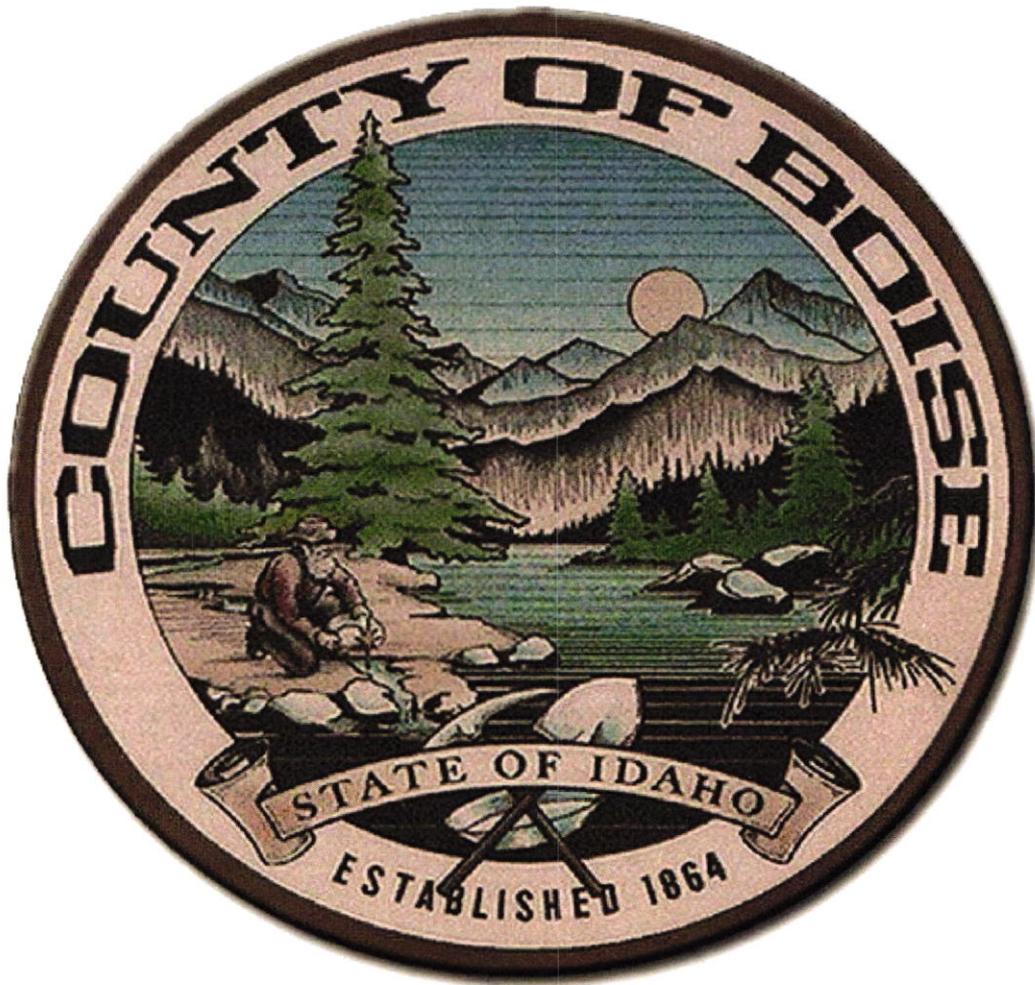


BOISE COUNTY
MASS GATHERING ORDINANCE
2019-01



December 18th, 2019

BOISE COUNTY
MASS GATHERING ORDINANCE
AN ORDINANCE FOR LICENSING AND REGULATING MASS GATHERINGS,
PARADES, FESTIVALS, SPECIAL EVENTS, AND OTHER PUBLIC ASSEMBLIES

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 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: 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 applying for a permit pursuant to this ordinance.

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

“Completed application” means a mass gathering permit application required by Boise County that contains substantive and responsive answers to all sections of the application, and that attaches all documentation required by the application. All contracts, fees and agreements must be complete prior to the application being presented to the Boise County Commissioners for approval.

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

"Farmer's market" means an open-air market for the sale to the general public of products grown, raised, caught or baked by local farmers and fishers.

“Fire agency” means organization or government entity which provides fire protection services.

“Mass gathering” means a gathering of attendees to equal 150 or more individuals gathered together at any location, at any single time, for any lawful purpose.

“Mass gathering coordinator” means the employee or agent appointed by the Board charged with collecting all necessary information about a mass gathering permit application, and assisting the Board to make an informed decision in a timely manner.

“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 good or services;
- f. is free of charge to all participants.

“Risk factors” means the following factors that impact the risk of crime, injury, death, or property damage at a mass gathering:

- a. The availability of alcohol (If yes, risk increases).
- b. The number of entrances to the mass gathering (Less roads, more risk).
- c. The environment (Outdoor events increase risk).
- d. Containment of the event site (Lack of barriers increases risk. Temporary barriers lowers risk compared to no barriers, but is higher risk than permanent barriers).

- e. Whether attendees under the age of 21 are invited to the mass gathering (If yes, risk increases).
- f. The length of alcohol service for the mass gathering (Increased length increases risk).
- g. The number of estimated attendees (Risk increases with the number).
- h. The time of day of the mass gathering (Nighttime events have increased risk).
- i. Whether the mass gathering is being advertised locally or regionally (Wider advertising campaign increases risk).
- j. The number of road closures required for the mass gathering (Risk increases with the number).
- k. Whether smoke or pyrotechnics will be used (If yes, risk increases).
- l. Whether live or amplified entertainment will be provided (If yes, risk increases).
- m. Whether multiple events are planned by the applicant for the same day (If yes, risk increases).

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

“Spontaneous event” means 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.

"Street event" means any activity on a public street, street curb lane, or sidewalk where the activity will interfere with or obstruct the regular use of the location by pedestrian or vehicular traffic

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 of County Commissioners, unless otherwise not required by this ordinance or law.
- B. **Exceptions.**
 - 1. No person is required to obtain a mass gathering permit if the mass gathering 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, auditorium, coliseum, school, or other similar permanently established place of assembly; or
 - c. The facility hosting a mass gathering falls within the normal scope of business for that facility, as determined by the Mass Gathering Committee.
 2. No person is required to obtain a mass gathering permit if a government entity is sponsoring the mass gathering, and will conduct the mass gathering entirely within the confines of publicly-owned property or facility.
 3. No person is required to obtain a mass gathering permit if the mass gathering is a spontaneous event, as defined in this ordinance, for the purpose or expressive of associative activity.
 4. This ordinance does not apply to any mass gatherings that take place entirely within the confines of any incorporated municipality within Boise County.
 5. Prior issuance of a conditional use permit by Boise County for the property hosting the mass gathering does not 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 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.
- E. **Application approval.** All contracts, fees and agreements must be complete no later than 30 days before the first day of the mass gathering prior to the application being presented to the Boise County Commissioners for approval. All contracts, agreements and fee receipts must be provided to the Mass Gathering Coordinator prior to the application being sent to the commissioners.

Because failure to submit a completed application before the deadline results in a denial without the possibility of re-submitting or amending an application, the Board

encourages applicants to submit applications well in advance of the deadlines (at least 30 days before the deadline) and communicate early and often with the Boise County Emergency Manager and/or Boise County Sheriff.

SECTION V: APPLICATION CONTENTS

An application must contain the required information below as well as proof that all of the following requirements are satisfied in order for the County to consider the application to be a completed application under this ordinance. Documentation that constitutes proof of compliance with these requirements is a receipt, an invoice, or an executed contract with a provider of goods or services.

- A. **Access routes.** No mass gathering may be held at an event site that does not have a minimum of two access routes. One of the two required access routes must be for emergency vehicle(s) ingress and egress. There must be sufficient space or road loop to allow for larger emergency vehicles to turn around. Event staff will ensure this emergency road is clear for emergency vehicles in an emergency situation. At least two roads must be at least twelve (12) feet wide. This requirement is to ensure that first responders can safely respond to any emergencies at the mass gathering, and that if an emergency does occur and one access route is blocked for whatever reason, attendees can still evacuate the event site safely. If there is one drivable access to property of sixty (60) feet or more, the two road requirement does not apply.
- B. **Potable water.** The applicant must provide a minimum of one (1) gallon of water per estimated attendee 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 the applicant can prove that attendees 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 applicant is only required to provide one (1) quart of water per estimated attendee per day of the mass gathering.
- C. **Maximum attendance.** The applicant must provide the maximum number of people that the applicant will allow on the event site. If tickets are sold, ticket sales will not exceed the maximum amount of attendees listed on the application. If the max attendance is not reached on pre-sales, tickets can be sold at the entrance to the event but cannot exceed maximum attendance as stated on the application.
- 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 service and maintain 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, based on the estimated attendance and duration of the mass gathering.
2. For mass gatherings that do go past midnight of any day, the applicant must provide at least one toilet for every 50 attendees.
3. America Disability Act (ADA) toilets should be considered if applicable to terrain. For instance, if the mass gathering is in the mountains on uneven ground or rough terrain, ADA toilets would not be feasible. If the mass gathering is held where paved streets allowed for people with disabilities to attend, ADA toilets should be available.

Table 1: Toilet facility matrix

Estimated number of attendees	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

4.

- 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 attendees at the rate of one (1) shower head/facility for every one-hundred (100) attendees anticipated of each gender. The “start” of an event is determined when the first “attendee” of the event arrives on the property of the event. This does not include paid or volunteer staff. The “end” of the event is determined by a specific time stated on the application by the event organizer. At such time, all event activities to include, music, sales, demonstrations and organized activities ceases. This does not include tear down of stages/shelters and cleanup activities.

Solid waste. The applicant must provide a plan for disposal of solid waste. This plan will 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 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. The applicant must provide one fifty (50) gallon trash container or its equivalent for every one-hundred (100) anticipated attendees. The applicant must also provide in the parking area, 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. Solid Waste shall be disposed of as required by Boise County Ordinance 2008-02 (or successors). Fees shall be paid as required by Resolution 2017-14 (or successors) if disposed of at a Boise County Transfer Station. The applicant must remove all solid waste from the event site and immediately surrounding property within forty-eight (48) hours after the end of a mass gathering.

F. 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 attendees	Event type				
	<i>Speakers, conferences, ceremonies</i>	<i>Fairs, festivals, sporting event,</i>	<i>Concerts, raves, music festivals</i>	<i>Races</i>	<i>Rally (stationary)</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	7 officers plus 2 officers for each additional	10 officers plus 2 officers for each additional		

	500 over 3,000	500 over 3,000	500 over 3,000		
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Table 3: Law enforcement staffing matrix by event type by miles

Number of road miles covered	Event type	
	Races	Rally (moving)
0-0.5	1 officer	2 officers
0.5-3	1 officer	3 officers
3-10	2 officers	3 officers plus 2 officers for each additional 500 over 500 in estimated attendance
10-30	3 officers	
30-100	3 officers	
100+	3 officers plus 1 officer for ten (10) miles	

2. If a proposed mass gathering fits into more than one of the categories in the 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 above, 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 the risk factors as defined in this ordinance, 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.
5. If the County is unable to supply the required number of law enforcement officers due to lack of available deputies, the applicant is responsible for arranging and contacting the Idaho State Police or other agency with jurisdiction to make up the number of officers.

G. Security.

1. The applicant must contract with a security services company and provide security guards. Security guards must be identifiable by fluorescent and or reflective shirts or vests. Guards will be “on duty” and “on site” during all organized and group activities regardless of the hour of day. 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 attendees	Event type				
	<i>Speakers, conferences, ceremonies</i>	<i>Fairs, festivals, sporting event,</i>	<i>Concerts, raves, music festivals</i>	<i>Races</i>	<i>Rally (stationary)</i>
0-200	0	0	0		
201-500	0	2 guards	4 guards		
501-1,000	2 guards	4 guards	6 guards		
1,001-2,000	4 guards	8 guards	8 guards		
2,001-3,000	6 guards	10 guards	12 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	14 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 miles covered	Event type	
	<i>Races</i>	<i>Rally (moving)</i>
0-0.5	0	
0.5-3	0	
3-10	1 guards	3 guards plus 2 guards for each additional 500 over 500 in estimated attendance
10-30	2 guards	
30-100	5 guards	
100+	1 guard for every additional ten (10) miles	

2. If a proposed mass gathering fits into more than one of the categories in the 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 as defined in this ordinance, 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. **Central District Health Department (CDH).** The applicant must comply with all requirements of the CDH Department as it pertains to sanitation, solid/human waste and catering services.
- I. **Idaho Transportation Department (ITD).** The applicant must comply with all requirements of the ITD.
- J. **United States Forest Service (USFS).** The applicant must comply with all requirements of the USFS in land and road use permitting.
- K. **Bureau of Land Management (BLM).** The applicant must comply with all requirements of the BLM in land and road use permitting.
- L. **Food.** The applicant must provide a notification of 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. All food vendors must obtain a permit through the Boise County clerk's office located at 420 Main St. Idaho City ID. 83631 (www.boisecounty.us)
- M. **Medical.** The applicant must provide adequate medical facilities, 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 for transport 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 and be on site at all times. 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.

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	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

N. **Air Ambulance Services.** The applicant must provide a space on or within 400 feet of the event site for an air ambulance helicopter landing if possible. Otherwise, the emergency manager, local fire or police department will provide the nearest established landing zone location. The landing site must be flat, with no more than a 10-degree slope, and hard, such as an asphalt, concrete, or compacted gravel surface. 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. When the helicopter is approximately 150 feet off the ground, all headlights illuminating the landing space must be turned off.

O. **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. No lighting or lasers of any kind may be directed into the sky. Laser use is prohibited within one mile of any private or public landing strip. (Lasers that are in the category of Class 3R through Class 4 (or Class IIIb through class IV for the old system) are prohibited for use by the promoter, event personnel, event entertainers or patrons.

- P. **Parking.** The applicant must provide sufficient parking space for attendees either for free or for a fee that is included in the cost of the event for all attendees. 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) attendees. 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. The applicant must provide with the application a map of all parking sites to be used 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. Parking on state and county roads is prohibited.
- Q. **Camping space.** If a mass gathering will go past midnight of any day, the applicant must provide sufficient camping space for its attendees. Each attendee group must be provided a camping space that consists of a minimum of two hundred and fifty square feet unless no fires are allowed on the event site, in which case, the camping space may consist of a minimum of one hundred and fifty square feet. Camping areas will be designated and included in the application.
- R. **Camp Fires:** Burn restrictions for Boise County Burn ordinance runs from July 1st to October 20th of each year. During this time frame, anyone holding a mass gathering will comply with section "F" of the Boise County Burn Ordinance (BCBO) dated June 27, 2017 which can be found at http://www.boisecounty.us/Content/Site101/Articles/01_01_2008/387201701Outdoor0000009089.pdf. If "Stage 1" or "Stage 2" fire restrictions are put in place by State or Federal authorities then those restrictions must be adhered to in addition to the BCBO.
- S. **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.
- T. **Camping Facilities.** If the assembly will be held on multiple consecutive days, adequate camping facilities shall be included in the application and plans. Applicants must ensure that sleeping areas are illuminated. Applicants must also ensure that vehicle traffic movement does not occur in camping areas after sunset and before sunrise.

U. **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. .

V. **Fire Protection.**

1. *Clearing of fuel ladders and ground fuel.* If any areas to be occupied by attendees of the mass gathering are covered with grass taller than four (4) 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 attendees of the mass gathering. The debris must be stored at least 100 feet away from areas to be occupied by attendees of the mass gathering.
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. Fire equipment will be clearly marked. Fire personnel will be clearly identified by clothing and will have and wear the proper personal protective equipment when “on duty” and anytime there are active camp fires. Fire personnel will ensure all fires are “attended” by persons 18 years of age or older. Fire personnel will ensure that all fires are completely extinguished at the end of each evening and at the end of the event.
3. *Within a fire district.* If the event site is located within the jurisdiction of any government fire agency, the applicant must provide an approval letter from the fire agency that outlines 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 engines 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 located outside the jurisdiction of any government fire agency, the applicant must provide a letter from the contracted fire agency and include it with the application. The letter must 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 engines to be at the event site, and (vii) professional fire control personnel to be at the event site.

W. **Noise.** Boise County does not have a noise ordinance. However, excessive noise that is determined to be “disturbing the peace” will be turned down by event organizers. Failure to reduce noise levels could result in a misdemeanor citation and lead to a shutdown of activities by local law enforcement.

- X. **Emergency exits.** The applicant shall provide an emergency route of ingress/egress at the gathering site. These routes must be clearly posted and the applicant is responsible for providing traffic control personnel to enforce this Traffic Control plan. A map of emergency exit will be provided to patrons prior to the event or at check in.
- Y. **Flaggers.** Flaggers will be used when getting to the event is difficult or to slow traffic around dangerous and/or blind curves and populated areas.
- Z. **Containment.** The applicant shall take measures to ensure that attendees 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.
- AA. **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.
- BB. **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 an 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, unless a lower amount is approved by the Board. 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, its 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 10 days prior to the expiration or cancellation of said insurance.
- CC. **Map of 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 attendees 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 applicable deadline.
- B. The application was not a completed application.
- C. 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.
- D. The proposed mass gathering will substantially interfere or conflict with the availability or provision of public safety or other necessary public services.
- E. The applicant's past or present failure to pay application fees or reimbursement costs associated with a previous mass gathering in a timely manner.
- F. The applicant's past or present failure to reach satisfactory agreement with all agencies, (e.g., Central District Health regarding food vendors).
- G. The applicant's past or present failure to present proof that all necessary and proper licenses, permits, insurance, bonds, contracts, or authorizations are obtained.
- H. The applicant's past or present failure to comply with applicable laws or rules.
- I. The applicant's past or present failure to comply with a condition imposed on a permit issued previously to the applicant.
- J. 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, event participants, or other members of the public; or cause damage to public or private property.
- K. The applicant made any material false statement or misrepresentation in the application.
- L. The applicant fails to provide any content neutral items or logistical information required on the application or subsequently requested by the County.

- M. The applicant previously had a mass gathering permit revoked or suspended for a violation of this ordinance.
- N. The proposed mass gathering will interrupt aerial or marine navigation.
- O. The proposed mass gathering will so substantially impair or impede public transportation that it cannot be managed through permit conditions.
- P. The proposed mass gathering will cause such significant vehicle or pedestrian traffic congestion that it cannot be managed through permit conditions.
- Q. The proposed mass gathering will unduly disrupt construction, maintenance, or repair occurring in any public right-of-way, park, or other area.
- R. The proposed mass gathering will exceed the lawful capacity of the facility, venue, or area in which the mass gathering will be held.
- S. The proposed mass gathering fails to provide sufficing parking facilities.
- T. The proposed mass gathering does not comply with the International Fire Code.
- U. The proposed date of mass gathering is during another mass gathering for the same time frame. County resources may be limited and cannot support more than one mass gathering at a time. The first "complete" application received will have the priority for approval.

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, and pay the application fee \$300.00 dollars. The completed application must be submitted on forms approved by resolution of the Board. The applicant may also apply for an indigence waiver of the fee under Section X of this ordinance.
- B. **Completeness check.** Within ten (10) working days of receipt of an application, the Mass Gathering Coordinator must inform the applicant in writing (email) 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 complete application, the Mass Gathering Coordinator shall take the following actions within fifteen (15) working days:
 1. Post the application on the Boise County Emergency Management website.
 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.
- 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. If no written recommendations are received from any department or agency to which an application is referred within five working days from the date said 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.
- E. **Decision.** The Mass Gathering Coordinator shall issue a written decision (letter or email) on the application within five business days of approval by the Boise County Board of Commissioners. The 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 a 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.

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, although costs may be required for contracts for law enforcement services. The completed application must be submitted on forms approved by resolution of the Board.
- B. **Completeness check.** Within five (5) calendar days of receipt of an application (unless otherwise unavailable), the Mass Gathering Coordinator must inform the applicant in writing (email) or by phone 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 within five (5) business 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 Committee.
- 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 five (5) calendar days of receiving the completed application. 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 a 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.

SECTION IX: APPEAL PROCESS

- A. **Appeal.** The applicant may appeal a Mass Gathering Coordinator's decision 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: APPLICATION FEE WAIVER PROCESS

A request may be made for an application fee waiver to the Boise County Board of Commissioners by (i) appearing for the Boise County Board of Commissioners or (ii) sending a written request to the county clerk for submission to the board. Examples would be for non-profit organizations such as boy or girl scouts, para-Olympics or charitable organizations.

SECTION XI: PERMIT REVOCATION AND EVENT TERMINATION

- A. **Revocation.** The Mass Gathering Coordinator or the Boise County Sheriff's Office may revoke a mass gathering permit issued under this ordinance, and terminate a mass gathering that is in progress, for any of the following reasons:

1. Violation of any of the provisions of this ordinance that poses a threat to life or property;
2. Violation of any of the conditions of the mass gathering permit that poses a threat to life or property;
3. Failure to provide at least fourteen (14) days before the first day of the mass gathering proof of that the insurance required by this ordinance is not cancelable;
4. An imminent public safety threat such as an active shooter, forest fire, flood, or any other impending or in-progress natural or man-made disaster.

- B. **Revocation notice.** Notice of suspension or revocation shall include the grounds upon which the revocation, termination, or both is based, and shall include a statement that informs the applicant of the right of appeal.

- C. **Appeal.** Appeals of permit revocations and terminations of mass gatherings may be appealed if mass gathering event is at least two weeks out to the Boise County Commissioners. Appellant must contact the Boise County clerk's office to request an agenda time slot.

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.

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 as determined by the Boise County Board of Commissioners, the Boise County Sheriff, Central District Health or the property owner of where the event is being held.

SECTION XII: ILLEGAL ACTS, VIOLATIONS, AND PENALTIES

- A. **Illegal acts.** In addition to the unlawful practices and illegal acts and omissions proscribed throughout this chapter, each of the following acts or omissions shall be unlawful:
1. To knowingly conduct a planned special event for which a permit was required without a permit.
 2. To knowingly make any material false statement or misrepresentation on an application for a permit required by this chapter.
 3. To provide an estimate of projected attendance 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 conditions pursuant to which a mass gathering permit was issued.
 6. To conduct any mass gathering without first obtaining a mass gathering permit if required by this ordinance.
 7. To commence or continue a mass gathering without first ensuring the required number of law enforcement officers, security guards, medical personnel, and fire agency personnel are present.
 8. 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.
 9. To fail to timely pay the County for all expenses required to be reimbursed pursuant to this ordinance unless otherwise waived by the County.
- B. **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.

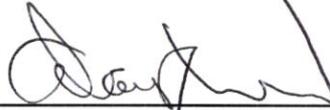
SECTION XIII: SEVERABILITY

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.

The effective date for this ordinance shall be December 28th, 2018.

DATED this 28th, day of December, 2018.

BOARD OF BOISE COUNTY COMMISSIONERS



ALAN D. WARD, Chairman



LAURA L. BAKER, Commissioner



ROGER B. JACKSON, Commissioner



ATTEST:



Mary T. Prisco, Clerk to Board