

BOISE COUNTY  
MASS GATHERING ORDINANCE  
AN ORDINANCE FOR LICENSING AND REGULATING MASS GATHERINGS

RECITALS

WHEREAS, it is in the public interest of the citizens of Boise County to perpetuate an ordinance for licensing and regulating mass gatherings, special events or other public assemblies; and

WHEREAS, in regulating such activity, Boise County recognizes that it cannot grant or deny applications for mass gathering permits based upon the content of the message and any potential restrictions on speech shall be narrowly tailored to serve a significant Boise County government interest; and

WHEREAS, in the establishment of this mass gathering ordinance, Boise County declares that it has a compelling government interest to protect the health and safety of its residents and visitors in connection with large events or gatherings, especially because of its geographic expanse and lack of readily available public services and facilities; and

WHEREAS, by this ordinance, Boise County intends to create content-neutral time, place and manner regulations that apply to all mass gatherings in Boise County irrespective of the purposes of the gathering.

**SECTION I: SHORT TITLE, ENACTMENT, REPEAL**

Be it ordained by the Board of County Commissioners of Boise County, Idaho, an ordinance for licensing and regulating mass gatherings, special events or other public assemblies. This ordinance shall be known as the Boise County Mass Gathering Ordinance. This ordinance shall repeal the Boise County Mass Gathering Ordinance, 2014-02 in its entirety.

**SECTION II: AUTHORITY AND APPLICABILITY**

This ordinance is enacted pursuant to the authority of the Board of County Commissioners of Boise County described in Idaho Code §§ 31-714, 31-801, 31-828, and 31-870. This ordinance applies only to areas outside of incorporated city boundaries.

**SECTION III: DEFINITIONS**

“Applicant” means a person who is applying for or has obtained a permit pursuant to this ordinance.

“Board” means the Board of County Commissioners of Boise County.

“Completed application” means a mass gathering permit application required by the Board that contains substantive and responsive answers to all sections of the application, and that includes all documentation required by the application.

“dBA” means the sound pressure level in decibels measured using the A-weighting network on a sound level meter.

“End time” means the time at which participants for the mass gathering, other than the applicant or the applicant’s staff for clearing and cleaning purposes, will no longer be present on the event site.

“Event site” means the location or locations at which the mass gathering will be held.

“Fire agency” means an entity, either government or private, which provides fire protection services.

“Indigent person” means:

- a. A natural person who is receiving government benefits typically because of the individual's income status. Examples of such benefits include the Supplemental Security Income (SSI) program, the Social Security Disability Insurance (SSDI) program, the Idaho Food Stamp program, Supplemental Nutrition Assistance (SNAP) program, Medicaid health coverage, Aid to the Aged, Blind, and Disabled (AABD) program, Medicaid for Workers with Disabilities program (WWD and QDWI), Temporary Assistance for Families in Idaho (TAFI) program, Idaho Child Care Program (ICCP);<sup>1</sup> or
- b. A natural person whose monthly income is one hundred twenty-five percent (125%) or less of the current monthly poverty line annually established by the Secretary of Health and Human Services; or
- c. A person that is not a natural person whose majority of members meet the criteria for an indigent natural person.

“Major public safety threat” means an unreasonable danger to the health or safety of life or property. Examples of such threats include, but are not limited to, an active shooter, a school shooting, an officer-involved shooting, war, rebellion, riot, acts of terrorism, gang-activity, forest fire, earthquake, blizzard, landslide, or flood.

“Mass gathering” means a gathering of participants to equal 150 or more individuals gathered together at any location, for one hour or more, for any lawful purpose.

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<https://healthandwelfare.idaho.gov/FoodCashAssistance/ApplyforAssistance/Applyforservices/Whoiseligible/tabid/1556/Default.aspx>

“Mass gathering coordinator” means the employee or agent appointed by the Board to collect all necessary information about a mass gathering permit application, and assist the Board in making an informed and timely decision.

“Participant” means any person who obtains admission to a mass gathering by payment of money, by the rendering of services in lieu of the payment of money for admission, or by simply being present.

“Person” means any natural person, firm, partnership, corporation, company, association, society, organization, or entity of any kind.

“Portable sanitation unit” means a prefabricated, portable, self-contained toilet that may be housed in trailers or as stand-alone units used for special or temporary events, construction sites, parks, and other events or locations with restroom needs.

“Rally” means a mass gathering that meets all of the following criteria:

- a. is a demonstration, protest, press conference, or march;
- b. is not a commercial or promotional event;
- c. is not a charitable event;
- d. has no fundraising;
- e. has no sales of goods or services;
- f. is free of charge to all participants.

“Solid waste” means garbage, trash, containers, and excess food, but does not include human waste.

“Spontaneous event” means an unplanned mass gathering that occurs at the spur-of-the-moment, or that occurs in reaction to an international, national, state, regional, or local issue. A spontaneous event is one that, even with the exercise of due diligence, cannot reasonably be planned or anticipated in compliance with the deadlines of this ordinance.

“Start time” means the time at which participants for the mass gathering, other than the applicant or the applicant’s staff for set-up purposes, are permitted to enter the event site.

Terms. All words and phrases used in this ordinance shall be given their ordinary, commonly understood and accepted meanings unless specifically indicated otherwise.

#### **SECTION IV: PERMIT REQUIREMENT**

A. **Permit required.** No person shall conduct a mass gathering without first obtaining a mass gathering permit from the Board, unless otherwise not required by this ordinance.

B. **Exceptions.**

The following activities are exempt from the mass gathering permit requirement only to the extent that the mass gathering consists only of the exempted activities:

1. Activities that will take place entirely within the confines of any of the following facilities and does not exceed the maximum seating capacity of the facility used:
  - a. A regular, established, permanent place of worship;
  - b. A stadium, athletic field, arena, auditorium, coliseum, school, or other similar permanently established place of assembly; or
  - c. A facility hosting a mass gathering that falls within a person's normal scope of business, as determined by the Board.
2. Activities conducted by a government entity that is acting within the scope of its authority, that is sponsoring the mass gathering, and that will conduct the mass gathering entirely within the confines of publicly-owned property or facility.
3. Spontaneous events for the purpose or expressive of associative activity.
4. Lawful picketing that complies with the applicable traffic regulations, laws, and controls.
5. Activities that take place entirely within the confines of any incorporated municipality within Boise County.

Prior issuance of a conditional use permit by Boise County for the event site does not necessarily exempt the applicant from the requirements of this ordinance.

- C. **Pre-sale tickets.** No application is guaranteed approval. As such, the County does not recommend, but does not prohibit, that any person maintain, promote, conduct, advertise, act as entrepreneur, undertake, organize, manage, sell or give tickets to a mass gathering without an approved mass gathering permit. The County is not liable for any lost revenue, lost profits, refunds, or any other losses that may result from a denial of an application filed for a mass gathering permit.
- D. **Deadlines.** Applicants must fill out an application form approved by the Board by resolution, and submit completed applications in accordance with the following deadlines for each mass gathering type:
  1. Rally – a minimum of five (5) calendar days before the first day of the rally.
  2. Mass gathering that is not a rally – A minimum of sixty (60) calendar days before the first day of the mass gathering.

Failure to submit a completed application before the deadline results in a denial without the possibility of re-submitting or amending an application.

## SECTION V: APPLICATION CONTENT

An application must contain the information required by this ordinance, as well as proof that all of the following requirements are satisfied, in order for the County to consider the application as a completed application under this ordinance. Examples of documentation that constitutes proof of compliance with these requirements include a receipt, an invoice, a signed letter on letterhead of an entity, or an executed contract with a provider of goods or services.

- A. **Access routes and emergency exits.** An event site for a mass gathering must have a minimum of two separate access routes. Each of the two required access routes must be a minimum of 24 feet wide and meet the Boise County Road Standards. These routes must be clearly posted as emergency exits. This requirement is to ensure that first responders can safely respond to any emergencies at the mass gathering and participants can still evacuate the event site safely, even if an emergency does occur and one access route is blocked for whatever reason. The applicant must designate at least one of the required access routes as the "emergency vehicle" ingress. If an emergency situation arises, the applicant's staff must ensure that the emergency vehicle ingress is open for entry by emergency vehicles.
- B. **Potable water.** The applicant must provide a minimum of one (1) gallon of water per estimated participant per day of the mass gathering. The water provided must meet the applicable requirements of the Safe Drinking Water Act for purposes of drinking water, and if well water, the well must be deemed as safe for drinking water purposes by the Central District Health and the Idaho Department of Environmental Quality. If participants are explicitly required on their registration for the mass gathering to bring their own water in the amount of a minimum of one (1) gallon per person per day, then the applicant is only required to provide one (1) quart of water per estimated participant per day of the mass gathering.
- C. **Maximum attendance, start time, and end time.** The applicant must indicate the maximum number of people that the applicant will allow on the event site, as well as the start time and end time.
- D. **Toilets.** The applicant must provide toilets (flush toilets or portable sanitation units) that are each equipped with an adequate supply of toilet paper, and an adequate supply of either (i) hand sanitizer, or (ii) potable water hand-washing stations that have soap and paper towels. The applicant may substitute one-third (1/3) of the total toilets with portable sanitation units that are urinals only if the mass gathering will not include women. For any mass gathering that continues beyond 24 hours past its start time, the applicant must ensure that a licensed vendor services and maintains all toilet units at

least once every 24 hours. All toilet facilities must meet the standards of the Central District Health Department.

1. For mass gatherings that do not go past midnight of any day, the applicant must provide the number of toilets required by the table below from the Central District Health Department Table 4-17, based on the estimated attendance and duration of the mass gathering.

**Table 1: Toilet facility matrix**

Estimated number of participants	Number of hours of the mass gathering									
	1	2	3	4	5	6	7	8	9	10
0-500	2	4	4	5	6	7	9	9	10	12
501-1,000	4	6	8	8	9	9	11	12	13	13
1,001-2,000	5	6	9	12	14	16	18	20	23	25
2,001-3,000	6	9	12	16	20	24	26	30	34	38
3,001-4,000	8	13	16	22	25	30	35	40	45	50
4,001-5,000	12	15	20	25	31	38	44	50	56	63
5,001-10,000	15	25	38	50	63	75	88	100	113	125
10,000-15,000	20	38	56	75	94	113	131	150	169	188

2. For mass gatherings that go past midnight of any day, the applicant must provide at least one toilet for every 50 participants.

- E. **Showers.** For any mass gathering that continues beyond 72 hours past its start time, the applicant must provide separate showers with a water storage capacity of ten (10) gallons per person per day will be provided for male and female participants at the rate of one (1) shower head/facility for every one-hundred (100) participants anticipated of each gender.
- F. **Solid waste.** The applicant must provide a plan for disposal of solid waste with the application. This plan must address trash containers, collection, storage, and personnel adequate to collect waste on a daily basis. All solid waste must be disposed of at a transfer station or landfill, or alternatively, the applicant must submit a plan to the Central District Health Department at least seventy-five (75) days, or the Department’s applicable deadline, prior to the first date of the mass gathering. The applicant must provide a minimum of one fifty (50) gallon trash container or its equivalent for every one-hundred (100) anticipated participants. The applicant must also provide in the parking area, at a minimum, one fifty (50) gallon trash container or its equivalent for every twenty-five (25) motor vehicles. The trash containers shall not be allowed to overflow, and as such, must be regularly checked and serviced to prevent overflow. The applicant may store overflow trash at collection points on the event site during the mass

gathering. Trash stored at collection points must be secured in a manner that will not attract animals, will not block vehicle or foot traffic, will not cause an annoyance to a participant, will not be within 20 feet of a natural or potable water source, and will not be within 50 feet of a food vendor or picnic area. The applicant must dispose of solid waste and pay fees as required by applicable county ordinances and resolutions if the solid waste is disposed of at a Boise County Transfer Station. The applicant must remove all solid waste generated from the event site and the immediately surrounding property within forty-eight (48) hours after the end of a mass gathering.

**G. Law enforcement.**

1. The applicant must contract with the Boise County Sheriff’s Office for law enforcement services. The applicant must include with its application a contract for law enforcement services that is signed and approved by the Boise County Sheriff’s Office. The number of law enforcement officers required for each mass gathering will vary depending on the specific characteristics of the mass, but shall generally follow the following law enforcement staffing matrix below:

**Table 2: Law enforcement staffing matrix by event type by estimated attendance**

Estimated number of participants	Event type		
	<i>Speakers, conferences, ceremonies</i>	<i>Fairs, festivals, sporting events, rallies that are stationary</i>	<i>Concerts, raves, music festivals</i>
0-200	0 officers	0 officers	0 officers
201-500	0 officers	2 officers	2 officers
501-1,000	3 officers, 1 dispatcher	4 officers, 1 dispatcher	4 officers, 1 dispatcher
1,001-2,000	4 officers, 1 dispatcher	6 officers, 1 dispatcher	6 officers, 1 dispatcher
2,001-3,000	6 officers, 2 dispatchers	7 officers, 2 dispatchers	10 officers, 2 dispatchers
3,000+	6 officers plus 2 officers for each additional 500 over 3,000	7 officers plus 2 officers for each additional 500 over 3,000	10 officers plus 2 officers for each additional 500 over 3,000

**Table 3: Law enforcement staffing matrix by event type by miles**

Number of miles covered	Event type	
	<i>Races</i>	<i>Rally (moving)</i>
0-0.5	1 officer	2 officers
0.5-3	1 officer	3 officers
3-10	2 officers	
10-30	3 officers	

30-100	4 officers	3 officers plus 2 officers for each additional 500 participants over 500 participants in estimated attendance
100+	4 officers plus 1 officer for every additional 20 miles	

2. If a proposed mass gathering fits into more than one of the categories in a law enforcement staffing matrix, then the applicant must provide the number of officers in the category requiring the higher number of officers.
3. In addition to the numbers from the tables herein, the County may require an additional officer for each point at which the mass gathering is expected to interfere with or obstruct the regular use of a road by pedestrian or vehicular traffic.
4. Depending on its evaluation of risk factors, the County may deviate from the law enforcement matrix and require more or fewer officers depending on the proposed mass gathering if the reasons are documented in writing.

**H. Security.**

1. The applicant must contract with a security services company and provide security guards. The number of security guards required for each mass gathering will vary depending on the specific characteristics of the mass, but shall generally follow the following private security staffing matrix below:

**Table 4: Private security staffing matrix by event type by estimated attendance**

Estimated number of participants	Event type		
	<i>Speakers, conferences, ceremonies</i>	<i>Fairs, festivals, sporting events, rallies that are stationary</i>	<i>Concerts, raves, music festivals</i>
0-200	0	0	0
201-500	0	0	0
501-1,000	2 guards	4 guards	2 guards
1,001-2,000	4 guards	8 guards	4 guards
2,001-3,000	6 guards	10 guards	6 guards
3,000+	6 guards plus 2 guards for each additional 500 over 3,000	10 guards plus 2 guards for each additional 500 over 3,000	6 guards plus 2 guards for each additional 500 over 3,000

**Table 5: Private security staffing matrix by event type by miles**

Number of road	Event type	
	<i>Races</i>	<i>Rally (moving)</i>

miles covered		
0-0.5	1 guard	2 guards
0.5-3	1 guard	3 guards
3-10	2 guards	3 guards plus 2 guards for each additional 500 participants over 500 participants in estimated attendance
10-30	3 guards	
30-100	4 guards	
100+	4 guards plus 1 guard for every additional 20 miles	

2. If a proposed mass gathering fits into more than one of the categories in a private security staffing matrix, then the applicant must provide the number of security guards in the category requiring the higher number of security guards.
  3. In addition to the numbers from the tables above, the County may require an additional security guard for each point at which the mass gathering is expected to interfere with or obstruct the regular use of a road by pedestrian or vehicular traffic.
  4. Depending on its evaluation of the risk factors, the County may deviate from the law enforcement matrix and require more or fewer security guards depending on the proposed mass gathering if the reasons are documented in writing.
- I. **Central District Health Department.** The applicant must comply with all requirements of the Central District Health Department.
  - J. **Idaho Transportation Department.** The applicant must comply with all requirements of the Idaho Transportation Department.
  - K. **Food.** The applicant must provide notification of a temporary event to the Central District Health Department of all food vendors that will be serving the mass gathering, including their Idaho Department of Health license numbers, mailing addresses, telephone numbers, and email addresses. All individual food vendors must obtain temporary food establishment licenses as required by the Central District Health Department.
  - L. **Medical.** The applicant must provide adequate medical facilities, including a clearly designated medical tent, vehicle or structure. Any gathering for which a permit is required must have a minimum of two (2) EMTs to staff the medical facility. Additional EMTs and ambulances may be required based upon the total number of participants expected and the type and location of the gathering. Any use of EMTs not affiliated with the EMS having response authority for the gathering will require proof of licensure, affiliation and written permission from that EMT's supervising medical director for

service outside of their operating area. Emergency medical resources contracted for the mass gathering shall be solely dedicated to the mass gathering. Any resources dedicated to the mass gathering may be required to enter into a cooperative plan with the germane EMS response agency and its dispatch agency. If the mass gathering requires a full street closure, then the mass gathering must still provide a 15-foot emergency vehicle lane.

**Table 6: Medical resources matrix by event type and attendance**

Event type	Estimated attendance	CPR, AED, 911 access	First Aid station w/ EMT	First Aid station w/ paramedic or RN	Number of ambulances
Speakers, conferences, ceremonies, conventions, fairs, non-music festivals	0-500	X			0
	501-1000	X			0
	1,001-2,000	X			1
	2,001-5,000	X	X		1
	5,000+	X	X		2
Concerts, raves, music festivals, dances, sporting events, races, rallies	0-500	X	X		0
	501-1000	X	X		1
	1,001-2,000	X	X		2
	2,001-5,000	X		X	3
	5,000+	X		X	4

M. **Life Flight.** The applicant must clearly indicate on a map provided with the application a space that satisfies the requirements for a landing site for a Life Flight helicopter site. The landing site must be flat, with no more than a 10-degree slope, and have a hard surface, such as asphalt, concrete, or compacted gravel. The landing site must be free of obstructions, such as wires, trees, people, street signs, basketball goals, fence posts, as well as any debris. For a mass gathering that begins after sunrise and ends before sunset, the landing site must be a square of 75 feet by 75 feet, and have cones at each of the four corners. For all other mass gatherings, the landing site must be 100 feet by 100 feet, have cones at each of the four corners during the day, and have lighted markers at each of the four corners during the night.

N. **Lighting.** If the proposed mass gathering is to continue past sunset, the applicant must provide illumination sufficient to light the central area of the mass gathering, medical facilities, toilet facilities, shower facilities, and parking spaces. All lighting will face into the event and will not shine unreasonably beyond the boundaries of the event site.

- O. **Parking.** The applicant must provide sufficient parking space for participants either for free or for a fee that is included in the cost of the event for all participants. The applicant must provide one parking space, which measures a minimum of 9 feet wide and a minimum of 18 feet long, for every two (2) participants. All aisles between rows of parking spaces must be a minimum of 24 feet wide. All parking space must be on the event site itself. If the event site cannot accommodate all of the parking space required by this ordinance, the applicant may provide parking at another site detached from the event site if parking at that site meets the requirements of this ordinance, and the applicant provides a shuttle bus that operates at regularly scheduled and published intervals from the beginning to the end of the mass gathering if the other site is more than 400 yards from the event site. The applicant must provide with the application a map of all parking sites for the mass gathering, and the map must contain a drawing with dimensions that demonstrates that the required number of parking spaces can indeed fit. The number of parking spaces can be reduced by the number of car camping spaces provided, as designated in this ordinance.
- P. **Camping space.** If a mass gathering goes past midnight of any day, the applicant must provide sufficient camping space for its participants. Each participant group must have a camping space that consists of a minimum of 1,000 square feet, unless no fires are allowed on the event site, in which case, a car camping space may consist of a minimum of 300 square feet, and the non-car camping space may consist of a minimum of 150 square feet. The applicant must ensure that sleeping areas are illuminated. The applicant must also ensure that vehicle traffic movement does not occur in camping areas after sunset and before sunrise.
- Q. **Communication.** The applicant must provide a communication plan that will provide for at least two (2) methods to make contact with Boise County Dispatch (telephone, radio, cell phone, satellite phone, or other method) in addition to any internal system of communication required to manage and control the gathering. Both of the methods provided must be capable of actually working at the event site – a cell phone that does not have reception at the event site does not qualify as a method to make contact. The applicant must supply Boise County with a method of communication to reach event staff directly in the event of an emergency or the need to discuss concerns.
- R. **Street closure.** If the applicant would like to slow or stop traffic on a road for the duration of a mass gathering, the applicant must indicate as such on the application.
- S. **Fire Protection.**
1. *Clearing of fuel ladders and ground fuel.* If any areas to be occupied by participants of the mass gathering are covered with grass longer than six (6) inches, dead vegetation, or otherwise flammable materials, then before the start time of the mass gathering, the applicant must mow down the materials, clean up the debris, and move the debris away from areas to be occupied by

participants of the mass gathering. The debris must be stored at least 30 feet away from areas to be occupied by participants of the mass gathering. The applicant must provide with its application a budget for the number of individuals to be hired to perform this work, the hourly wage for these individuals, the names of the individuals, the total dollar amount expected to be spent on this work, a list of the make and model of the equipment to be used, and a map showing where the debris is to be stored (if not hauled off and thrown away).

2. *Contract.* The applicant must contract with a fire agency to provide fire protection services for the mass gathering. Fire control resources contracted for the mass gathering shall be solely dedicated to the mass gathering.
  3. *Within a fire district.* If the event site is located within the jurisdiction of any government or membership-based fire agency, the applicant must provide with the application an approval letter from the fire agency that outlines all of (i) the precautionary fire measures that the applicant will take, (ii) the escape routes, (iii) the fire lanes, (iv) the extinguishing devices to be kept at the event site, (v) the public announcement system, (vi) stand-by fire vehicles to be at the event site, and (vii) professional fire control personnel to be at the event site.
  4. *Outside a fire district.* If the event site is located outside the jurisdiction of any government or membership-based fire agency, the applicant must provide a letter from a contracted fire agency that approves the applicant's mass gathering application and map. The letter must also outline all of (i) the precautionary measures that the applicant will take, (ii) the escape routes, (iii) the fire lanes, (iv) the extinguishing devices to be kept at the event site, (v) the public announcement system, (vi) stand-by fire vehicles to be at the event site, and (vii) professional fire control personnel to be at the event site.
- T. **Flaggers.** The applicant shall provide flaggers certified by the Idaho Transportation Department to direct traffic at all intersections at which participants coming to or leaving from the event will inevitably have to turn off or turn on to a road that has more than \_\_\_ vehicles per day. The applicant must provide flaggers for a minimum of \_\_\_ hours after the end time of the mass gathering.
- U. **Noise.** The applicant shall provide either a schedule, sound barriers, or a combination of both to ensure that the noise from the mass gathering does not exceed 85 dbA between the hours of 7 am to 10 pm, and 50 dbA from 10 pm to 7 am. Noise shall be measured by a Type I or Type II sound level meter from the residential property closest to the event site. Sounds made by legal fireworks on the Fourth of July holiday, between the hours of 7 am and 11 pm, are exempt from this requirement.

- V. **Containment.** The applicant shall take measures to ensure that participants do not leave the event site in a way that will encroach on surrounding private properties, impede on public rights-of-way, or interfere with other public activities or gatherings. The applicant shall provide with its application a plan as to what measures it will take, such as, but not limited to, signage, fences, temporary or permanent barriers.
- W. **Clean-up plan.** The applicant shall complete clean-up and removal of any equipment and solid waste within 48 hours after the end time of the mass gathering. The applicant must provide with its application either (1) a statement that the owners of the event site will handle all required clean-up and removal, or (2) a budget for the number of individuals to be hired to perform this work, the hourly wage for these individuals, the names of the individuals, the total dollar amount expected to be spent on this work, and the address to which the solid waste will be hauled. Failure by the applicant to perform these clean-up and removal duties may result in Boise County retaining the services of a contractor, and the imposition of a lien on the event site property.
- X. **Insurance.** If the mass gathering is not a rally or spontaneous event, the applicant shall provide an insurance certificate, filed with the Mass Gathering Coordinator, underwritten by an insurance company licensed to do business in Idaho, in a minimum amount of one million dollars (\$1,000,000) per single claimant and incident, and two million dollars (\$2,000,000) for all claimants arising from a single incident. The policy shall indemnify and hold harmless Boise County or any of its agents, officers, servants, and employees against losses and liabilities incurred from the conduct of the applicant, or its officers, employees, and agents. The insurance policy shall name Boise County, its elected officials, officers, agents, employees, and volunteers as an additional insured primary and non-contributory party. The insurance certificate shall include the policy start and end dates and shall provide for written notification to the Boise County Clerk's Office at least ten (10) days prior to the expiration or cancellation of said insurance.
- Y. **Bond.** If the mass gathering is not a rally or spontaneous event, and if the mass gathering event involves activities that create a potential for personal injury or property damage to Boise County infrastructure, the County may require, at the discretion of the Board, a performance bond be deposited with the County in an amount not to exceed fifty thousand dollars (\$50,000.00) to ensure compliance with all terms of this ordinance or the specific conditions of the permit. In addition, based upon the prior conduct of the applicant and its participants, a cash bond in an amount not to exceed two thousand dollars (\$2,000.00) may be required to be deposited with the County to pay for cleanup costs and/or damage to County property or other properties within one thousand feet (1,000') of the site of the proposed assembly.
- Z. **Budget.** The applicant must provide a table of all costs or estimated costs of complying with this ordinance, along with all vendor name(s) from which the applicant has secured or is securing the means by which to comply with the requirements of this ordinance.

**AA. Map of the event site.** The applicant must provide with its application a map or drawing that is drawn to scale of the event site and the routes leading to it. The map must include, at a minimum, a clear depiction of each of the following:

1. The area that participants of the mass gathering will occupy;
2. The access routes and the width of each;
3. The course of the race or rally (applicable only to races or rallies);
4. The individual parking spaces and aisles in the parking lot and the corresponding dimensions;
5. The location of each garbage container;
6. The location of each toilet unit and shower unit;
7. The location of each food vendor;
8. The life flight landing space and its dimensions;
9. Fire lanes;
10. Escape lanes;
11. Location to store cleared fuel ladders and ground fuel;
12. The intersections at which flaggers will be stationed.

#### **SECTION VI: APPLICATION DENIAL**

Applications may be denied for any of the following reasons:

- A. The application was not submitted before the deadline.
- B. The application was not a completed application.
- C. The applicant failed to comply with a requirement of this ordinance, with a condition imposed by the County, or with an applicable provision of state or local law.
- D. The applicant has other outstanding and unpaid debts to the County.
- E. The applicant has on prior occasions damaged County property and has not paid in full for such damage after being provided with a written request.
- F. The proposed mass gathering will substantially interfere or conflict with the availability or provision of public safety. If no major public safety threat is present, the Boise County Sheriff's Office can dedicate up to \_\_ deputies and \_\_ dispatchers at any given time. As such, the availability of deputies and dispatchers availability is on a first-come-first-serve basis. Mass gathering permits approved previously for a certain date may necessitate denial for a mass gathering to occur on the same date.
- G. The proposed mass gathering will substantially interfere or conflict with the availability or provision of other necessary public services.
- H. The proposed mass gathering will unreasonably disrupt traffic within the County.
- I. The applicant's past or present failure to pay application fees or reimbursement costs associated with a previous mass gathering promptly.
- J. The applicant's past or present failure to reach a satisfactory agreement with all agencies, (e.g., Central District Health regarding food vendors).
- K. The applicant's past or present failure to present proof that all necessary and proper licenses, permits, insurance, bonds, contracts, or authorizations are obtained.

- L. The applicant's past or present failure to comply with applicable laws or rules.
- M. The applicant's past or present failure to comply with a condition imposed on a permit issued previously to the applicant.
- N. The applicant proposes activities that would be in violation of law, rule or regulation; would otherwise present an unreasonable danger to the health or safety of the applicant, participants, or other members of the public; or cause damage to public or private property.
- O. The applicant made a material false statement or misrepresentation in the application.
- P. The applicant fails to provide any content-neutral items or logistical information required on the application or subsequently requested by the County.
- Q. The applicant previously had a mass gathering permit revoked or suspended for a violation of this ordinance.
- R. The proposed mass gathering will interrupt aerial or marine navigation.
- S. The proposed mass gathering will so substantially impair or impede public transportation that it cannot be managed through permit conditions.
- T. The proposed mass gathering will cause such significant vehicle or pedestrian traffic congestion that it cannot be managed through permit conditions.
- U. The proposed mass gathering will unduly disrupt construction, maintenance, or repair occurring in any public right-of-way, park, or other area.
- V. The proposed mass gathering will exceed the lawful capacity of the facility, venue, or area in which the mass gathering will be held.
- W. The proposed mass gathering fails to provide sufficient parking facilities.
- X. The proposed mass gathering does not comply with the International Fire Code.
- Y. The proposed mass gathering will violate federal, state or local law or regulation.
- Z. The applicant is legally incompetent to contract, to sue, or to be sued.

#### **SECTION VII: APPLICATION PROCESS FOR NON-RALLY MASS GATHERINGS**

- A. **Application submission.** The applicant must submit a completed application to the Mass Gathering Coordinator in accordance with the deadlines of this ordinance, pay the application fee of \_\_\_ dollars, and pay the costs of any required contracts with the County. The completed application must be submitted on forms approved by resolution of the Board.
- B. **Indigency waiver.** In lieu of paying the application fee or the costs of any required contracts, the applicant may include with its completed application a request for a fee waiver. Any such fee waiver requests must be completed before the application deadline, and must be accompanied by such relevant information and documentation as may be reasonably necessary to verify such status. The County may grant such fee waiver requests in full or in part only if the applicant meets the definition of an indigent person.
- C. **Completeness check.** Within two working days of receipt of an application, the Mass Gathering Coordinator must inform the applicant by email or other writing whether the

application was a completed application. If not, the Mass Gathering Coordinator must list the incomplete sections of the application or missing documentation required by this ordinance.

- D. **Dissemination.** If the application is a completed application, on the same date that the Mass Gathering Coordinator informed the applicant in writing that the application was complete, the Mass Gathering Coordinator shall take the following actions:
1. Post the application on the Boise County Emergency Management website within two (2) working days.
  2. Request publication in the official newspaper of the County a notice that provides (a) the name, dates, nature, and estimated attendance of the proposed mass gathering, (b) an explanation where the entire application can be viewed, and (c) a deadline by which any comments should be provided to the Mass Gathering Coordinator in order to be fully considered in the review process.
  3. Solicit feedback from the Board, the Boise County Sheriff's Office, the Boise County Clerk's Office, the Boise County Road Department, the Boise County Planning and Zoning Department, the Boise County Prosecuting Attorney's Office, the Central District Health Department, any first responder government entities that have jurisdiction over the proposed event site, and any other individual or entity as determined by the Mass Gathering Coordinator.
- E. **Comment and review.** The Mass Gathering Coordinator shall review feedback and comments, and may request from the applicant any additional information that would assist in evaluating the application's compliance with this ordinance. If no written recommendations are received from any department or agency to which an application is referred within ten (10) days from the date that the application is referred to such agency, the Mass Gathering Coordinator may assume that such department or agency has no objections to the application. The Mass Gathering Coordinator shall maintain a file of all correspondence, feedback, and application documents.
- F. **Decision.** The Mass Gathering Coordinator shall issue a written decision on the application within twenty-one (21) calendar days of sending the applicant notice that the application was complete. The Mass Gathering Coordinator's decision may either (i) issue a mass gathering permit, (ii) issue a mass gathering permit with specific conditions, or (iii) deny the application. A notice of denial must include the grounds upon which the denial is based, and shall include a statement that informs the applicant of its right to appeal the denial.
- G. **Conditions.** The Mass Gathering Coordinator can impose conditions on any permit issued pursuant to this ordinance with reasonable requirements concerning the time, place or manner of holding such event as is necessary to coordinate multiple uses of

public property, assure preservation of public property and public places, prevent dangerous, unlawful or impermissible uses, protect the safety of persons and property and to control vehicular and pedestrian traffic in and around the venue. Conditions may include, but are not limited to, the following:

1. The establishment of an assembly or disbanding area for a parade or similar event;
2. The accommodation of a mass gathering's pedestrian and vehicular traffic;
3. Conditions designed to avoid or lessen interference with public safety functions or emergency service access;
4. The number and type of vehicles, animals, or structures to be displayed or used in the event;
5. The inspection and approval by County personnel of stages, booths, floats, structures, vehicles or equipment to be used or operated in the event to ensure that such structures or vehicles are safely constructed and can be safely operated, and conform to the requirements of all applicable codes;
6. The provision and use of traffic cones or barricades;
7. The manner of providing notice of permit conditions to permit participants and those businesses or residents who may be directly affected by the conduct of the event;
8. The provision or use of emergency services;
9. The reasonable designation of alternate sites, times, dates, or modes for exercising expressive activity;
10. The obtaining of any and all business licenses or other necessary permits required by this Code for the sale of food, beverage or other goods or services at the event; and
11. The manner by which alcohol sales and service, if any, shall be conducted at the event.

#### **SECTION VIII: APPLICATION PROCESS FOR RALLY MASS GATHERINGS**

- A. **Application submission.** The applicant must submit a completed application to the Mass Gathering Coordinator in accordance with the deadlines of this ordinance. Applications for rally mass gatherings have no application fee. The completed application must be

submitted on forms approved by resolution of the Board. Applications for rallies do not need to satisfy Sections E, F, G, H, I, K, L, M, N, P, S, V, X, and Y.

- B. **Completeness check.** Within two (2) calendar days of receipt of an application, the Mass Gathering Coordinator must inform the applicant in writing whether the application was a completed application. If not, the Mass Gathering Coordinator must list the incomplete sections of the application or missing documentation required by this ordinance.
- C. **Dissemination.** If the application is a completed application, on the same date that the Mass Gathering Coordinator informed the applicant in writing that the application was complete, the Mass Gathering Coordinator shall take the following actions:
  - 1. Post the application on the Boise County Emergency Management website.
  - 2. Solicit feedback from the Board, the Boise County Sheriff's Office, the Boise County Clerk's Office, the Boise County Road Department, the Boise County Planning and Zoning Department, the Boise County Prosecuting Attorney's Office, the Central District Health Department, any first responder government entities that have jurisdiction over the proposed event site, and any other individual or entity as determined by the Mass Gathering Coordinator.
- D. **Comment and review.** The Mass Gathering Coordinator shall review feedback and comments, and may request from the applicant any additional information that would assist in evaluating the application's compliance with this ordinance. The Mass Gathering Coordinator shall maintain a file of all correspondence, feedback, and application documents.
- E. **Decision.** The Mass Gathering Coordinator shall issue a written decision on the application within two (2) calendar days of sending the applicant notice that the application was complete. The Mass Gathering Coordinator's decision may either (i) issue a mass gathering permit, (ii) issue a mass gathering permit with specific conditions, or (iii) deny the application. A notice of denial must include the grounds upon which the denial is based, and shall include a statement that informs the applicant of its right to appeal the denial.
- H. **Conditions.** The Mass Gathering Coordinator can impose conditions on any permit issued pursuant to this ordinance as it can impose for non-rally mass gatherings.

#### **SECTION IX: APPEAL PROCESS**

- A. **Appeal.** The applicant may appeal a Mass Gathering Coordinator's decision, including decisions on fee waiver requests, to the Board by filing a written notice of appeal with the Boise County Clerk's Office within ten (10) calendar days of receiving the decision. A

notice of appeal must (a) state the reasons why the Mass Gathering Coordinator's decision was in error, (b) provide any additional information that the applicant believes would be helpful to the Board, and (c) state what the applicant wants the Board to do.

- B. **Record for appeal.** Within three (3) working days of receipt of a notice of appeal, the Mass Gathering Coordinator shall provide the complete file regarding the applicant's application to the Board and to the applicant.
- C. **Appeal hearing.** Within fourteen (14) calendar days of receipt of a notice of appeal, the Board must either (i) provide the action requested in the notice of appeal, or (ii) hold a hearing. If a hearing is held, the Board must issue a written decision within ten (10) days of the conclusion of the hearing.
- D. **Judicial review.** Applicants who wish to appeal the Board's decision may do so as provided in Idaho Code § 31-1506 or as otherwise allowed by law.

#### **SECTION X: PERMIT REVOCATION AND MASS GATHERING TERMINATION**

- A. **Revocation.** The Mass Gathering Coordinator or the Boise County Sheriff's Office may revoke a mass gathering permit issued under this ordinance, or terminate a mass gathering that is in progress, for any of the following reasons:
  - 1. The applicant violated any of the provisions of this ordinance that poses a threat to life or property.
  - 2. The applicant violated any of the conditions of the mass gathering permit that poses a threat to life or property.
  - 3. The applicant failed to pay any fees to the County for the required permit or contracts at least fourteen (14) days before the first day of the mass gathering.
  - 4. The applicant failed to provide at least fourteen (14) days before the first day of the mass gathering proof that the insurance required by this ordinance is not cancelable.
  - 5. The applicant made a material false statement or misrepresentation in the application.
  - 6. A major public safety threat occurs at or near the mass gathering.
  - 7. A major public safety threat occurs in Boise County and requires the immediate diversion of law enforcement officers, medical personnel, or fire personnel away from the mass gathering to the major public safety threat.
- B. **Revocation notice.** In the event of revocation or termination, the County shall immediately provide the applicant a written notice which states the reasons for the revocation, termination, or both. The notice shall include a statement that informs the applicant of its right to appeal the revocation or termination. In the event that the revocation or termination was due to the occurrence of a major public safety threat, the

County shall provide the notice as soon as is practicable, but no less than 24 hours after the abatement of the major public safety threat.

- C. **Appeal.** Appeals of permit revocations and terminations of mass gatherings may be appealed in accordance with Section IX of this ordinance.

#### **SECTION XI: ILLEGAL ACTS, VIOLATIONS, AND PENALTIES**

- A. **Illegal acts by the applicant.** Each of the following acts or omissions shall be unlawful if committed by an applicant:

1. To intentionally facilitate a mass gathering without a permit when a permit is required by this ordinance.
2. To knowingly make any false statement or misrepresentation on an application for a permit required by this ordinance.
3. To provide an estimate of projected attendance on an application that the applicant knows, or should know, to be inaccurate.
4. To fail to maintain insurance, of the type and in the amount required, for the entire period of the mass gathering, including set-up and take-down, unless waived by the County.
5. To knowingly fail to comply with the requirements of this ordinance.
6. To knowingly fail to monitor the noise level of the mass gathering and comply with the noise level requirements of this ordinance.
7. To knowingly fail to comply with conditions pursuant to which a mass gathering permit was issued.
8. To commence or continue a mass gathering without ensuring that the required number of law enforcement officers, security guards, medical personnel, and fire agency personnel are present at the event site.
9. To sell tickets to, invite, or permit more people than the maximum attendance listed on the applicant's application or the mass gathering permit, whichever is lower, to the mass gathering.
10. To knowingly fail to timely pay the County for all expenses required to be reimbursed pursuant to this ordinance unless otherwise waived by the County.
11. To knowingly fail to immediately terminate a mass gathering that has been terminated by the Boise County Sheriff or the Boise County Emergency Manager.
12. To intentionally facilitate a mass gathering beyond the end time listed on the application or permit, whichever is earlier.
13. To intentionally allow participants to arrive at the event site before the start time listed on the application or permit, whichever is later.

- B. **Illegal acts by participants.** Each of the following acts or omissions shall be unlawful if committed by a participant:

1. To continue to participate in a mass gathering even after knowing that the mass gathering's permit has been either terminated or revoked.
2. To continue to participate in a mass gathering even after knowing that the end time of the mass gathering has passed.

C. **Violations and penalties.** A violation of this ordinance shall be a misdemeanor, punishable by a fine not exceeding one thousand dollars (\$1,000), imprisonment not to exceed six (6) months, or both such fine and imprisonment.

#### **SECTION XII: SEVERABILITY**

The provisions of this ordinance are severable. Should any sentence, section, or other part be held invalid, such invalidity shall not affect the remaining provisions of this ordinance, which shall remain in full force and effect.