

Chapter 5-10

SPECIAL EVENTS

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Section 5-10-01 DEFINITIONS

For the purposes of this chapter, the following terms, phrases, words, and derivations thereof shall have the meanings given herein. When not inconsistent with the context, words in the present tense include the future tense, words in the plural include the singular, and words in the singular include the plural. The word “shall” is always mandatory and not merely directory. Words used in this chapter but not defined herein shall have their plain, ordinary, and common meaning.

- A. **Applicant** means the person making application for a permit to conduct a special event within Boise City. As used herein, the terms “applicant,” “presenter,” “promoter,” and “sponsor” may be used interchangeably.
- B. **Chief** means the Chief of the Boise Police Department, or his/her designee, or the Chief of the Boise Fire Department, or his/her designee, as applicable or indicated.
- C. **Communication Plan** means the applicant’s proposed strategy to communicate with residents, businesses, and neighborhood association representatives in areas that may be affected by vehicle or pedestrian traffic, loud or continuous noise, or other effects that may be caused by, or incidental to, a planned special event.
- D. **Extraordinary Resources** means government public health and/or safety personnel, equipment, or other resources for traffic control, emergency medical services, fire suppression, erection of barriers, and essential maintenance of public facilities which would not, in the absence of the special event, be deployed, scheduled, used, made available, or staged. The resources in question are those over and above what would be required on a regular basis but for the planned special event with 1,000 or more

participants.

- E. **Incident Action Plan** means the applicant’s proposed strategies for managing and responding to unplanned incidents that occur during the planned special event and to reduce the loss of life and property should an unplanned incident occur. An incident action plan may be developed in cooperation with the Boise Police Department, the Boise Fire Department, and other public safety agencies, and may include an overall incident strategy, a plan for tactical action, and a communication element.
- F. **Park** means any and all lands, buildings, reserves, sports complexes, swimming pools, golf courses, trails, and other special places, including the Boise River Greenbelt, which are owned, operated, or maintained by Boise City. Parks are delineated generally in the publication known as the Department of Parks and Recreation Map, and/or specifically in the Inventory of Park Properties at the office of the Director of the Department of Parks and Recreation.
- G. **Park Event** means any special event that occurs in whole or in part within a Boise City park or parks. All park events are subject to the rules and regulations of the Department of Parks and Recreation and applicable city ordinances. Examples of park events may include sports tournaments, Art in the Park, or any other special event or gathering within a park or a portion of a park.
- H. **Permit** means a written document authorizing a particular use of, or on, public property or on private property as provided in this chapter. As the term is used in this chapter, a permit is obtained from the City Clerk, the Director of the Department of Parks and Recreation, the Police Chief, another Boise City department, or another designated governmental authority with permit jurisdiction.
- I. **Person** means any person, firm, partnership, association, corporation, company, or any organization of any kind.
- J. **Planned Special Event** means any single gathering, special event, or series of gatherings or special events for which planning reasonably could have occurred within the time frames required by this chapter. Examples of a planned special event include, but are not limited to, an outdoor concert, a parade, the Hyde Park Street Fair, Art in the Park, a festival (such as Jaialdi), a block party, any of a number of sporting events (such as a marathon, bike race, or running event), or other organized activity conducted for a common or collective use or purpose. A planned special event does not include a spontaneous special event, as that phrase is defined herein.
- K. **Plaza** includes the Boise City Hall plaza on Capitol Boulevard, the Grove Plaza, and any other public property on which people traditionally or historically gather. Plazas are included in the definition of “sidewalk,” below.
- L. **Projected Attendance** means the estimated number of persons who will, are reasonably

likely to, or are expected to attend, participate in, observe, or spectate at a special event.

- M. **Public Property** means property owned by, operated by, leased to, or managed or maintained by Boise City, the Capital City Development Corporation (CCDC), the Ada County Highway District (ACHD), or the Idaho Transportation Department (ITD).
- N. **Security Plan** means an applicant’s written proposal for maintaining public safety at a planned special event.
- O. **Sidewalk** means any publicly owned area or way, whether or not it is paved or improved, set aside for, or open to, the general public for purposes of pedestrian or bicycle traffic or for public gatherings, and not intended for motor vehicle use. This definition of “sidewalk” shall include plazas, as defined above.
- P. **Special Event Permit** means a permit issued by the SET to conduct a special event upon public or private property within the City of Boise.
- Q. **Special Events Team, or SET,** means the committee delegated responsibility to review each application for a special events permit. The SET consists of a Boise City employee appointed by the Mayor as the SET Chair and at least one (1) representative from each of the following departments, divisions, or agencies: Parks and Recreation, Public Works, City Clerk’s Office, Police, Fire, All Hazards Incident Management Team, Planning and Development Services, Arts and History, Parking Services, Risk Management, Central District Health Department, Ada County Highway District, Capital City Development Corporation, Downtown Boise Association, Ada County Emergency Medical Services, Boise State University, Ada County Sheriff’s Office, and other advisory members appointed by the Mayor.
- R. **Special Event Permittee, or Permittee,** means a person in possession of a valid Boise City permit issued pursuant to this chapter.
- S. **Spontaneous Special Event** means an unplanned special event that occurs at the spur-of-the-moment, or that occurs in reaction to an international, national, state, regional, or local issue. A spontaneous special event is one that, even with the exercise of due diligence, cannot reasonably be planned or anticipated in compliance with the deadlines of this chapter.
- T. **Street** means any place or way set aside or open to the public for purposes of motor vehicle traffic, including any berm or shoulder, right-of-way, or median strip, but excluding those areas that fall within the definition of a sidewalk, above.
- U. **Street Event** means any planned special event, whether moving or stationary, upon a street, which will impede vehicular traffic. The street(s) impacted by a street event will likely be subject to closure, traffic interruption, or other traffic related restrictions to ensure public safety and the safety of the participants of the street event. Examples of a

street event include a block party, a street dance, any races involving walking, running, or bicycling, a march, a parade or procession, or any other similar special event occurring on a street.

- V. **Transportation Plan** means the applicant's proposed strategy to accommodate the movement of people to, from, within, and around a planned special event with as little impact on other vehicle and pedestrian traffic as possible.
- W. **Trash and Recycling Plan** means the applicant's proposed strategy for the collection of trash and recyclable materials during a planned special event for the purposes of maximizing recycling, reducing trash, and protecting public property and resources.

Section 5-10-02 PLANNED SPECIAL EVENT PERMIT REQUIRED

- A. No person shall conduct a planned special event on public property that is reasonably expected, based upon a good faith estimate of the projected attendance of more than one thousand (1,000) people, to require extraordinary resources without first obtaining a planned special event permit.
- B. For the purposes of this chapter, every planned special event on public property that has a projected attendance of more than one thousand (1,000) people is expected to require extraordinary resources.
- C. Special events not required to obtain a planned special event permit are:
 - 1. A planned special event occurring entirely on private property, regardless of projected attendance;
 - 2. A planned special event occurring on public property with a projected attendance of less than 1,000 people that is not reasonably expected to require extraordinary resources;
 - 3. Spontaneous Special Events for the purpose of expressive or associative activity.
- D. Any person conducting a Planned Special Event on public or private property in which the number of reasonably projected attendees, participants, observers, or spectators is less than one thousand (1,000) persons and which will not require extraordinary resources may use the special events planning process. Any person promoting, sponsoring, or presenting a Planned Special Event on private property in which the number of reasonably projected attendees, participants, observers, or spectators is greater than one thousand (1,000) persons and which will require extraordinary resources is encouraged to use the special events planning process.
- E. For any person promoting, sponsoring or presenting a Planned Special Event, with a projected attendance of one thousand (1,000) or more persons, for the principle purpose of expressive or associative conduct as protected by the First and Fourteenth Amendments to the United States Constitution, or Article I, sections 4, 9 and 10 of the Idaho Constitution, the application shall be processed promptly with no conditions that

infringe constitutional freedoms, and in a manner that respects the liberties of the applicants and the public.

F. Waivers

1. Upon request the City Clerk or designee shall waive the requirement of paying the permit fee for expressive or associative activity upon a finding that the cost of the permit would pose a substantial burden on the promotion, sponsorship or presentation of the Planned Special Event. In the event the City Clerk denies the fee waiver request, a written decision shall be provided setting forth the reasons for denial.
2. In order to accommodate other concurrent events, the rights of abutting owners and the needs of the public to use the streets, sidewalks or parks, content neutral permit conditions may include, reasonable adjustments in the date, time, route, or location of the proposed event; accommodations of pedestrian or vehicular traffic using the street; and limitations on the duration of the event. No conditions shall be imposed that serve to unnecessarily infringe upon constitutional freedoms.

G. A planned special event, regardless of whether a planned special event permit is required and obtained, may not be exempt from other permit and license requirements, such as issuance of a park permit, a citizen's use permit, an amplified sound permit, permits for the sale or dispensing of alcohol, and any other permits required by federal, state, or local law. Vendors participating as part of a permitted special event are not required to obtain a separate license as otherwise required by Title 5, Chapter 12, Boise City Code.

H. Every person conducting a planned special event shall reimburse Boise City for the extraordinary resources actually used as a result of the special event. Reimbursement shall not include the cost of extraordinary resources necessary for ancillary purposes such as policing a crowd exhibiting a negative response to a planned special event. Payment for extraordinary resources shall be made to Boise City within thirty (30) days of invoicing. Failure to pay within thirty (30) days may result in denial of future special event permits.

I. Optional Use of the SET Permitting Process.

1. Any person conducting a planned special event or an expressive or associative event for which a planned special event permit is not required may use the SET process for the convenience of seeking approval(s), license(s), or permit(s) from the several departments and agencies comprising the SET.
2. By submitting to the SET process, an applicant agrees to comply with all laws and regulations applicable to a planned special event and to submit to the application process required to obtain a planned special event permit.

Section 5-10-03 PERMIT APPLICATION

A. To obtain a planned special event permit, whether the permit is required or optional, a completed application shall be submitted to the City Clerk, together with all required documentation and payment of the non-refundable fee indicated on the City Clerk’s Licensing Fee Schedule, unless the fee has been waived by the City Clerk pursuant to Section 5-10-02(F)(1), prior to the relevant application deadline specified herein.

B. Application Deadlines.

1. Application for a planned special event permit shall be made to the Boise City Clerk at least forty-five (45) days, but not more than three hundred sixty-five (365) days prior to commencement of set-up activities for the planned special event or events.
2. Upon a showing of good cause by an applicant, and if SET members are available to meet to consider the application, a late application may be submitted no later than fifteen (15) days prior to commencement of set-up activities for the planned special event. Good cause shall be determined by the SET Chair, and shall be based upon factors furthering public service, health, safety, or economic welfare.
3. Applications submitted later than fifteen (15) days prior to commencement of set-up activities for the planned special event shall not be considered.

C. Application Content.

1. Every person making application for a planned special event permit shall complete the application with all information and documentation required by the City Clerk on the application.
2. The SET is authorized to require a communication plan, an incident action plan, a security plan, a transportation plan, and/or a trash and recycling plan as a part of any application. An applicant’s failure to include any plan required by the SET shall be grounds for denial of a planned special event permit application.
3. Required Insurance and Indemnification.
 - a. Every application for a planned special event permit shall include documentary proof that the applicant(s) obtained a comprehensive general liability insurance policy with a limit not less than one million dollars (\$1,000,000) per occurrence, or such higher amount, or additional insurance coverage as required by Boise City Risk Management.
 - b. The required insurance policy shall:
 - i. Name Boise City as an additional insured; and
 - ii. Be the primary policy, not contributing with or in excess of any

- coverage Boise City may carry; and
 - iii. Be written by a company authorized to write insurance policies, of the type and in the amount required herein, within the state of Idaho.
 - c. The insurance shall cover the entire period of the planned special event, including set-up and take-down.
 - d. The insurance requirements of this section may be waived by the City Clerk upon submission of proof that:
 - i. The applicant is unable to procure insurance at a price that is reasonable as demonstrated by the filing of a minimum of two (2) price quotes for insurance and an “affidavit of indigency form” with the City Clerk; and
 - ii. The insurance requirement would effectively preclude lawful, protected, and timely expression; and
 - iii. The applicant lacks alternative means for the same expression.
 - iv. The City Clerk, in consultation with the Risk Manager and City Attorney, shall issue a written decision if the request for waiver of the insurance requirement is denied.
 - e. Every applicant shall indemnify Boise City for, and shall defend and hold Boise City harmless from, any liability, damage, or loss occurring during the course of the special event, including set-up and take-down, caused by the negligent or intentional act or omission of any applicant or any officer, employee, agent, or contractor of the applicant.
- 4. Projected Attendance. Every application for a planned special event permit shall include a good faith estimate of the projected attendance for the planned special event. The estimate shall include a statement from the applicant describing known factors that may affect attendance, including:
 - a. Historical attendance at the same (or similar) events in the past;
 - b. The extent and type of advertising and promotion for the special event;
 - c. Any other factor or circumstance that may affect attendance at the planned special event.
- D. The SET is authorized to request additional content neutral information, documentation, or clarification from an applicant when applications are incomplete or lack sufficient logistical detail for the SET to consider the event. Failure by the applicant to timely fulfill such request(s) to the satisfaction of the SET shall be grounds for denial of a planned special event permit.

Section 5-10-04 APPLICATION REVIEW; PERMIT ISSUANCE

- A. Upon submission of a planned special event permit application, the City Clerk shall review the application for completeness and, if found to be complete, forward it to the SET for consideration. Completed applications are those that are timely submitted with all required information, documentation, and fees.

- B. The SET Chair may call a meeting of the SET when the review and coordination of a specific planned special event application is deemed necessary. The applicant shall, when notified by the City Clerk, attend the SET meeting and participate in the SET's review of the permit application. At the discretion of the SET Chair, the applicant's attendance may be by telephone, video conference, or other approved electronic means.
- C. Upon a determination by the City Clerk and the SET that an application is complete and that an applicant meets all requirements, possesses all qualifications, lacks any disqualifications, and that the applicant paid the required non-refundable fee listed on the City Clerk's License Fee Schedule, or that the fee was waived, a planned special event permit shall be issued.
- D. Authority to Condition Issuance of Permit.
1. The SET shall have authority to condition the issuance and continued validity of a planned special event permit in compliance with:
 - a. Content neutral, necessary and reasonable conditions relating to the time, place, and manner of the event; and
 - b. Content neutral restrictions and conditions necessary to protect the safety and rights of persons and property upon which or adjacent to the location of the planned special event; and
 - c. Content neutral conditions and guidelines necessary for the control of traffic and safety of the traveling public; and
 - d. Compliance with the security plan, the transportation plan, the communication plan, and the incident action plan; and
 - e. The use of traffic cones or barricades arranged as required by the SET, ACHD or Boise City Police to ensure the safety of vehicular and/or pedestrian traffic; and
 - f. The availability of First Aid or other medical care or treatment; and
 - g. Compliance with any restrictions placed by the SET on the number of people in the event area based upon the Uniform Fire Code and/or lawful maximum capacity of the facility; and
 - h. Compliance with restrictions placed by the SET on the number or type of vehicles, animals, structures, or equipment for the protection of the public facilities, attendees and the general public; and
 - i. Standards for the number, type, and size of garbage and/or recycling containers for the preservation and protection of public facilities; and
 - j. Restrictions on the use of amplified sound equipment and compliance with noise ordinances, regulations, and laws; and
 - k. A condition that the applicant shall provide notice to residents and/or businesses regarding any activity that may require street or public parking garage closure, or other circumstance or condition that may affect residents or businesses; and

- l. Restrictions on the sale and/or consumption of alcohol or alcoholic beverages; and
 - m. Guidelines regarding the use of Boise City personnel or equipment; and
 - n. Conditions to address fire or safety concerns; and
 - o. Conditions to repair damage or disruption to public property including but not limited to: landscaping, turf, and painted surfaces.
2. The following standard conditions shall apply to all planned special event permits issued pursuant to this chapter:
- a. The actual time, place, and manner of the special event shall not vary from the time, place, and manner stated on the permit application.
 - b. Unless other arrangements are agreed to in advance by the SET or City Clerk, the facility and/or area in which the event is held shall be returned to pre-event condition within twenty four (24) hours of the end of the event unless the SET establishes permit specific timelines. The tasks involved in returning the facility and/or area to pre-event condition shall include, but shall not be limited to:
 - i. Removal and appropriate disposal of trash and recyclables; and
 - ii. Removal of vehicles, structures, portable toilets, and all other equipment; and
 - iii. Removal of traffic facilities, cones, barricades, and markings within and alongside all streets and sidewalks.

Section 5-10-05 DENIAL OF A PLANNED SPECIAL EVENT PERMIT APPLICATION

- A. An application for a planned special event permit shall be denied if the City Clerk, in consultation with the SET, determines any one of the following circumstances exists:
1. The applicant made any material false statement or misrepresentation in the application.
 2. The applicant fails to provide any content neutral items or logistical information required on the application or subsequently requested by the SET.
 3. The applicant fails to obtain any other required license, permit, or authorization from the Boise Police Department, the Boise Fire Department, the Parks and Recreation Department, the Central District Health Department, the Ada County Highway District, the City Clerk's Office, Planning and Development Services, Risk Management, or the Public Works Department.
 4. The applicant, or any other person representing the planned special event, failed to timely pay reimbursement costs associated with a previous special event, or

failed to pay costs associated to another park event.

5. The applicant is not in good standing with Boise City. For purposes of this section, “not in good standing” means the applicant:
 - a. Pleaded guilty to, or was found guilty of, a misdemeanor or felony violation of federal, state, or local law occurring during the course of a prior special event; or
 - b. Within the previous five (5) years, had a planned special event permit, revoked, or suspended for a violation of any provision of this chapter.
 6. The planned special event will:
 - a. Interrupt aerial or marine navigation; or
 - b. So substantially impair or impede public transportation that it cannot be managed through permit conditions; or
 - c. Cause such significant vehicle or pedestrian traffic congestion that it cannot be managed through permit conditions; or
 - d. Unduly disrupt construction, maintenance, or repair occurring in any public right-of-way, park, or other area;
 - e. Exceed the lawful capacity of the facility, venue, or area in which the planned special event will be held; or
 - f. Have inadequate parking facilities; or
 - g. Be inconsistent with the International Fire Code.
- B. An application for a planned special event permit may be denied if the City Clerk, in consultation with the SET, determines the planned special event will substantially interfere or conflict with:
1. Any other planned special event for which a permit has already been issued; or
 2. Any other event or activity already approved within a park; or
 3. The availability or provision of public safety or other necessary public services.
- C. Notice of a denial shall be deemed properly served if sent by United States Postal Service regular mail to the address on file in the City Clerk’s Office that was provided by the applicant, or if notice is hand-served upon the applicant. An applicant’s failure to accept, acknowledge, or receive notification of a denial shall not invalidate the denial, provided notice was properly served.
- D. Notice of a denial shall include the grounds upon which the denial is based, and shall include a statement that informs the applicant of their right to appeal the denial.

**Section 5-10-06 SUSPENSION OR REVOCATION OF A PLANNED SPECIAL
EVENT PERMIT**

- A. The Boise City Clerk may suspend or revoke any permit issued pursuant to this chapter for a violation, by the applicant or permittee, or by any officer, employee, agent, or contractor of the applicant or permittee, or by any person who is under the applicant's or permittee's legal control, of any:
 - 1. Provision of this chapter; or
 - 2. Condition of the permit; or
 - 3. Federal, state, or local law or ordinance.
- B. The Boise City Clerk may revoke any permit issued pursuant to this chapter upon determining that the applicant made a material false representation in an application submitted pursuant to this chapter.
- C. In determining whether or not to suspend or revoke a permit, the City Clerk may consult with members of the SET.
- D. Notice of suspension or revocation shall be deemed properly served if sent by United States Postal Service regular mail to the address provided by the applicant, or if hand-served upon the applicant. An applicant's failure to accept, acknowledge, or receive notification shall not invalidate the suspension or revocation, provided notice was properly served.
- E. Notice of suspension or revocation shall include the grounds upon which the suspension or revocation is based, and shall include a statement that informs the applicant of the right of appeal.

Section 5-10-07 RIGHT OF APPEAL

- A. An applicant or permittee shall have the right to appeal the denial, revocation, or suspension of a planned special event permit, the imposition of conditions, denial of fee or insurance waiver or other action by the City Clerk, SET or other department.
- B. To appeal, the applicant or permittee shall file a notice of appeal within five (5) business days after receiving notice of conditional issuance, denial, revocation, or suspension of a planned special event permit.
- C. Except as otherwise provided in this chapter, all appeals shall be governed by the provisions of Boise City Code chapter 5-02. Fees associated with the appeal process may be waived upon request of the applicant or permittee by filing an "affidavit of indigency." The City Clerk shall consider such waiver request and issue a written decision.

Section 5-10-08 CITIZEN’S USE PERMIT REQUIRED

- A. Permit Required. No person shall conduct any street event or planned special event, upon any street and in any manner impeding vehicle traffic, without first obtaining a citizen’s use permit.

- B. Exceptions.
 - 1. No citizen’s use permit shall be required for picketing within the area of a sidewalk that does not impede or obstruct vehicle or pedestrian traffic in violation of Boise City Code 10-06-04 and 6-17-02E.

 - 2. Applicants for special events with an anticipated attendance of less than 1,000 people are encouraged to file an application for a Citizen’s Use Permit sufficiently in advance to allow the Police Chief to determine the need for police and or fire resources in addition to those resources regularly scheduled for the day and time of the event.

 - 3. Any person conducting a spontaneous special event that is a street event is encouraged to provide notice to the Police Chief in order to ensure appropriate police and fire resources are assigned but is not required to obtain a citizen’s use permit.

- C. Application for a Citizen’s Use Permit.
 - 1. Application for a citizen’s use permit shall be made to the City Clerk, if made during regular business hours, and the City Clerk shall immediately forward completed applications to the Police Chief for review. If the event is a spontaneous special event and it is impractical during regular business hours, permit applications may be submitted to the Boise City Police Department.

 - 2. Every application for a citizen’s use permit shall be complete and shall include all content neutral logistical information and documentation required by the City Clerk, the Police Chief, the Ada County Highway District, and the SET.

 - 3. Any street event with an anticipated attendance of less than 1,000 people which is expected to result in closure of a street shall apply for a citizen’s use permit at least five (5) business days before the planned event. Applicants are advised to contact ACHD as soon as possible for CUP approval as their approval may require more time than the five (5) business days established by this subsection.

 - 4. Any street event which will include the serving or selling of alcohol shall apply for a citizen’s use permit at least forty-five (45) days before the planned event.

D. Application Review; Permit Disqualifications.

1. Upon receipt of a completed application for a citizen's use permit, the Police Chief shall immediately notify the body with ownership or maintenance authority over the street(s) for which the permit was requested.
2. No citizen's use permit shall be issued if the City Clerk or the Police Chief determines any of the following circumstances or factors exist:
 - a. The application was not timely filed. Timely filed for planned special events with an anticipated attendance of 1,000 or more people is 45 days in advance of the event or 15 days if granted a reduced timeline upon a showing of good cause pursuant to 5-10-03(B)(2); or
 - b. Considering the date of the planned event, time of day, duration, intended route, length of procession, the number of participants and vehicles, whether the proposed street event will interrupt the safe and orderly movement of other pedestrian or vehicular traffic that cannot be managed through additional police officers, fire personnel and equipment as required by 5-10-08(F); or
 - c. The concentration of pedestrians, animals, and/or vehicles at the street event will interfere with established levels of fire, police, and ambulance service that cannot be managed through additional police officers, fire personnel and equipment as required by 5-10-08(F); or
 - d. The applicant does not agree to comply with the reasonable traffic control and security procedures established by the Boise Police Department; or
 - e. The proposed street event conflicts with previously scheduled activities or with a previously-issued citizen's use permit or special event permit; or
 - f. The proposed event would conflict with scheduled maintenance or repair of the streets or public rights-of-way.
3. Each of the grounds for denial of a permit application set forth above are found to be reasonably necessary to preserve the public health, safety, and welfare.
4. The City Clerk and Police Chief shall act upon a completed application for a permit timely filed with the City Clerk in a content neutral and expeditious manner. If, for any reason, a longer period of time is required, the reason for delay shall be provided in writing to the applicant.

E. Issuance or Denial of a Citizen's Use Permit.

1. If, after review by the City Clerk, the Police Chief, and/or the SET, a completed and submitted application meets all standards set forth in this section, with none of the disqualifying factors, the applicant shall be issued a permit.

2. If an application is untimely, incomplete, includes untruthful or misleading statements, or includes any disqualifying factor, it shall be denied.
3. Every notice of denial of a citizen's use permit application shall:
 - a. Be in writing; and
 - b. Inform the applicant of the reasons for denial; and
 - c. Advise the applicant of the right to appeal the denial.
4. An applicant may appeal the denial of a permit. The appeal process shall be the same as set forth in this chapter for the denial of a planned special event permit.

F. Peace Officer Escort and Traffic Control Cost Recovery.

1. Every street event involving a vehicle procession shall include one (1) on-duty peace officer at the head of the procession and one (1) peace officer at the end of the procession.
 - a. No charge shall be levied or charged for the two (2) required peace officers.
 - b. The Chief is authorized to determine if additional peace officers or any fire personnel are reasonably necessary in the area of the planned procession. In making this determination, the Chief shall consider the time of day the planned event is scheduled for, date, duration, intended route, the number of participants, vehicles and size of vehicles. The Chief's determination shall be in writing.
 - c. If the Chief determines more than two (2) officers or any fire personnel are necessary for the safety of pedestrians, the traveling public and/or those attending or participating in the street event, due exclusively to the planned street event, written notice of the number and cost of the additional personnel, and of their required equipment, shall be provided to the applicant.
2. For a stationary street use, such as a block party, the Chief may require the applicant to ensure that one (1) or more peace officers are present to establish and/or maintain the road closure. If the Chief determines more than one (1) peace officer or any fire personnel are necessary, written notice of the number and cost of the additional personnel, and of their required equipment, shall be provided to the applicant.
3. Every applicant and permittee shall ensure the required number of peace officers or fire personnel are present prior to commencing or continuing any street event.
4. The cost for each additional peace officer and the cost of fire personnel shall be the current standard hourly special duty rate. Equipment costs shall include vehicles, if any are necessary due to the planned street use.

5. Every person who conducts a street event shall reimburse Boise City for the cost to have more than one (1) police officer (and equipment) present during a street event, and the cost of all fire personnel (and equipment) actually used during the course of the street event. Reimbursement shall not include the cost of extraordinary resources for ancillary purposes such as policing a crowd exhibiting a negative response to a planned special event.
6. The written decision of the Chief regarding additional police and fire personnel as well as equipment may be appealed pursuant to Boise City Code section 5-10-08 and Title 5, Chapter 2.
7. Every person who conducts a street event shall have the right to apply to the Chief for a waiver of costs associated with police and fire personnel and equipment. Request for waiver is made by filing an affidavit of indigence with the City Clerk. The Chief shall issue a written decision. A denial of the request for a fee waiver may be appealed pursuant to Boise City Code section 5-10-08 and Title 5, Chapter 2.
8. All costs required to be paid to Boise City, pursuant to this section, shall be paid within thirty (30) days of invoicing.
9. Exemption. A bona fide spontaneous special event that is a street event is exempt from the requirement to pay costs to Boise City.

Section 5-10-09 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:

- A. To knowingly conduct a planned special event for which a permit was required without a permit.
- B. It shall be unlawful for an applicant to knowingly make any material false statement or misrepresentation on an application for a permit required by this chapter.
- C. No applicant for a planned special event permit shall provide an estimate of projected attendance he or she knows, or should know, to be inaccurate.
- D. It shall be unlawful for any applicant or permittee to fail to maintain insurance, of the type and in the amount required, for the entire period of the planned special event, including set-up and take-down, unless waived by the City Clerk.
- E. It shall be unlawful to knowingly fail to comply with conditions pursuant to which a planned special event permit was issued.

- F. No person shall conduct any street event or planned special event upon any street, in a manner which impedes vehicle traffic, without first obtaining a citizen's use permit.
- G. No person shall commence or continue a street event without first ensuring the required number of peace officers or fire personnel are present.
- H. It shall be unlawful to fail to timely pay Boise City for all expenses required to be reimbursed pursuant to this chapter unless otherwise waived by the Chief or designee.

Section 5-10-10 VIOLATIONS AND PENALTIES

A violation of this chapter shall be an infraction for a first offense and be punishable by a fine in the amount of \$100 exclusive of court costs. A second or subsequent violation of this ordinance shall be a misdemeanor, punishable by a fine not exceeding one thousand dollars (\$1,000), imprisonment in the Ada County jail not to exceed six (6) months, or both such fine and imprisonment.

Section 5-10-11 SEVERABILITY

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

(Ord-10-14, Repealed & Enacted, 3-25-2014)