

JUN 9 1980

ORDINANCE NO. 72A-1

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND CHAPTER 12, MUSICAL OR ENTERTAINMENT FESTIVALS, OF THE CODE OF THE COUNTY OF JAMES CITY, BY REPEALING THE EXISTING CHAPTER AND ADOPTING IN ITS STEAD A NEW CHAPTER, ENTITLED, OUTDOOR GATHERINGS.

BE IT ORDAINED, by the Board of Supervisors of James City County, Virginia, that Chapter 12, Musical or Entertainment Festivals, of the Code of the County of James City, be and the same is, hereby, repealed and a new chapter, Chapter 12, Outdoor Gatherings, is hereby adopted in its stead, as follows:

Chapter 12, Musical or Entertainment Festivals, is hereby repealed.

CHAPTER 12

OUTDOOR GATHERINGS

Section 12-1. Basis and purpose of chapter.

This chapter is enacted pursuant to Section 5.1-510 of the Code of Virginia, for the purpose of providing necessary regulation for the holding of outdoor gatherings, musical or entertainment festivals conducted in open spaces not within an enclosed structure specifically constructed for such a purpose.

Section 12-2. Definition.

For the purpose of this chapter, the words "outdoor gathering" shall mean any music festival, dance festival, public dance, show or similar gathering at which music or entertainment is provided by professional or amateur performers or by prerecorded means and which is held at any place other than in a public building or permanent installation, which permanent installation has been constructed so that it can be used for the holding of such activities, to which members of the public are invited or admitted for a charge or free of charge and which is attended by more than three hundred (300) persons.

Section 12-3. Permit required.

No person shall stage, promote, advertise, or hold any outdoor gathering as defined in this chapter unless a permit has first been obtained from the Board of Supervisors for such a gathering.

Section 12-4. Application for permit.

Written application for a permit to hold an outdoor gathering shall be made to the County Administrator or his designee. The application shall be submitted at least 90 days prior to the date upon which the gathering is to be held. Such application shall be on forms provided by the County and shall have attached thereon plans, documents, approvals and other material required by this chapter.

Section 12-5. Action on applications.

Upon receipt of a completed application for a permit, the Board of Supervisors shall set a public hearing following at least one advertisement in a newspaper with local distribution. The Board shall approve or deny the application within twenty-one calendar days following the public hearing and give such applicant written notice of the decision; provided, however, the Board may extend such period of time if the applicant agrees to an extension. If denied, the reasons for such denial shall be so stated in writing.

In approving an application, the Board of Supervisors may set conditions or standards to protect the health, safety, welfare, and property of persons attending the gathering and the citizenry in general. The Board of Supervisors shall authorize the issuance of a permit for an outdoor gathering if it finds:

- (a) That the outdoor gathering will be held at a location which complies with and meets all of the health, zoning, fire and safety requirements and standards of the laws of the state and ordinances of this County applicable thereto; and
- (b) That the information and documents required by this chapter have been filed with the Board of Supervisors; and
- (c) That it appears the proposed outdoor gathering will be conducted in full accord with all requirements of this chapter and will not substantially jeopardize, adversely affect, endanger or otherwise constitute a menace to the public health, safety or general welfare of the residents of the County.

Section 12-6. Conditions precedent to granting of permit; plans, statements, approvals, etc., to accompany application for permit.

No permit shall be issued under this chapter unless the following conditions are met and the following plans, statements, and approvals are submitted to the Board of Supervisors with the application.

- (a) Hours of operation: No stage presentation, entertainment, or music shall take place at an outdoor gathering between the hours of 11 P.M. and 9 A.M.; no activity involving the use of any means of sound amplification shall be permitted between the hours of 11 P.M. and 9 A.M.
- (b) Admission by ticket only: The applicant under this chapter shall not admit, and shall prevent the entrance to the premises on which the outdoor gathering is held, any person who does not possess a ticket, except a peace officer or other public official in the performance of his duties. The permittee shall not sell, give or distribute a greater number of tickets than the number which the permit allows to attend. The permittee shall not admit any persons to an outdoor gathering if such admission would result in a greater number of persons present than allowed by the permit.

- (c) Water supply: The applicant shall provide an ample supply of potable water for drinking and sanitation purposes on the premises of the outdoor gathering. The location and type of water facilities on the premises shall be approved by the Health Department prior to the issuance of a permit under this chapter.
- (d) Toilet and/or lavatory facilities: The applicant shall provide a statement and plan concerning adequate toilet and/or lavatory facilities. A description of the type (flush type or portable chemical) and number of toilets available shall be provided. This plan shall be approved by the Health Department.
- (e) Waste management: The pick-up and removal of refuse, trash, garbage and rubbish from the site of an outdoor gathering shall be at least once a day and more often if required by the Health Department. Removal of all trash and refuse shall be at the permittee's expense. The applicant shall clean up the premises and remove all trash and debris therefrom within 48 hours after the conclusion of the gathering. A security bond or certified check in a total amount of \$5,000 shall be required if attendance is expected to exceed 1000 persons. An additional amount of \$500 shall be required for each additional 500 persons over 1000.
- (f) Medical facilities: Adequate medical facilities shall be provided as required by the Department of Public Health and the EMS Coordinator.
- (g) Fire protection: The applicant shall provide a plan for adequate fire protection as approved by the County Fire Chief. It shall be provided at the applicant's own expense.
- (h) Traffic & parking control: The applicant shall provide adequate ingress and egress to the outdoor gathering premises. Adequate parking shall also be provided. The County Sheriff and County Fire Chief shall approve the traffic control and parking plans.
- (i) Security: At least one off-duty County Sheriff's deputy or policeman for each 500 attendees approved in the permit shall be in attendance during all performances; the applicant shall bear the costs thereof.
- (j) Food: A plan for the adequate provision and handling of food shall be provided and shall be approved by the County Health Officer.
- (k) Illumination: A statement shall be provided 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 gathering is located.
- (l) Noise: Noise levels resulting from the gathering shall not be

unreasonably audible beyond the property on which the gathering is held. The applicant shall submit a written statement specifying the expected noise level at the perimeter of the property.

- (m) Communication system: If the premises are without a phone, the applicant shall make arrangements, approved by the Sheriff and Fire Chief, for other means of communication.
- (n) Promoters, financial security: The applicant shall provide the names and addresses of all persons acting as promoters, proprietors, presenters, or financial backers of the outdoor gathering, together with financial statements or such persons sufficient to give assurance of the ability of such persons to meet the conditions of the permit and respond in damages which may rise out of the outdoor gathering, or shall provide evidence of adequate liability insurance as approved by the County Attorney.
- (o) Dates and hours of gathering: The applicant shall provide the date or dates and hours during which the outdoor gathering is to be conducted, together with an estimate or schedule of the dates and hours of performances, entertainments, or other events.
- (p) Type and nature of gathering: The applicant shall provide a description of the gathering and the type and nature of the performances, entertainment, or floor shows, together with the names of the expected performers.
- (q) The applicant shall furnish a site plan showing:
 - 1. The areas for performances or activities and grandstands or seats, showing the location of all aisles for pedestrian travel and other crowd-control measures.
 - 2. All physical facilities existing or to be constructed on the premises, including, but not limited to, fences, ticket booths, grandstands and stages.
 - 3. The location, capacity and nature of all temporary lighting, sound and public address facilities.
 - 4. The location, capacity and nature of all temporary water, toilet and all other public health-related facilities.
 - 5. Vehicle ingress, egress, and parking plan.

Section 12-7. Applicant may be required to meet additional conditions.

- (a) Any applicant for a permit required by this division may be required to meet any conditions, in addition to those specified in this chapter prior to receiving a permit to conduct an outdoor gathering, which

are deemed by the Board of Supervisors to protect the health, safety, and general welfare of the persons attending such gathering, or the public in general. All expenses incurred in meeting these conditions will be borne by the applicant.

- (b) If the outdoor gathering results in the need for County services beyond those set forth in this chapter, the applicant shall bear the costs thereof.

Section 12-8. Not transferrable.

No permit issued under the provisions of this chapter shall be transferrable.

Section 12-9. Revocation.

Any violation of one or more of the requirements of this chapter or any violation of one or more of the terms and conditions of a permit issued hereunder shall be grounds for immediate revocation of the permit by the Board of Supervisors or their designee. Upon revocation of the permit, the permittee shall immediately terminate the gathering and provide for orderly dispersal of those in attendance.

Section 20-10. Violations and penalties; injunctions.


Any person who violates any provision of this chapter, and upon conviction thereof, shall be punished by a fine not to exceed one thousand dollars (\$1,000) or by confinement in jail not to exceed one year, or both.

This ordinance shall be in full force and effect from the date of its adoption.



Jack D. Edwards, Chairman
Board of Supervisors

ATTEST:



James B. Oliver, Jr.
Clerk to the Board

AAT:mjh Adopted by the Board of Supervisors, James City County, Virginia, this 9th
day of June, 1980.