

# **Chapter 8 Commercial Activities**

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**ARTICLE I.  
GENERAL COMMERCIAL ACTIVITIES.**

**SEC. 8-1. SOLICITING.**

- (a) A person commits an offense if he solicits funds or anything of value for any purpose at the Airport without a permit from the Airport Board except as provided in Chapter 3, ARTICLES III and IV of the Code and, to the extent of any operations outside the Airport boundaries, without a permit from any city in or through which such operations are conducted if such operations are lawfully regulated by such city.
- (b) A person commits an offense if he sells or offers for sale any article or merchandise on the Airport without a permit, concession, or franchise from the Airport Board.
- (c) A person commits an offense if he solicits any business or trade, including transportation of persons or baggage for hire on the Airport without a permit, concession or franchise from the Airport Board and, to the extent of any operations outside the Airport boundaries, without a license, permit or franchise from any city through which said business or trade is conducted if lawfully regulated by the ordinances of any such city.
- (d) It shall be unlawful for a parking company, off-airport parking company, off-airport valet parking company, or a service related to the storing or staging of vehicles, to transport or offer to transport its customers or its customers' vehicles within the boundaries of the Airport without a permit, concession, or franchise from the Airport Board.

**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 without a concession or permit granted by the Executive Director.

**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 Executive Director at least five (5) 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 Corporate Charter, as amended, shall be furnished; if it is a foreign corporation, a copy of its Authorized 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 three (3) 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 Dallas/Fort Worth International Airport Board. Unless specified in the permit, Permittees will not be permitted to conduct the activity for which the permit is issued:
      - (1) in Airport roadways,
      - (2) inside airline gate departure lounges,
      - (3) in areas restricted to airline or Airport personnel,

- (4) in restrooms,
- (5) in premises leased to a concessionaire,
- (6) in stairwells, staircases, elevators or escalators,
- (7) in baggage claim areas, or
- (8) in any area temporarily or permanently restricted for conducting or promoting the production.

**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 Executive Director.

**ARTICLE II.  
FOOD ESTABLISHMENTS.**

**SEC. 8-10. FOOD PROTECTION AND SANITATION.**

This section is intended to provide for the sale of only sound, properly labeled food; to establish sanitary standards for food protection and service by adopting by reference the Texas Board of Health's "Texas Food Establishment Rules" by requiring a permit for operation of food establishments and by requiring food service manager certification in food sanitation from a designated health authority.

**SEC. 8-11. 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. 8-12. 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 Director of Airport Concessions.

**SEC. 8-13. DEFINITIONS.**

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

**HEALTH AUTHORITY or REGULATORY 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.

**OWNERSHIP OF BUSINESS** shall mean the owner or operator of the business. Each new business owner or operator shall comply with these Rules and Regulations.

**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. 8-14. 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 State 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 and/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 these Rules and Regulations, State 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 SEC. 8-13, 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 Director 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 Director of Airport Concessions 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. 8-15. INSPECTIONS.**

- (a) Pre-operational inspection: The health authority shall inspect any food establishment prior to its beginning operation to determine compliance with these rules.
- (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 these rules.

#### **SEC. 8-16. 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. 8-17. OPTIONS.**

Notwithstanding the provisions of SEC. 8-14(d) and SEC. 8-16(a), 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/or to maintain one certified manager, or person in charge, for each food establishment location.

**ARTICLE III.  
POOLS AND SPAS.**

**SEC. 8-20. PUBLIC SWIMMING POOL AND SPA PERMIT PROGRAM INSPECTIONS INTENT.**

This section is intended to provide for pool safety and sanitation and to establish sanitary standards for public swimming pools and spas by adopting by reference the Texas Minimum Standards of Sanitation and Health Protection Measures and Design Standards for Public Swimming Pool Construction by requiring a permit for operation of public swimming pools and/or public spas.

**SEC. 8-21. 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. 8-22. 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 Director of Airport Real Estate.

**SEC. 8-23. 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 or REGULATORY 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.

**OWNERSHIP OF BUSINESS** shall mean the owner or operator of the business. Each new business owner or operator shall comply with these Rules and Regulations.

**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. 8-24. PUBLIC SWIMMING POOL AND SPA PERMITS.**

- (a) Requirement: A person commits an offense if he operates a public swimming pool and/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/or 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/or 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 and/or public spa if the operation of the establishment does not comply with the requirements of these Rules and Regulations, State 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 and/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, **SEC. 8-23** 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 Director of Airport Real Estate, 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 Director of Airport Real Estate 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. 8-25. INSPECTIONS.**

- (a) Pre-operational inspection: The health authority shall inspect any public swimming pool and/or 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/or public spa at any time without prior notice in order to determine compliance with these rules.

**SEC. 8-26. PUBLIC POOL/SPA MANAGER CERTIFICATION.**

- (a) Requirement: A person commits an offense if he operates a public swimming pool and/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 and/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.