe, orderly, efficient operation of the Airports.
- G. Except for holders of a permit for solicitation under these Regulations, receive or accept any donation, contribution, gift or payment of money.

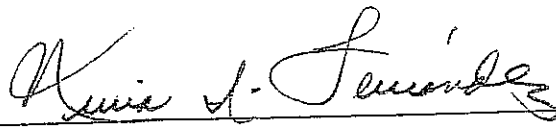
- H. Conduct any credit/debit card transaction or electronic funds transfer or any enrollment for any credit/debit transaction or electronic funds transfer. This prohibition specifically includes, but is not limited to, holders of permits for solicitation.
- I. Erect any table, chair, or other structure, and/or use any wheeled or stationary device.
- J. Store or keep any literature or other materials anywhere on the premises of the Airports, except in a carry bag, which must be carried or harnessed onto a person, so as not to extend beyond the person's body width.
- K. Carry any banners or signs that are posted on poles or sticks of any type or that exceed the following size limitation: banners or signs may be held by a person or worn on an individual's person, so long as such banners or signs do not protrude beyond the person's front or back or exceed the person's body width.
- L. Violate any federal, state or local law, regulation or policy.

#### **Section 7. Violations.**

- A. For purposes of this section, an "offense" shall mean one or more of the following: (1) a false or misleading material statement or omission on a permit application; (2) engaging in any of the activities covered by these Regulations in a location outside the area designated in the permit; (3) engaging in any of the activities covered by these Regulations without a valid permit; (4) violating any of the rules governing conduct set forth in Section 6 of these Regulations; (5) failing to cease or alter permit activities during an emergency or increased security threat, as required in Section 5.D. and 5.E. of these Regulations.
- B. Any offense that in the judgment of the Chief is substantial and did or may result in a threat to the health, safety, comfort or security of patrons and workers at the Airports shall result in (1) the immediate temporary suspension of the permit, where applicable, of the individual or group who or which committed the offense and (2) institution of proceedings for revocation of the permit, where applicable, under subsection C. below.
- C. All offenses under these Regulations are a violation of Section 10-36-350 of the Municipal Code and shall subject the offender to the fines provided in Section 10-36-370.

## Section 8. Permit Revocation Hearing Process

- A. Within one business day of a permit suspension under Section 7.B. above and/or where the Chief determines an offense has occurred and a permit should be revoked, the Department shall provide written notice thereof, by certified mail to the address provided, with a copy by email and/or fax when provided, to the responsible person (as described in Section 3.A.2.(a) hereof) and to the person(s) committing the offense, where different. Such notice shall state that a hearing on the temporary emergency suspension and/or ~~proposed revocation will take place before a duly designated representative of the~~ Commissioner. No person who has been involved in any aspect of the suspension and/or revocation decision may serve as a hearing officer. The hearing shall be set for a date within five (5) business days of the date such notice is mailed, and the permit holder shall be entitled to a continuance of up to five (5) business days upon request.
- B. At the hearing, the Department shall present evidence, including from one or more witnesses with personal knowledge of the offense. The responsible person, or his or her designee, may present documentary evidence and/or witness testimony related to the alleged offense; may be represented by counsel; and may cross-examine any witness called by the Department. The strict rules of evidence shall not apply. All testimony must be recorded, by tape or other appropriate means, and the Commissioner must preserve this record and copies of all documents related to the hearing. To revoke a permit, the Department must show, by a preponderance of the evidence, that the offense occurred. If the responsible party does not appear for the hearing, and has not requested or has already received a continuance, then the hearing officer may revoke the permit by default.
- C. Within five (5) business days following the hearing, the hearing officer shall issue a written decision stating whether the permit shall be revoked and the grounds therefor. This decision shall be sent by certified mail to the responsible person at the address provided, with a copy by email or fax when provided, and shall be effective upon such service. It shall constitute a final decision of the Department, and may be appealed to an appropriate court, as provided by law. If there was insufficient evidence for a permit revocation, any temporary emergency suspension still in effect shall be dissolved and the permit reinstated. If the decision is to revoke the permit, and the permit holder(s) is/are still engaged in distribution, solicitation, or demonstration at the Airports, the Department may serve a copy of the decision on the persons engaged in such activities and the permit revocation shall be effective immediately.
- D. Any person or organization whose permit is revoked shall not be entitled to apply for a new permit under these Regulations for a period of three months following the date of the hearing officer's revocation decision.

  
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Nuria I. Fernandez  
Commissioner

9.22.06  
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Date



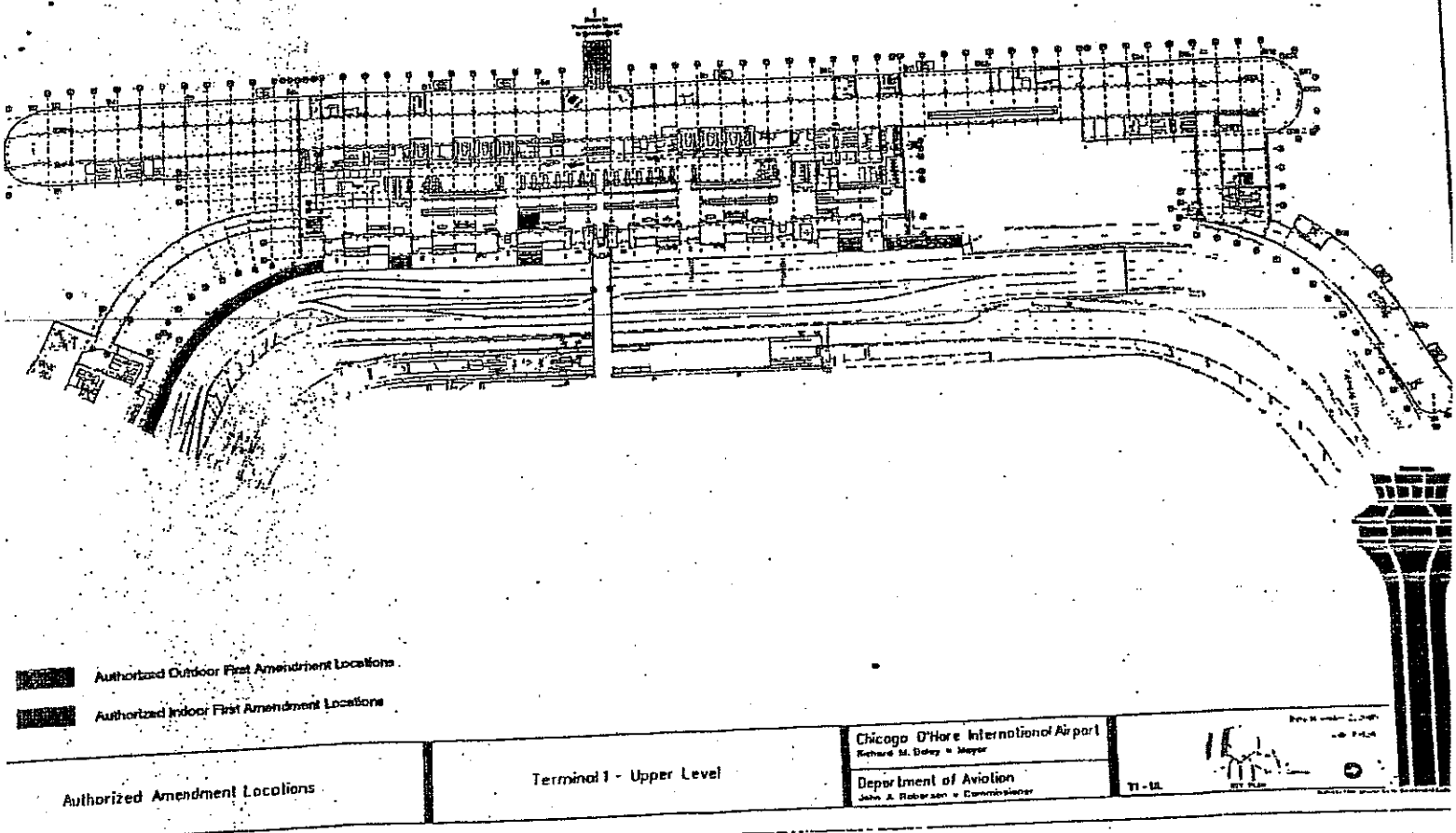
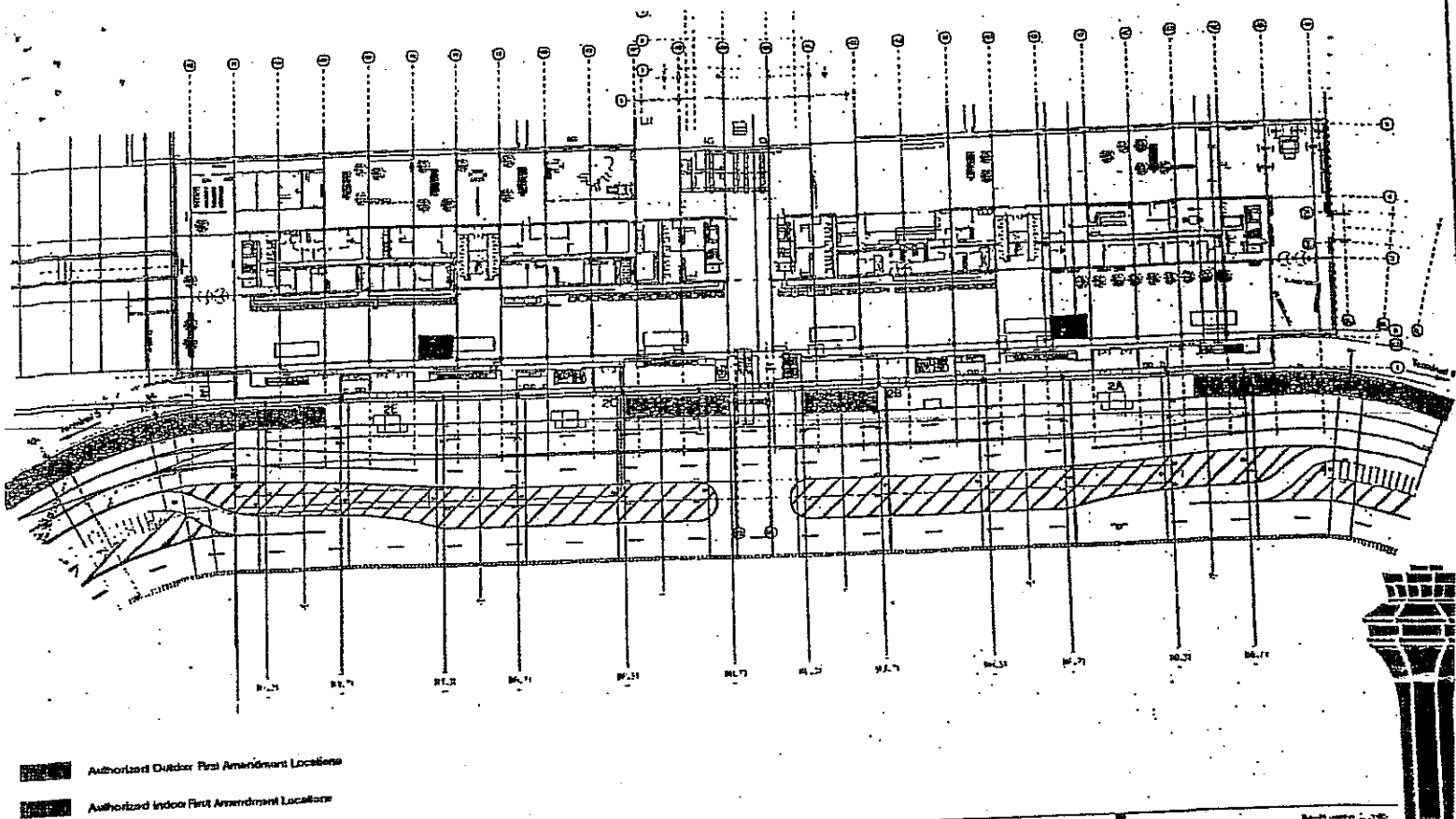




Exhibit 1



 Authorized Outdoor First Amendment Locations  
 Authorized Indoor First Amendment Locations

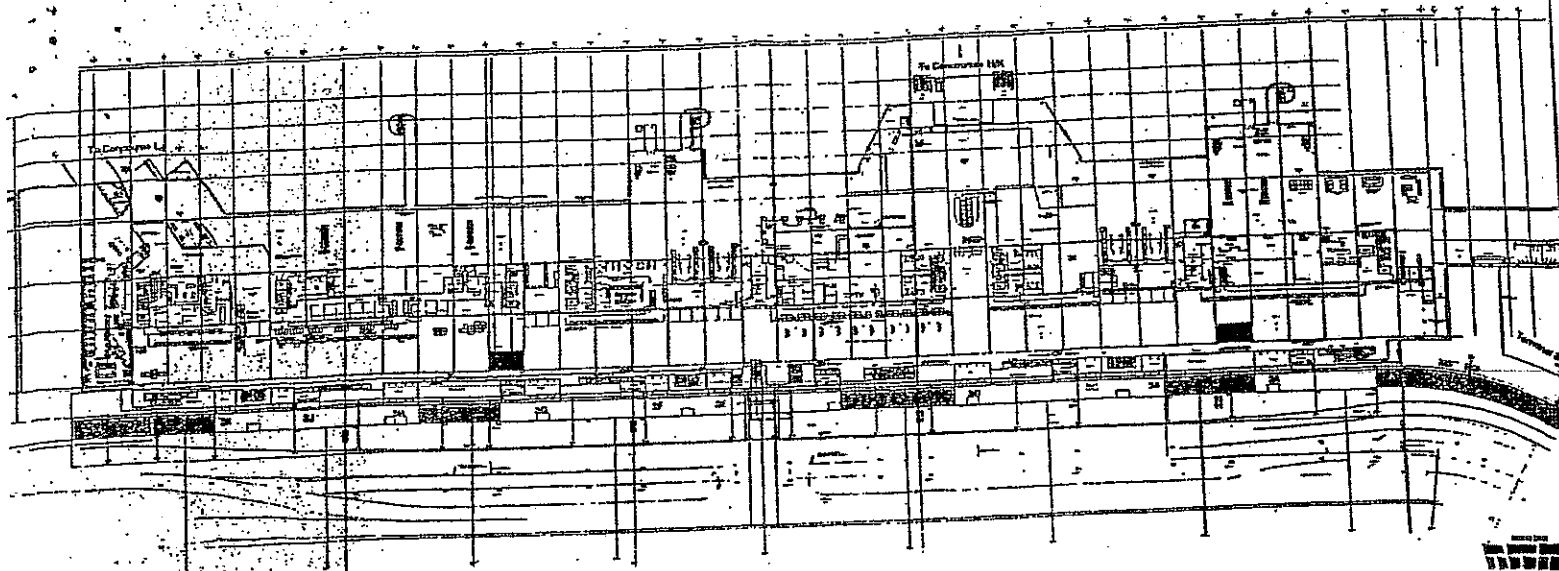
Authorized Amendment Locations



Terminal 2 - Upper Level.

Chicago O'Hare International Airport  
 Richard M. Daley - Mayor  
 Department of Aviation  
 John A. Robertson - Commissioner

March 1990  
 Title Block  
  
 T2-12

Exhibit 2



-  Authorized Outdoor Fest Amendment Locations
-  Authorized Indoor Fest Amendment Locations

Authorized Amendment Locations

Terminal 3 - Upper Level

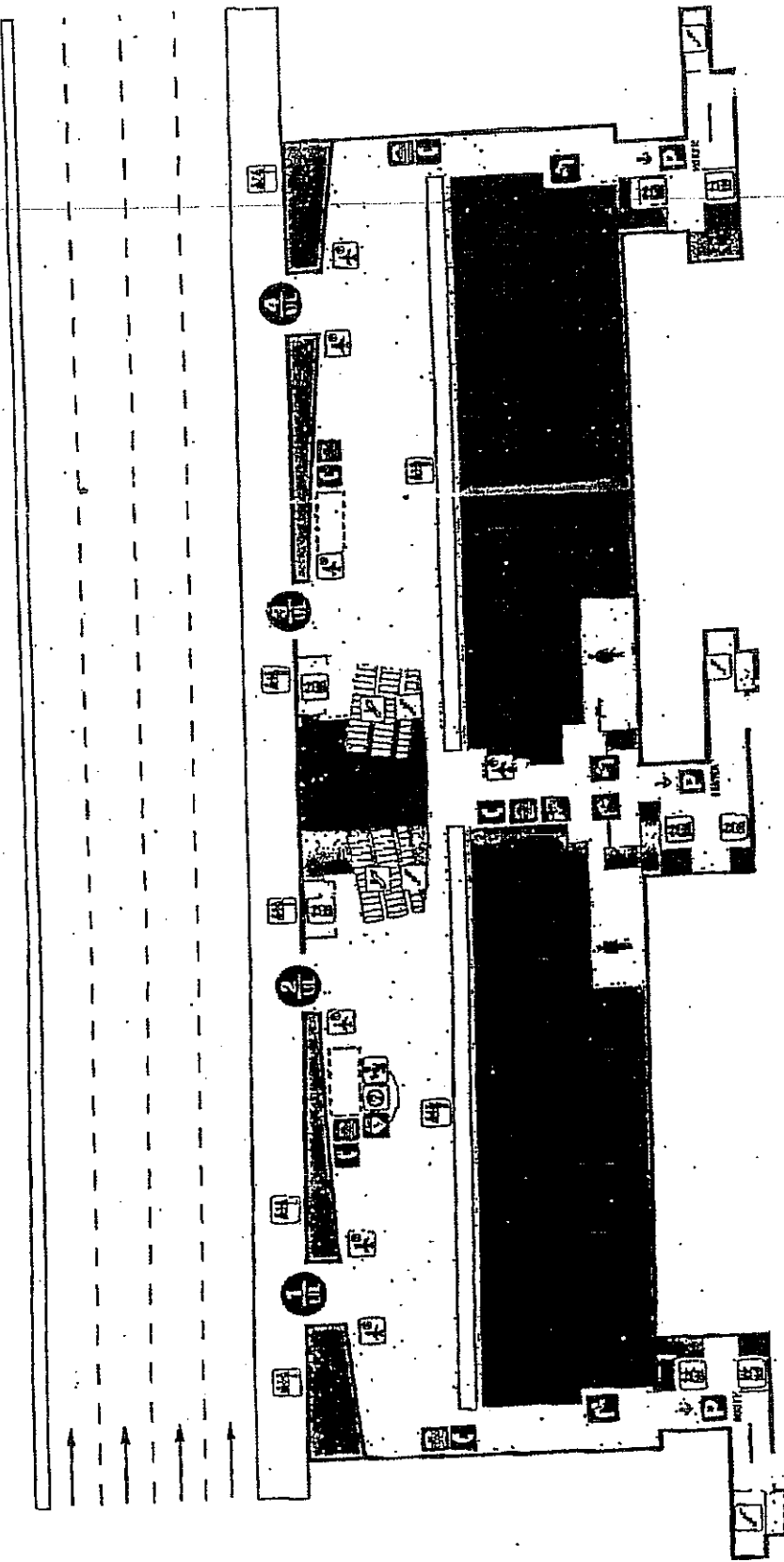
Chicago O'Hare International Airport  
 Richard M. Daley - Mayor  
 Department of Aviation  
 John A. Robinson - Commissioner



TS - UL

Exhibit 3

**3<sup>RD</sup> FLOOR LEVEL (4th level of Parking Garage)**



**Terminal Legend**

- Women's Toilet
- Men's Toilet
- Drinking Fountain
- TTY Telephones
- Telephones
- ATM Machine
- First Arrived Area

- Stair
- Escalator
- Fire Alarm
- Wheelchair Designation

**BUILDING SERVICES**

- Automatic External Dialer

**INFORMATION**

- Information
- Security Office
- Flight Information Display

**TICKETING / BAGGAGE**

- Ticketing

**TRANSPORTATION**

- Parking