

**ORDINANCE NO. 2023-10**

**CITY OF KUNA**

**AN ORDINANCE OF THE CITY COUNCIL OF KUNA, IDAHO,**

- **AMENDING SECTION 3, CHAPTER 8 OF THE KUNA CITY CODE TO INCLUDE BENEVOLENT, CHARITABLE, AND PUBLIC PURPOSE EVENTS PERMIT FOR SPECIAL EVENT PERMITS APPLICABLE TO ALL SPECIAL EVENT PERMIT REQUESTS;**
- **DIRECTING THE CITY CLERK; AND**
- **PROVIDING AN EFFECTIVE DATE.**

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and City Council of the City of Kuna, Ada County, Idaho:

**Section 1:** That Chapter 8, Title 3 of the Kuna City Code be and the same is hereby amended to read as follows:

**3-8-1: DEFINITIONS:**

*SPECIAL EVENT:* A gathering or event that is planned to occur on a day, consecutive days, or a recurring schedule that is expected to draw a gathering of persons where;

1. The event is held on a street or city property; and/or
2. Alcohol available for consumption a catering permit or Idaho State Police issued Benevolent, Charitable, and Public Purpose Events permit is required; and/or
3. A deadly weapon is available for sale or trade, excluding a private sale; and/or
4. The event requires a permit from any other jurisdiction or agency, such as ACHD or the fire district; and/or
5. The event is of an entertainment, cultural, recreational, educational, or sporting nature.

Examples of special events include, by way of illustration and without limitation, public assembly, block events, concerts, dances, parades, circuses, fairs, festivals, retail sales, community events, mass participation sports (such as, marathons and running events, bicycle races or tours, sports tournaments), other organized activity conducted for a common or collective use. A special event does not include a gathering or event that is private and not open to the general public.

**3-8-2: SPECIAL EVENT PERMIT REQUIRED:**

- A. No person or entity shall hold any special event within the city, as defined by this chapter, without first obtaining a special event permit from the city clerk or the city clerk's designee and paying any application fees. The requirements for permitting under this chapter shall not apply to:
  1. First Amendment events, where the expressive or associative activity being exercised is protected by the Idaho Constitution and the First and Fourteenth Amendments to the United States Constitution;
  2. Funeral processions;

3. Spontaneous events for the purpose of expressive activity that occur in response to breaking or emerging news;
  4. Lawful picketing on sidewalks;
  5. School sponsored events for the benefit of the school on school property; unless weapons are offered for sale;
  6. Church sponsored events for the benefit of the church held exclusively on church property; unless alcohol is available for consumption and a catering permit or Idaho State Police issued Benevolent, Charitable, and Public Purpose Events permit is required, excluding alcohol consumed during religious services, or a deadly weapon or weapons is/are offered for sale or as a prize, if the weapon is displayed during the event;
  7. Public events on private property, unless KCC 3-8-2(B) is applicable.
- B. An event on private property shall require a special event permit if:
1. Alcohol is being served and a catering permit or Idaho State Police issued Benevolent, Charitable, and Public Purpose Events permit is required; and/or
  2. Weapons are being offered for sale; and/or
  3. Attendance is estimated to exceed five hundred (500) persons and the event has the potential to impact traffic, safety or public services as determined by the city clerk or other city department or pertinent agency.
- C. In determining whether an event is exempt, no consideration shall be given to the content of any constitutionally-protected expression connected with the planned activity. No permit shall be required under this chapter, nor any condition imposed on any permit, if requiring a permit or imposing the condition would violate rights protected by the Constitution of the United States or by the Constitution of the State of Idaho.
- D. The attendee projection shall be provided and shall be based upon the type of special event, format, size, location, and history if annual or part of a series of special events.
- E. No fee, extraordinary resource cost, or insurance requirement shall be imposed when prohibited by the First and Fourteenth Amendments to the United States Constitution. Political or religious activity intended primarily for the communication or expression of ideas shall be presumed to be a constitutionally protected event. First Amendment events include those for the exercise of the right to speech, press, assembly and the right to petition, but does not include commercial advertising. Factors that may be considered in evaluating whether or not an event or an activity is constitutionally protected and therefore exempt include the nature of the event, the extent of commercial activity, the extent of any advertising or promotion of goods or services, the sales of food, goods, and services, any other business participation in the event, the use or application of any funds raised, and, if part of any annual tradition or series, previous events in the sequence.
- F. Conditions of special event permits for parades, public assemblies, and block events on streets and sidewalks:
- Special event permits for parades, public assemblies, and block events occurring on streets and/or sidewalks shall include conditions that:
1. Assure that emergency services such as police, fire, and ambulance services are available for a parade, public assembly, or block event taking place within the corporate limits of the City of Kuna;
  2. Assure that emergency services such as police, fire, and ambulance services are not unreasonably inhibited in their ability to travel on and cross public streets and sidewalks

by parades, public assemblies, or block events; at a minimum, an emergency access twenty (20) feet wide shall be required to all parts of the event;

3. Assure that business activities in the city are not unreasonably impacted by parades, public assemblies, or block events; and
4. Assure that traffic is not unreasonably disturbed by parades, public assemblies, or block events.

**Section 2:** Directing the City Clerk

The City Clerk is directed to file this Ordinance in the official records of the City and to provide the same to the City's codifier for inclusion and publication in the Kuna City Code.

**Section 3:** Effective Date

This Ordinance shall take effect and be in force from and after its passage, approval, and publication as required by law and at the discretion of the City Clerk and in lieu of publication of the entire ordinance, a summary thereof in compliance with Section 50-901A, Idaho Code, may be published.

DATED this 21<sup>st</sup> day of FEBRUARY 2023

CITY OF KUNA



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Joe L. Stear, Mayor

ATTEST:

  
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Chris Engels, City Clerk

