

MUSICAL OR ENTERTAINMENT FESTIVALS ORDINANCE

WHEREAS, the Board of Supervisors recognizes that it is necessary and proper to enact an ordinance in the interest of the public health, safety and general welfare to provide for the control and regulation of musical or entertainment festivals conducted in the open and of groups or gatherings of persons for the purpose of listening to or participating in such festivals; and

WHEREAS, notice having been given in the manner prescribed by law of the intent of the Board of Supervisors to propose this ordinance for passage.

NOW, THEREFORE, be it ordained by the Board of Supervisors of the County of James City:

Section 1. This ordinance is enacted pursuant to Section 15.1-510 of the Code of Virginia, 1950 as amended, for the purpose of providing necessary regulation for the conducting of musical or entertainment festivals conducted in open spaces not within an enclosed structure and of any gathering or groups of individuals for the purpose of listening to or participating in entertainment which consists primarily of musical renditions conducted in open spaces not within an enclosed structure in the interest of the public health, safety and welfare of the citizens and inhabitants of the County of James City.

Section 2. When used in this ordinance, the following words shall mean:

(a) Board shall mean the Board of Supervisors of the County of James City, Virginia.

(b) Musical or entertainment festival shall mean any gathering of groups or individuals for the purpose of listening to or participating in entertainment which consists primarily of musical renditions conducted in open spaces not within an enclosed structure.

Section 3. (A) No person, firm, corporation or partnership shall stage, promote, or conduct any musical or entertainment festival in the unincorporated areas of the County of James City unless there shall have been first obtained from the Board a special entertainment permit for said festival.

(B) Application for such special entertainment permits shall be in writing on forms provided for the purpose and filed in duplicate with the Executive Secretary of the Board at least twenty-one (21) days before the date of such festival. Such applications shall have attached thereto and made a part thereof the plans, statements, approvals and other documents required by this ordinance. A copy of such application shall be sent by certified mail by the Executive Secretary to each member of the Board the day such applications are filed.

(C) The board shall act on such applications within ten (10) days from the filing of the same. If granted, the permit shall be issued in writing on a form for the purpose and mailed by the Executive Secretary to the applicant at the address indicated. If denied, the refusal shall be in writing and the reasons for such denial stated therein, and mailed by the Executive Secretary to the applicant at the address indicated.

Section 4. Such permit shall not be issued unless the following conditions are met and the following plans, statements and approvals submitted to the Board with the application:

(a) Said application for special entertainment permit shall have attached to it a copy of the ticket or badge of admission to said festival, containing the date or dates and time or times of said festival, together with a statement by the applicant of the total number of tickets to be offered for sale and the best reasonable estimate by the applicant of the number of persons expected to be in attendance.

(b) A statement of the name and address of the promoters of the festival, the financial backing of the festival, and the names of all persons or groups who will perform at said festival.

(c) A statement of the location of the proposed festival, the name and address of the owner of the property on which said festival is to be held, and the nature and interest of the applicant therein.

(d) A plan for adequate sanitation facilities and garbage, trash and sewage disposal for persons at the festival. This plan shall meet the requirements of all state and local statutes, ordinances and regulations, and shall be approved by the county health officer.

(e) A plan for providing food, water, and lodging for the persons at the festival. This plan shall meet the requirements of all state and local statutes, ordinances and regulations, and shall be approved by the county health officer.

(f) A plan for adequate medical facilities for persons at the festival, approved by the county health officer.

(g) A plan for adequate parking facilities and traffic control in and around the festival area.

(h) A plan for adequate fire protection. This plan shall meet the requirements of all state and local statutes, ordinances and regulations, and shall be approved by the county forest warden.

(i) A statement specifying whether any outdoor lights or lighting is to be utilized, and if so, a plan showing the location of such lights and shielding devices or other equipment to prevent unreasonable glow beyond the property on which the festival is located.

(j) A statement that no music shall be played, either by mechanical device or live performance, in such a manner than the sound emanating therefrom shall be unreasonably audible beyond the property on which the festival is located.

Section 5. Music shall not be rendered nor entertainment provided for more than eight (8) hours in any twenty-four (24) hour period, such 24 hour periods to be measured from the beginning of the first performance at said festival.

Section 6. No person under the age of eighteen (18) years of age shall be admitted to any festival unless accompanied by a parent or guardian, the parent or guardian to remain with the said person at all times.

Section 7. No permit shall be issued under this ordinance unless the applicant shall furnish to the Board written permission for the Board, its lawful agents, or duly constituted law enforcement officers to go upon the property at any time for the purpose of determining compliance with the provisions of this ordinance. The Board shall have the right to revoke any permit

issued under this ordinance upon noncompliance with any of its provisions and conditions.

Section 8. Any persons, firm or corporation who violates any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding Three Hundred Dollars (\$300.00) or by confinement in jail not exceeding Thirty (30) days, or by both such fine and imprisonment. Each violation shall constitute a separate offense. The Board may bring suit in the Circuit Court of the County of James City to restrain, enjoin, or otherwise prevent violation of this ordinance.

Section 9. It is declared to be the intent of the Board that if any section, subsection, sentence, clause, phrase, or portion of this ordinance shall for any reason be held invalid, or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and individual provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 10. The provisions of this ordinance shall be liberally construed in order to effectively carry out the purposes of this ordinance in the interest of the public health, welfare and safety of the citizens and residents of the County of James City.

Section 11. This ordinance shall be in full force and effect upon adoption by the Board of Supervisors of the County of James City.

Adopted by the Board of Supervisors of the County of James City, Virginia, April 12, 1971.