IDAPA 38 – IDAHO DEPARTMENT OF ADMINISTRATION

Division of Public Works / Facility Services

38.04.06 – Rules Governing Use of State Property in the Capitol Mall, Multi-Agency Facilities, and Other State Properties

Who does this rule apply to?
This rule applies to the general public and state employees who access the exterior of the Capitol Mall other state facilities named in the rule.

What is the purpose of this rule?
This rule provides enforceable guidelines for the safe operation of state properties for the benefit of Idaho citizens.

What is the legal authority for the agency to promulgate this rule?
This rule implements the following statute passed by the Idaho Legislature:

- Section 67-5709, Idaho Code – Management of State Facilities

Who do I contact for more information on this rule?

Idaho Department of Administration
650 West State, Room 100
Boise, ID 83706
Phone: (208) 332-1812
Fax: (208) 334-2307
Email: Steven.bailey@adm.idaho.gov
https://adm.idaho.gov/

This rule chapter will be reviewed in compliance with Section 67-5292, Idaho Code, and in accordance with the 8-year rule review schedule linked here.

Table of Contents

38.04.06 – Rules Governing Use of State Property in the Capitol Mall, Multi-Agency Facilities, and Other State Properties

SUBCHAPTER A – GENERAL PROVISIONS

000. Legal Authority. 4
001. Scope. 4
002. -- 009. (Reserved) 4
010. General Definitions. 4
011. -- 100. (Reserved) 5

SUBCHAPTER B – APPLICATION TO OTHER STATE PROPERTIES AND MULTI-AGENCY FACILITIES

101. Other State Properties. 5
102. Multi-Agency Facilities. 8
103. -- 199. (Reserved) 8

SUBCHAPTER C – GENERAL RULES FOR PUBLIC USE

200. Use Of State Facilities. 8
201. (Reserved) 9
202. Equipment And Supplies. 9
203. Establishment Of Perimeters. 9
204. Area Closures. 9
205. -- 299. (Reserved) 10
300. Restrictions And Limitations On Use. 10
301. Uses Interfering With Access Or Use Of Facility. 10
302. Maintenance And Improvements. 10
303. Motorized Vehicles. 10
304. Bicycles, Skates, Skateboards, Scooters, And Other Non-Motorized Transportation. 10
305. Animals. 11
306. Landscaping. 11
307. Food And Beverages. 11
308. Smoking. 11
309. Fires, Candles, And Flames. 11
310. Posters, Placards, Banners, Signs, Equipment, Tables, Materials, And Displays. 12
311. Items Subject To Search. 12
312. Prohibited Items. 12
313. (Reserved) 12
314. Utility Service. 12
315. Law Enforcement And Facility Exigency. 13
316. Compliance With Law. 13
317. Health, Safety, And Maintenance Of State Facilities. 13
318. Removal Of Items. 13
319. -- 399. (Reserved) 13

400. Liability. 13
401. -- 499. (Reserved) 13
SUBCHAPER D – RULES FOR PUBLIC USE OF THE CHINDEN OFFICE COMPLEX
500. Additional Definitions. 13
501. Use Of Recreational Facilities. 14
502. Alcohol. 14
503. Fires, Candles, And Flames. 14
504. Use Of Waterways. 14
505. -- 999. (Reserved) 14

38.04.06 – RULES GOVERNING USE OF STATE PROPERTY IN THE CAPITOL MALL, MULTI-AGENCY FACILITIES, AND OTHER STATE PROPERTIES

SUBCHAPTER A – GENERAL PROVISIONS

000. LEGAL AUTHORITY.
Section 67-5709, Idaho Code, gives the Director of the Department of Administration authority to promulgate rules governing the state properties in the Capitol Mall, Multi-agency Facilities, and Other State Properties. (4-6-23)

001. SCOPE.
These rules contain the provisions for use of the Capitol Mall Office Properties, the Capitol Annex, the Parking Facilities, the Other State Properties, and the Multi-agency Facilities. (4-6-23)

002. -- 009. (RESERVED)

010. GENERAL DEFINITIONS.
The definitions in this section may be supplemented or modified by definitions in separate subchapters. (4-6-23)

01. **Camping**. Any activity prohibited under Section 67-1613, Idaho Code. (4-6-23)

02. **Capitol Annex**. The Interior and Exterior of the real property located at 514 West Jefferson Street, Boise, Idaho and occupying block 65 as shown on the Boise City original townsite plat filed in the Ada County Recorder's office in Book 1 on page 1. (4-6-23)

03. **Capitol Mall Office Properties**. The Interior and Exterior of the real property set forth in Section 67-5709(2)(a) and (b), Idaho Code. The Capitol Mall Office Properties do not include the Idaho State Capitol or its grounds or the Capitol Mall Annex. (4-6-23)

04. **Commemorative Installation**. Any statue, monument, sculpture, memorial or landscape feature designed to recognize a person, group, event or element of history. (4-6-23)

05. **Common Space**. The portion of a State Facility that is not Tenant Space. Common Space includes, but is not limited to, interior lobbies not within Tenant Space and restrooms not accessed through Tenant Space. Common Space does not include Tenant Space or any area marked "private," "no admission," "staff only," or similarly designated as not open to the public. (4-6-23)

06. **Department**. The Department of Administration. (4-6-23)

07. **Director**. The Director of the Department of Administration or his designee. (4-6-23)

08. **Display**. An attended exhibition or installation of physical items during an Event. (4-6-23)

09. **Event**. Any activity including, but not limited to, arts or cultural presentations, weddings, dinners, award ceremonies, memorials, and seminars. (4-6-23)

10. **Exhibit**. Exhibitions or installations of physical items outside of an Event including, but not limited to, commemorative installations, floral displays, art objects, historical artifacts, and cultural objects. (4-6-23)

11. **Exterior**. The exterior of a State Facility, including the real property, the grounds, and the improvements on the exterior of the State Facility. (4-6-23)

12. **Interior**. The interior spaces within a State Facility. (4-6-23)

13. **Multi-Agency Facilities**. The Interior and Exterior of the properties set forth in Section 102 of these rules. (4-6-23)

14. **Other State Properties**. The Interior and Exterior of the properties property set forth in Section 101 of these rules. (4-6-23)

15. **Parking Facilities**. The Interior and Exterior of the properties set forth in Section 67-5709(2)(b), Idaho Code. (4-6-23)

16. **Private Event or Private Exhibit**. Any activity sponsored or initiated by a member of the public

that is open only to invited or qualifying individuals or groups. Private Events and Private Exhibits include, but are not limited to, weddings, dinners, award ceremonies, memorials, and seminars. (4-6-23)

17. **Public Use**. Use that is not: (4-6-23)

a. A State Event or Exhibit; (4-6-23)

b. Use by a public officer, official, employee, contractor, agency, or board or commission for state of Idaho business; (4-6-23)

c. State Maintenance and Improvements; or (4-6-23)

d. Use by a Tenant. (4-6-23)

18. **Security Personnel**. A state of Idaho employee or a staff member of a state of Idaho contractor whose job duties include monitoring compliance with and enforcing these rules. (4-6-23)

19. **State Business Day**. Monday through Friday, excluding the holidays set forth in Section 73-108, Idaho Code. (4-6-23)

20. **State Events and Exhibits**. All functions initiated and controlled by any state of Idaho agency, board, commission, officer or elected official acting on behalf of the state of Idaho. (4-6-23)

21. **State Facilities**. The Capitol Mall Office Properties, the Capitol Annex, the Multi-agency Facilities, the Parking Facilities and the Other State Properties. Use of the phrase "at the State Facilities" includes the Exterior and Interior of the State Facilities. Use of the singular "State Facility" means any of the properties within the definition of State Facilities. (4-6-23)

22. **State Maintenance and Improvements**. Maintenance or improvement of the State Facilities by the state of Idaho or its contractors. Maintenance for the purpose of this definition includes, but is not limited to, grounds maintenance such as mowing, watering, landscaping, aerating, turf installation and repair, resodding, fertilizing and planting, and structural maintenance such as pressure washing, painting, window cleaning and window re-glazing. Improvement for the purpose of this definition includes, but is not limited to, the following: construction of new buildings or portions of buildings; renovations to existing buildings; the installation of permanent structures and equipment such as benches, sprinklers, flagpoles, monuments and memorials; and, the installation of temporary equipment and structures such as construction fencing, generators and portable buildings. (4-6-23)

23. **Tenant**. A state of Idaho officer, official, agency, board or commission or a public agency or a private individual or entity with a license or lease to use a State Facility. (4-6-23)

24. **Tenant Space**. The portion of the Exterior licensed or leased to a private individual or entity and the portion of the Interior occupied by a state of Idaho officer, official, agency, board or commission or leased to a public agency or a private individual or entity. (4-6-23)

011. -- 100. **(RESERVED)**

SUBCHAPTER B – APPLICATION TO OTHER STATE PROPERTIES AND MULTI-AGENCY FACILITIES

101. OTHER STATE PROPERTIES.

These rules apply to the following Other State Properties pursuant to the request of the state of Idaho public entity owning or controlling the property: (4-6-23)

01. **Idaho State Historical Society Properties**. (4-6-23)

a. The following properties owned or operated by the Idaho State Historical Society are Other Properties under these rules: (4-6-23)

i. Idaho State Historical Museum, located at 610 North Julia Davis Drive, Boise, Idaho. (4-6-23)

ii. Old U.S. Assay Office, located at 210 Main Street, Boise, Idaho. (4-6-23)

iii. Old Penitentiary site located in Boise, Idaho and defined in Section 58-337, Idaho Code. (4-6-23)

iv. Idaho History Center, located at 2205 Old Penitentiary Road, Boise, Idaho. (4-6-23)

v. Franklin Historic Properties, located in Franklin, Idaho. The Franklin Historic Properties include the Franklin Co-operative Mercantile Institution Building, the Hatch House, the Doney House, and the Relic Hall. (4-6-23)

vi. Pierce Courthouse, located in Pierce, Idaho. (4-6-23)

vii. Rock Creek Station and Stricker Homesite, located at 3715 Stricker Cabin Road, Hansen, Idaho. (4-6-23)

b. The following sections of these rules apply to the Idaho State Historical Society Properties set forth in Paragraph 101.01.a. of these rules only as modified by this Paragraph 101.01.b.: (4-6-23)

i. Subsection 010.07. "Director" means the Executive Director of the Idaho State Historical Society when these rules are applied to the Idaho State Historical Society Properties. (4-6-23)

ii. Subsection 200.01. "Authorized Uses by the Public" applies except that the Director may authorize Private Events or Exhibits and the exclusion of members of the public from attending Private Events and Exhibits. For the purpose of this subsection, the grant of a lease or a license is authorization to exclude members of the public from a Private Event or Exhibit. (4-6-23)

iii. Section 302. "Maintenance and Improvements" applies as if the Idaho State Historical Properties were Capitol Mall Office Properties unless otherwise designated at the property, or posted on the Idaho State Historical Society website. (4-6-23)

iv. Subsection 305.02. "Domestic Animals" applies unless a sign at the property specifies that domestic animals are not permitted. (4-6-23)

c. The Idaho State Historical Society Properties set forth in Paragraph 101.01.a. of these rules may be licensed or leased and such license or lease may vary the provisions of these rules applicable to use of the property under this chapter, including but not limited to the following: commercial use; Public Use; Private Events or Exhibits; consumption and distribution of alcohol; affixing of materials to the Idaho State Historical Society Properties; use of sound amplification; fireworks displays; and, use of utilities. (4-6-23)

02. Idaho Division of Veterans Services Properties. (4-6-23)

a. The following properties owned or operated by the Idaho Division of Veterans Services are "Other State Properties" under these rules: (4-6-23)

i. Idaho Division of Veterans Services Central Support Office, located at 351 Collins Road, Boise, Idaho. (4-6-23)

ii. Idaho State Veterans Home – Boise, located at 351 Collins Road, Boise, Idaho. (4-6-23)

iii. Idaho State Veterans Home – Lewiston, located at 821 21st Avenue, Lewiston, Idaho. (4-6-23)

iv. Idaho State Veterans Home – Pocatello, located at 1957 Alvin Ricken Drive, Pocatello, Idaho. (4-6-23)

v. Idaho State Veterans Home – Post Falls, located at 590 S. Pleasant View Road 101, Post Falls, Idaho. (4-6-23)

vi. Idaho State Veterans Cemetery – Boise, located at 10100 N. Horseshoe Bend Road, Boise, Idaho. (4-6-23)

vii. Idaho State Veterans Cemetery – Blackfoot, located at 2651 Cromwell Lane, Blackfoot, Idaho. (4-6-23)

b. The following subsections of these rules apply to the Idaho Division of Veterans Services properties set forth in Paragraph 101.02.a. of these rules only as modified by this Paragraph 101.02.b.: (4-6-23)

i. Subsection 010.07. "Director" means the Chief Administrator of the Division of Veterans Services when these rules are applied to the Idaho Division of Veterans Services properties set forth in Paragraph 101.02.a. of these rules. (4-6-23)

ii. Subsection 200.01. "Public Use" shall not apply to the State Veterans Homes set forth in Paragraph 101.02.a.ii. to v. of these rules. Such properties include the exterior courtyards, patios, gardens, outside yards, and other similar residential spaces directly adjacent to the homes. (4-6-23)

iii. Subsection 200.02.a. "Prohibited Uses" applies except those concessions at the Idaho Division of Veterans Services properties authorized by the Director are not commercial activity prohibited by these rules. (4-6-23)

iv. Subsection 200.02.b. "Prohibited Uses" applies except those activities conducted by residents or staff of the State Veterans Homes set forth in Paragraph 101.02.a.ii. to v. of these rules may include the indicia of camping set forth in Section 67-1613, Idaho Code. (4-6-23)

v. Subsection 200.02.c. "Prohibited Uses" applies except as set forth in this subsection. (4-6-23)

(1) The Director may authorize Private Events or Exhibits and the exclusion of members of the public from attending Private Events and Exhibits. For the purpose of this subsection, the grant of a lease or a license is authorization to exclude members of the public from a Private Event or Exhibit. (4-6-23)

(2) Burial services conducted by the Idaho State Veterans Cemeteries set forth in Paragraphs 101.02.a.vi. and vii. exclude the public. The public may not use portions of such cemeteries during burial services as directed by cemetery staff. (4-6-23)

vi. Subsection 305.01.b. "Wildlife" applies except that the Director may authorize residents and staff of the State Veterans Homes set forth in Paragraph 101.02.a.ii. to v. of these rules to feed wildlife. (4-6-23)

vii. Subsection 305.02. "Domestic Animals" applies except that the Director may authorize domestic animals in the interior of the State Veterans Homes set forth in Paragraph 101.02.a.ii. to v. of these rules. (4-6-23)

viii. Subsection 307.02. "Alcohol" applies except as authorized by the Director for the prescribed medical treatment of a resident of the State Veterans Homes set forth in Paragraph 101.02.a.ii. to v. of these rules. (4-6-23)

ix. Subsection 309. "Fire, Candles, and Flames" applies except that the Director may authorize the use of flames for the cooking of food by staff, contractors, and lessees or licensees. (4-6-23)

x. Subsection 310.08 "Surface Markings" applies except transitory chalk may be used in areas and at times designated by the Director at the State Veterans Homes set forth in Paragraph 101.02.a.ii. to v. of these rules. (4-6-23)

xi. Subsection 317.04 "Fireworks" applies except fireworks displays authorized by the Director. (4-6-23)

03. Idaho Department of Labor Properties. (4-6-23)

a. The following properties owned or operated by the Idaho Department of Labor are "Other State Properties" under these rules: (4-6-23)

i. 600 N. Thornton Street, Post Falls, Idaho. (4-6-23)

ii. 613 Ridley Village Road, Suite C, Sandpoint, Idaho. (4-6-23)

iii. 1158 Idaho Street, Lewiston, Idaho. (4-6-23)

iv. 4514 Thomas Jefferson Street, Caldwell, Idaho. (4-6-23)

v. 317 W. Main Street, Boise, Idaho. (4-6-23)

vi. 219 W. Main Street, Boise, Idaho. (4-6-23)

vii. 420 Falls Avenue, Twin Falls, Idaho. (4-6-23)

viii. 127 West 5th Street North, Burley, Idaho. (4-6-23)

ix. 430 North 5th Avenue, Pocatello, Idaho. (4-6-23)

x. 1515 East Lincoln Road, Idaho Falls, Idaho. (4-6-23)

b. Subsection 010.07. "Director" means the Director of the Department of Labor when these rules are applied to the Idaho Department of Labor properties set forth in Paragraph 101.03.a. of these rules. (4-6-23)

102. MULTI-AGENCY FACILITIES.
These rules apply to the following Multi-agency Facilities managed and administered by the Department. (4-6-23)

01. Lewiston State Office Building. Lewiston State Office Building, 1118 F Street, Lewiston, Idaho 83501. (4-6-23)

02. Idaho Falls State Office Building. Idaho Falls State Office Building, 150 Shoup Avenue, Idaho Falls, Idaho 83401. (4-6-23)

03. Chinden Office Complex. The Chinden Office Complex is located in Boise, Idaho and bounded to the north by West Chinden Boulevard, to the west by North Cloverdale Road, to the east by North Five Mile Road, and to the south by the Jones-Stiburek, Orchid Point, De Meyer Estates No. 7, Hickories No. 1, 9 and 12, Hickories East and EMS Avenue Subdivisions. The Chinden Office Complex includes Buildings 1 through 8 and the grounds adjacent to such buildings. (4-6-23)

103. -- 199. (RESERVED)

SUBCHAPTER C – GENERAL RULES FOR PUBLIC USE

200. USE OF STATE FACILITIES.

01. Authorized Uses by the Public. Except as provided otherwise in these rules, the State Facilities are available for Public Use. (4-6-23)

02. Prohibited Uses. The following uses are prohibited at the State Facilities: (4-6-23)

a. Commercial Activity. The State Facilities shall not be used for any activity conducted for profit and persons may not solicit to sell any merchandise or service at the State Facilities. The following are not commercial

activity prohibited by this subsection: (4-6-23)

i. Meetings or conferences for public employees or their relatives describing employee benefits and approved by a state of Idaho agency. (4-6-23)

ii. Concessions authorized by law. (4-6-23)

iii. Vaccinations may be provided in exchange for a fee without the prior written permission of the Director where approved by a state of Idaho agency, board, commission or elected official. (4-6-23)

iv. The conduct of business by a Tenant. (4-6-23)

b. Camping. (4-6-23)

c. Private Events and Exhibits. (4-6-23)

03. Priority of Uses. State Maintenance and Improvements have priority over all other use of the State Facilities. (4-6-23)

04. Limitations on Public Access and Use. (4-6-23)

a. Public Access to the Interior. Public access to the Interior and to Tenant Space is limited to the conduct of business with a Tenant. (4-6-23)

b. Common Space. The public shall not use the Common Space for Events, Exhibits, or Displays. (4-6-23)

c. Hours of Use. (4-6-23)

i. Unless otherwise provided in these rules or when extended hours are posted at the public entrance to a State Facility, the hours for public access to the Interior of the State Facilities are 8 a.m. to 5 p.m. on State Business Days. (4-6-23)

ii. The hours of use of the Parking Facilities are governed by IDAPA 38.04.04, "Capitol Mall Parking Rules." (4-6-23)

iii. The hours for public access to the Exterior of the Chinden Office Complex are from sunrise to sunset. (4-6-23)

d. Restricted Areas. Areas of the State Facilities marked "private," "no admission," "staff only," or similarly designated as not open to the public are not available for public use. (4-6-23)

201. (RESERVED)

202. EQUIPMENT AND SUPPLIES.
Except as provided in these rules, the Department will not provide equipment or supplies for use of the State Facilities. (4-6-23)

203. ESTABLISHMENT OF PERIMETERS.
Security Personnel and law enforcement may establish perimeters separating participants in Public Use of the State Facilities or State Events and Exhibits. Participants in and observers of any Public Use or State Events and Exhibits shall observe perimeters set pursuant to this section. (4-6-23)

204. AREA CLOSURES.
The Director may direct that any portion of the State Facilities be closed for Public Use upon a finding that the closed portion of the State Facilities has sustained damage or is in imminent danger of sustaining damage. The closure directive shall identify the portion of the State Facilities closed, the damage that has occurred or that will occur

without closure, and the estimated period of closure to restore or prevent the damage. A notice of closure and information on how to obtain a copy of the closure directive shall be posted at the closed portion of the State Facilities. Circumstances presenting an imminent danger of damage to the State Facilities include, but are not limited to, the saturation of soil, turf, or landscaped areas with water, excessive foot traffic over landscaped areas, preventing turf or plants from obtaining adequate sunlight, and the buildup of ice or snow on landscaped areas. (4-6-23)

205. -- 299. (RESERVED)

300. RESTRICTIONS AND LIMITATIONS ON USE.
The restrictions and limitations on use of the State Facilities set forth in Sections 301 through 399 of these rules apply to all Public Use of the State Facilities. The lease or license of Tenant Space may vary from these rules for use by the Tenant, its employees, and its invited guests. Subchapters of these rules applicable to a State Facility may vary from the rules in Sections 200 through 399 of these rules for Public Use of the State Facility. (4-6-23)

301. USES INTERFERING WITH ACCESS OR USE OF FACILITY.

01. Interference with Primary Use of Facility or Real Property. Public Use of the State Facilities shall not interfere with the primary use of the facility or real property adjoining the facility. The primary uses of the State Facilities include, but are not limited to, public meetings and hearings, court proceedings, and the conduct of public business by agencies or officials of the state of Idaho that normally occupy and use the affected facility or the real property adjoining the facility. The primary use of the State Facilities also includes the conduct of business by Tenants leasing or licensing a portion of the State Facility. (4-6-23)

02. Interference with Access. Public Use of the State Facilities shall not block fire hydrants, fire or emergency vehicle lanes, vehicular drives, pedestrian walkways, doorways, steps or similar access routes through, in or out of the State Facilities. (4-6-23)

302. MAINTENANCE AND IMPROVEMENTS.
Public Use shall not interfere with State Maintenance and Improvements. The Department will publish the regular maintenance and improvement schedule at the Department's website. The regular maintenance and improvement schedule may be modified due to weather, staffing, emergency repairs, equipment failures, funding changes, contract modifications, State Events and Exhibits or other causes arising after the schedule's publication. (4-6-23)

303. MOTORIZED VEHICLES.

01. Operation on Designated Areas. Motorized vehicles not owned or operated by the state of Idaho or law enforcement must remain on designated roadways and parking areas. (4-6-23)

02. Parking. Parking of motorized vehicles at the Capitol Mall is governed by IDAPA 38.04.04, "Capitol Mall Parking Rules." Except as provided in IDAPA 38.04.04, Public Use of the State Facilities for parking is limited to the period the operator or passengers are using the State Facility in compliance with these rules. Unless approved by the Director, the public shall not park motorized vehicles overnight at the State Facilities. Public parking may be limited to designated parking areas. (4-6-23)

03. Towing. Motorized vehicles parked outside of designated parking areas and times may be towed without notice at the vehicle owner's expense. (4-6-23)

04. Excluded Vehicles. Wheelchairs, motorized scooters, and other equipment providing individual mobility to the disabled are not motorized vehicles for the purposes of this section. (4-6-23)

304. BICYCLES, SKATES, SKATEBOARDS, SCOOTERS, AND OTHER NON-MOTORIZED TRANSPORTATION.
Bicycles, skates, skateboards, and scooters may not be used at the State Facilities. Users of all other non-motorized transportation must remain on designated pathways during use. Where indicated by a posted notice or where requested by Security Personnel, law enforcement or a state employee or agent supervising a State Facility, users must store non-motorized transportation in a designated storage area on the exterior of a State Facility. Wheelchairs and other equipment providing individual mobility to the disabled are not non-motorized transportation for the

purposes of this section. (4-6-23)

305. ANIMALS.
The following apply to animals at the State Facilities: (4-6-23)

01. Wildlife. Unless authorized by the Director, persons may not: (4-6-23)

a. Interfere with, hunt, molest, harm, frighten, kill, trap, chase, tease, annoy, shoot, or throw any object at a wild animal at the State Facilities. (4-6-23)

b. Feed, give, or offer food or any noxious substance to a wild animal at the State Facilities. (4-6-23)

02. Domestic Animals. (4-6-23)

a. Domestic animals are not allowed at the State Facilities unless leashed and under the control of the person bringing the animal to the State Facility. (4-6-23)

b. The person bringing the animal to the Exterior of the State Facilities shall have in his possession the equipment necessary to remove the animal's fecal matter and immediately remove all fecal matter deposited by the animal. (4-6-23)

c. Animals are not allowed at the Interior unless the animal is a service animal necessary to assist individuals with disabilities or an animal in the service of Law Enforcement. The person bringing the animal to the Interior shall have in his possession the equipment necessary to remove the animal's urine and feces and immediately remove all urine and feces deposited by the animal. (4-6-23)

306. LANDSCAPING.
Unless authorized by the Director, no person shall: (4-6-23)

01. Plants. Damage, cut, carve, transplant or remove any plant, including but not limited to trees, at the State Facilities. (4-6-23)

02. Grass. Dig in or otherwise damage grass areas at the State Facilities. (4-6-23)

03. Irrigation Equipment. Interfere with, damage or remove irrigation equipment at the State Facilities. (4-6-23)

04. Landscaping Materials. Move or alter landscaping materials at the State Facilities including, but not limited to, rock, edging materials, and bark or mulch. (4-6-23)

05. Climbing. Climb or scale buildings, memorials, statues, trees, fences, or improvements at the State Facilities. (4-6-23)

307. FOOD AND BEVERAGES.
Consumption of food and beverages at the State Facilities is subject to the following: (4-6-23)

01. Consumption May Be Prohibited. The consumption of food and beverages may be prohibited by a notice posted at the entrance to all or a portion of the State Facilities. (4-6-23)

02. Alcohol. Alcohol may not be consumed or distributed at the State Facilities. (4-6-23)

308. SMOKING.
All persons shall observe the smoke free entrance notices and smoke or vape only in designated Exterior areas. Smoking and vaping is not allowed in the Interior. (4-6-23)

309. FIRES, CANDLES, AND FLAMES.
No fires, candles, or other sources of open flame are permitted at the State Facilities. (4-6-23)

310. POSTERS, PLACARDS, BANNERS, SIGNS, EQUIPMENT, TABLES, MATERIALS, AND DISPLAYS.

01. Electrical Cords. Electrical cords must be protected by cord covers or gaffers tape to prevent an electrical or trip hazard. (4-6-23)

02. Railings and Stairways. Items may not be placed on railings or stairways and no persons shall sit or stand on railings or stairways. (4-6-23)

03. Tossing or Dropping Items. Items may not be tossed or dropped over railings or from one level of a facility to another level or to the ground. (4-6-23)

04. Ingress or Egress. No item, including tables, chairs, exhibits, equipment, materials, and Displays shall be located so as to block ingress or egress to any portion of the State Facilities, or to restrict the follow of individuals using the facility, or to restrict emergency egress or ingress. (4-6-23)

05. Attaching, Affixing, Leaning, or Propping Materials. Posters, placards, banners, signs, and Displays, including any printed materials, shall not be affixed on any exterior surface of the State Facilities not designed for that purpose or on any permanent Commemorative Installation, post, railing, fence or landscaping, including trees. All posters, placards, banners, signs, and Displays must be free-standing or supported by individuals. Items may not be leaned or propped against any exterior surface of the State Facilities or embedded into the ground, including, but not limited to, placement of a stake, post, or rod into the ground to support materials. (4-6-23)

06. Materials Causing Damage to Exterior Surface. Stages, risers, chairs, tables, sound equipment, props, materials, Displays, and similar items shall be constructed and used in a manner that will not damage, scratch, dent, dig or tear any surface at the State Facilities or any systems or utilities of the State Facilities including, but not limited to, fire suppression systems, storm drains, ventilation systems, and landscape watering systems. (4-6-23)

07. Free Distribution of Literature and Printed Material. All literature and printed material must be distributed at no charge. The party distributing literature and printed material shall ensure periodically and at the conclusion of its use of the State Facilities that such material is not discarded outside of designated trash receptacles. (4-6-23)

08. Surface Markings. Users shall not use any material to mark on any surface of the State Facilities including chalk, paint, pens, ink, or dye. (4-6-23)

311. ITEMS SUBJECT TO SEARCH.
To enhance security and public safety, Security Personnel or law enforcement may inspect: (4-6-23)

01. Packages and Bags. Packages, backpacks, purses, bags, and briefcases reasonably suspected of concealing stolen items or items prohibited by these rules. (4-6-23)

02. Items. Items brought to the State Facilities, if there is a reasonable suspicion that an item may be capable of injuring, damaging or harming persons or property at the State Facilities. (4-6-23)

312. PROHIBITED ITEMS.
The following, as defined in Title 18, Chapter 33, Idaho Code, are not permitted at the State Facilities: bombs, destructive devices, shrapnel, weapons of mass destruction, biological weapons, and chemical weapons. Security Personnel or law enforcement may direct that any person at the State Facilities immediately remove from the State Facilities any club, bat, or other item that can be used to injure, damage, or harm persons or property. (4-6-23)

313. (RESERVED)

314. UTILITY SERVICE.
The public may not use the utility services of the State Facilities other than restrooms; provided, however, the Director may authorize limited use of electrical service for the duration of Public Use authorized by these rules.

Utility services include, but are not limited to, electrical, sewage, water, heating, and geothermal services. The Director may terminate the use of utilities if such use interferes with the utility services of the State Facilities or the equipment or apparatus using utility service fails to comply with applicable rules or codes. (4-6-23)

315. LAW ENFORCEMENT AND FACILITY EXIGENCY.
In case of a fire, bomb threat, utility malfunction, structural failure or other unforeseen emergency or threat endangering public safety or health, or endangering public property, law enforcement, Security Personnel and state employees or officials may direct all persons off of the State Facilities and delay or postpone any activity until the emergency or threat is abated. (4-6-23)

316. COMPLIANCE WITH LAW.
All use of the State Facilities shall comply with applicable law including, but not limited to, fire and safety codes. (4-6-23)

317. HEALTH, SAFETY, AND MAINTENANCE OF STATE FACILITIES.

01. Clean Condition After Use. Users shall leave the State Facilities in reasonably clean condition after use, including depositing all trash in designated receptacles. (4-6-23)

02. Items Return to Proper Location. Users shall return all items including, but not limited to, movable furniture and trash receptacles, to their location at the conclusion of the use. (4-6-23)

03. Public Health. No person shall excrete human waste at the State Facilities except in designated restroom facilities. For purposes of this section, excrete means the discharge of human waste from the body, including the acts of defecation and urination. For purposes of this section, human waste means human feces or human urine. (4-6-23)

04. Fireworks. No person shall possess or use fireworks at the State Facilities. (4-6-23)

318. REMOVAL OF ITEMS.
All items brought to the State Facilities by the public shall be removed at the conclusion of the person's use of the State Facility and prior to the expiration of each day's hours of use by the public. Unless items are subject to report and transfer to the state treasurer as unclaimed property pursuant to Idaho law, the Director may authorize disposal of items left at the State Facilities. (4-6-23)

319. -- 399. (RESERVED)

400. LIABILITY.

01. State Liability. Nothing in these rules shall extend the liability of the state of Idaho beyond that provided in the Idaho Tort Claims Act, Title 6, Chapter 9, Idaho Code. (4-6-23)

02. No Endorsement. Action or inaction of the Department shall not imply endorsement or approval by the state of Idaho of the actions, objectives or views of participants in Public Use of the State Facilities. (4-6-23)

401. -- 499. (RESERVED)

SUBCHAPER D – RULES FOR PUBLIC USE OF THE CHINDEN OFFICE COMPLEX

500. ADDITIONAL DEFINITIONS.
The following additional definitions apply to Public Use of the Chinden Office Complex: (4-6-23)

01. Recreational Facilities. Facilities designated by the Director for Recreational Use. (4-6-23)

02. Recreational Use. Use for leisure or athletic purposes such as picnicking and sports practices or informal sports games. (4-6-23)

501. USE OF RECREATIONAL FACILITIES.
The Director may authorize reservation of Recreational Facilities under this section by a Tenant and the exclusion of members of the public from use of Recreational Facilities during reserved periods. Unless reserved by a Tenant, Recreational Facilities are available for Recreational Use by the public on a first-come, first-used basis from sunrise to sunset daily. (4-6-23)

502. ALCOHOL.
Section 307 of these rules is modified by this section. Alcohol may be consumed or distributed in the Tenant Space at the Chinden Office Complex if such space is licensed or leased to a private individual or entity. (4-6-23)

503. FIRES, CANDLES, AND FLAMES.
Section 309 of these rules is modified by this section. Fires and other sources of open flame are permitted in designated barbecue facilities at the Chinden Office Complex. (4-6-23)

504. USE OF WATERWAYS.
No person shall swim, fish, or wade in waterways at the Chinden Office Complex. Persons bringing domestic animals to the Chinden Office Complex shall not permit the animal to swim or wade in waterways at the Chinden Office Complex. Waterways include ponds, ditches, and canals. (4-6-23)

505. -- 999. (RESERVED)