



# BOISE COUNTY

## MASS GATHERING ORDINANCE 2014-02

### AN ORDINANCE FOR LICENSING AND REGULATING MASS GATHERINGS, SPECIAL EVENTS OR OTHER PUBLIC ASSEMBLIES

#### PREAMBLE

**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 permits issued under this ordinance may not be granted or denied 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; 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, Enactment.** Therefore, in light of the foregoing, 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.

**Section II, Repeal.** This ordinance shall repeal in its entirety the Boise County Mass Gathering Ordinance, 2011-02.

**Section III, Short Title.** This ordinance shall be known as the Boise County Mass Gathering Ordinance.

**Section IV, Authority.** This ordinance is enacted pursuant to Idaho Code Section 31-714.

#### **Section V, Definitions.**

**Applicant.** "Applicant" means any person or duly appointed agent who has been authorized to apply on behalf of an organization or to whom a permit is issued pursuant to this ordinance. This person must be readily available for consultation and communication throughout the permitting process.

**Attendee.** "Attendee" means any person who obtains admission to an assembly by payment of money, by the rendering of services in lieu of the payment of money for admission or by being present.

**Board.** The Boise County Board of County Commissioners.

**Mass Gathering.** "Mass Gathering" means a company of persons estimated to equal 150 or more persons gathered together at any location, at any single time, for any lawful purpose. Gathering, assembly and event are used interchangeably throughout this ordinance.

**Mass Gathering Review Committee.** "Mass Gathering Review Committee" means a committee consisting of representatives of the Boise County Sheriff, Boise County Road & Bridge Department and Boise County Emergency Management Department, and other members as appointed by the Board, which will review, evaluate and establish minimum requirements for each Mass Gathering Permit.

**Mass Gathering Coordinator.** "Mass Gathering Coordinator" means the employee or agent appointed by the Board charged with collecting all necessary information about a Mass Gathering and providing same to the Mass Gathering Review Committee in a timely manner.

**Person.** "Person" means any natural person, partnership, corporation, association, society or organization.

**Solid Waste.** "Solid Waste" means garbage, trash, containers and excess food. For the purposes of this Ordinance, human waste is not included as "Solid Waste". Human waste is treated separately under "Sanitation".

**Sponsor.** "Sponsor" means any person who organizes, promotes, conducts or causes to be conducted, an assembly of persons.

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

**Section VI, Applicability.** This ordinance applies to any organized activity with an anticipated attendance, including participants and spectators, of at least one hundred (100) people. This ordinance shall not apply to any regular established, permanent place of worship, stadium, athletic field, arena, auditorium, coliseum, school or other similar permanently established place of assembly which does not exceed the maximum seating capacity of the facility where the assembly is held. This ordinance shall not apply to any events conducted by a business as long as that event falls within the normal scope of that business, as determined by the Mass Gathering Review Committee. Prior issuance of a Conditional Use Permit for the property hosting the event does not exempt the applicant from the requirements of this ordinance.

**1) 150 or More Attendees.** All events with an estimated attendance, including participants and spectators, of at least 150 people shall complete a Notice of Mass Gathering. The Mass Gathering Review Committee will request applications for events they feel will have a substantial impact on Boise County resources.

**2) Government Events.** This ordinance shall not apply to government-sponsored events held on publicly owned land or facility, nor to assemblies within any incorporated municipality within the county.

**Section VII, Permits.** No person shall permit, maintain, promote, conduct, advertise, act as entrepreneur, undertake, organize, manage, sell or give tickets to an actual or anticipated attendance, including participants and spectators of one hundred fifty (150) or more people, whether on public or private property, without a Mass Gathering Permit to hold the assembly, unless an exemption has been granted by the Mass Gathering Review Committee. Notice of intent to hold such an assembly must be submitted to the Boise County Clerk's Office at least one hundred and twenty (120) days in advance of the event. The applicant will receive notice within fourteen (14) days from the submission of said Notice of Mass Gathering, stating if a permit is required.

**1) Notice and Application.** Notice and application for Mass Gatherings shall be written and submitted on the forms approved by resolution of the Board and provided by the County (Notice of Mass Gathering and Mass Gathering Permit Application).

**2) Notice of Mass Gathering .** All sponsors planning an event meeting the requirements of this ordinance in Section VI above must complete the Boise County Notice of Mass Gathering and submit it to the Boise County Clerk's Office. The Boise County Clerk, upon receipt of the Notice of Mass Gathering, shall forward the Notice of Mass Gathering to the Mass Gathering Coordinator.

**3) Mass Gathering Application.** The Mass Gathering Review Committee may require that any event or sponsor meeting the applicability requirements of Section VI of this ordinance apply for a Mass Gathering Permit and submit the non-refundable application fee. This determination will be based on information obtained in the Notice of Mass Gathering as well as any other sources available and will consider the proposed event's projected impact on Boise County services. The following factors shall be considered by the Committee:

- Anticipated attendance.
- Experience with producing past or similar events.
- Risk of injury to persons or property.
- Risk of unlawful disturbance or behavior.

**4) Maximum Attendance.** A Mass Gathering Permit to hold a gathering, issued to one person or entity, shall permit that entity to engage in any lawful activity in connection with the holding of the permitted gathering. The Permit shall specify the maximum number of people in the permit. The permit holder shall not sell tickets to, nor permit more people to assemble at the gathering location, than the maximum allowed by the permit.

**5) Contents of Application.** The applicant will complete all required items on the application and attach all plans, documents and maps at time of submission. Additional documents may be required by the Mass Gathering Review Committee.

**6) Permit Application Distribution.** Copies of applications, received by the Clerk's Office and forwarded to the Mass Gathering Coordinator, will be sent to the Mass Gathering Review Committee. Copies will also be referred to those Fire, EMS and other applicable agencies as determined by the Mass Gathering Coordinator. If no written recommendations are received from any department or agency to which an application is referred within ten (10) days from the date said application is referred to such agency, it may be assumed for the purposes of County review that such department or agency has no objections to the application.

**7) Permit Application Documentation.** The Mass Gathering Coordinator will maintain a file of all correspondence, application documents and agreements throughout the permitting process and will submit a final package to the County Clerk's office for filing prior to a permit review by the Board.

**Section VIII, Permit Review.** Upon receipt of the Mass Gathering Application, the Coordinator will arrange with the Boise County Clerk's Office to establish a reading date with the Board. The reading date will be a maximum of sixty (60) days after receipt of application. During this sixty day review period, the Mass Gathering Coordinator will meet with the applicant, determine any special considerations and requirements, and submit recommendations to the Mass Gathering Review Committee.

**1) Public Comment.** Prior to the first reading of a Permit application, the Mass Gathering Coordinator shall post the application on the Boise County website and will accept public comments throughout the permitting process.

**Section IX, Conditions for Issuing a Mass Gathering Permit.** Before a permit may be issued, the applicant shall provide proof that he will furnish the following, at his own expense, before the gathering commences:

**1) Potable water.** Must meet "federal and state requirements for purity", sufficient to provide drinking water for the maximum number of people to be assembled at the rate of at least one (1) gallon per person per day.

**2) Sanitation.** The responsibility for human waste generated on any Idaho property lies with the landowner. The applicant will provide documentation that the landowner is aware of this liability. The applicant shall provide a plan addressing adequate toilet and lavatory facilities. A description of the type (flush or portable chemical) and the number of toilets available shall be addressed. The applicant may use any combination of flush, pit or portable toilets to meet the numerical requirements of CDHD table 4-8 below. A sufficient supply of water, soap and paper towels or hand sanitizer shall be provided with each toilet. If the gathering continues in excess of 72 hours past its start time, separate showers with a water storage capacity of ten (10) gallons per person, per day will be provided for male and female attendees at the rate of one (1) shower head/facility for every one hundred (100) attendees anticipated of each gender. Overnight gatherings will also require one (1) portable sanitation unit for every fifty (50) participants. Urinals may be substituted for one-third (1/3) of the total units specified if the facilities will not serve women. For multiple day events, a licensed vendor must service and maintain all toilet and lavatory units on a daily basis. All toilets and shower facilities must meet the standards of the Central District Health Department.

**Table 4-8. Portable Unit Requirements for Number of People per Event Hours**

Number of People	Number of Hours for the Event									
	1	2	3	4	5	6	7	8	9	10
0-500	4	4	4	6	6	6	8	8	8	8
501-1,000	4	6	6	6	6	8	8	8	8	12
1,001-2,000	8	8	8	8	8	12	12	12	12	16
2,001-3,000	8	8	10	10	10	12	16	16	20	20
3,001-4,000	8	8	12	12	16	16	20	24	24	28
4,001-5,000	12	12	12	16	20	30	30	30	30	34
5,001-6,000	12	12	16	16	20	30	30	36	36	40
6,001-7,000	12	12	16	20	30	32	40	40	48	52
7,001-8,000	12	12	20	24	32	32	40	44	52	54
8,001-9,000	16	16	24	28	40	40	52	52	60	64
9,001-10,000	16	16	28	40	40	52	52	60	60	72

**3) Solid Waste.** The responsibility for solid waste generated on any Idaho property lies with the landowner. The applicant will provide documentation that the landowner is aware of this liability. A plan for disposal of solid waste, at the rate of at least two and one-half (2-1/2) pounds of solid waste per person, per day is required. This plan will address trash containers, collection, storage and personnel adequate to remove all waste on a daily basis. All solid waste must be disposed of at a collection site or a plan must be submitted to Central District Health Department by the event applicant at least seventy-five (75) days prior to the scheduled event date. It is also the applicant's responsibility to use a disposal site meeting state and local laws.

**4) Additional Health Requirements.** The above health requirements heretofore set forth are to be minimum requirements only. Additional health requirements may be specified by the Central District Health Department.

**5) Food.** It is the responsibility of the Applicant to provide a notification of temporary event to the Central District Health Department of all food service/vendors that will be serving the event. All individual food vendors must submit a temporary event food establishment license application to Central District Health Department sixty (60) days prior to the scheduled event date. Notification of event forms and temporary event food establishment license applications can be obtained from the Central District Health Department. Applicable County permits will not be issued prior to approval of the Mass Gathering Permit.

**6) Medical.** Adequate medical facilities must be provided, to include 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 attendees 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.

**7) Lighting.** If the assembly is to continue during hours of darkness, illumination sufficient to light the central area of the assembly, medical and latrine facilities will be provided by the applicant. All lighting will face into the event and will not shine unreasonably beyond the boundaries of the enclosed location of the assembly.

**8) Parking.** A free parking area inside of the assembly grounds adequate for one (1) parking space for every four (4) persons will be provided. In the event that the site and access to it cannot accommodate the number of people and vehicles expected to attend the assembly, the Boise County Sheriff may require the applicant to provide parking at other sites with transportation between the parking site and the gathering site to be provided by the applicant. If a shuttle bus is provided, it will operate at regularly scheduled and published intervals from the beginning to the end of the gathering.

**9) Communication.** The applicant will 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.

**10) Camping Facilities.** If the assembly will be held on multiple consecutive days, adequate camping facilities shall be included in the application and plans.

**11) Security.** In addition to private security provided by the applicant of at least one security guard for every two hundred (200) people, the applicant will contract with the Boise County Sheriff for the additional officers and dispatchers required to support the gathering. The Boise County Sheriff will determine the number of deputies required based on the nature, location and duration of the gathering. Normally one (1) additional dispatcher will be required for every additional three (3) deputies.

**12) Fire Protection.** Fire protection requirements will be determined by the Mass Gathering Review Committee. These typically include a PA system, extinguishing devices, fire lanes and escape routes. The applicant may be required to provide stand-by fire engines and professional fire control personnel on-site for fire protection services. Fire control 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 fire response agency and its dispatch agency.

**13) Traffic Control.** The applicant shall provide an emergency route of ingress/egress at the gathering site for use by emergency vehicles only. These routes must be clearly posted and the applicant is responsible for providing traffic control personnel to enforce this Traffic Control plan.

**14) Insurance.** If the proposed mass gathering activity creates a potential for injury to persons or property, Boise County may require an insurance certificate, filed with the Boise County Mass Gathering Coordinator, underwritten by an insurance company licensed to do business in Idaho in an amount not to exceed five million dollars (\$5,000,000.00). Boise County shall consider the nature of the mass gathering activity and the value of the assets or

facilities affected in determining amount of insurance coverage, if any, is required. When required, the policy shall indemnify and hold harmless Boise County or any of its agents, officers, servants and employees from any liability or causes of action related to the Mass Gathering. The insurance policy shall name Boise County 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 10 days prior to the expiration or cancellation of said insurance.

**15) Bond.** If the mass gathering event involves activities that create a potential for personal injury or property damage to Boise County infrastructure, Boise 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.

## **Section X, Action on Applications.**

**1) Scheduling of applications to be heard before the Boise County Board of Commissioners.** Upon receipt of all plans required by the Mass Gathering Review Committee, the Mass Gathering Coordinator will arrange with the Boise County Clerk's Office to schedule the application for the review before the Board and will provide all pertinent documents, summaries, and agreements for Board review, along with recommendations of the Mass Gathering Review Committee. The Board will hear the application during open session of a regularly scheduled meeting and will approve or deny the application at least forty-five (45) days prior to the requested event date. Applicants requiring more than forty-five (45) days prior approval should add the additional time desired to the initial 120-day submission period and advise the Mass Gathering Coordinator that they are requesting an earlier approval/denial.

**2) Approval of Application.** The Mass Gathering Permit shall be processed and issued after proof of compliance with this ordinance and fulfillment of any conditions required by the Board. Unless otherwise approved by the Board, all required fees, contract obligations for additional County services and agreements made with affiliated agencies, will be paid by the applicant prior to the permit being issued.

**3) Denial of Application.** If the permit is denied, the applicant may submit a written appeal to the Clerk within ten (10) working days following the date of denial. The Board shall revoke or sustain the denial at the next available Board meeting and provide written notice of their decision to the applicant. An application may be denied if:

a) The applicant fails to comply with any or all requirements of this ordinance or with any or all conditions imposed pursuant hereto, or with any other applicable provision of state or local law.

b) The applicant has knowingly made a false, misleading or fraudulent statement in the application or in any supporting document.

#### 4) Appeal

Any decision of the Mass Gathering Review Committee may be appealed to the Board.  
Any decision of the Board may be appealed to the District Court.

**5) Revocation of Permit.** The permit may be revoked by the County at any time if the conditions necessary for the issuing of or contained in the permit are not complied with or if any condition previously met ceases to be complied with.

a) Public Nuisance. The holding of any gathering in violation of any provisions or conditions contained in this ordinance shall give cause to the County to seek injunctive relief for creation of a public nuisance. Said action shall be brought before any court of competent jurisdiction.

b) Violation of Conditions of Permit. If the applicant violates conditions of his permit, that pose a threat to life or property, the Boise County Sheriff shall terminate the event. In such a case, no refunds of fees will be made.

c) Right of Entry. If the County issues a permit to the applicant, the applicant shall allow entry to enforce provisions of this ordinance by any authorized Boise County official.

d) Public Safety. In the event of a natural or public emergency that prevents the safe conduct of the permitted gathering, or obstructs the ability of Boise County or any of the agencies to support the event, the Boise County Sheriff shall terminate the event. In such a case, no refunds of fees will be made.

**6) Penalty.** Any applicant who fails to obtain a permit, makes misrepresentations during the permit application process or otherwise violates this ordinance, may be subject to penalties set forth under I.C. 31-714; including a fine of not more than one thousand dollars (\$1,000) or by imprisonment not to exceed six (6) months or by both such fine and imprisonment. Every day in violation is a separate offense.

**7) Duties and Liabilities Following Event.** Unless other arrangements are approved at the time of permit approval, the applicant will complete cleanup and removal of any equipment within 48 hours following termination of the event. If applicant fails to perform these cleanup and removal duties, Boise County shall have the right to do so, or retain the services of a contractor to do so. In such event, the applicant shall be liable for all Boise County or contractor costs related such cleanup or equipment removal.

This ordinance shall become effective upon its passage, approval and publication in the manner provided by law.

**APPROVED** and **ADOPTED** in Open Session this 27<sup>th</sup> day of May, 2014.



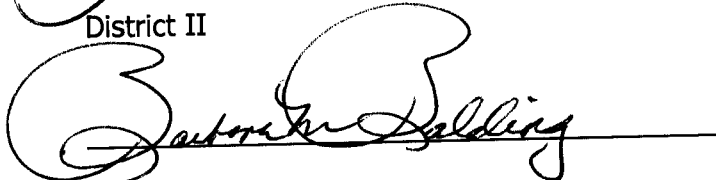
**BOISE COUNTY BOARD OF COMMISSIONERS**



**VICKI L. WILKINS**, Chair  
District III



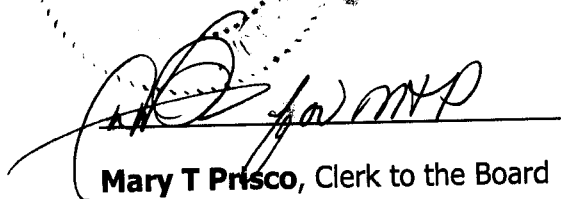
**JAMIE A. ANDERSON**, Commissioner  
District II



**BARBARA M. BALDING**, Commissioner  
District I



**Attest:**



**Mary T Prisco**, Clerk to the Board