

AN ORDINANCE AMENDING ADA COUNTY CODE TITLE 2 AS FOLLOWS: AMENDING THE ADA COUNTY CODE TITLE 2 TO ADD A NEW CHAPTER 6 ENTITLED EXPO IDAHO FACILITIES; TO PROVIDE FOR THE PURPOSE OF THE CHAPTER; TO PROVIDE FOR DEFINITIONS; TO PROVIDE FOR THE ESTABLISHMENT AND PURPOSE OF THE EXPO IDAHO ADVISORY BOARD; TO PROVIDE FOR THE CONTINUATION OF THE EXPO IDAHO ADVISORY BOARD EXISTING MEMBERSHIP AND TERMS; TO PROVIDE FOR ENFORCEMENT AND RESPONSIBILITY; TO PROVIDE FOR PET AND LIVESTOCK RESTRICTIONS AND TO MAKE FAILURE TO REMOVE PET FECAL MATTER AN INFRACTION AND PUNISHABLE BY A ONE HUNDRED DOLLAR FINE; TO PROVIDE FOR FIRE, FIREWORKS AND WEAPON/FIREARM RESTRICTIONS; TO PROVIDE FOR THE PRESERVATION OF PROPERTY AND WILDLIFE AND NUISANCE RESTRICTIONS AND TO MAKE VIOLATIONS OF NUISANCE RESTRICTIONS AN INFRACTION PUNISHABLE BY A ONE HUNDRED DOLLAR FINE EXCEPT FOR PUBLIC HEALTH VIOLATIONS WHICH SHALL BE A MISDEMEANOR; TO PROVIDE FOR ADVERTISEMENT, SOLICITATION AND BUSINESS RESTRICTIONS; TO PROVIDE FOR ALCOHOL AND SMOKING RESTRICTIONS; TO PROVIDE FOR PROHIBITED ACTS AND EJECTMENT FROM EXPO IDAHO FOR ENGAGING IN PROHIBITED ACTS; TO PROVIDE FOR PARKING, DRIVING AND CAMPING REGULATIONS AND MAKE A VIOLATION OF SUCH REGULATIONS AN INFRACTION PUNISHABLE BY A ONE HUNDRED DOLLAR FINE; TO PROVIDE THAT VIOLATIONS ARE PUNISHABLE AS A MISDEMEANOR.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ADA COUNTY, IDAHO, THAT ADA COUNTY CODE, TITLE 2 BE AMENDED AS FOLLOWS:

SECTION 1: Amending the Ada County Code Title 2 to add a new Chapter 6 as follows:

**CHAPTER 6
EXPO IDAHO FACILITIES**

2-6-1: SHORT TITLE AND PURPOSE:

This chapter shall be known as the *EXPO IDAHO FACILITIES ORDINANCE*, and is enacted for the purpose of regulating the operation of Expo Idaho and controlling the activities of the public within such area and providing for penalties for the violation of the provisions of this chapter.

2-6-2: DEFINITIONS:

For the purposes of this chapter, the following terms, phrases and words shall have the meanings given herein. All other words contained in this chapter not specifically defined shall have their ordinary and customary meanings.

BOARD: The Board of County Commissioners of Ada County, Idaho.

DIRECTOR: The director, if any, of Expo Idaho appointed by the Board.

EXPO IDAHO: The facilities that appear in that certain record of survey recorded in the office of the Ada County recorder, book G of surveys, page 1612, instrument no. 9009958, on February 27, 1990. Also included as part of the Expo Idaho facilities is Ladybird Park.

EXPO IDAHO ADVISORY BOARD: The Expo Idaho advisory board appointed by the Board as authorized in this chapter.

FAIR: The annual Western Idaho Fair held on the Expo Idaho facilities.

LIVESTOCK: Poultry or other birds, horses, cattle, dairy cattle, swine, sheep, llamas, goats, or other grazing animals.

PARK, PARKED OR PARKING: The condition of any vehicle stopped or left standing, whether attended or unattended.

VEHICLE: Every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human power or horsedrawn or used exclusively upon stationary rails or tracks.

2-6-3: EXPO IDAHO ADVISORY BOARD:

- A. **Establishment And Purpose:** The Expo Idaho advisory board's purpose shall be to provide nonbinding advice to the director or board concerning the operation and administration of the fair and the use of the Expo Idaho facilities and grounds when the fair is not in session. In the absence of the director, the Expo Idaho advisory board shall manage the fair and facilities of Expo Idaho for the board. The members of the Expo Idaho advisory board shall also serve as a liaison between the county and the residents of the county and users and patrons of the fair and Expo Idaho facilities, communicate the concerns of users and residents of the county to the director and board, and when appropriate, communicate county policy to residents of the county and to users of the fair and Expo Idaho facilities.
- B. **Membership:** The Expo Idaho advisory board shall be made up of seven (7) members, all of whom shall be residents of Ada County. Each advisory board member shall serve at the pleasure of the board. Members of the Expo Idaho advisory board shall serve without compensation, but their reasonable expenses shall be reimbursed by the board.
- C. **Terms:** Terms of appointment shall be for three (3) years.
- D. **Meetings:** The Expo Idaho advisory board or the director or board may schedule Expo Idaho advisory board meetings by giving reasonable notice of the time and place of such meeting in accordance with the open meetings act, Idaho Code section 74-201 et seq., as it may be amended from time to time. The Expo Idaho advisory board shall adopt reasonable procedural rules not inconsistent with either this chapter or the provisions of any policy manual the board or director may adopt and elect such officers as it deems necessary.

2-6-4: CONTINUATION OF EXISTING MEMBERSHIP:

The membership of the Expo Idaho advisory board shall continue to be those members in office immediately preceding the enactment of this ordinance. The terms of such members shall continue until their previously designated time. The enactment of this ordinance shall have no effect on the business or membership of the Expo Idaho advisory board.

2-6-5: ENFORCEMENT AND RESPONSIBILITY:

- A. Authority Of Ada County Sheriff: The Ada County sheriff, or his authorized deputies, has the sole authority for and the duty to enforce penal and regulatory laws adopted herein for the protection of Expo Idaho against damage and for the preservation of the public peace therein.
- B. Limitation On Liability: Ada County, its agents or employees, is not responsible for damages to, or the theft of, personal property within the boundaries of Expo Idaho.
- C. Authority Conferrable On Employees: The director may authorize any employee of Expo Idaho to exercise any power granted to, or perform any duty imposed upon, the director.
- D. Limit Or Deny Access: The director shall have the authority to limit or deny access to any area covered by this chapter whenever it has reached its designed capacity.
- E. Closed Areas: The director may declare any section or part of any Expo Idaho areas as closed to the public either entirely or for certain uses, at any time and for any interval of time, either temporarily or at regularly and stated intervals (daily or otherwise).

2-6-6: PET AND LIVESTOCK RESTRICTIONS:

- A. Pets: Pets are not permitted on the Expo Idaho facilities (including Ladybird Park), except at permitted events and as posted. Pets that are permitted must be on leash.
- B. Removal of fecal matter: No person owning or having care, custody, possession or control of a pet within Expo Idaho shall:
 - 1. Fail to have in his/her possession the equipment necessary to remove his/her pet's fecal matter when accompanied by said pet in Expo Idaho; or
 - 2. Fail to remove the fecal matter deposited by his/her pet in Expo Idaho before leaving the immediate area where the fecal matter was deposited.
- C. Violations: Violations of subsections A and B of this section are infractions and are each punishable by a one hundred dollar (\$100.00) fine.

2-6-7: FIRE, FIREWORKS AND FIREARMS RESTRICTIONS:

- A. Fires: All fires shall be restricted to culinary purposes in gas and charcoal grills. Upon prior special approval of the director, other fires may be permitted in other areas of Expo Idaho for educational, interpretive or other special programming. All other fires are prohibited. All permitted fires must be kept under control at all times and must be extinguished before leaving the immediate site where the fire is located, or whenever the site is left unattended. Some or all of Expo Idaho may be closed to all fires during extreme fire danger at the discretion of the director.
- B. Fireworks: No person shall possess or use fireworks of any kind within Expo Idaho without a permit granted by the board under title 5, chapter 6 of this code.
- C. Personal Safety, Weapons or Firearms: Except upon prior special approval by the director, no person, except for authorized law enforcement personnel, shall discharge firearms, pneumatic weapons, air rifles, spring guns, bows and arrows, slings, or any other form of weapon. Any permitted discharge shall not purposefully or negligently endanger, damage or injure the property or the life of any person or animal within Expo Idaho.

2-6-8: PRESERVATION OF PROPERTY AND WILDLIFE AND NUISANCE RESTRICTIONS:

- A. Public Property: The destruction, injury, defacement, removal or disturbance of any public building, sign, equipment, monument, statue, marker or any other structure, or of any tree, flower, vegetation or any other public property of any kind which is located in Expo Idaho is prohibited. No person shall use Expo Idaho for access to adjoining or nearby privately owned property for any purpose, or to construct or install any facility or improvement upon, over or beneath any Expo Idaho without the written consent of the board or the director.
- B. Glass Containers: No glass beverage containers are permitted except upon prior approval of the director in any structure or buildings at Expo Idaho.
- C. Littering: All refuse or garbage must be placed in proper trash receptacles. Littering in Expo Idaho is prohibited.
- D. Protection Of Wildlife: Expo Idaho is a sanctuary for wildlife of every sort and all molesting, injuring or killing of any wild birds or animals is strictly prohibited.
- E. Control Of Speed: Users of the greenbelt and bike paths within Expo Idaho are expected to act responsibly and courteously and not to exceed a safe and prudent speed. It is prohibited for cyclists, scooter riders, and skaters to use the greenbelt or bike paths at such a speed as to endanger or injure other users.
- F. Ski Poles And Push Poles: The use of ski poles, push poles, or other such similar equipment on the greenbelt or bike paths in Expo Idaho is prohibited, except that such ski pole usage

shall be permitted by cross country skiers when sufficient snow is present such that pole usage will not cause damage to the greenbelt or bike paths.

- G. Public Health: It shall be a misdemeanor for any person to excrete human waste, except in designated restroom facilities, in Expo Idaho. For purposes of this subsection, the following definitions shall apply:

EXCRETE: The discharge of human waste from the body, including the acts of defecation and urination.

HUMAN WASTE: Human feces or human urine.

- H. Aircraft Restrictions. No person shall operate, land or takeoff in a balloon, plane or other aircraft from Expo Idaho without a written agreement with Ada County that authorizes such activity except in an emergency or as specifically permitted by other federal or state law.

- I. Infractions: Violations of Sections 2-6-8 (B), (C), (E), (F), and (H) are each infractions and are each punishable by a one hundred dollar (\$100.00) fine.

2-6-9: ADVERTISEMENT, SOLICITATION, AND BUSINESS RESTRICTIONS:

- A. Advertisements: Within Expo Idaho public notices, public announcements, advertisements or other printed matter shall only be posted or distributed in a special area approved by the director. All advertising space is the exclusive property of Ada County. No signs, banners, printed material will be permitted without prior approval of the director.

- B. Authorized Operations: No person shall operate any concession, business or enterprise in Expo Idaho without prior written authorization from the director or the board.

- C. Solicitation:

1. For the safety of the public, to control traffic flow, crowd control, and to avoid littering, no signature gathering or other public forum activities shall take place in the parking lots or pedestrian gate entry areas of Expo Idaho. All such activities shall take place in the areas and manner as described below.
2. During the course of any function or event conducted by Expo Idaho, it shall be unlawful for any person, corporation, partnership, association, organization, group, or entity to solicit money or to solicit, sell, or distribute any merchandise or printed written material or gather signatures except under license issued by the board or the director and except from a location and in a manner specifically fixed and designated by either the board or the director. Space shall be available on a first come, first served basis to nonprofit, charitable and commercial enterprises or entities alike.

3. Applications for the following year's fair will be accepted no sooner than eight o'clock (8:00) A.M. of the last day of the current year's fair. Licensees must agree to abide by both the rules pertaining to exhibitors and concessionaires and the exhibitor privilege contract. One location shall also be made available for such activities at Les Bois Park.
4. For any events held at Expo Idaho not sponsored by Ada County, two (2) areas will be set aside for signature gathering or other public forum activities. Those areas are in front of the fountain stage and an area in front of the grandstand entrance to Les Bois Park. In the event that either of these areas are being rented or leased by exhibitors as part of their activities, the director will locate two (2) other areas approximately ten feet by ten feet (10' x 10') near exhibition buildings or fairground open areas, provided such locations do not impede ingress and egress to exhibition areas. Such areas shall be available on a first come, first served basis upon application to the board or director.

2-6-10: ALCOHOL AND SMOKING RESTRICTIONS:

- A. Open Flames, Smoking or Other Ignition Devices in Certain Areas Of Expo Idaho Prohibited: It shall be unlawful for any person to smoke cigarettes, cigars, or pipes, or in any way strike or use matches, cigarette lighters, candles or other devices with an open flame within fifty feet (50') of any shed, stall, barn, or other building in which horses or other livestock are housed, or hay or other grains or feeds are stored upon the Expo Idaho facilities.
- B. Alcohol: All alcohol consumption is prohibited in or on parking lots, sidewalks, paths, restrooms and roads in Expo Idaho. No liquor, beer, or wine, as defined in Idaho Code sections 23-902(8), 23-1001(a) and 23-1303(a), as may be amended from time to time, may be brought to or served at any portion of Expo Idaho (excluding Ladybird Park) without a contract with Ada County expressly allowing for such possession or service. Furthermore, no liquor, beer or wine, as defined in Idaho Code sections 23-902(8), 23-1001(a) and 23-1303(a), as may be amended from time to time, may be brought to or served in any other portion of an Expo Idaho area which has been leased for a private function or event. This subsection does not apply to the portions of Expo Idaho that are leased to Hawks Memorial Stadium, the area leased to the recreational vehicle park, and Les Bois Park Facility.
- C. Consumption Of Alcoholic Beverages Prohibited In Certain Areas Of Les Bois Park: It shall be unlawful for any person to consume or have in his or her possession any open container of alcoholic liquor or beer as defined in Idaho Code within fifty feet (50') of any shed, stall, barn or training area where horses are otherwise housed or present upon the Les Bois Park portion of the Expo Idaho facilities.

2-6-11: PROHIBITED ACTS:

- A. Purpose; Application; Prohibited Acts: This section shall apply to and is intended to ensure a safe and peaceful operation of Expo Idaho. No person shall:

1. Possess or use fireworks of any kind unless authorized by the director.
 2. Harm, frighten, chase, tease, annoy or throw objects at an animal or release any animal from captivity or open any fence or gate containing or restricting the movement of animals.
 3. Engage in any unlawful conduct or criminal activity or in any way commit a violation or breach of the peace, as defined by Idaho Code and/or this code.
 4. Endanger the safety or health of any person by prohibiting the normal flow of and movement of pedestrians through the grounds and by blocking entryways, pathways, and attractions so that other people may not freely pass.
- B. Ejectment: An Idaho law enforcement officer, the director and/or his duly authorized representative, shall have the authority to eject from Expo Idaho any person acting in violation of this section. Any person ejected from Expo Idaho shall leave promptly and peaceably and shall not return for any reason on the same calendar day of his/her ejection.

2-6-12: PARKING, DRIVING AND CAMPING REGULATIONS:

- A. Parking: It shall be unlawful for any person to park any vehicle on, or own any vehicle found to be parked on or in any area in Expo Idaho in violation of posted parking restrictions. It shall also be unlawful for any person to park any vehicle, or to own any vehicle found to be parked on, any area blocking an emergency exit, fire lane, or access point to a public parking area and/or public parking space.
- B. Prohibited Activities: It shall be unlawful for any person to operate go-carts, remote controlled airplanes, windsurfing boards, skateboards, or engage in in-line hockey, skating, or driver's training on Expo Idaho parking lots.
- C. Motor Vehicle Code: The provisions of title 49, chapters 6, 7 and 8, Idaho Code, shall be applicable to motor vehicles in any area of Expo Idaho.
- D. Speed Limit: The speed limit in all Expo Idaho areas shall be ten (10) miles per hour unless specifically posted at a different speed.
- E. Motorized Vehicles: All motorized and off road vehicles must stay on authorized established roadways. No motorized vehicles shall be permitted on any sidewalk, bike path, trail or area designated for use by pedestrians, bicyclists, and other wheeled activities moved solely by human power. Law enforcement personnel, emergency service providers, Ada County employees in the course of their employment, others authorized by the director, and persons operating a wheelchair, electric wheelchair, other handicapped vehicles or an electric personal assistive mobility device are exempt from this regulation.

- F. **Overnight Camping And Parking:** Overnight camping and parking is prohibited in Expo Idaho except as permitted by the director or the board for special group activities, festivals or holiday events.
- G. **Violation:** Violation of this section is specifically designated herein as an infraction punishable by a one hundred dollar (\$100.00) fine. Any vehicle found parked in violation of this chapter may be cited and/or removed at the expense of the owner.
- H. **Enforcement And Penalties:** It shall be the duty of the Ada County sheriff, or any deputy sheriff, to leave notice at or on any vehicle or other property parked in violation of this chapter. This notice shall bear the date and hour of leaving the same at or upon the vehicle. The notice shall instruct the owner or operator of the vehicle or property to report to the magistrate's division of the district court in regard to such violation. It shall be the duty of such sheriff or deputy sheriff to leave at or upon such vehicle a separate notice for each hour thereafter that such vehicle and/or property remains parked in violation of this chapter. In the event such owner or operator fails to report to the magistrate's division at the time provided in said notice, a warrant for the arrest of said person will be issued. In addition to the penalty assessed by the court for violation of this chapter, the owner or operator of any vehicle or other property shall be liable for any expense incurred by the county involving said vehicle to be towed away or otherwise removed. The owner or operator of any vehicle shall be liable for any and all other reasonable expenses for storage charged by the company removing said vehicle and causing said vehicle to be stored.

2-6-13: PENALTIES FOR VIOLATIONS:

Except where this chapter specifies another penalty for a violation of this chapter, a person, firm, or corporation violating any provision of this chapter shall be deemed guilty of a misdemeanor and upon conviction shall be punishable as provided in Idaho Code, section 18-113 as it may be from time to time amended and/or retitled. Each violation shall constitute a separate offense.

ADOPTED this 5th day of April, 2016.

Board of Ada County Commissioners

By: _____
Jim Tibbs, Commissioner

By: _____
Rick Yzaguirre, Commissioner

By: _____
David L. Case, Commissioner

ATTEST:

Christopher D. Rich, Ada County Clerk