



BOISE COUNTY ORDINANCE #2025-05

BOISE COUNTY MASS GATHERING ORDINANCE

AN ORDINANCE REPEALING BOISE COUNTY ORDINANCE #2019-01; ESTABLISHING AN ORDINANCE WHICH REQUIRES A MASS GATHERING PERMIT; PROVIDING AN APPLICATION PROCESS FOR A MASS GATHERING PERMIT WITH A FEE; PROVIDING DENIAL CRITERIA; PROVIDING A NOTICE AND APPLICATION FEE WAIVER; PROVIDING PERMIT REVOCATION AND EVENT TERMINATION FOR VIOLATION; ESTABLISHING THAT IT IS A MISDEMEANOR FOR VIOLATION OF THIS ORDINANCE; PROVIDING SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BOISE COUNTY, IDAHO AS FOLLOWS:

Section I – TITLE

- A. This ordinance shall be known as the Boise County Mass Gathering Ordinance.

Section II – PURPOSE

- A. 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
- B. 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
- C. 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
- D. 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 III – DEFINITIONS

- A. Terms. All words and phrases used in this ordinance shall be given their ordinary, commonly understood and accepted meanings unless specifically indicated otherwise.
- B. "Applicant" means a person applying for a permit pursuant to this ordinance.
- C. "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.
- D. "Board" means the Board of County Commissioners of Boise County.
- E. "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 Mass Gathering Coordinator for approval.
- F. "Event site" means the location or locations at which the mass gathering will be held.
- G. "Mass gathering" means a gathering of attendees to equal 150 or more individuals gathered together 1) at any location at any single time for any lawful purpose, or 2) dispersed out in a ride, race, or the like, for any lawful purpose.
- H. "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 issuing the mass gathering permit.
- I. "Person" means any natural person, firm, partnership, corporation, company, association, society, organization, or entity of any kind.
- J. "Rally" means a mass gathering that meets all of the following criteria:
 - i. is a demonstration, protest, press conference, or march;
 - ii. is not a commercial or promotional event;
 - iii. is not a charitable event;
 - iv. has no fundraising;
 - v. has no sales of good or services;
 - vi. is free of charge to all participants.
- K. "Risk Factors" means the following factors that impact the risk of crime, injury, death, or property damage at a mass gathering:
 - i. The availability of alcohol (If yes, risk increases).
 - ii. The number of entrances to the mass gathering (Less roads creates more risk).
 - iii. The environment (Outdoor events increase risk).
 - iv. Whether the event is a Street Event (if yes, risk increases).
 - v. 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).
 - vi. Whether attendees under the age of 21 are invited to the mass gathering (If yes, risk increases).
 - vii. The length of alcohol service for the mass gathering (increased length increases risk).

- viii. The number of estimated attendees (Risk increases with the number).
- ix. The time of day of the mass gathering (Nighttime events have increased risk).
- x. Whether the mass gathering is being advertised locally or regionally (Wider advertising campaign increases risk).
- xi. The number of road closures required for the mass gathering (Risk increases with the number).
- xii. Whether smoke or pyrotechnics will be used (If yes, risk increases).
- xiii. Whether live or amplified entertainment will be provided (If yes, risk increases).
- xiv. Whether multiple events are planned by the applicant for the same day (If yes, risk increases).
- L. "Solid Waste" means garbage, trash, containers, and excess food, and does not include human waste.
- M. "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.
- N. "Start time" means the time when the first Attendee, who does not participate in the setup, appears for the mass gathering event.
- O. "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.

Section IV – PERMIT REQUIREMENT

- A. **Permit required.** No person shall conduct a Mass Gathering without first obtaining a mass gathering permit from the Mass Gathering Coordinator as provided in Section V, Application Process for Mass Gatherings, unless otherwise not required by this ordinance or law.
- B. **Exceptions.**
 - i. 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 1) does not exceed the maximum seating capacity and 2) the mass gathering stays within the historical use of the facility used, as determined by the Mass Gathering Coordinator:
 - a. A regular, established, permanent place of worship; or
 - b. A stadium, arena, athletic field, auditorium, coliseum, school, campground, wedding venue, or other similar permanently established place of assembly.
 - ii. No person is required to obtain a mass gathering permit if a political subdivision is sponsoring the mass gathering, and will conduct the mass gathering entirely within the confines of publicly-owned property or facility.

- iii. 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.
- iv. This ordinance does not apply to any mass gatherings that take place entirely within the confines of any incorporated municipality within Boise County.
- v. 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.

Section V – APPLICATION PROCESS FOR MASS GATHERINGS

- A. **Notice of Mass Gathering Encouraged, not Required.** The Applicant is encouraged, but is not required to submit a completed Notice of Mass Gathering, on the approved form provided by Boise County, contained as Attachment A, to the Mass Gathering Coordinator and the Boise County Clerk at least sixty (60) days prior to the proposed mass gathering event, coupled with a \$100 notice fee which shall be paid to the Boise County Clerk, if the Applicant believes they could fall within an exception under Section IV., B, Exceptions.
 - i. The Mass Gathering Coordinator shall notify the Applicant, no later than fourteen (14) days after receiving the Notice of Mass Gathering that a Completed Application is required. Such decision shall be in writing and shall state the reasons why a Completed Application is needed.
 - ii. Should it be determined through the Notice of Mass Gathering that no application is required under Section IV, B. Exceptions, the \$100 notice fee shall be reimbursed to the Applicant.
- B. **Application Required.** A Completed Application, on the approved form provided by Boise County which documents requirements of the proposed mass gathering event, contained as Attachment B, shall be turned into the Mass Gathering Coordinator and the Boise County Clerk, at least forty-five (45) days prior to the proposed mass gathering event, coupled with a \$300 application fee which shall be paid to the Boise County Clerk.
 - i. Upon receipt of the Completed Application, the Mass Gathering Coordinator shall analyze the contents of the Completed Application to ensure that the proposed Mass Gathering would not contain or violate any of the factors enumerated in Section VI, Denial Criteria within thirty (30) upon receipt.
 - ii. Upon receipt of the Completed Application, the Boise County Clerk shall post the Completed Application on the Boise County Website within a reasonable time.
 - iii. During the thirty (30) day period of review, to aid the Mass Gathering Coordinator, the Coordinator may disseminate and solicit feedback the Completed Application to the Boise County Prosecuting Attorney, Boise County Sheriff's Office, the Boise County Clerk's Office, the Boise County Road and Bridge Department, The Boise County Solid Waste Department, the Planning and Zoning Department, Central District Health, any first responder government entities that services the proposed event site, or any

- other person.
- iv. No later than seven (7) days after receipt of the Completed Application, the Mass Gathering Coordinator shall 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, which shall be no later than seven (7) days prior to the end of the thirty (30) day period of review by which any comments should be provided to the Mass Gathering Coordinator in order to be fully considered in the review process.
 - v. At any time during the thirty (30) day period of review, the Mass Gathering Coordinator may request additional information from the Applicant that would assist the Coordinator in evaluating compliance with this Ordinance, such as Risk Factors and comments from any person offering feedback on the proposed Mass Gathering.
- C. **Written Decision.** At the conclusion of the thirty (30) day period of review, the Mass Gathering Coordinator shall issue a written decision (letter or email) on the Completed Application. 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 specific grounds upon which the denial is based, as stated in Section VI, Denial Criteria, and shall include a statement that informs the applicant of its right to appeal the denial.
- i. A decision to issue a Mass Gathering Permit or to issue a Mass Gathering Permit with specific conditions shall require the Mass Gathering Coordinator to notify the Boise County Sheriff's Office, the Boise County Road and Bridge Department, the Boise County Solid Waste Department, and the ambulance and fire protection district where the jurisdiction of the event site is located.

Section VI – DENIAL CRITERIA

- 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 has unreasonable highly Risk Factors.
- E. The proposed mass gathering will substantially interfere or conflict with the availability or provision of public safety or other necessary public services.
- F. The applicant's past or present failure to pay application fees or reimbursement costs associated with a previous mass gathering in a timely manner.
- G. The applicant's past or present failure to reach satisfactory agreement with all agencies, (e.g., Central District Health regarding food vendors).
- H. The applicant's past or present failure to present proof that all necessary and proper licenses, permits, insurance, bonds, contracts, or authorizations are obtained.

- I. The applicant's past or present failure to comply with applicable laws or rules.
- J. The applicant's past or present failure to comply with a condition imposed on a permit issued previously to the applicant.
- K. 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.
- L. The applicant made any material false statement or misrepresentation in the application.
- M. The applicant fails to provide any content neutral items or logistical information required on the application or subsequently requested by the County.
- N. The applicant previously had a mass gathering permit revoked or suspended for a violation of this ordinance.
- O. The proposed mass gathering will interrupt aerial or marine navigation.
- P. The proposed mass gathering will so substantially impair or impede public transportation that it cannot be managed through permit conditions.
- Q. The proposed mass gathering will cause such significant vehicle or pedestrian traffic congestion that it cannot be managed through permit conditions.
- R. The proposed mass gathering will unduly disrupt construction, maintenance, or repair occurring in any public right-of-way, park, or other area.
- S. The proposed mass gathering will exceed the lawful capacity of the facility, venue, or area in which the mass gathering will be held.
- T. The proposed mass gathering fails to provide sufficient parking facilities.
- U. The proposed mass gathering does not comply with the International Fire Code.
- V. 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 – APPEAL PROCESS

- A. **Appeal.** The applicant may appeal a Mass Gathering Coordinator's decision on Notice of Mass Gathering, Application, permit revocation, and event terminations 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.** Upon receipt of the notice of appeal, the Boise County Clerk's Office shall notify the Mass Gathering Coordinator, who shall within seven (7) working days of receipt of a notice of appeal, provide the complete file regarding the review of 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 decide to (i) provide the action requested in the notice of appeal, or (ii) hold a hearing within a reasonable time. 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 VIII – NOTICE AND APPLICATION FEE WAIVER

- A. A request may be made for a Notice of Mass Gathering or an Completed Mass Gathering 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 Boise County Clerk for submission to the Board. Examples would be for political subdivisions or non-profit organizations such as boy or girl scouts, para-Olympics or charitable organizations.

Section IX – 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:
- i. Violation of any of the provisions of this ordinance that poses a threat to life or property;
 - ii. Violation of any of the conditions of the mass gathering permit that poses a threat to life or property;
 - iii. 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; or
 - iv. 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 shall be handled in the same manner as stated in Section VII, Appeal Process.

Section X – VIOLATIONS AND PENALTIES

- A. **Violations.** 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:
- i. To knowingly conduct a planned special event for which a permit was required without a permit.
 - ii. To knowingly make any material false statement or misrepresentation on an application for a permit required by this chapter.
 - iii. To provide an estimate of projected attendance the applicant knows, or should know, to be inaccurate.
 - iv. 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.

- v. To knowingly fail to comply with conditions pursuant to which a mass gathering permit was issued.
 - vi. To conduct any mass gathering without first obtaining a mass gathering permit if required by this ordinance.
 - vii. 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.
 - viii. 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.
 - ix. 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. **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 XI – SEVERABILITY

- A. If any section, subsection, sentence, clause, or phrase of this title is held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this title and they shall remain in full force and effect.

Section XII – EFFECTIVE DATE

- A. This ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

Section XIII – AUTHORITY

- A. This ordinance is adopted pursuant to the authority vested in Boards of County Commissioners in the State of Idaho under Idaho Code §§ 67-7112 and 31-714, and the Idaho Open Meeting Law, Idaho Code § 67-2340, et seq.

PASSED and APPROVED by the Boise County Board of County Commissioners on this 26th day of August, 2025.

BOISE COUNTY BOARD OF COMMISSIONERS



CLAY S. TUCKER, Chairman



LINDY E. LINDSTROM, Commissioner



ROBERT CALLAHAN, Commissioner



ATTEST:



MARY T. PRISCO, Clerk to the Board