IDAPA 38 – IDAHO DEPARTMENT OF ADMINISTRATION

Division of Public Works / Facility Services

38.04.09 – Rules Governing Use of the Chinden Office Complex

Who does this rule apply to?
This rule applies to the general public, state employees and tenants who access the Idaho State office complex located in west Boise on Chinden Boulevard between North Cloverdale Road and North Five Mile Road.

What is the purpose of this rule?
This rule provides enforceable guidelines for the safe operation of the Chinden Office Complex and ensures private tenants are able to access their properties for the operation of their respective businesses.

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: keith.reynolds@adm.idaho.gov
https://adm.idaho.gov/

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000. LEGAL AUTHORITY.
Section 67-5709, Idaho Code, gives the Director of the Department of Administration authority to manage state facilities and to promulgate rules governing state facilities. (4-11-19)

001. TITLE AND SCOPE.

01. Title. These rules are titled IDAPA 38.04.09, "Rules Governing Use of the Chinden Office Complex." (4-11-19)

02. Scope. These rules contain the provisions for use of the exterior and interior of the Chinden Office Complex. (4-11-19)

002. -- 009. (RESERVED)

010. DEFINITIONS.

01. Camping. Any activity prohibited under Section 67-1613, Idaho Code. (4-11-19)

02. Chinden Office Complex. The Chinden Office Complex is 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 following buildings and the grounds adjacent to such buildings located in Boise, Idaho shall be the Chinden Office Complex under these rules: (4-11-19)

a. 11301 West Chinden Boulevard, identified as Building 1 of the Chinden Office Complex.(4-11-19)

b. 11311 West Chinden Boulevard, identified as Building 3 of the Chinden Office Complex.(4-11-19)

c. 11321 West Chinden Boulevard, identified as Building 2 of the Chinden Office Complex.(4-11-19)

d. 11331 West Chinden Boulevard, identified as Building 8 of the Chinden Office Complex.(4-11-19)

e. 11341 West Chinden Boulevard, identified as Building 4 of the Chinden Office Complex.(4-11-19)

f. 11351 West Chinden Boulevard, identified as Building 6 of the Chinden Office Complex.(4-11-19)

g. 11361 West Chinden Boulevard, identified as Building 7 of the Chinden Office Complex.(4-11-19)

h. 11371 West Chinden Boulevard, identified as Building 5 of the Chinden Office Complex.(4-11-19)

03. Commemorative Installation. Any statue, monument, sculpture, memorial or landscape feature designed to recognize a person, group, event or element of history. (4-11-19)

04. Common Space. The portion of the Chinden Office Complex 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. (4-11-19)

05. Department. The Department of Administration. (4-11-19)

06. Director. The Director of the Department of Administration or his designee. (4-11-19)

07. 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. (4-11-19)

08. Public Use. Use that is not: (4-11-19)

a. A State Event or Exhibit; (4-11-19)

b. Use by a public officer, official, employee, contractor, agency, or board or commission for state of

Idaho business; (4-11-19)

c. State Maintenance and Improvements; or (4-11-19)

d. Use by a Tenant. (4-11-19)

09. Recreational Facilities. Facilities designated by the Director for Recreational Use. (4-11-19)

10. Recreational Use. Use for leisure or athletic purposes such as picnicking and sports practices or informal sports games. (4-11-19)

11. 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. (4-11-19)

12. State Business Day. Monday through Friday, excluding the holidays set forth in Section 73-108, Idaho Code. (4-11-19)

13. 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. (4-11-19)

14. State Maintenance and Improvements. Maintenance or improvement of the Chinden Office Complex 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, fertilizing and planting, and structural maintenance such as pressure washing, painting, and window cleaning and 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. (4-11-19)

15. 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 the Chinden Office Complex. (4-11-19)

16. Tenant Space. The portion of the exterior of the Chinden Office Complex licensed or leased to a private individual or entity and the portion of the interior of the Chinden Office Complex occupied by a state of Idaho officer, official, agency, board or commission or leased to a public agency or a private individual or entity. (4-11-19)

011. – 199. (RESERVED)

200. USE OF THE CHINDEN OFFICE COMPLEX.

01. Authorized Uses by the Public. Except as provided otherwise in these rules, the Chinden Office Complex is available for Public Use. (4-11-19)

02. Prohibited Uses. The following uses are prohibited at the Chinden Office Complex: (4-11-19)

a. Commercial Activity. The Chinden Office Complex shall not be used for any activity conducted for profit and no persons shall solicit to sell any merchandise or service at the Chinden Office Complex. The following are not commercial activity prohibited by this subsection: (4-11-19)

i. Meetings or conferences for public employees or their relatives describing employee benefits and approved by a state of Idaho agency. (4-11-19)

ii. Concessions authorized by law. (4-11-19)

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. (4-11-19)

iv. The conduct of business by a Tenant. (4-11-19)

b. Camping. (4-11-19)

c. Private Events and Exhibits, except use of the Recreational Facilities as authorized by these rules. (4-11-19)

d. Use by the public for press conferences, performances, ceremonies, presentations, meetings, rallies, receptions or gatherings. (4-11-19)

e. Use by the public for attended or unattended displays, including but not limited to equipment, machines, vehicles, products, samples, paintings, sculptures, arts and crafts, photographs, signs, banners or other graphic displays. (4-11-19)

03. Public Access to Interior. Public access to the interior of the buildings at the Chinden Office Complex and to exterior Tenant Space at the Chinden Office Complex is limited to the conduct of business with the Tenant. (4-11-19)

04. Priority of Uses. State Maintenance and Improvements shall have priority over all other use of the Chinden Office Complex. (4-11-19)

201. HOURS OF USE.

01. Hours for Use by the Public. The hours for public access to the exterior of the Chinden Office Complex are from sunrise to sunset. The hours for public access to interior Common Space shall be as posted on the public entrance to each building at the Chinden Office Complex. (4-11-19)

02. Public Parking Hours. Unless approved by the Director, the public shall not park motorized vehicles overnight at the Chinden Office Complex. (4-11-19)

202. USE OF RECREATIONAL FACILITIES.
The Director may authorize reservation of Recreational Facilities under this subsection 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. (4-11-19)

203. EQUIPMENT AND SUPPLIES.
Except as provided in these rules, the Department will not provide equipment or supplies for use of the Chinden Office Complex. (4-11-19)

204. ESTABLISHMENT OF PERIMETERS.
Security personnel and law enforcement may establish perimeters separating participants in Public Use of the Chinden Office Complex 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. (4-11-19)

205. AREA CLOSURES.
The Director may direct that any portion of the Chinden Office Complex be closed for Public Use upon a finding that the closed portion of the Chinden Office Complex has sustained damage or is in imminent danger of sustaining damage. The closure directive shall identify the portion of the Chinden Office Complex 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 Chinden Office Complex. Circumstances presenting an imminent danger of damage to the Chinden Office Complex 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. (4-11-19)

206. – 299. (RESERVED)

300. RESTRICTIONS AND LIMITATIONS ON USE.
The restrictions and limitations on use of the Chinden Office Complex set forth in Sections 301 through 399 of these rules shall apply to all Public Use of the Chinden Office Complex. The lease or license of Tenant Space may vary these rules for use by the Tenant, its employees, and its invited guests. (4-11-19)

301. USES INTERFERING WITH ACCESS OR USE OF FACILITY.

01. Interference with Primary Use of Facility or Real Property. Public Use of the Chinden Office Complex shall not interfere with the primary use of the facility or real property adjoining the facility. The primary uses of the Chinden Office Complex include, but are not limited to, the conduct of business by private Tenants leasing or licensing a portion of the Chinden Office Complex, 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. (4-11-19)

02. Interference with Access. Public Use of the Chinden Office Complex 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 Chinden Office Complex. (4-11-19)

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 website address set forth in Section 005 of these rules. 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. (4-11-19)

303. MOTORIZED VEHICLES.
Motorized vehicles parked outside of designated parking areas may be towed without notice at the vehicle owner's expense. Public parking at the Chinden Office Complex is limited to the period the operator or passengers are using the Chinden Office Complex. Wheelchairs, motorized scooters, and other equipment providing individual mobility to the disabled are not motorized vehicles for the purposes of this section. (4-11-19)

304. SKATES, SKATEBOARDS, SCOOTERS, AND OTHER NON-MOTORIZED TRANSPORTATION.
Skates, skateboards, and scooters may not be used at the Chinden Office Complex. Users of all other non-motorized transportation must remain on roadways or 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 the Chinden Office Complex, users must store non-motorized transportation in a designated storage area on the exterior of the Chinden Office Complex. Wheelchairs and other equipment providing individual mobility to the disabled are not non-motorized transportation for the purposes of this section. (4-11-19)

305. ANIMALS.
The following shall apply to animals at the Chinden Office Complex: (4-11-19)

01. Wildlife. Unless authorized by the Director no person shall: (4-11-19)

a. Interfere with, hunt, molest, harm, frighten, kill, trap, chase, tease, annoy, shoot, or throw any object at a wild animal at the Chinden Office Complex. (4-11-19)

b. No person shall feed, give, or offer food or any noxious substance to a wild animal at the Chinden Office Complex. (4-11-19)

02. Domestic Animals. (4-11-19)

a. Domestic animals are not allowed at the Chinden Office Complex unless leashed and under the control of the person bringing the animal to the Chinden Office Complex. (4-11-19)

b. The person bringing the animal to the Chinden Office Complex shall have in his possession the equipment necessary to remove the animal's fecal matter and shall immediately remove all fecal matter deposited by the animal. (4-11-19)

c. Persons bringing domestic animals to the Chinden Office Complex shall not permit the animal to swim or wade in irrigation ponds or canals at the Chinden Office Complex. (4-11-19)

306. LANDSCAPING.
Unless authorized by the Director, no person shall: (4-11-19)

01. Plants. Damage, cut, carve, transplant or remove any plant, including but not limited to trees, at the Chinden Office Complex. (4-11-19)

02. Grass. Dig in or otherwise damage grass areas at the Chinden Office Complex. (4-11-19)

03. Irrigation Equipment. Interfere with, damage or remove irrigation equipment at the Chinden Office Complex. (4-11-19)

04. Landscaping Materials. Move or alter landscaping materials at the Chinden Office Complex including, but not limited to, rock, edging materials, and bark or mulch. (4-11-19)

05. Climbing. Climb or scale buildings, memorials, statues, trees, fences, or improvements at the Chinden Office Complex. (4-11-19)

307. FOOD AND BEVERAGES.
Consumption of food and beverages at the Chinden Office Complex is subject to the following: (4-11-19)

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 Chinden Office Complex. (4-11-19)

02. Alcohol. Alcohol may not be consumed or distributed in the Common Space. (4-11-19)

308. SMOKING.
All persons shall observe the smoke free entrance notices and shall smoke only in designated exterior areas of the Chinden Office Complex. (4-11-19)

309. FIRES, CANDLES, AND FLAMES.
Except in designated barbecue facilities, no fires, candles, or other sources of open flame are permitted at the Chinden Office Complex. (4-11-19)

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. (4-11-19)

02. Railings and Stairways. No items may be placed on railings or stairways and no persons shall sit or stand on railings or stairways. (4-11-19)

03. Tossing or Dropping Items. No items may be tossed or dropped over railings or from one level of a facility to another level or to the ground. (4-11-19)

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 Chinden Office Complex, or to restrict the flow of individuals or motor vehicles using the facility, or to restrict emergency egress or ingress. (4-11-19)

05. Attaching, Affixing, Leaning, or Propping Materials. Materials, including posters, placards,

banners, signs, displays, including any printed materials, ropes, and chains shall not be affixed on any exterior surface of the Chinden Office Complex 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. No items may be leaned or propped against any exterior surface of the Chinden Office Complex or embedded into the ground, including, but not limited to, placement of a stake, post or rod into the ground to support materials. (4-11-19)

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 Chinden Office Complex or any systems or utilities of the Chinden Office Complex including, but not limited to, fire suppression systems, storm drains, ventilation systems, and landscape watering systems. (4-11-19)

07. 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 Chinden Office Complex that such material is not discarded outside of designated trash receptacles. Literature and printed materials shall not be placed on parked vehicles at the Chinden Office Complex. (4-11-19)

08. Surface Markings. Users shall not use any material to mark on any surface of the Chinden Office Complex including chalk, paint, pens, ink, or dye. (4-11-19)

09. Removal of Items. All items brought to the Chinden Office Complex by the public shall be removed 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 Chinden Office Complex. (4-11-19)

311. ITEMS SUBJECT TO SEARCH.
To enhance security and public safety, security personnel or law enforcement may inspect: (4-11-19)

01. Packages and Bags. Packages, backpacks, purses, bags, and briefcases reasonably suspected of concealing stolen items or items prohibited by these rules. (4-11-19)

02. Items. Items brought to the Chinden Office Complex, if there is a reasonable suspicion that an item may be capable of injuring, damaging or harming persons or property at the Chinden Office Complex. (4-11-19)

312. PROHIBITED ITEMS.
The following, as defined in Title 18, Chapter 33, Idaho Code, are not permitted at the Chinden Office Complex: 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 Chinden Office Complex immediately remove from the Chinden Office Complex any club, bat, or other item that can be used to injure, damage, or harm persons or property. (4-11-19)

313. (RESERVED)

314. UTILITY SERVICE.
The public may not use the utility services of the Chinden Office Complex 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, and heating services. The Director may terminate the use of utilities if such use interferes with the utility services of the Chinden Office Complex or the equipment or apparatus using utility service fails to comply with applicable rules or codes. (4-11-19)

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 Chinden Office Complex and delay or postpone any activity until the emergency or threat is abated. (4-11-19)

316. COMPLIANCE WITH LAW.
All use of the Chinden Office Complex shall comply with applicable law including, but not limited to, fire and safety codes. (4-11-19)

317. HEALTH, SAFETY, AND MAINTENANCE OF CHINDEN OFFICE COMPLEX.

01. Clean Condition After Use. Users shall leave the Chinden Office Complex in reasonably clean condition after use, including depositing all trash in designated receptacles. (4-11-19)

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. (4-11-19)

03. Public Health. No person shall excrete human waste at the Chinden Office Complex 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. (4-11-19)

04. Fireworks. No person shall possess or use fireworks at the Chinden Office Complex. (4-11-19)

05. Use of Waterways. No person shall swim, fish, or wade in waterways at the Chinden Office Complex. (4-11-19)

318. -- 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. (4-11-19)

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 Chinden Office Complex. (4-11-19)

401. – 999. (RESERVED)

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