

# ADOPTED

MAR 24 2015

Board of Supervisors  
James City County, VA

## ORDINANCE NO. 72A-5

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 14, OUTDOOR GATHERINGS OF THE CODE OF JAMES CITY COUNTY, VIRGINIA, BY RENAMING CHAPTER TO OUTDOOR GATHERINGS, PARADES AND ROAD RACES; AND BY AMENDING SECTION 14-1, BASIS AND PURPOSE OF CHAPTER; AND BY AMENDING AND RENAMING SECTION 14-2, DEFINITION TO NEW NAME DEFINITIONS; AND BY AMENDING AND RENAMING SECTION 14-3, PERMIT REQUIRED TO NEW NAME PERMIT(S) REQUIRED; AND BY AMENDING AND RENAMING SECTION 14-4, APPLICATION FOR PERMIT TO NEW NAME APPLICATION FOR COUNTY PERMIT; AND BY AMENDING SECTION 14-5, ACTION ON APPLICATION; SECTION 14-6, CONDITIONS PRECEDENT TO GRANTING OF PERMIT; PLANS, STATEMENTS, APPROVALS, ETC., TO ACCOMPANY APPLICATION FOR PERMIT; SECTION 14-7 APPLICANT MAY BE REQUIRED TO MEET ADDITIONAL CONDITIONS; BY RENUMBERING SECTION 14-8, PERMIT NOT TRANSFERRABLE TO NEW NUMBER 14-9; BY ADDING NEW SECTION 14-8, EVENT SIGNAGE; BY AMENDING AND RENUMBERING SECTION 14-9, REVOCATION OF PERMIT TO NEW NUMBER 14-10; BY RENUMBERING SECTION 14-10 VIOLATIONS AND PENALTIES; INJUNCTIONS TO NEW SECTION 14-11.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 14 Outdoor Gatherings, Parades and Road Races is hereby amended and reordained by amending Section 14-1, Basis and purpose of chapter; Section 14-2, Definitions; Section 14-3, Permit(s) required Section 14-4, Application for county permit; Section 14-5, Action on application; Section 14-6, Conditions precedent to granting of permit; plans, statements, approvals, etc., to accompany application for permit, Section 14-7 applicant may be required to meet additional conditions; Section 14-8, Event signage; Section 14-9, Permit not transferrable; Section 14-10, Revocation of permit; Section 14-11, Violations and penalties.

Chapter 14. Outdoor Gatherings, *Parades and Road Races*

**Sec. 14-1. Basis and purpose of chapter.**

This chapter is enacted pursuant to section 15.2-1200 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, *parades, and road races*. ~~to within an enclosed structure specifically constructed for such a purpose.~~

**Sec. 14-2. Definitions.**

For the purpose of this chapter, ~~the words~~ *the following words shall have the meaning given herein.*

"Outdoor gathering" shall mean any public event, attraction, festival, or show *which is continued in one location for one or more hours* at which music, dance, or other performing arts are provided by professional or amateur performers or by prerecorded means and which is held at any place other than on public property or in a 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~~ *where the anticipated attended attendance is by more than 300 200 or more* persons.

*"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.*

*"Parade" shall mean any march, procession or other similar activity consisting of persons, animals, vehicles or things, or combination thereof, upon any street, sidewalk, alley, or other right-of-way. This term does not include funeral processions or processions by the United States armed forces.*

*"Road race" shall mean any organized competition of speed and endurance, including, but not limited to: bicycle races, foot races, race walking, wheelchair racing, rollerblading, walkathons, marathons, biathlons and triathlons, upon any street, sidewalk, alley, or other right-of-way.*

*“Special event” shall mean any outdoor gathering, musical or entertainment festival, parade, or road race as defined in this chapter.*

**Sec. 14-3. Permit(s) required.**

No person shall stage, promote, advertise or hold any ~~outdoor gathering~~, *special event* as defined in this chapter unless a *special event* permit has first been obtained from the county administrator or his designee for such a ~~gathering~~.

*Certain special events may also require federal, state or local permits, including but not limited to: land use permit for events conducted in the Virginia Department of Transportation right-of-way; special event license from the Virginia Department of Alcoholic Beverage Control; temporary restaurant permit from the Virginia Department of Health; and electrical or building permits from the James City County Division of Building Safety & Permits. The applicant shall be responsible for obtaining and complying with any such permit and bear any costs thereof.*

**Sec. 14-4. Application for county permit.**

(a) Written application for a *special event* 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~~ *special event* 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.

(b) *Where a special event takes place within a public right-of-way and requires a Land Use Permit from the Virginia Department of Transportation, a copy of the application for such permit and all associated documentation shall be included with the application for the county permit.*

(c) The fee for each ~~outdoor gathering~~ *special event* permit shall be \$50.00.

**Sec. 14-5. Action on applications.**

Upon receipt of a completed application for a permit, the county administrator or his designee shall approve, ~~conditionally approve~~, or deny the application within 15 calendar days and give such applicant written notice of the decision; ~~provided, however, the county administrator or his designee 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.

*Where a special event also requires federal, state or other local permits, a conditional permit may be issued to provide preliminary proof of local approval. Before a final permit is granted, an applicant who is granted a conditional permit for any special event shall provide a final site plan that includes proof of other federal, state or local approvals, licenses or permits as required by law, whether for the event or by the vendors and performers. Upon receipt of such final site plan and proof of such other approvals, licenses or permits, the county administrator or his designee shall issue a final permit within 10 calendar days.*

Following is the time line for the application process:

- ~~(a) Upon receipt of the completed application for a permit, the application will be sent to reviewing agencies within five calendar days; and~~
- ~~(b) The reviewing agencies shall complete their review and return to the county administrator or his designee within 30 calendar days; and~~
- ~~(c) Written notification on the approval or denial of the application for permit shall be sent to the applicant within ten calendar days from receipt from all reviewing agencies.~~

~~If the application for permit is denied, the applicant may appeal, in writing, the decision to the board of supervisors within ten calendar days of receipt of the notice of appeal. The board shall grant the permit or sustain the denial of the permit within 30 calendar days and give such applicant written notice of the decision.~~

The county administrator or his designee shall authorize the issuance of a permit for a *special event* ~~an outdoor gathering~~ if it finds:

- (a) That the *special event* ~~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 county administrator or his designee; and
- (c) That it appears the proposed *special event* ~~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.

**Sec. 14-6. 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 county administrator or his designee with the application:

- (a) *Hours of operation.* Unless specifically approved by the board of supervisors, no stage presentation, music, dance, or other performing arts shall take place at ~~an outdoor gathering~~ a *special event* between the hours of 11:00 p.m. and 9:00 a.m. and no activity involving the use of any means of sound amplification shall be permitted between the hours of 11:00 p.m. and 9:00 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.~~

- ~~(e)(b)~~ *Water supply.* The applicant shall provide an ample supply of potable water for drinking and sanitation purposes on the premises of ~~the outdoor gathering~~ *special event*. 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)(c)~~ *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)(d)~~ *Waste management.* The pickup and removal of refuse, trash, garbage and rubbish from the site of an ~~outdoor gathering~~ *special event* 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~~ *applicant'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~~ *special event*. A security bond or certified check in a total amount of \$5,000.00 shall be required if attendance is expected to exceed 1,000 persons. An additional amount of \$500.00 shall be required for each additional 500 persons over 1,000.
- ~~(d)(e)~~ *Medical facilities*~~Emergency medical services. Adequate medical facilities shall be provided as required by the department of public health and the EMS coordinator.~~ *A medical plan is to be submitted to describe the measures that will be taken to ensure adequate provision of emergency medical services. The plan is subject to review and approval of the fire chief. The applicant shall bear the costs thereof.*

- ~~(e)~~(f) *Fire protection.* The applicant shall provide a plan for adequate fire protection as approved by the fire chief; ~~the applicant shall bear the costs thereof. It shall be provided at the applicant's own expense.~~
- ~~(h)~~(g) *Traffic and parking control plans.* The applicant shall ~~provide adequate ingress and egress to the outdoor gathering premises. Adequate parking shall also be provided.~~ submit the following:
- (1) A detailed map indicating the type of existing traffic control for each intersection impacted along the route of the parade or road race and a plan shall be provided for temporary traffic control at each impacted intersection during the event.
  - (2) A plan to provide adequate ingress and egress and parking for the special event.

The chief of police and fire chief shall approve the traffic control and parking plans; *the applicant shall bear the costs thereof.*

- ~~(i)~~(h) *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 special event*; the applicant shall bear the costs thereof.
- ~~(j)~~(i) *Food.* A plan for the adequate provision and handling of food shall be provided and shall be approved by the county health officer.
- ~~(k)~~(j) *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~~ *special event* is located.
- ~~(l)~~(k) *Noise.* Noise levels resulting from the ~~gathering~~ *special event* shall not be unreasonably audible beyond the property on which the ~~gathering~~ *special event* is held. The applicant

shall submit a written statement specifying the expected noise level at the perimeter of the property.

~~(m)~~(l) *Communication system.* If the premises are without a phone, the applicant shall make arrangements, approved by the chief of police and fire chief, for other means of communication.

~~(n)~~(m) *Promoters, liability insurance.* The applicant shall provide evidence of liability insurance of not less than \$1 million dollars as approved by the county attorney. The certificate of insurance shall show the date(s) of the event and James City County as a certificate holder of the policy.

~~(o)~~(n) *Dates and hours of ~~gathering~~ special event.* The applicant shall provide the date or dates and hours during which the ~~outdoor-gathering~~ *special event* is to be conducted, together with an estimate or schedule of the dates and hours of *any* performances, entertainments or other events.

~~(p)~~(o) *Type and nature of ~~gathering~~ special event.* The applicant shall provide a description of the ~~gathering~~ *special event* and the type and nature of ~~the~~ *any* performances, entertainment, ~~or~~ floor shows *or vendors*, together with the names of the expected performers *or vendors*.

~~(q)~~(p) *Site plan.* The applicant shall furnish a site plan showing:

- (1) The *route of such parade or road race and/or* 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, *tents*, 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.

*(q) Public notification. The applicant shall provide a plan for satisfactory public notification of any event taking place within a public or private right-of-way through such means as newspaper advertisements, public service announcements, use of local law enforcement variable message boards, etc.; the applicant shall bear the cost thereof.*

*(r) Federal, state, and local permits. Before a final permit is granted, an applicant who is granted a conditional permit for any special event shall provide a final site plan that includes proof of other federal, state, or local approvals, licenses, or permits as required by law, whether for the event or by the vendors and performers.*

**Sec. 14-7. Applicant may be required to meet additional conditions.**

*(a) Prior to receiving a permit to conduct a special event, Any applicant for a permit required by this chapter 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 necessary by the county administrator or his designee 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 special event results in the need for county services beyond those set forth in this chapter, the applicant shall bear the costs thereof.*

*All expenses incurred in meeting the conditions imposed pursuant to (a) and/or (b) shall be borne by the applicant.*

**Sec. 14-8. *Event signage***

*Event signage signs or advertisements, except for any local law enforcement variable message boards required for public notification, are prohibited within the VDOT right-of-way. Such signs are subject to removal and the cost of removal shall be assessed to the person, business, or event responsible for placing such signs as set forth in section 24-79.*

**Sec. 14-89. Permit not transferrable.**

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

**Sec. 14-910. Revocation of permit.**

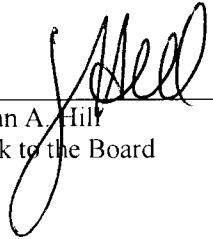
Any violation of one or more of the requirements of this chapter or any violation of one or more of the terms and conditions of a permit issued hereunder shall be grounds for immediate revocation of the permit by the county administrator or his designee. Upon revocation of the permit, the *applicant*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

**Sec. 14-11. 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 \$1,000.00 or by confinement in jail not to exceed one year, or both.

  
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Michael J. Hipple  
Chairman, Board of Supervisors

ATTEST:

  
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Bryan A. Hill  
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
JONES	<u>X</u>	___	___
MCGLENNON	<u>X</u>	___	___
ONIZUK	<u>X</u>	___	___
KENNEDY	<u>X</u>	___	___
HIPPLE	<u>X</u>	___	___

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of March, 2015.