



# BOISE COUNTY

## MASS GATHERING ORDINANCE 2011-02

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

**Section I, Enactment.** 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, 2004-04.

**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 applies for or to whom a permit is issued pursuant to this ordinance.

**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.

**Mass Gathering.** "Mass Gathering" means a company of persons estimated to equal 100 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 (MGRC).** "Mass Gathering Review Committee" means a committee consisting of the Boise County Sheriff, Boise County Road & Bridge Superintendent, Boise County Emergency Manager and others as deemed necessary to review, evaluate and establish minimum requirements for each Pre-Questionnaire and Application for Mass Gathering.

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

**Race.** "Race" means any event or gathering that includes a competition involving a contest of speed or completing a course in the shortest time. This applies to competitions accomplished in unison with a group or in a timed event, whether riding animals, being pulled by animals, foot races, swimming or by the use of a mechanically or human propelled device.

**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 of at least one hundred (100) people or a race. This ordinance shall not apply to any regular established, permanent place of worship, stadium, athletic field, arena, auditorium, coliseum, schools or other similar permanently established place of assembly for regularly scheduled events which do not exceed the maximum seating capacity of the structure where the assembly is held.

**1) 100 or More Attendees.** All events with an estimated attendance of at least 100 people shall complete a Pre-Questionnaire and will be determined by the MGRC whether a permit is appropriate.

**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.

**3) Races.** All applications for any race or sporting event of a competitive nature not specifically excluded will complete Attachment B – Permit Application regardless of the total number of attendees, unless determined not applicable by the MGRC.

**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 reasonably anticipated assembly of two hundred (200) or more people, whether on public or private property unless a permit to hold the assembly has first been issued by the Board of County Commissioners, application for which must be submitted to the Boise County Clerk at least one hundred and twenty (120) days in advance of the event. The MGRC may determine that events exceeding one hundred (100) attendees but less than two hundred (200) may also need to secure a permit from the Board of Commissioners. The applicant will receive notice within fourteen (14) days from submission of Pre-Questionnaire whether a permit is required.

**1) Forms.** A written application for a permit to hold a mass gathering will be submitted on the forms approved by resolution of the Board and provided by the County Clerk (Attachment A - Mass Gathering Application Pre-Questionnaire and Attachment B - Permit Application).

**2) Attachment A - Pre-Questionnaire.** All applicants, with an anticipated minimum attendance of one hundred (100) people or conducting a race, must complete the Boise County Mass Gathering Application Pre-Questionnaire and submit it to the Boise County Clerk with a non-refundable fee at least one hundred and twenty (120) days prior to the event.

**3) Attachment B – Mass Gathering Application.** Any person, corporation, partnership, association, group or organization exceeding 200 participants and attendees and falling under the definition of a "race" or providing live music during the gathering will be required to complete Attachment B in addition to the Pre-Questionnaire and should submit it at the time of initial application. Other applicants may be required to complete this form if so determined by the MGRC.

**4) Permit required.** A permit to hold a gathering issued to one person shall permit that person to engage in any lawful activity in connection with the holding of the permitted gathering.

a) A separate permit shall be required for each location (if multiple locations are utilized for the same event) in which two hundred (200) or more people gather or can reasonably be anticipated to assemble or any racing event regardless of attendance. The fee for each permit shall be as set by the Board of County Commissioners of Boise County and listed on the Boise County Mass Gathering Permit.

b) A permit shall allow the gathering of only the maximum number of people stated 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 Pre-Questionnaire and Attachment B (if required) and attach all plans, documents and maps at time of submission. Additional documents may be required by the MGRC.

**6) Permit Application Distribution.** Copies of all Pre-Questionnaires received by the Clerk will be forwarded, by their office, to the Boise County Commissioners, the MGRC and Central District Health Department (CDHD). The Boise County Emergency Manager will forward the same notification to Boise County Dispatch and all Fire, EMS and other applicable agencies as determined by the Sheriff and Emergency Manager.

**Section VIII, Permit Review.** Upon receipt of the Pre-Questionnaire, the Clerk will establish a tentative first reading date with the Boise County Commissioners. The first reading date will be a minimum of sixty (60) days after receipt of application.

**1) Review Committee.** During the sixty days (60) prior to the first reading before the Boise County Commissioners, the MGRC will meet with the applicant, determine requirements and submit their recommendations to the Clerk.

**2) Public Comment.** During the agendized time frame for the review of a permit, the Board of Commissioners may allow an opportunity for public comment.

### **Section IX, Conditions for Issuing a Mass Gathering Permit.**

**1) Number of Persons at Gathering:** The applicant shall determine the maximum number of people who may be assembled or admitted to the location of the gathering. The maximum number of attendees shall not exceed the maximum number which can reasonably assemble at the location of the gathering in consideration of the nature of the gathering.

**2) Number of Gatherings Per Property Per Year:** No parcel of property shall have more than four (4) Mass Gathering Permits issued on it each year.

**3) 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.**

a) 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.

b) Sanitation. 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 i) 4-8. 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

c) Solid Waste. 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 coordinator/promoter at least seventy-five (75) days prior to the scheduled event date. It is also the coordinator/promoter's responsibility to use a disposal site meeting state and local laws.

d) 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.

e) Food. If the event is to provide food service for any period of time or bring in outside food vendors, a notification of temporary event responsibility to inform Central District Health Department by all food service/vendors that will be attending 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.

f) Medical. Adequate medical facilities must be provided to include a separate medical tent or structure. The applicant will provide at least two (2) Idaho licensed – Boise County affiliated Emergency Medical Technicians (EMT) for every five hundred (500) attendants. Any gathering for which Attachment B – Application Permit is required and all competitive or race events will require a minimum of two (2) EMT's to staff the medical facility. One (1) fully equipped, licensed and inspected ambulance with minimum crew of two is also required. The minimum crew shall consist of one (1) driver and one (1) EMT. Additional EMT's and ambulances may be required based upon the total number of attendees expected and the type and location of the gathering. The applicant will provide a letter of non-supportability from the applicable Boise County EMT unit before requesting to use out-of-county EMT personnel.

g) 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 promoter. All lighting will face into the event and will not shine unreasonably beyond the boundaries of the enclosed location of the assembly.

h) 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 promoter to provide parking at other sites with transportation between the parking site and the gathering site to be provided by the promoter. If a shuttle bus is provided, it will operate at regularly scheduled and published intervals from the beginning to the end of the gathering.

i) 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.

j) Camping Facilities. If the assembly is to continue overnight, camping facilities shall be provided by the promoter at the site of the event.

k) Security Guards. In addition to private guards provided by the applicant at the rate of at least one security guard for every two hundred (200) people, the vendor will contract with the Boise County Sheriff and Boise County Dispatch for the additional officers and dispatchers required to support the gathering. The Boise County Sheriff will determine the number of off-duty 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.

l) Fire Protection. Fire protection requirements will be determined by the MGRC. As a minimum, these may include a PA system, extinguishing devices, fire lanes and escape routes. If necessary the applicant will be required to contract with a Boise County Fire Department whose response area covers the location of the gathering for fire protection services.

m) Traffic Control. The promoter shall provide an ***emergency route of ingress/egress*** at the gathering site for use by ***emergency vehicles only***. The promoter is responsible for providing traffic control personnel to enforce this policy.

n) Insurance. An insurance certificate, filed with the Boise County Clerk, underwritten by an insurance company licensed to do business in Idaho in the minimum amount of one million dollars (\$1,000,000.00), which shall indemnify and hold harmless Boise County or any of its agents, officers, servants and employees from any liability or causes of action which might arise by reason of granting this permit. The insurance policy shall name Boise County as an additional insured primary and non-contributory party, the policy start and end dates and provide written notification to the Boise County Clerk at least 10 days prior to the expiration or cancellation of said insurance.

o) Bond. At the discretion of the Board of Boise County Commissioners, a performance bond may be required to be deposited with the County Commissioners in the amount of fifteen thousand dollars (\$15,000.00) to ensure compliance with all terms of this ordinance. In addition, a cash bond in the amount of two thousand dollars (\$2,000.00) may be required to be deposited with the County to pay for cleanup costs and/or damage to adjoining or non-adjoining properties within one thousand feet (1,000') of the site of the proposed assembly.

## **SECTION X, ACTION ON APPLICATION.**

**1) Scheduling of hearings before the Boise County Board of Commissioners.** Upon receipt of all plans required by the MGRC, the Clerk will schedule the application for the first hearing before the Board of Commissioners. The Commissioners will hear the application two (2) times 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 Clerk 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 Boise County Commissioners have been submitted to the Clerk. Unless otherwise approved by the Commissioners, all required fees and contract obligations for County services will be paid by the applicant at the time the permit is issued which must be a minimum of 30 days prior to the event.

**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 Commissioners shall revoke or sustain the denial at the next available Board of Commissioners 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) 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 limb, 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 promoter, the promoter shall allow entry to enforce provisions of this ordinance by any authorized Boise County official.

**5) 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.

**6) 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.

**APPROVED** and **ADOPTED** in Open Session this 25<sup>th</sup> day of July, 2011.

**BOISE COUNTY BOARD OF COMMISSIONERS**

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

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**TERRY C. DAY**, Commissioner  
District I

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**ROBERT A. FRY**, Commissioner  
District III

**ATTEST:**

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