

**METROPOLITAN AIRPORTS COMMISSION**

**ORDINANCE No. 117**

**AIRPORT SECURITY ORDINANCE**



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**Metropolitan Airports Commission**

**ORDINANCE NO. 117**

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## METROPOLITAN AIRPORTS COMMISSION

### ORDINANCE NO. 117

#### AIRPORT SECURITY ORDINANCE

An Ordinance relating to the management and operation of the Minneapolis-Saint Paul International Airport (MSP Airport); to promote the public safety and welfare of MSP Airport; to establish rules of conduct for the public, badge holders and airport tenants while at the Airport, in furtherance of airport security regulations required of the Commission by laws of the United States and regulations of the Federal Aviation Administration and the Transportation Security Administration; prescribing the penalty for violations thereof; and repealing Ordinance No. 91.

The Metropolitan Airports Commission does ordain:

#### **SECTION 1 – DEFINITIONS.**

- 1.1 Air Operations Areas (AOA). A portion of the Airport, specified in the Airport Security Program, in which security measures specified in 49 C.F.R. Part 1500 are carried out. This area includes aircraft moving areas, aircraft parking areas, loading ramps, and safety areas for use by aircraft regulated under 49 C.F.R. Parts 1544 and 1546, and any adjacent areas (such as general aviation areas) that are not separated by adequate security systems, measures or procedures. This area does not include the secured area.
- 1.2 Airline Personnel. Those Persons employed or contracted by an airline operating at the Airport.
- 1.3 Airport. Minneapolis-Saint Paul International Airport, Wold-Chamberlain Field, a public airport under the supervision and control of the Metropolitan Airports Commission and located in the County of Hennepin and State of Minnesota.
- 1.4 Airport Security Program. The Security Program which is the responsibility of an airport operator pursuant to §49 C.F.R. §1542.
- 1.5 Airport Security Area(s) (Security Areas). Air Operations Areas, roadways, and common air carrier areas within terminal facilities (i.e. baggage makeup areas),-excluding exclusive leasehold structural areas, to which public access is limited or denied under the Airport Security Program. Signs limiting or forbidding public access are posted at the entrances to Security Areas. Security Areas are surrounded by walls, fencing or other means. Security Areas include:
  - a. Secured Area SIDA (Security Identification Display Area). The area immediately surrounding Terminal 1 (Lindbergh) extending out to the nearest taxiway. The area immediately surrounding Terminal 2 (Humphrey) extending out to the perimeter roadway. These areas are considered the Secured Area SIDA. The Secured Area SIDA includes the baggage makeup areas. Only Secured Area SIDA badge holders or those under proper escort are permitted to be in the area.
  - b. AOA SIDA (Security Identification Display Area). Any area of the Airport designed and used for landing, taking off, or surface maneuvering of aircraft. This is the

entire area within the Security Barrier except for the Secured Area SIDA.

- c. Sterile Area. An area inside the terminals to which access is controlled by inspection of Persons and property in accordance with TSA requirements.
  - d. Restricted Non-Public Area. Areas controlled by the Secured Area Access Control System (SAACS) that are not sterile, secured SIDA, or AOA areas and are restricted from public access. These areas affect security and, in some cases, may give access to the Sterile or SIDA areas which are also controlled by the SAACS. Examples include, but are not limited to: the C Loading Dock at Terminal 1, Fire Stations, the corridor behind the ticket counters at Terminal 2, and the MAC Energy Management Center (EMC).
- 1.6 Airport Security Coordinator. An employee of the Commission charged with the authority and responsibility to implement and enforce the Airport's Security Program or such employee's designated representative.
  - 1.7 Airport Tenants or Tenants. Individuals, partnerships, corporations or other business entities, and their agents, employees and subtenants, that occupy or control part or all of areas, buildings or other facilities at the Airport which they lease from the Commission.
  - 1.8 Authorized Persons. Persons who are authorized to access designated Airport Security Areas in accordance with the Airport Security Program. This includes, but is not limited to, Passengers with a valid boarding pass, Persons with a MAC-Issued or MAC-Approved Identification Badge, and Persons issued a Concourse Pass.
  - 1.9 Clear Zone. The area extending six feet out from the Security Barrier. This includes both the SIDA and public side of the Security Barrier.
  - 1.10 Commission (MAC). The Metropolitan Airports Commission, a public corporation organized and operating pursuant to Chapter 500, Laws of Minnesota 1943 and amendments thereto.
  - 1.11 Concourse Pass. A pass issued by MAC for purposes of allowing a Person access into the Sterile Area of the Airport through the Security Screening Area.
  - 1.12 Critical Infrastructure. Any equipment or system that, if disabled, would have a substantial effect on the Airport's ability to operate. This includes, but is not limited to, control rooms, mechanical rooms, electronic equipment, junction boxes, electrical cables, security equipment, venting, aviation and aircraft navigation equipment, etc.
  - 1.13 Disqualifying Crime(s). Those crimes identified within 49 U.S.C. § 44936(b)(1)(B), or as amended, for which a conviction precludes the issuance and/or possession of a MAC-Issued Identification Badge.
  - 1.14 Escort. Authorized Person(s) displaying valid MAC-Issued Identification Badge(s) accompanying, monitoring, directing and controlling the actions of a Person(s) within Airport Security Areas who does not have unescorted access authority into or within an Airport Security Area.

- 1.15 Executive Director/CEO. The Commission's chief executive officer, executive director or a designated representative.
- 1.16 FAA. The Federal Aviation Administration of the United States Government or any federal agencies succeeding to its jurisdiction.
- 1.17 Hearing Officer. The Executive Director/CEO of the Commission or a designee who shall conduct hearings pursuant to the provisions of this Ordinance.
- 1.18 Identification Badge(s). Identification for Authorized Persons containing the individual's name, company name and photograph. There are two types of Identification Badges:
  - a. MAC-Issued Identification Badge. Identification that is issued by the Commission to an Authorized Person for performance of the Person's job duties within Airport Security Areas.
  - b. MAC-Approved Identification Badge. Other types of identification that have approval from the Airport Security Coordinator for use by a specific Person for performance of his or her job duties within Airport Security Areas. This type of identification may be limited as to areas of operation, cannot open electronic control access doors and cannot be used to Escort Persons into Airport Security Areas.
- 1.19 Passenger. A Person who has access to Airport Security Areas because he or she has a valid boarding pass in their possession.
- 1.20 Person(s). Every natural Person, firm, partnership, association, corporation or other entity.
- 1.21 Revocation. The discontinuance of a Person's ability to access Airport Security Areas. This includes, but is not limited to, revoking or restricting the Person's MAC-Issued Identification Badge.
- 1.22 Screening Personnel. Individuals designated to inspect persons, belongings, baggage and vehicles.
- 1.23 Security Barrier. The fence, wall or other such barrier or markings that separate the SIDA area from the public area.
- 1.24 Security Devices. Equipment installed or placed by or under the direction of the Commission, or designated representative, to monitor or control entrances to and exits from Airport Security Areas. Security Devices include, but are not limited to, bells, sirens, communication equipment, locks and corresponding keys, emergency exits, electronic access control and other security equipment.
- 1.25 Security Identification Display Area or SIDA. An area which requires persons to display a MAC-Issued or MAC-Approved Identification Badge on the outermost garment above the waist.
- 1.26 Security Screening Area. An area in which Persons or baggage are inspected. This area includes a checkpoint leading to a Sterile Area and baggage screening rooms.

- 1.27 Suspension. Temporary discontinuance of a Person's ability to access Airport Security Areas. This includes, but is not limited to, suspending or restricting the Person's MAC-Issued Identification Badge.
- 1.28 TSA. The Transportation Security Administration of the United States – Department of Homeland Security, or any agency succeeding in jurisdiction.

## SECTION 2 - AIRPORT SECURITY AREAS.

### 2.1 Designated Entrances and Exits.

No Person shall enter, exit, or attempt to enter or exit Airport Security Areas except through designated entrances and exits.

### 2.2 Access by Authorized Personnel.

Only Authorized Persons, or those under authorized Escort, shall have access to Airport Security Areas.

### 2.3 Airport Security Inspection.

- a. All persons, vehicles and belongings that are entering an Airport Security Area are subject to inspection by designated MAC employees or TSA officials.
- b. The Airport Security Coordinator, or the TSA, may develop as part of federal requirements or the Airport Security Program, a plan for inspection of persons, vehicles and belongings within Airport Security Areas.
- c. Refusal to comply with airport security inspections shall result in immediate removal from the Airport Security Areas; and, denial of access to the area until the Airport Security Coordinator or designee determines that access should be granted.

### 2.4 Escort.

- a. Maintaining an Escort. A Person performing as an Escort must, at all times, be in a position to actively monitor, direct and control the movements and actions of the accompanied Person(s). A Person being accompanied by an Escort must be in a position to be actively monitored, directed and controlled in their movements and actions.
- b. Compliance with Escort Procedures. All Persons must follow the escorting procedures as directed by the Airport Security Coordinator.
- c. Escorting Vehicles. A Person may not escort more than four vehicles at one time, unless specifically authorized by the Airport Security Coordinator or designee.
- d. Identification Requirements. All Persons under Escort must possess a valid government-issued photo identification similar, but not limited to, a passport, state-

issued driver's license, or military identification card. Touring groups lead by a Person holding a MSP-Issued Identification Badge and minors do not need to have a government-issued photo identification in their possession.

- e. Prohibition on Escorting. A Person(s) granted a valid MAC-Issued Identification Badge may not be escorted into Airport Security Areas where their MSP-Issued Identification Badge allows them to be present without an escort.

2.5 Entering an Airport Security Area by Following Another (Piggybacking).

- a. No Person shall enter, or allow another to enter, into an Airport Security Area except by using his or her MAC-Issued Identification Badge.
- b. No Person shall follow another into an Airport Security Area without first using his or her own MAC-Issued Identification Badge through any electronic access installed at the entry point. This provision does not apply to a Person under Escort, a Passenger with a valid boarding pass entering a Sterile Area through a Security Screening Area, or a Person issued a valid Concourse Pass or other document entering the Sterile Area through a Security Screening Area.

2.6 Vehicle Access.

Vehicles must have authorization from the Airport Security Coordinator in order to be driven, parked, or stationed in an Airport Security Area. Unauthorized drivers and/or vehicles will be removed from the Airport Security Area.

2.7 Driving into an Airport Security Area Behind Another (Tailgating).

- a. No Person shall drive a vehicle into an Airport Security Area unless the Person enters through a designated access point and has used his or her own MAC-Issued Identification Badge.
- b. No Person shall allow other vehicles to follow or tailgate into Airport Security Areas. This provision does not apply to vehicles under Escort.

2.8 Adherence to Airport Security Directions.

All Persons shall obey the lawful orders or directions of Airport Police Officers or other Persons responsible for enforcement of this Ordinance.

2.9 Tampering.

- a. Tampering with a Security Device. No Person shall tamper with or in any way hamper the effective operation of Security Devices.
- b. Tampering with Aircraft or Airline Equipment. No Person shall enter, climb upon, or tamper with any aircraft or airline equipment without authorization.
- c. Tampering with Operation of an Aircraft. No Person shall commit any act which would endanger or hinder the effective operation of an aircraft.

- d. Tampering with Critical Infrastructure. No Person shall tamper with, alter or adjust Critical Infrastructure at the Airport.

2.10 Clear Zone Maintained.

No Person shall loiter, park, store or place an item within six (6) feet of either side of a Security Barrier. For this section only, the term "loiter" shall mean to remain within six (6) feet of the Security Barrier with no obvious purpose for being in that zone.

2.11 Concourse Pass.

- a. In their sole discretion, the Airport Security Coordinator may issue a Concourse Pass to Person(s) needing access to the Sterile Area. Such Concourse Pass shall only be valid for the date of issue. A Person(s) needing a Concourse Pass shall state the reason for requesting access.
- b. Person(s) applying for a Concourse Pass must present a valid government-issued photo identification and shall be subject to a computerized background check comparable to passenger identification screening required by the TSA before issuance of a Concourse Pass.
- c. Misconduct at the Airport may be grounds for denial or revocation of a Concourse Pass.
- d. Person(s) issued a Concourse Pass must maintain the Concourse Pass in his or her possession at all times while within the Sterile Area.

**SECTION 3 - IDENTIFICATION BADGES.**

3.1 Displaying Identification Badge.

Authorized Persons shall display their valid MAC-Issued or MAC-Approved Identification Badge whenever they are within Airport Security Areas by displaying the Identification Badge on the Person's outermost garment above the waist with the photograph side showing for public view.

3.2 Altering of Badge.

No Person shall falsify, forge, counterfeit, alter, tamper, or deface any Identification Badge.

3.3 Using the Badge of Another.

No Person shall use or attempt to use another's Identification Badge.

3.4 Allowing Another to Use Badge.

No Person shall allow or permit another Person to use or attempt to use his or her Identification Badge.



3.5 Expired Badge.

No Person shall use or attempt to use an expired Identification Badge.

3.6 Performance of Job Duties.

MAC-Issued or MAC-Approved Identification Badges shall be used only in direct performance of an Authorized Person's official job duties.

3.7 Notify of Changes.

Each Person with a MAC-Issued Identification Badge shall notify the MAC Badging Office within ten (10) days of a change in the Person's name, home address and/or phone number.

3.8 Disqualifying Crime.

- a. Persons convicted of a Disqualifying Crime within the previous ten (10) years shall be ineligible to apply for a MAC-Issued Identification Badge.
- b. Persons with a conviction of a Disqualifying Crime shall be ineligible to apply for a MAC-Issued Identification Badge for at least twelve (12) months from the date of release from imprisonment for a Disqualifying Crime.
- c. Persons with a MAC-Issued Identification Badge shall notify the badging office within twenty-four (24) hours of a conviction of a Disqualifying Crime.
- d. The Airport Security Coordinator or designee may deny issuance of a MAC-Issued Identification Badge based on an applicant's conviction for a non-disqualifying crime if the offense occurred on Airport property and the offense interfered with or threatened the property, safety, comfort, efficiency or security of Passengers, employees, tenants or Airport operations. A Person denied a MAC-Issued Identification Badge under this provision shall have the right to a hearing under the procedures of Paragraph 7.5.

The maximum period of denial under this provision shall be:

- (1) for a misdemeanor conviction, one year from the date of conviction;
  - (2) for a gross misdemeanor conviction, three years from the date of conviction; or,
  - (3) for a felony conviction, ten years from the date of conviction.
- e. Any Person applying for a MAC-Issued Identification Badge who is charged with a Disqualifying Crime and awaiting a final judicial disposition will be denied issuance of a MAC-Issued Identification Badge until a final judicial disposition is made.
  - f. Any Person already possessing a MAC-Issued Identification Badge who is charged with a Disqualifying Crime and awaiting a final judicial disposition is subject to potential Suspension or Revocation provisions under this Ordinance.

- g. The Airport Security Coordinator or designee is authorized to conduct a computerized criminal history record check of a Person when the Person is either applying for or renewing their MAC-Issued Identification Badge. The criminal history record check shall include data maintained by the Bureau of Criminal Apprehension including the computerized criminal history data. After receiving the Person's authorization to perform the criminal history record check, the Airport Security Coordinator shall review the criminal history data to determine if that Person does not have a conviction for a Disqualifying Crime; a conviction for a non-disqualifying crime as indicated in the section d. above; or, has been charged with a Disqualifying Crime and is awaiting judicial disposition. If the Person is going to be denied a MAC-Issued Identification Badge as a result of the record check, the Airport Security Coordinator will provide written notification of the reason for denial, any applicable grievance procedure, and that a Person may submit competent evidence of rehabilitation to be considered.

3.9 Badge Return Required.

MAC-Issued Identification Badges are the property of the Commission. They must be returned to the MAC Badging Office upon Revocation, Suspension, expiration, termination of employment at the Airport, or upon demand of the Commission.

Employers shall be responsible for returning MAC-Issued Identification Badges of their employees, and the Airport Security Coordinator may assess the employer with a fee if its employee fails to return a MAC-Issued Identification Badge.

3.10 False Information.

No Person shall provide false information or false documentation to the Commission in an attempt to obtain a MAC-Issued Identification Badge.

3.11 Signature on Badge Application.

An Authorized Signer shall not sign a badge application form without verifying the identity and eligibility of the applicant to the best of his or her knowledge. For this section only, an Authorized Signer is a person, identified by the Airport Security Coordinator, who may authorize a person to apply for a MAC-Issued Identification Badge.

**SECTION 4 - DUTIES OF AUTHORIZED PERSONS.**

4.1 Custody of Keys or Other Means of Access.

Authorized Persons shall maintain custody of all keys to which they are assigned. Authorized Persons who have custody of, access to or use of keys or other means of access used to lock and secure Airport Security Areas shall not duplicate or turn over keys or other means used for access to Airport Security Areas to anyone without approval from the Airport Security Coordinator.

4.2 Prohibited Disclosure of Security Codes.

No Person shall disclose security codes or combinations which allow access to Airport Security Areas to non-Authorized Persons.

4.3 Challenge and Reporting of non-Authorized Persons.

Authorized Persons must challenge or report Persons not displaying an appropriate Identification Badge inside an Airport Security Area. For purposes of this section only, challenge means to (a) ask the Persons to show their Identification Badge or (b) to immediately notify the Airport Police Department with a description of the Persons not displaying an Identification Badge.

4.4 Security of Access Points.

No Person shall leave open, propped or unsecured any door, gate or access point leading to or allowing access to Airport Security Areas unless he or she personally attends to such door, gate, or access point to ensure no access by non-Authorized Persons.

4.5 Timed Doors.

No Person shall hold, prop, or cause a door, gate or access point to be open beyond the period of time allowed by a Security Device unless an Authorized Person attends the door. When an Authorized Person is attending a security door, he or she must be physically present at the door and must use the Person's MAC-Issued Identification Badge to activate additional time for the door to be open.

4.6 Report Violations.

Authorized Persons shall promptly report to the Airport Police Department any violation of this Ordinance that they observe or of which they have knowledge.

**SECTION 5 - RESPONSIBILITY OF AIRPORT TENANTS.**

5.1 Adherence to the Security Ordinance.

Airport Tenants with access leading to Airport Security Areas shall follow this Ordinance by posting signs approved by the Commission, which notifies Persons about restricted access leading into Airport Security Areas.

5.2 Preventing Unauthorized Access to Airport Security Areas.

Airport Tenants with access to Airport Security Areas shall at all times keep the access secured or staffed in a manner that prevents non-Authorized Persons from accessing Airport Security Areas. Tenants shall retain keys or other means of access to Airport Security Areas under their control and issue such access only to Authorized Persons.

5.3 Appoint Security Contact.

Airport Tenants with access to Airport Security Areas shall appoint at least one employee of the Airport Tenant as the security contact primarily responsible for the Airport Tenant's leased area which accesses Airport Security Areas. Airport Tenants shall advise the Airport Security Coordinator in writing of the Person or Persons at all times having such responsibility.

5.4 Aircraft Security.

- a. Airline Personnel shall be responsible for the safety and security of aircraft per FAA and TSA regulations.
- b. Airline Personnel shall not allow non-Authorized Persons onboard an aircraft or access to a jetway bridge connected to an aircraft.
- c. Airline Personnel, excluding flight crew personnel, shall be prohibited from bringing personal bags or personal backpacks onto aircraft.

5.5 Securing of TSA-Prohibited Items.

Airport Tenants are responsible for the security and control of all TSA-prohibited items that they bring into Airport Security Areas. Only such items required for direct performance of official work duties shall be authorized, and shall be subject to inspection in accordance with the Airport Security Program.

**SECTION 6— OTHER PROHIBITED ACTS.**

6.1 Bypassing Security Screening Area.

No Person who is required to undergo screening at a Security Screening Area shall bypass such Security Screening Area and gain access to an Airport Security Area. Armed federal and local law enforcement officers on official duties at the Airport and others exempted by the TSA do not have to undergo screening at a Security Screening Area, provided they follow TSA regulations.

6.2 Statements or Conduct Against Aviation Safety or Security.

No Person shall make a statement to another or engage in conduct so as to indicate that the Person or another may have or had possession of a firearm, bomb, or explosive device while at the Airport.

6.3 Interference with Flight Operations.

No Person shall intimidate, threaten, hinder, interfere with or obstruct Airline Personnel in the performance of his or her official job duties or lessen the ability of such Airline Personnel to perform his or her duties.

6.4 Unattended Baggage.

No Person shall leave any bag, luggage, box or container unattended in any area of the Airport accessible by the public.

6.5 Presenting a Prohibited Item at a Security Screening Area.

No Person shall place a firearm, explosive device, or other TSA prohibited item that could be used as a weapon onto inspection equipment at a Security Screening Area without first declaring such item to the Screening Personnel at the Security Screening Area.

To comply with federal regulations regarding prohibited items in the Sterile Area; to make screening operations more efficient and transient; and, to further promote the public safety and welfare of the Airport and its travelers, this provision is to be a strict liability offense. This provision is violated whether or not the Person had intent or knowledge that the item placed on the inspection equipment contained a firearm, explosive device, knife or other TSA-prohibited item. It is the responsibility of the Person being screened at a Security Screening Area to have knowledge of the contents contained in any item the Person places onto inspection equipment at a Security Screening Area.

For this provision only, firearm means any item from which a shot may be fired by the force of an explosion including, but not limited to, starter pistols, compressed air guns, BB guns, cap guns and flare pistols.

6.6 Unlawful Entry of Hangars or Other Buildings.

No Person shall enter any hangar or portion of any building occupied by a Tenant or licensee of the Commission without consent of such Tenant or licensee.

6.7. False Identification.

No Person shall present false information, false identification, or false documentation for purposes of gaining access to an Airport Security Area.

6.8. Parking or Unattended Vehicles in the Runway Safety Zone.

No Person shall park a vehicle or leave a vehicle unattended within 1000 feet of the end of a runway unless authorized to do so. This includes vehicles left abandoned on the side of the highway. Commission representatives shall have authority to remove all unauthorized vehicles.

6.9 Harassment, Intimidation, Assault, or Interference with Screening Personnel.

No Person shall harass, intimidate, assault, or interfere with Screening Personnel in the performance of their duties.

6.10 Testing a Security Screening Area.

Only those Persons designated by the TSA or by the Airport Security Coordinator shall test a Security Screening Area.

6.11 TSA-Prohibited Items.

No TSA-Prohibited items shall be permitted in Airport Security Areas except as "tools of the trade," which are used for direct performance of an employee's or contractor's job within the Airport Security Area.

**SECTION 7 – ENFORCEMENT.**

7.1 Administrative Citation.

a. Application.

This section shall be applicable to all Persons holding a MAC-Issued Identification Badge.

b. Conduct.

When any Airport Police Officer or designated representative of the Executive Director/CEO has reasonable grounds to believe that a Person has violated or is not in compliance with this Ordinance, an administrative citation may be issued to such Person.

When an administrative citation is issued, a letter indicating as such may be sent to the Person's employer, advising the employer of the violation.

c. Review.

Upon written request, the Airport Security Coordinator may review or modify any administrative citation.

7.2 Suspensions.

a. Conduct.

A Person's authorization to use a MAC-Issued Identification Badge may be suspended for any one of the following reasons:

- (1) Violation of this Ordinance.
- (2) Violation of any Ordinance of the Commission for which a criminal penalty may be imposed.
- (3) Violation while on Airport property of any law of the State of Minnesota or the United States for which a criminal penalty may be imposed.

- (4) Conduct which interferes with or threatens the property, safety, comfort, efficiency, or security of Passengers, employees, Tenants, or Airport operations; or otherwise constitute just cause for Suspension.

b. Duration.

The Suspension may be for up to 120 days as determined by the Airport Security Coordinator and based on the severity of the violation. The Suspension shall begin immediately if the Airport Security Coordinator deems that the Person constitutes an immediate safety threat to the security of the Airport. All other Suspensions shall begin not earlier than 7 days from the date the notice of Suspension is issued, or when a hearing is requested, the final action of the Commission sustaining the Suspension.

The period of suspension may be extended by 60 days if the Airport Security Coordinator can demonstrate that the Person has been charged in state or federal court with a Disqualifying Crime, the proceedings of such crime are ongoing in state or federal court, and removal of the suspension would interfere with or threaten the safety, comfort, efficiency, or convenience of passengers, employees, tenants, or airport operations. Each Person shall be entitled to a hearing regarding such extension, in accordance with Paragraph 7.5 below.

c. Notice.

The Airport Security Coordinator shall issue written notice of the Suspension, which shall state the nature and date of the violation, the length of the Suspension, the date the Suspension shall begin and the right to a hearing.

When an immediate Suspension is deemed necessary, the Person will receive oral notice at the time of the offense with written notice to be accomplished as soon as practical.

7.3 Revocation.

a. Conduct.

A Person's authorization to use a MAC-Issued Identification Badge may be revoked for any one of the following reasons:

- (1) Any conduct that seriously endangers; indicates a willful or reckless disregard for; or, has an immediate impact on the health, safety or welfare of the public, a Person or property of another.
- (2) Any conduct that poses a serious danger to the security of the Airport.
- (3) A violation warranting Suspension where the Person has had a previous Suspension for the same or a similar offense.
- (4) A pattern of incidents or misconduct for which a Person may be suspended

under this ordinance.

- (5) A criminal conviction for a non-Disqualifying Crime occurring on airport property, in accordance with Section 3.8(d).

b. Duration.

The Revocation shall be for 2 years. Person(s) who have had their MAC-Issued Identification Badge revoked shall not be eligible to reapply during that time. The duration of a revocation for a non-Disqualifying Crime per Section 7.3(a)(5) shall be in accordance with Section 3.8(d).

The Revocation shall begin immediately if the Airport Security Coordinator deems that the Person constitutes an immediate safety threat to the security of the Airport. All other Revocations shall begin not earlier than 7 days from the date the notice of Revocation is issued, or when a hearing is requested, the final action of the Commission sustaining the Revocation.

c. Notice.

The Airport Security Coordinator shall issue a written notice of Revocation, which shall state the nature and date of violation, the date the Revocation shall begin, and the right to a hearing.

When an immediate Revocation is deemed necessary, the Person will receive oral notice at the time of the offense with written notice to be accomplished as soon as practical.

7.4 Reduction of Penalty.

During the term of a Suspension or Revocation, the Person may request in writing to the Airport Security Coordinator that the length of the penalty be reduced. The Person shall explain the conduct involved in the violation and any actions taken, such as a company policy, to correct the situation and prevent future incidents. The Airport Security Coordinator in his or her sole discretion may reduce the penalty.

7.5 Suspension, Revocation, and Denial Procedures.

These procedures shall apply to Persons receiving a notice of Suspension, Revocation or Denial of MAC-Issued Identification Badge.

- a. The Airport Security Coordinator shall review any report brought to his or her attention and may conduct additional investigation into such facts as deemed necessary to determine whether there are grounds to issue a notice of Suspension, Revocation or Denial of a MAC-Issued Identification Badge.
- b. Any Person receiving a notice of Suspension, Revocation or Denial may request a hearing before a Hearing Officer. Requests must be written and received by the Airport Security Coordinator within 7 days after the notice was issued.



If the Person demands a hearing, the Airport Security Coordinator shall so advise the Hearing Officer of the Commission and the Hearing Officer shall set a time for such hearing, to be held as soon as practical. The Airport Security Coordinator shall notify the Person of the time and place of the hearing not less than 5 days before the time set for the hearing.

- c. The hearing shall be conducted by a Hearing Officer, shall be recorded by electrical or mechanical recorder or by a qualified reporter, and shall proceed as follows:
- (1) The Airport Security Coordinator shall present evidence which supports the facts constituting grounds for the proposed Suspension, Revocation, or Denial.
  - (2) The Person requesting the hearing may appear in Person, may be represented by counsel, may cross-examine the Airport Security Coordinator's witnesses who are present, and may present any relevant evidence relating to the facts constituting grounds for the proposed Suspension, Revocation, or Denial. Any witnesses providing testimony may be cross-examined by the other party.
  - (3) All testimony shall be taken under oath, but both the Airport Security Coordinator and Person requesting the hearing may introduce testimony under oath in the form of sworn statements if witnesses are unavailable or refuse to appear in Person whether or not a party has the opportunity to confront or cross-examine those witnesses.
  - (4) The Hearing Officer shall hear the evidence and shall make findings concerning the facts and penalty recommended by the Airport Security Coordinator.
  - (5) The Hearing Officer shall issue a report in writing, stating the findings as soon as practical following the hearing.
  - (6) The decision of the Hearing Officer constitutes the final administrative action of the Commission.

#### 7.6 Other Enforcement Action.

In addition to or in place of the other penalties specified in this Ordinance, the Airport Security Coordinator, in his or her discretion according to the severity of the violation, may issue a warning letter, restrict the Person's access to the Airport Security Areas, and/or require the Person and the Person's immediate supervisor to complete additional security training.

## **SECTION 8 – PENALTIES.**

### 8.1 Misdemeanor.

Any Person violating any of the provisions of this Ordinance shall upon conviction be punished by a sentence within the parameters of the maximum penalty for misdemeanors set forth in Minn. Stat. § 609.03 or as amended.

### 8.2 Removal from Airport Premises.

In addition, the Executive Director/CEO, or designated representative, may order removal of anyone from the Airport who knowingly and willfully violates any provisions of this Ordinance.

### 8.3 Recourse under Tenant's Lease.

The Commission may take action against Tenants under their lease agreements, irrespective of any other penalties under this Ordinance.

## **SECTION 9 - GENERAL PROVISIONS.**

### 9.1 Notice of Violations.

Notice as required by Section 7, or any other notice required by this Ordinance to be given to an individual, is sufficient if delivered in Person, sent by U.S. mail to the last address on file with the Commission, transmitted by fax or email. Time of "issuance" means when the notice is hand delivered, placed in the mail, or faxed.

### 9.2 Provisions Severable.

If any part of this Ordinance is declared unconstitutional or invalid, this does not affect the validity of the remaining parts of this Ordinance. The Commission declares it would have passed the remaining parts of this Ordinance without the unenforceable provisions.

### 9.3 Effective Date.

This Ordinance is effective July 1, 2013.

### 9.4 Repealer.

On of the effective date of this Ordinance, Ordinance No. 91 is revoked. This Ordinance supersedes any provisions of other Ordinances or special regulations that may be inconsistent.