

PART 40: CONDUCT OF COMMERCIAL OPERATORS USING THE AIRPORT

40.01 Compliance

Tenants, licensees, permittees, contractors, vendors, and their employees will comply with all rules and regulations pertaining to conduct of the general public while on the property or in any building at DEN, as well as all other rules that are applicable to the operation of their respective businesses.

40.02 Cleanliness of Airport

40.02-1 Users' Responsibility for Cleanliness

All tenants, licensees, permittees, contractors, vendors, and their employees are responsible for the cleanliness of their areas (i.e., keeping such areas safe, orderly, and free of debris), including Leased, Licensed, Ramp, Airfield, and Gate Areas and Joint Use Facilities, and for the removal and proper management of all waste (i.e., trash, recyclables, restaurant grease, paper, plastic, glass, aluminum cans, newspapers, pallets, and cardboard, debris, etc.) in compliance with DEN Rules and Regulations including this Part 40, Part 180, and the DEN Tenant Development Guidelines (“TDGs”). Leased, Licensed, Ramp, Airfield, and Gate Areas and Joint Use Facilities may be inspected monthly by representatives to determine the acceptability, cleanliness, and general upkeep of the areas.

40.02-2 Ground Support Equipment at Joint Use Facility

Out-of-service or non-functional Ground Support Equipment (“GSE”) should, to the maximum extent possible, be located at the Joint Use Facility for repair, and the GSE must be staged neatly. The airlines or aviation service vendors responsible for such GSE should attempt to repair and return said GSE to operational service as soon as possible. The CEO, following discussions and agreement with the airlines or aviation service vendors, may remove non-functional GSE. If the airlines or aviation service vendors find it necessary to store operational/functional equipment in the Joint Use Facility, the entity or person responsible for such equipment must adhere to the standards of Part 40.02-1.

40.02-3 Ground Support Equipment at Company Specific Site

If a tenant's, licensee's, permittee's, contractor's, or vendor's agreement with the City permits repairs at a company specific site, then all out-of-service or non-functional GSE should, to the maximum extent possible, be located at that individually contracted site for repair and returned to operational service as soon as possible. The entity or person responsible for such GSE must adhere to the standards of Part 40.02-1 and -2.

40.02-4 Drains and Environmental Conditions

No person shall allow any solid or liquid (including any new or waste restaurant fry oil) to be placed into any interior floor drains, manholes, or other sewer connections, except those fluids approved by the Denver Rules and Regulations Governing Sewage Charges, Fees, and Management of Wastewater and the Metro Wastewater Rules and Regulations, and with concurrence of DEN Environmental Services. Chemical storage must be conducted in a manner to minimize the potential for spills to reach any drains. Bulk chemical storage drums must be placed within spill pallets to contain spills and releases. In addition, no person shall allow any solid or liquid to be discharged to any exterior drain, inlet, manhole, or other storm sewer connection without first obtaining approval

from DEN Environmental Services to do so. A permit issued by Colorado Department of Public Health and Environment (“CDPHE”) is required for any discharge to a storm sewer system.

40.02-5 Handling of Waste Restaurant Fry Oil

Tenants, licensees, and or contract service providers that generate waste fry oil from cooking operations are responsible for the safe and compliant handling of this material through the Terminal or Concourses to the proper disposal receptacle. The City has contracted for a single contractor responsible for providing recycle containers on the ramp level and for the transport and recycling of the material. Tenants, licensees, and/or contract service providers are responsible for transporting the material to the centralized recycle containers in a manner that eliminates spillage. Transport of waste fry oil in 5-gallon buckets or other unsuitable containers is prohibited. Pumpable grease caddies or shortening disposal units are the only allowable transport container for this purpose. Each tenant is responsible for purchasing the unit and ensuring proper maintenance of the unit. Training must be conducted for each person responsible for transporting waste fry oil to ensure proper operation. This system will reduce spillage during transport and eliminate spillage during the transport of the material into the proper recycle container on the ramp.

40.02-6 Compliance with EMS, TDGs, and Applicable Laws

All tenants, licensees, permittees, contractors, vendors and their employees must comply with all environmental provisions contained in Part 180 of the DEN Rules and Regulations and the TDGs, as well as all applicable state, federal, and local laws and regulations.

40.03 Waste Management

The City has contracted for a single waste contractor for the removal and transport of all municipal solid waste (“MSW”) materials and transport of specific recyclable materials. Tenants, licensees, permittees, contractors, vendors, and their employees are responsible to pay for such services, either as a common charge portion of their applicable rates under Part 120 of the DEN Rules and Regulations, or, if not included, a direct billing for the services. DEN’s business partners are required to participate in the recycling and composting programs in order to reduce solid waste disposal generation and costs. In the event a tenant, licensee, permittee, contractor, vendor or their employees are not participating, additional service charges may be imposed upon that entity.

Proper disposal of all other solid waste (including municipal, special, and hazardous waste) will be the responsibility of tenants, licensees, permittees, contractors, vendors and their employees in compliance with Part 180 of the DEN Rules and Regulations, the TDGs, and all applicable state, federal, and local laws and regulations. No waste shall be disposed on DEN property.

40.04 Alterations of Airport Facilities

No tenants, licensees, permittees, contractors, vendors, or their employees shall make any alterations of any nature whatsoever to any facility, building, ramp, or other space, nor erect any building or other structure, without prior written permission of the CEO. Following such permission from the CEO, the details of all such changes and alterations must be submitted to DEN’s Design, Engineering and Construction Division and must

be in compliance with the TDGs. Alterations made in areas where fire sprinkler systems are provided shall be designed so as not to interfere with sprinkler protection.

40.05 Signage

All signage installed in public areas of DEN, including areas outside of concession locations, must be approved by the CEO and must comply with the TDGs. Scheduled airlines requesting permission to install new signs must submit a performance bond in an amount established by the CEO to cover the City's costs of signage removal and site restoration should the airline fail to do so.

40.06 Building Damage

Tenants, licensees, permittees, contractors, vendors, or their employees shall report to the CEO, as soon as reasonably practicable, any damage to, or malfunctioning of, buildings, structures, utilities or other DEN property.

40.07 Valves, Switches, Etc.

No person(s), other than authorized employees of the City or the Denver Fire Department, shall at any time move, or in any way tamper with, any valve, switch, or other fixture of any sprinkler system installed at DEN.

40.08 Wheels and Weight Loads of Wheeled Carts, Vehicles, Hand Trucks, and Dollies in the Terminal Building and Public Areas of the Concourses

40.08-1 Responsibility; Inspection; Removal of Non-compliant Vehicles

All tenants, licensees, concessionaires, and their vendors, suppliers, or contract service providers, as well as City and construction personnel, that specify the purchase of and/or use carts or wheeled vehicles in the Terminal and concourses are responsible for the types of wheels on those vehicles, and for assuring that the maximum cart load is not exceeded. The same companies or individuals are also responsible for periodic inspection of those carts and vehicles to assure that the wheels are in good condition, and for removing from service any cart that is in disrepair and could cause damage to the flooring. Each cart, or other wheeled vehicle, that does not have the approved wheels must be immediately removed from the facility and not returned to use in the facility until the proper wheels are installed. No cart or other vehicle may be operated on granite terrazzo flooring in excess of the load standard.

40.08-2 Standards

a. Materials and Conditions

The wheels of all delivery carts, dollies, hand trucks, baggage carts, riding electric carts, maintenance lift vehicles, or any other carts that are used on the finished stone and terrazzo flooring surfaces of the Terminal and the concourses must be made of soft materials with durometers of 50 to 75 Shore A range, such as polyurethane, rubber, thermoplastic rubber, pneumatic, or semi-pneumatic. Hard wheels, with durometers in the Shore D range or greater, such as phenolic, polyolefin, nylon, cast iron, and steel, are not allowed in the public areas of the Terminal and concourses. The wheels are to be kept in good condition, and must be periodically checked for embedded items, such as screws, nails, or rocks that could damage the flooring.

b. Loading

The maximum cart or other vehicle load that can be transported on the granite or terrazzo flooring without flooring protection is 400 pounds per wheel, with the loading uniformly distributed between a minimum of 4 wheels spaced a minimum of 24 inches by 48 inches apart, or as otherwise established by the City.

c. Pallet Jacks

Pallet jacks are not allowed in the public areas of the Terminal and concourses.

d. Prohibited Use on AGTS

Transportation of large or bulk merchandise, products, or equipment using wheeled carts, hand trucks, dollies, affixed wheel equipment, etc. on the AGTS is not allowed (wheeled suitcases are allowed). Delivery of these items must be via the service tunnels using an electric or Compressed Natural Gas (CNG) vehicle, or airfield surface routes. Wheelchairs (one per employee) are allowed to be transported, but must have their brakes applied and be placed at a right angle to the train motion, if applicable.

40.09 Use of Motorized Carts in the Terminal Building, Concourses, and Tunnels

No tenant, licensee, contractor, vendor, or other DEN permittee shall operate any motorized carts in the Terminal building, the concourses, or tunnels unless such vehicle displays the appropriate company logo.

40.09-1 Cart Identification

All motorized carts shall display the appropriate company logo and other signage required by the City.

40.09-2 Use of Carts

Use of motorized carts in the Terminal and concourses shall be primarily used to transport elderly customers, customers with disabilities, and families travelling with small children. Customers meeting these criteria should be given first priority to boarding electric carts. Baggage and other cargo shall be reasonably secured in the cart to prevent safety hazards to other pedestrians.

40.09-3 No Charge for Use of Carts

No charge shall be made for the carriage of passengers on motorized carts.

40.09-4 Insurance

Liability insurance covering the operation of motorized carts, other mobile equipment, or automobiles on airport property shall be maintained by the commercial operator. Specific insurance requirements are outlined in Part 230 of the DEN Airport Rules and Regulations.

40.09-5 Equipment

Each cart shall be equipped with a permanently attached, corrosive-proof, battery drip pan so as to prevent acid drips on the floor surfaces; oil and grease fittings equipped with caps so as to prevent leakage of oil and grease onto the floor surfaces; and vehicular tires

with straight tread that are non-marking on floor surfaces. Each cart shall be equipped with an acid-proof mat large enough in size to extend three (3) inches beyond the outermost edges of the cart when parked. No warning devices of any kind are allowed, except as authorized by the CEO or their designee. No such cart shall be operated unless all safety equipment thereon is in proper working condition. Inoperative carts shall be promptly repaired or removed from the Terminal, tunnels, or concourses within five (5) days if they cannot be repaired.

40.09-6 Cart Dimensions

DEN Operations has the authority to determine if a cart exceeds size dimensions to safely operate in the facility. Carts that prohibit safe operations inside the facility shall be removed from service.

40.09-7 Reserved

40.09-8 Training of Cart Drivers

Owners of electric carts shall adequately train all drivers in the operation of such carts, including familiarization with all pertinent safety rules and regulations and parking locations.

40.09-9 Reserved

40.09-10 Seating of Passengers

No motorized cart shall be operated until all persons thereon are seated.

40.09-11 Speed Limit

Electric cart speed will be governed by a factory installed, tamperproof, means. Speed limit throughout the Terminal/concourses shall not exceed a brisk walk (approximately 3.5 mph) at any time. Electric carts used in the Controlled and Secured Areas will obey speed limits established for those areas.

40.09-12 Passing Other Carts

The operator of a motorized cart shall not pass another cart proceeding in the same direction unless the front vehicle is at a full stop. When carts approach each other from opposite directions, each cart shall be driven to the right side of an imaginary centerline between the two.

40.09-13 Accidents Involving Carts

Any driver involved in an incident or in an accident with a cart shall immediately report such incident or accident involving personal injury or property damage to DEN Safety and their employer.

40.09-14 Safety

Carts will be operated in a safe and courteous manner and yield to all pedestrian traffic at all times. Drivers are not allowed to request pedestrians to yield to carts. Carts will not be operated on moving walkways or through automatic doors, and passengers must be seated at all times.

40.09-15 Suspension of Driving Privileges

A Violation Notice will be issued to a cart driver for: moving too fast in crowded areas;

demanding payment of any gratuity or tips; reckless operation of the cart; and/or operation or parking of a cart in a manner that violates any provision of this Part 40.

40.09-16 Parking of Motorized Carts

Carts may be parked by tenants in their exclusive leased area where so authorized. All other commercial users of carts in the service tunnel shall pay the monthly parking fee established by the CEO. Failure to park electric carts in approved areas will result in a Safety Violation under DEN Rule Part 35 and may lead to removal of the cart under DEN Rule 40.27 Abandoned Commercial Vehicles and Equipment.

40.10 Employee Use of Public Facilities

All tenants, licensees, permittees, contractors, and vendors shall provide reasonable, sufficient, and adequate breakrooms for their employees. This requirement can be met by either (a) the party holding a lease, license, permit, contract, or other agreement with the City (“**Covered Party**”) providing the breakroom facility within its own leasehold space or (b) where the Covered Party is a subcontractor to another Covered Party, using the primary contractor’s breakroom facilities.

A Covered Party and their employees may not use public seating, boarding areas, and lounge areas within the Terminal and concourses as breakroom space; these areas are intended for use by the general public and not as rest or lounge facilities for employees.

A Covered Party and their employees using the food courts or restaurants in the Terminal and concourses shall conduct themselves in accordance with recognized professional standards, refraining from conduct that may harm the safety, efficiency, or reputation of DEN or the City.

40.11 Reservation Display Boards

The CEO may, from time to time, establish, operate, and maintain hotel and motel reservation display boards with an automatic direct dialing service in the Terminal.

40.12 Vending Push Carts

The CEO may issue twenty-eight (28)-day permits to merchants for the operation of vending push carts in the Terminal and concourses for the sale of small non-food items which no other merchant has an exclusive right to sell at DEN. Inquiries should be made in writing to the Concessions Offices. Acceptance of any inquiry shall be at the sole and absolute discretion of the CEO and shall be done in writing. There shall be no agreement unless in writing and executed by both parties.

The total fee for a twenty-eight (28)-day permit shall be determined on a tenant-by-tenant basis. This fee must be received one (1) week prior to the commencement of the permit period. Failure to pay on the date due will result in immediate cancellation of the permit.

40.13 Purchase and Delivery of Food and Products From Unlicensed Vendors

Tenants, licensees, and or concessionaires shall not sell, or permit the sale of, food, food products, or beverages (alcoholic and non-alcoholic) in their areas by vending machines or other method, except by a concessionaire with whom the City has contracted to do so.

40.14 Pedestrians on the AOA

40.14-1 Ramp Traffic

Pedestrian traffic is prohibited on the ramp, except when performing duties related to aircraft arrivals and departures.

40.14-2 Gate Traffic

Pedestrian traffic is authorized in and around a tenant's leased area or gate area when that movement is required for the conduct of normal operations.

40.15 Travel In Authorized Areas

No individual shall travel on DEN property other than on roads, walks, or other areas established and provided for that particular class of traffic. No person shall use the roads, walks, or other areas in such a manner as to hinder or obstruct their proper use.

40.16 Airline Snow Removal Responsibilities

Each airline has the following responsibilities in connection with snow removal:

40.16-1 Monitoring

The airline shall monitor snow conditions and determine if they are within the limitations of their airline's own operating specifications.

40.16-2 Removal

The airline shall remove snow on its leasehold or licensed area. If any airline elects to plow snow in an aircraft gate area, it shall follow the ramp snow removal procedures specified in the DEN Snow and Ice Control Plan. If the snow depth is less than two inches, the City will not plow or haul snow from the ramp.

40.16-3 Snow Removal Personnel Procedures

The airline shall ensure that all personnel operating snow removal equipment comply with current security directives. Without limiting the foregoing, all equipment operators must be briefed on the following matters:

- a. Right of Way: Vehicles must give way to aircraft, emergency response equipment, and supertugs actively moving an aircraft at all times.
- b. Haul Route: Drivers must be familiar with the haul route and procedures.
- c. Radios: Drivers must maintain two-way radio contact with a company snow removal supervisor.

40.17 Pavement Deicing

40.17-1 Prior Approval

The DEN tenant or licensee must obtain prior written approval from the Director of Environmental Programs, the Senior Vice President of Airport Operations, and the Director of Field Maintenance prior to the application of any product not listed in this rule.

40.17-2 Prohibited Products

- a. The use of urea-based products is prohibited on both landside and airside pavement surfaces at DEN.
- b. Products containing chloride are strictly prohibited from use airside.
- c. Products prohibited by the FAA for deicing use shall not be used landside or

airside at DEN.

40.17-3 Approved Products

- a. Airside – The use of pavement deicers on the AOA must comply with the requirements specified in FAA Advisory Circular 150/5200-30D, Chapter 4.6.1 and any other FAA publications. Currently, the only approved products for application on airside surfaces at DEN are glycol-based fluids, potassium acetate, potassium formate, sodium formate and sodium acetate.
- b. Landside – The use of pavement deicers on landside pavement must comply with the requirements in FAA Advisory Circular 150/5200- 30D, Chapter 4 Section 6.2b Currently the only FAA approved products for application on landside surfaces at DEN are chloride-based products. However, according to FAA Advisory Circular 150/5200-30D, chloride-based products are corrosive to aircraft. They are prohibited for use on aircraft operational areas. When any corrosive chemical is used, precautions should be taken to ensure that (1) vehicles do not track these products onto the aircraft operational areas and (2) chemical trucks used for transporting corrosive chemicals are cleaned prior to transporting airside chemicals or sand.

40.18 Smarte Carte Luggage Carts

No carts may be taken into offices or other private areas of DEN not accessible to the public. Use of Smarte Carte baggage carts by commercial companies, including ground transportation permittees, airlines, or other DEN business partners, in the operation of their business is prohibited.

40.19 Failure To Pay When Due

In the event tenants, licensees, permittees, vendors, or other business entities operating at DEN are delinquent in paying to City any fees or charges for a period of five (5) business days after the payment is due, City reserves the right to charge interest on the principle amount, from the date such fees or charges became due to the date of payment, at the Federal Reserve Bank of New York prime rate in effect on the date the fees or charges became due plus four percent (FRBNY prime +4%) or 18% per annum, whichever is greater, to the maximum extent permitted by law.

40.20 Tenant Employee Organizations

40.20-1 Recognition

A DEN tenant employee organization may be recognized by the CEO if it is operated exclusively for nonprofit purposes and can demonstrate requisite formal structure by regularly reporting on its approved activities and properly accounting for its fund uses/expenditures. Recognition imparts to the organization certain privileges available only to bona fide nonprofit organizations.

40.20-2 Vending Machines

- a. A recognized tenant employee organization may own and/or operate vending machines for the use of its members, and such vending machine(s) shall not be accessible to the general public. Funds from such ownership/operation shall be entirely reserved for the organization's nonprofit purposes.

- b. Vending machines owned and/or operated by a concessionaire under contract with the City shall not be utilized to generate revenue for any tenant employee organization unless the CEO recognizes that organization. The concessionaire's contract with the City shall provide that only a recognized organization is entitled to a contribution from the gross revenues generated by the machines.
- c. A recognized tenant employee organization is eligible to obtain a permit or contract through the DEN Property Office for the purpose of establishing the organization's rights and obligations with respect to certain vending machine(s). An annual fee of one dollar (\$1.00) will be charged to the organization.
- d. A recognized tenant employee organization may be asked to demonstrate that all revenue collected by the organization is eligible for exemption from federal and state income tax pursuant to U.S. Internal Revenue Code section 501(c)(3) and Colorado law.

40.21 Telecommunications

40.21-1 Airport Premise Wiring and Communications Systems

No licensee or other DEN user shall make any modifications or connections of any nature whatsoever to the DEN Premise Wiring and Communications System (PWCS) owned and operated by the City without prior written permission of the CEO. No equipment or facilities of any kind shall be installed or otherwise occupy DEN designated telecommunications rooms or space without prior written permission of the CEO. The DEN PWCS includes, but is not limited to, the following: all copper and fiber optic backbone, station cabling, and termination systems (wireline and/or wireless based); SONET, Gigabit Ethernet, DSL, or FDDI rings supporting Local Area Networks (LANs), voice data, video systems and elements, owned and operated by the City or its telecommunications service contractor, including but not limited to: Fire Alarm Systems, Security Card Access Systems, Closed Circuit Television System, Voice Paging Systems, Public Affairs, Television System, Parking, and Ground Transportation Systems.

40.21-2 Radio/Wireless Communications Systems

No licensee or other DEN user shall install, modify, or operate any Radio/Wireless Communications System (including receive only antenna systems) anywhere on DEN without first submitting a written RF Application (current revision) to the Business Technologies – RF Communication Services Office and receiving written permission to proceed from the CEO or authorized Business Technologies – RF Communication Services Office representative. Installation (including antenna placement), modification, and operation of any radio/wireless communication system shall comply with DEN Radio Frequency (RF) Technical Standards, as amended, available from the DEN Business Technologies – RF Communication Services Office. Following such permission from the CEO or Business Technologies – RF Communication Services Office representative, the physical and technical details of all such Radio/Wireless Communications System installation, modification, and operation must be submitted for review and action to both the DEN Engineering Office and the DEN Business Technologies – RF Communication Services Office.

As used herein a “**Radio/Wireless Communication System**” is any of the following:

- a. Traditional public safety and industrial two-way radio, including airline “air to ground” and “ground to ground” systems.
- b. Trunked wide area two-way radio, such as the 800 MHz system used by the City and County of Denver for Public Safety.
- c. Fixed base station or control system providing commercial services offered by wireless communication companies, SMR (Specialized Mobile Radio), ESMR (Enhanced Specialized Mobile Radio) providers, PCS (Personal Communications System) providers, paging systems providers, and mobile data providers.
- d. Data transmission for specialized purposes on City owned and operated radio systems using frequencies assigned to the City, such as the Metro AVL system.
- e. Data transmission services including, but not limited to, microwave, point-to-point, and point-to-multipoint wireless systems.
- f. Unlicensed limited area coverage systems, including IEEE 802.x wireless access point devices/networks.
- g. Personal consumer wireless devices are not “Radio/Wireless Communication Systems,” as such term is used herein.

40.21-3 Tenant Development Guidelines

All licensees and other DEN users shall comply with the DEN TDGs and DEN policies and standards in connecting to, or modifying, the PWCS or installing, modifying, or operating Radio/Wireless Communications Systems on DEN.

40.21-4 Disconnection

Any connection, modification, installation, or operation of any telecommunications systems not in compliance with this section of the Rules and Regulations may be disconnected or shut down by the CEO at the CEO’s discretion. Such disconnection may occur without notice to the affected party if the noncomplying system is interfering with other DEN users’ systems or operations, or it is not labeled or identified sufficiently for notice to be given.

40.22 Safety Measures

40.22-1 Reflective Clothing in Certain Areas

All DEN employees, contractors, vendors, tenants, licensees, regulators, and visitors must wear, at a minimum, an American National Standards (ANSI) Class II high visibility safety vest/garment while working in or visiting the following areas: the AOA, within airport roadways and parking lots, or any maintenance or construction project. This sub rule also applies to personnel working within 15 feet of moving vehicles in the baggage tunnels.

40.22-2 Responsibilities of Employees and Supervisors

- a. Each employee shall ensure that his/her safety vest/garment is kept clean to maintain the reflectivity and visibility the garment is designed to provide. The

safety vest/garment must be worn on top of all other clothing, jackets, or garments. No employee shall be allowed to work in the areas described above without the proper safety equipment.

- b. The management of each organization covered by this rule is responsible for providing safety vest/garments to its employees and for the compliance and enforcement of this rule.
- c. DEN vehicles must have extra safety vests/garments stored in them at all times.

40.22-3 Exceptions to Rules 40.21-1 and 40.21-2

The following classes are exempt from this sub rule:

- a. Denver Police, Fire, and Paramedic personnel performing normal work functions.
- b. Personnel transiting directly and promptly between a legally parked vehicle and a building entrance for the sole purpose of reporting to work or attending a meeting, provided they are not crossing or entering areas of active vehicle or equipment operation.
- c. Personnel moving directly between adjacent building entrances or doorways via established pedestrian routes or sidewalks that are clearly separated from operational or traffic areas, and where no maintenance, construction, or vehicle activity is present.

40.22-4 Use of Personal Audio Devices

Tenants, contractors, vendors, and DEN employees are prohibited from using in-ear or over-ear headphones, earbuds, or any other personal audio or electronic devices that may impair situational awareness while operating vehicles, machinery, or equipment in DEN-operated spaces. Exceptions may be granted for essential communication and medical devices approved by DEN Operations.

40.23 Smoking Prohibition

40.23-1 Smoking Prohibited

- a. Pursuant to the Mayor's Executive Order No. 99, smoking is prohibited in all indoor public places at DEN, including bars, restaurants, and food courts. Smoking is prohibited in the tunnels and all restricted access areas.
- b. Smoking on the grounds of City-owned or managed facilities shall be regulated by the CEO in accordance with the Colorado Clean Indoor Air Act, and with an effort made to reduce exposure to second-hand vapor, a by-product of which is an aerosol that may contain harmful toxicants. Smoking on the grounds of DEN are regulated as follows:
 - 1. Smoking is prohibited within 25 feet of any building entrance, outdoor air intakes, and operable windows;
 - 2. Smoking is prohibited within 100 feet of aircraft;
 - 3. Smoking is prohibited within 100 feet of hazardous regions (fueling operations, flammable liquid storage, explosive atmospheres, combustible

storage, etc.); and

4. Smoking at DEN is allowed in designated smoking areas as follows:

- i. The CEO will identify and approve all designated smoking areas and will provide three City operated smoking areas, one per concourse, on the ramp for all tenant employees with approved security access to the non-movement area (“**City Designated Smoking Areas**”).
 - ii. The CEO may approve, and not unreasonably deny, Airlines with leased areas that request designated smoking areas inside leased space outside DEN buildings that comply with all applicable DEN, local, state, and federal requirements.
 - iii. The City will be responsible for signage and pavement markings in all approved designated smoking areas; and
 - iv. The City will be responsible for providing and maintaining non-combustible receptacles for discarding all smoking materials in City Designated Smoking Areas. Airlines will be solely responsible for all receptacles, cleaning, and maintenance of approved non joint use smoking areas within their leased space.
- c. Smoking is prohibited in City-owned vehicles.

40.23-2 Regulation of Smoking in Places of Employment

- a. Employers shall provide a smoke-free work area for every employee requesting not to have to breathe environmental tobacco smoke.
- b. Each employer having an indoor place of employment shall implement, make known, follow, and enforce a written smoking policy which shall:
 1. State that every employee has a right to work in an area free of environmental tobacco smoke. If a designated smoke-free area does not eliminate environmental tobacco smoke from the employee's work area except in food service establishments, the employer will take steps to eliminate the environmental tobacco smoke. In any dispute concerning the smoking policy, the health of the non-smoker shall take precedence. In food service establishments, employers shall accommodate an employee's request to work in the no-smoking section unless such accommodation is impractical;
 2. Prohibit smoking in auditoriums, classrooms, conference/meeting rooms, elevators, elevator lobbies, hallways, stairwells, escalators, medical facilities and restrooms; and
 3. Prohibit smoking in employee cafeterias, lunchrooms, and lounges unless separate facilities are available to non-smokers.
- c. An employer may prohibit smoking throughout an entire place of employment by posting signs required by D.R.M.C. § 24-308.

40.24 Marijuana Prohibited at Denver International Airport

40.24-1 Marijuana at Denver International Airport

It shall be prohibited to:

- a. possess, consume, use, display, transfer, distribute, sell, transport, or grow Marijuana on the grounds of DEN including, but not limited to, any building, structures, Terminal, Concourses, parking, and ground transportation facilities, roadways, land, hangers, warehouses, runways, shops, hotels, motels and administrative offices;
- b. sell, display, or advertise any product bearing the image, likeness, description, or name of Marijuana or Marijuana-themed paraphernalia; and
- c. advertise a Marijuana-related business or establishment.

40.24-2 Exceptions

Section 40.24-1(b) shall not apply to the following:

- a. Publications or other commercial print media products in which Marijuana or the image, likeness, or description thereof is incidental to the principal purpose of the publication or product;
- b. Non-commercial products containing educational materials relating to Marijuana.

40.25 Firearms and Contraband

40.25-1 Reserved

40.25-2 General Rule

It is unlawful for any person to possess or present, on or about their person or property, any loaded firearm, whether concealed or not, in the Terminal, Sterile, Secured, or Controlled areas, or while seeking to enter the Sterile, Secured, or Controlled areas at DEN.

a. Exemption

This subrule shall not apply to an official or employee of a municipality, State, or of the United States who is authorized to carry arms in the performance of the person's official duties, and who was, in fact, engaged in the performance of those duties. The CEO reserves the right to grant further exemptions to this rule for security personnel engaged by a carrier to provide security services at the airport, upon request, in their sole and absolute discretion.

The fact a person did not intentionally and/or knowingly cause the loaded firearm to be in their possession or to be presented for entry into the Terminal, Sterile, Secured, or Controlled areas of DEN, shall be no exemption to violation under this section.

40.25-3 Contraband

It is unlawful for any person to possess on or about their person or property any Contraband, as defined in DEN Rule and Regulations Part 20.11, in the Terminal, Sterile, Secured, or Controlled areas, or while seeking to enter the Sterile, Secured, or Controlled areas of DEN.

40.25-4 Proof of Violation

Prima Facie evidence of a violation of this Part 40.25 shall be deemed to exist if any person:

- a. Seeks to pass into the Terminal, Sterile, Secured, or Controlled areas of DEN while possessing a loaded firearm and/or Contraband on the person or in the person's baggage; or
- b. Has entered the Terminal, Sterile, Secured, or Controlled areas of DEN in any manner while possessing a loaded firearm on the person or in the person's baggage; or
- c. Has caused any item of baggage which contains any loaded firearm and/or Contraband to be passed through a security checkpoint; or
- d. Otherwise has possession or control over any item of baggage which contains any loaded firearm and/or Contraband, and seeks to pass the checkpoint, or enter the Sterile, Secured, or Controlled areas of DEN;

40.25-5 DEN Banned Items

It is against DEN Rules and Regulations for any person to pass through DEN- staffed employee turnstiles/portals with banned item(s) on their person or property. Banned items are marijuana in any form, psychedelic mushrooms, open alcohol containers, and synthetic urine.

40.26 Autonomous Driving Systems Notification

To ensure the safety and security of all persons and vehicles operating in all areas of the Denver Municipal Airport System, including DEN, all commercial operators seeking to utilize and/or test autonomous vehicles on Denver Municipal Airport System property, including DEN, must provide written notification to the CEO no later than sixty (60) days prior to any planned utilization or testing. The written notification shall be from the appropriate corporate official and shall contain a statement addressing the following: (i) certifying the utilization and/or testing is officially sanctioned by the company; (ii) confirming that the autonomous vehicle and planned testing meets all applicable federal, state, and local regulations or requirements; and (iii) providing evidence that the autonomous vehicle is covered under an appropriate insurance policy. The written notification must also include the following:

- a. Make, model, VIN, and year of each vehicle if available; and
- b. The areas of the Denver Municipal Airport System they wish to utilize and/or test on; and
- c. A manufacturers guide identifying necessary electric shutoff and fire suppression guidance; and
- d. A detailed description of autonomous vehicle battery system, including the make, model, and Watt-hours (Wh) of batteries to be tested; and
- e. A description of the Operational Design Domain (ODD) and limitations of the autonomous vehicle; and
- f. A summary of safety performance and incident history (if applicable).

Department of Aviation staff will review the notification and the CEO will provide a written response approving, denying, or requesting clarifying information for the testing request no later than thirty (30) days prior to the planned utilization and/or testing. The Department of Aviation reserves the right to approve, deny, and/or place restrictions deemed necessary on requests for utilization and/or testing of autonomous vehicles on Denver Municipal Airport System property.

40.27 Abandoned Commercial Vehicles and Equipment

To ensure the safety of all persons and vehicles operating in all areas of the Denver Municipal Airport System, including DEN, this policy outlines the procedures and guidelines for identifying, tagging, and disposing of abandoned commercial vehicles and equipment at DEN. Abandoned commercial vehicles and equipment pose safety and operational risks, and this policy is established to ensure the efficient management of such assets on airport premises.

40.27-1 Definitions

- a. Abandoned Vehicle: Any commercial vehicle left unattended and unclaimed on airport property for a period exceeding fifteen (15) consecutive days. An Abandoned Vehicle under this Section 40.27 does not include abandoned vehicles or automobiles that are left parked on any public parking lot at DEN that are subject to Denver Revised Municipal Code § 5-15.
- b. Abandoned Equipment: Any commercial equipment or machinery left unattended and unclaimed on airport property for a period exceeding fifteen (15) consecutive days. Abandoned Equipment under this Section 40.26 does not include personal property subject to DEN's Lost and Found protocols.
- c. Red Tag: A visible tag placed on an Abandoned Vehicle or Abandoned Equipment to indicate its status.

40.27-2 Red Tag System

Denver International Airport implements a Red Tag system to identify and manage Abandoned Vehicles and Abandoned Equipment. The system consists of the following key components:

- a. Initial Red Tag:

A Red Tag will be placed on Abandoned Vehicles and Abandoned Equipment, clearly indicating the date of tagging and a contact number for inquiries.

A photograph of the tagged vehicle or equipment will be taken and stored for reference. The City will make reasonable efforts to determine the owner of the Abandoned Vehicle or Abandoned Equipment. If DEN personnel know or suspect who the owner of the Abandoned Vehicle or Abandoned Equipment is, then a written notice will be sent to that entity via email or mailed letter. The written notice will explain the status of the Abandoned Vehicle or Abandoned Equipment and the Red Tag system described herein, including potential disposal if left unclaimed. DEN personnel may move, relocate, or otherwise store any vehicle or equipment that poses a safety or security risk or operational hindrance to DEN in its found location, regardless of the length of time the vehicle or equipment has been left in any location.

b. 15-Day Red Tag:

If the owner of the Abandoned Vehicle or Abandoned Equipment does not respond to the initial Red Tag notification, a 15-day Red Tag will be placed.

The 15-day Red Tag will include a final warning stating that if the Abandoned Vehicle or Abandoned Equipment is not removed within the next fifteen (15) days, it will be considered for disposal.

Another photograph of the tagged vehicle or equipment will be taken and stored by DEN personnel.

40.27-3 Disposal of Abandoned Vehicles and Abandoned Equipment

If the owner has not claimed the Abandoned Vehicle or Equipment within thirty

(30) days after the initial Red Tag, the airport will dispose of the unclaimed property as allowed by law.

Prior to disposal, the airport will make reasonable final efforts to contact the owner using provided contact information. If contact cannot be established, the disposal process will proceed.

40.28 Firewatch Requirement

A firewatch becomes necessary if the building's fire alarm or sprinkler systems are out of service. A firewatch permit, obtainable through the Denver Fire Department ("DFD"), is required if a system is out of service for more than ten (10) hours and for the duration of the fire alarm or sprinkler system outage.

40.28-1 Notification Requirements for Compromised Fire Alarm or Sprinkler System

All tenants leasing a City-owned building space must comply with Denver Fire Code and report all fire protection systems that have or are anticipated to be offline or out of service for ten (10) hours or more using the DFD System Down Reporting Websites below.

a. [Construction Permits](#)

b. [Operational Permits](#)

40.28-2 Reporting Procedure

In the event of a compromised fire alarm or sprinkler system, tenants must log on to the System Down Reporting Website and follow the prompts to provide required information. Tenants must notify DFD immediately upon restoration of the fully operational fire or sprinkler system through the System Down Reporting Website. Tenants are also required to notify the DEN Maintenance Control Center at 303-342-2800 or maintenancecontrol@flydenver.com at the onset of the impairment and upon complete restoration of the system.

40.28-3 Time Frame for Reporting

Failure to report the restored system within a 10-hour time frame will result in initiation of contact by the DFD Fire Prevention Division.

40.28-4 Maintenance and Repair

Maintenance on life safety systems must be performed by a contractor licensed through the DFD Fire Prevention Division. Systems out of service during maintenance or

modification without a Firewatch permit must not exceed ten (10) hours, and firewatch must be provided in affected areas.

40.28-5 Tenant's Responsibility

The tenant is responsible for providing firewatch personnel as required by the fire code official. The tenant must ensure that firewatch personnel are properly trained and that they are granted appropriate access to all areas of the site requiring coverage.

If the fire code official determines that uniformed City firefighters are required to perform the firewatch, the tenant shall be responsible for compensating those personnel at the rate established by the Executive Director of Safety.

40.28-6 Firewatch Permit Requirements

Firewatch permits are required as per Section 105.6.58 of the Denver Fire Code Amendments. DFD licenses are required for the design, installation, modification, inspection, and testing of life safety and conveyance systems and equipment.

40.28-7 Firewatch Permit Application

Firewatch permits can be applied for via E-Permits – Accela Citizen Access. Notification of fees and payment instructions will be sent via email when permits are ready to issue.

40.29 Knox Box and Emergency Access Requirements

40.29-1 Tenant Knox Box Requirement

All tenants, licensees, permittees, and other leaseholders of City-controlled spaces are required to install and maintain a Knox Box or equivalent rapid entry system in accordance with the National Fire Protection Association (“NFPA”) Fire Code. The Knox box must contain current keys for associated leased area.

40.29-2 DEN Maintenance Lock Box Requirement

In addition to the tenant Knox Box, all tenants, licensees, permittees, and other leaseholders of City-controlled spaces are required to allow a secondary City provided and installed standardized lock box adjacent to or integrated with the tenant Knox Box. This DEN maintenance lock box shall contain a separate set of master keys designated for DEN-authorized maintenance personnel to allow emergency access during facility maintenance emergencies, including after-hours incidents, utility failures, or access-critical repair needs.

40.29-3 Maintenance and Compliance

All tenants, licensees, permittees, and other leaseholders of DEN-controlled spaces Shall:

- a. Ensure all keys in both the tenant's Knox Box and the DEN maintenance lock box are current and operational.
- b. Notify DEN Maintenance Control within 24 hours of any changes to locksets or access credentials.
- c. Permit regular inspections of the Knox Box by the City or DFD to verify code compliance and functionality.
- d. Coordinate with the City to ensure standardized installation and facilitate

updates as needed to maintain compliance with applicable fire code and security standards.

40.29-4 Applicability and Enforcement

This requirement applies to all tenants, licensees, permittees, and other leaseholders of DEN-controlled spaces. Tenants, licensees, permittees, and other leaseholders of DEN-controlled spaces failing to comply with this requirement may be subject to corrective action under Part 15 of the DEN Rules and Regulations and may also be referred to DFD for enforcement under the NFPA and Denver Fire Code.

40.30 Fixed Base Operators

40.30-1 General Provisions

- a. Applicability. The minimum standards outlined in this Section 40.30 apply to all Persons seeking to operate and are operating as a Fixed Base Operator at the Airport.

40.30-2 Application

- a. Application Materials. In responding to a request for proposals or in sending an unsolicited request to operate as a Fixed Base Operator at the Airport, an FBO Applicant must submit, at a minimum, the following information to the City:
 - i. A letter from the FBO Applicant with the following information: (1) the FBO Applicant's legal entity name, contact information, and corporate headquarters, and (2) a list of the proposed services to be provided at the Airport; and
 - ii. If responding to a request for proposals, all required documents and information listed in the request for proposals.
- b. Request for Additional Information. In the event the City determines, in its sole discretion, that it requires additional information before making a final determination, the City shall send the FBO Applicant a written request for additional information. The FBO Applicant shall submit the requested additional information to the City within a reasonable time period of the City's request. In the event the FBO Applicant fails to submit the requested additional information to the City within a reasonable time period given the nature of the request, the application will be considered rescinded without the need for further action on either party's behalf.

40.30-3 Minimum Standards

- a. Minimum Standards. All Fixed Base Operators at the Airport shall meet the following minimum standards:
 - i. An initial minimum capital investment for improvements at the Airport in the amount of \$18,000,000.00, as the City may adjust from time to time to account for inflation;
 - ii. A commitment to provide the approved services on a 24-hour, 7-day a week basis;
 - iii. A ground lease of at least 10 acres of land at the Airport that would support all approved services;

- iv. An initial ground lease term of at least 20 years; and
 - v. Insurance covering the Fixed Base Operator in the amounts and types required pursuant to Section 230.
- b. City Determination. Notwithstanding anything in this Section or the other DEN Rules to the contrary, the City reserves the right to determine, in its sole discretion, whether an FBO Applicant's proposal will meet the minimum standards set forth in this Section 40.30.

40.30-4 Fixed Base Operator Agreement

- a. Ground Lease. If the City determines that an FBO Applicant has satisfied and will continue to satisfy the minimum standards set forth in this Section 40.30 and is otherwise qualified to do business at the Airport pursuant to the other applicable requirements of the DEN Rules, the FBO Applicant shall execute the City's standard form ground lease agreement for the land and facilities at the Airport and the approved services being provided.

40.30-5 Definitions

- a. **"FBO Applicant"** means a Person desiring to become a Fixed Base Operator at the Airport.
- b. **"Fixed Base Operator"** means a Person providing multiple aeronautical services at the Airport, including, without limitation, aircraft handling, maintenance, fueling and other similar services, general aviation and corporate services, and emergency and special operations services.