

Ordinance No. _____

An ordinance repealing and replacing previous editions of Twin Falls County Code Title 3, Chapter 1, and Title 5, Chapter 1, to: eliminate the requirement for a County-issued “Special Permit” for the possession, consumption, or sale of alcoholic beverages on County property; remove the restriction on sale of liquor on election day; add a requirement for public assembly permits at events with 300 people or more and which include alcohol or loud sound; and update the requirements for medical service at public assemblies.

Be it ordained by the Board of County Commissioners of Twin Falls County, Idaho, that Twin Falls County Code Title 3, Chapter 1, and Title 5, Chapter 1, be adopted as follows:

**CHAPTER 1
LIQUOR CONTROL**

SECTION:

3-1-1: Purpose

3-1-2: Definitions

**3-1-3: Days and Times When Alcoholic Liquor May
Be Sold**

3-1-4: Catering Permits and Other Requirements

3-1-1: PURPOSE:

It is the purpose of this Chapter to regulate the days and times which alcoholic liquor may be sold in Twin Falls County.

3-1-2: DEFINITIONS:

ALCOHOLIC LIQUOR: “Alcoholic liquor,” as the term is used in this Chapter, includes:

(a) “Alcohol,” meaning the product of distillation of any fermented liquor, rectified once or more than once, whatever may be the origin thereof, or synthetic ethyl alcohol.

(b) “Spirits,” meaning any beverage which contains alcohol obtained by distillation mixed with drinkable water and other substances in solution, including, among other things, brandy, rum, whiskey and gin.

(c) Any liquid or solid, patented or not, containing spirits, and susceptible of being consumed by a human being for

beverage purposes and containing more than four percent (4%) of alcohol by volume.

3-1-3: DAYS AND TIMES WHEN ALCOHOLIC LIQUOR MAY BE SOLD

- A. State Liquor Store Sales on Sunday: Alcoholic liquor may be sold or delivered by any state liquor store or distributing station in Twin Falls County on any Sunday which does not fall on Christmas Day.
- B. Times When Sale of Liquor by the Drink is Prohibited: In accordance with Idaho Code section 23-927, it is unlawful for liquor to be sold between the hours of one o'clock (1:00) a.m. to ten o'clock (10:00) a.m.
- C. Days When Liquor May Be Sold by the Drink: In addition to the days listed in Idaho Code section 23-927, licensed premises in Twin Falls County may choose to sell alcoholic liquor by the drink on Memorial Day, on Thanksgiving Day, and/or on any Sunday which does not fall on Christmas Day.

3-1-4: CATERING PERMITS AND OTHER REQUIREMENTS:

State laws about alcoholic beverages, including the requirements for the issuance of alcohol beverage catering permits, are contained in the Idaho Liquor Act at Title 23 of Idaho Code.

CHAPTER 1
PUBLIC ASSEMBLIES

SECTION:

5-1-1: Purpose

5-1-2: Definitions

5-1-3: When a Permit is Required

5-1-4: Timing of Application

5-1-5: Contents of Application

5-1-6: Revocation of Permit

5-1-7: Removal of Structures

5-1-8: Violation; Penalty

5-1-1: PURPOSE:

The purpose of this chapter is to regulate the assemblage of large numbers of people in order that health, sanitary, fire, police, transportation, and utility services may be provided for the protection of the health, safety, and welfare of all persons in the County.

5-1-2: DEFINITIONS:

ASSEMBLY OR PUBLIC ASSEMBLY: A group of persons gathered together at any location at any single time for any purpose.

LOUD SOUND: Any noise or sound created at the public assembly that measures at ninety-six (96) or more decibels.

PERSON: Any individual natural human being, partnership, corporation, firm, company, association, society, or group.

5-1-3: WHEN A PERMIT IS REQUIRED:

A. Permits Are Required for the Following Public Assemblies:

1. Three hundred (300) people or more and alcohol or loud sound: No person shall permit, maintain, promote, conduct, advertise, act as entrepreneur, undertake, organize, manage or sell or give tickets to an assembly, whether on public or

private property, where: (a) three hundred (300) or more people are in attendance or are reasonably anticipated to attend; and (b) where alcohol will be consumed and/or loud sound will be present; unless a permit to hold the assembly has first been issued by the Board of County Commissioners.

2. Five hundred (500) people or more: No person shall permit, maintain, promote, conduct, advertise, act as entrepreneur, undertake, organize, manage or sell or give tickets to an assembly where five hundred (500) or more people are in attendance or are reasonably anticipated to attend, whether on public or private property, unless a permit to hold the assembly has first been issued by the Board of County Commissioners.

- B. Multiple Locations: A separate permit shall be required for each non-contiguous location in which portions of an event take place if the individual location would require a permit for the portion(s) of the event taking place at that location. Approval conditions set by the Board of County Commissioners shall apply to each location.
- C. Maximum Number of Attendees: A permit shall permit the assembly of no more than the maximum number of people stated in the permit. The permittee shall not sell tickets to, nor permit to assemble at the permitted location, more than the maximum number of allowed people.
- D. Location of Event: No permit shall be issued to any anticipated assembly of five hundred (500) or more people where the proposed location is within one-quarter ($\frac{1}{4}$) mile of the mean high-water mark of the Snake River and Rock Creek; or where said location may be hazardous, dangerous or detrimental to the public health, safety, and/or welfare; unless the Board has found that appropriate public health, safety, and welfare precautions have been taken.
- E. Conditions for Approval: The Board of County Commissioners may make approval of public assembly permits conditional. The conditions may be based on the characteristics of the site; the likely impacts on neighbors; the needs of the event; or any other thing that advances the public health, safety, and/or welfare.
- F. Exceptions:

1. Allowed in zone: This chapter shall not apply to any business, church, school, or other organization which is holding a gathering which is allowed in the zone where the gathering will be held
2. Allowed by permit: This chapter shall not apply to any business, church, school, or other organization which is holding a gathering which complies with a Special Use Permit or Conditional Use Permit granted for the property where the gathering will be held.
3. Fairs: This chapter shall not apply to government-sponsored fairs held on regularly-established fairgrounds.
4. City limits: This chapter shall not apply within any incorporated municipality.
5. Expressive activity: This chapter shall not apply to spontaneous gatherings, for the purpose of expressive activity, that occur in response to breaking or emerging news.

5-1-4: TIMING OF APPLICATION:

- A. An application must be submitted to the County Commissioner's Office sixty (60) days in advance of the assembly.
- B. The Board of County Commissioners may forward the application to relevant stakeholders, including the following, for review:
 1. The County Sheriff or his designee may provide a recommendation on the security plan and/or the traffic control plan to the County Commissioners at least thirty (30) days prior to the proposed assembly.
 2. The appropriate fire district may provide a recommendation on the fire protection plan to the County Commissioners at least thirty (30) days prior to the proposed assembly.
 3. The appropriate highway district may provide a recommendation on the traffic control plan at least thirty (30) days prior to the proposed assembly.
- C. Late Applications: Depending on the schedule of the Board and the complexity of the application,

applications received less than sixty (60) days prior to an assembly may or may not be reviewed by the Board.

D. Items Due After Application Submitted:

1. Certificate of Insurance: A Certificate of Insurance shall be filed with the County Commissioners at least fifteen (15) days prior to the beginning of the assembly.
2. Bond: If the Board of County Commissioners has required a bond, the bond must be submitted to the County Commissioners at least fifteen (15) days prior to the date of the assembly.
3. Proof of compliance: Proof of compliance with this chapter and any conditions found necessary by the Board of County Commissioners must be submitted to the Board at least fifteen (15) days prior to the beginning of the assembly. The permit will not be issued until appropriate requirements have been met.

5-1-5: CONTENTS OF APPLICATION:

The application shall be accompanied by an application fee as set by the board of County Commissioners.

Each application shall contain the following:

- A. Location of Property: The address and legal description of all property upon which the assembly is to be held.
- B. Signature of Landowner: A statement made upon oath or affirmation by the record owner(s) of all such property that the applicant has the landowner's permission to use such property for an assembly with the maximum number of persons stated in the application.
- C. Signature of Applicant: A statement made upon oath or affirmation that the statements contained therein are true and correct to the best knowledge of the applicant and shall be signed and sworn to or affirmed by the individual making application in the case of an individual or corporation; by all partners in the case of a partnership; or by all officers of an association, society, or group, or, if there are not officers, by all members of such association, society or group.

- D. Information about Signatories: The name, residence address, and mailing address of all people required to sign the application. In the case of a corporation, a certified copy of the articles of incorporation is required together with the name, residence address, and mailing address of each person holding ten percent (10%) or more of the stock of said corporation.
- E: Right of Entry: The applicant shall agree that, if the County issues a permit, the Sheriff and Sheriff's deputies shall be allowed entry to the public assembly to enforce provisions of the permit or this chapter.
- F. Number of People at Assembly: The maximum number of people which will be assembled or admitted to the location of the assembly provided, however, that the maximum number shall not exceed the maximum number which can reasonably assemble at the location of the assembly in consideration of the nature of the assembly, or the maximum number of people allowed to sleep within the boundaries of the location of the assembly by the zoning ordinances of the County if the assembly is to continue overnight.
- G: Number of Tickets: The maximum number of tickets to be sold, if any.
- H. Purpose of Assembly: The nature or purpose of the assembly.
- I: Length of Assembly: The total number of days and/or hours during which the assembly is to last.
- J: How Occupancy will be Limited: The plans of the applicant to limit the maximum number of persons permitted to assemble.
- K. Requirements at Applicant's Expense: Before they may be issued a permit, the applicant shall provide proof that they will furnish at their own expense before the assembly commences:
1. Health requirements:
 - a. Water: The plan for supplying potable water including the source, amount available, and location of outlets sufficient

to meet all federal and state requirements for purity, sufficient to provide drinking water for the maximum number of people to be assembled at the rate of at least one gallon per person per day; and

b. Toilet facilities: The plans for providing separate enclosed toilets, meeting all state and local specifications, conveniently located throughout the grounds, sufficient to provide facilities for the maximum number of people to be assembled at the rate of at least one toilet for every one hundred (100) persons; an efficient sanitary means of disposing of waste matter deposited therein, which is in compliance with all state and local laws and regulations; handwashing stations, and a continuous supply of soap and paper towels shall be provided with each toilet; and

c. Garbage: the plans for providing a sanitary method of disposing of solid waste, in compliance with state and local laws and regulations, sufficient to dispose of the solid waste production of the maximum number of people to be assembled at the rate of at least two and one-half ($2\frac{1}{2}$) pounds of solid waste per person per day, together with a plan for holding and a plan for collecting all such waste and sufficient trash cans with tightfitting lids and personnel to perform the task; and

d. Emergency medical service providers: plans for providing emergency medical service providers, licensed to practice in the state of Idaho, sufficient to provide emergency assistance for the maximum number of people to be assembled at the rate of at least two emergency medical service providers for every two thousand (2,000) people; together with an enclosed covered facility where treatment may be rendered including the location of the medical facility, the hours of availability of emergency medical service providers, and provisions for emergency ambulance service.

2. Lighting: If the assembly is to continue during hours of darkness, plans to provide illumination sufficient to light the central area of the assembly, including the medical and health facilities; but not to shine unreasonably beyond the boundaries of the enclosed location of the assembly. The plans shall include the source of power, the amount of power, and the location of lamps.

3. Parking: The plans for a parking area inside of the assembly grounds sufficient to provide parking space for the maximum

number of people to be assembled at the rate of at least one parking space for every four (4) persons. Plans shall include the size and location of lots, points of highway access, and interior roads including routes between highway access and parking lots. In the event that the site and access to it cannot handle the number of people expected to attend the assembly, the County Commissioners can require the promoter to provide parking at other sites with transportation between the parking site and the site of the assembly to be provided by the promoter.

4. Emergency communication: The plans for a dependable method of communication sufficient to provide service for the maximum number of people to be assembled, at the rate of at least one separate device for each two thousand (2,000) persons, including the source, number, and location of communication devices.

5. Camping facilities: If the assembly is a multi-day event and will include camping, plans shall be provided describing camping facilities that are in compliance with all federal, state and local requirements.

6. Security guards: The plans for security, including the number of guards and hours of availability, using either regularly-employed, duly sworn off-duty peace officers of the state of Idaho; private guards licensed in the County; or other qualified individuals sufficient to provide adequate security for the maximum number of people to be assembled at the rate of at least one security guard for every two hundred fifty (250) people as a minimum shall be provided by the promoter.

7. Fire protection: The plans for fire protection including the number, type, and location of all protective devices including alarms, extinguishers, fire lanes, and escapes sufficient to meet all federal, state, and local standards for the location of the assembly and sufficient emergency personnel to efficiently operate the required equipment.

8. Food concessions: The plans for food concessions and concessionaires (if any) who will be allowed to operate on the ground, including the names and addresses of all concessionaires and their license or permit numbers.

9. Traffic control: Plans for an emergency entrance and exit to and from the site of the proposed assembly. Said emergency entrance and exit shall be kept open at all times for the use of

emergency vehicles. The promoter is responsible for providing traffic control personnel.

10. Insurance policy: A Certificate of Insurance, filed with the Board of County Commissioners, underwritten by an insurance company licensed to do business in Idaho in the minimum amount of one million dollars (\$1,000,000.00), which shall indemnify and hold harmless Twin Falls County or any of its agents, officers, servants and employees from any liability or causes of action which might arise by reason of granting this permit, and from any cost incurred in cleaning up any waste material produced or left by the assembly, at the site or surrounding areas. A Certificate of Insurance shall be filed with the County Commissioners at least fifteen (15) days prior to the beginning of the assembly.

11. Performance bond: At the discretion of the Board of Twin Falls County Commissioners, a performance bond may be required to ensure compliance with all terms of this chapter and/or to pay for potential damage to adjoining or non-adjoining properties within one thousand (1,000) feet of the site of the proposed assembly.

5-1-6: REVOCATION OF PERMIT:

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

5-1-7: REMOVAL OF STRUCTURES:

All structures, installations, excavations and construction shall be removed by the permittee from the site of the assembly at the termination of the event. In the event this is not accomplished within ten (10) days after the assembly, the County is authorized to accomplish the removal and charge the cost of the removal against the performance bond or the permittee.

5-1-8: VIOLATION; PENALTY:

- A. Public Assembly Without Permit: No public assembly for which a permit is required shall take place without a permit. A landowner, leaseholder, promoter, ticket-seller, or other person who holds, organizes, or allows such an assembly, or in any manner violates this chapter, shall be guilty of a misdemeanor with penalties

as set forth in Twin Falls County Code 1-4-1. Each day of violation shall be considered a separate offense.

B. Violation of any conditions of a Permit are punishable as follows:

1. For a first violation the violator will be deemed guilty of an infraction and shall pay the fixed penalty of \$200.00
2. For a second violation within two (2) years, the violator will be deemed guilty of a second offense infraction and shall pay the fixed penalty of \$300.00.
3. For a third violation within three (3) years, the violator will be deemed guilty of a misdemeanor and may be fined up to one thousand dollars (\$1,000.00) and may be jailed for up to six (6) months. In addition, applicants and/or the venue promoter shall be barred from applying for any future public assembly permit for 5 years from the date of the first violation.
4. Each day of violation shall be considered a separate offense.

APPROVED AND ADOPTED this _____ day of _____, 2025.

TWIN FALLS COUNTY BOARD OF COMMISSIONERS

Don Hall, Chairman

Rocky Matthews, Commissioner

Brent Reinke, Commissioner

ATTEST:

Kristina Glascock, Clerk