

Chapter 14

OUTDOOR GATHERINGS

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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 to within an enclosed structure specifically constructed for such a purpose. (Ord. No. 72A-1, 6-9-80; Ord. No. 72A-2, 12-2-85)

Sec. 14-2. Definition.

For the purpose of this chapter, the words "outdoor gathering" shall mean any public event, attraction, festival, or show 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 attended by more than 300 persons. (Ord. No. 72A-1, 6-9-80; Ord. No. 72A-4, 11-9-99)

Sec. 14-3. 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 county administrator or his designee for such a gathering. (Ord. No. 72A-1, 6-9-80; Ord. No. 72A-4, 11-9-99)

Sec. 14-4. Application for permit.

(a) 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.

(b) The fee for each outdoor gathering permit shall be \$50.00.
(Ord. No. 72A-1, 6-9-80; Ord. No. 72A-3, 4-27-99)
State law reference-Code of Virginia ' 15.2-1200.

Sec. 14-5. Action on applications.

Upon receipt of a completed application for a permit, the county administrator or his designee shall approve or deny the application within 45 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. 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.

In approving an application, the county administrator or his designee may set conditions or standards to protect the health, safety, welfare and property of persons attending the gathering and the citizenry in general. The county administrator or his designee 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 county administrator or his designee; 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.
- (Ord. No. 72A-1, 6-9-80; Ord. No. 72A-4, 11-9-99)

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 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.
- (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 pickup 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 \$5,000.00 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.
- (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 fire chief. It shall be provided at the applicant's own expense.
- (h) *Traffic and parking control.* The applicant shall provide adequate ingress and egress to the outdoor gathering premises. Adequate parking shall also be provided. The chief of police and 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 chief of police and fire chief, for other means of communication.
- (n) *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) *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) *Site plan.* 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.

(Ord. No. 72A-1, 6-9-80; Ord. No. 160, 7-7-86; Ord. No. 72A-4, 11-9-99)

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

(a) 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 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 results in the need for county services beyond those set forth in this chapter, the applicant shall bear the costs thereof. (Ord. No. 72A-1, 6-9-80; Ord. No. 72A-4, 11-9-99)

Sec. 14-8. Permit not transferrable.

No permit issued under the provisions of this chapter shall be transferrable. (Ord. No. 72A-1, 6-9-80)

Sec. 14-9. 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 permittee shall immediately terminate the gathering and provide for orderly dispersal of those in attendance. (Ord. No. 72A-1, 6-9-80; Ord. No. 72A-4, 11-9-99)

Sec. 14-10. 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 \$1,000.00 or by confinement in jail not to exceed one year, or both. (Ord. No. 72A-1, 6-9-80)