

PITTSYLVANIA COUNTY CODE CHAPTER 10

MUSIC FESTIVALS

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CHAPTER 10
MUSIC FESTIVALS

SEC. 10-1. PURPOSE.

This Ordinance is enacted pursuant to §15.2-1200, Code of Virginia, 1950, as amended, for the purpose of providing necessary regulation for the conditioning of music or entertainment festivals conducted in open spaces not within an enclosed structure and/or of any gathering or groups of individuals for the purpose of listening to or participating in entertainment which consists of primarily 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 Pittsylvania County, Virginia ("County").

SEC. 10-2. DEFINITIONS.

When used in this Ordinance, the following words shall mean:

- A. Board of Supervisors or Board shall mean the Board of Supervisors of Pittsylvania County, Virginia.
- B. Music 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, and/or those entertainments where the listeners are not within an enclosed structure and which has a continued existence on the premises for a period of time exceeding six (6) hours.

SEC. 10-3. PERMIT.

1. No person, firm, corporation, or partnership shall stage, promote, or conduct any music or entertainment festival in the County unless there shall have been first obtained from the Board a Special Entertainment Permit ("Permit") for said festival.
2. An application for a Permit shall be filed with the County Administrator at least ninety (90) days before the date of such festival. This requirement may be waived by the Board. Such application shall have attached the plans, statements, approvals and other documents required by this Ordinance.
3. The Board shall act on such applications at their next regularly scheduled Meeting or within sixty (60) days of receipt of Permit Application. If granted, the Permit shall be issued in writing on a form for the purpose and mailed by the County Administrator 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 County Administrator to the Applicant at the address indicated. Permit fees shall be set by the Board annually in the Budget Resolution or at any other appropriate time as determined by County Staff or the Board. The

Applicant shall be required to carry a \$500,000 bond to ensure compliance with the regulations set forth in this Ordinance.

SEC. 10-4 CONDITIONS.

A Permit shall not be issued unless the following conditions are met and all required plans, statements, and approvals are submitted to the Board with the application:

A. An overall description of the proposed festival shall be provided with the Application. This description shall include the location of the proposed festival, the name and address of the property owner(s) of said property, the nature and interest of the Applicant, the date(s) and time(s) of said festival, the total number of tickets that will be offered for sale, a full list of all persons or groups who will perform, the name and address of all promoters of the festival, and the financial backing for the event. Proof of insurance must also be provided showing a minimum of \$2,000,000 general liability coverage. This amount can be increased at the discretion of the Board based on the intensity of the event. Any event with an estimated attendance of 10,000 or more shall be required to show a minimum of \$4,000,000 general liability coverage. An updated ticket sale count shall be provided to the County Administrator no less than one (1) week prior to the event.

B.—A Site Plan shall be approved by the Director of Community Development identifying the A Site Plan shall be approved by the Director of Community Development identifying the

D.C. A plan for adequate sanitation facilities and garbage, trash, and sewage disposals for the persons at the festival shall be approved by the Director of Public Works. This plan shall meet the requirements of all state and local statutes, ordinances, and regulations

E.D. A plan for providing food, water and lodging for the persons at the festival shall be submitted. This plan shall meet the requirements of all state and local statutes, ordinances, and regulations, and shall be approved by the Director of Community Development and the Virginia Department of Health (“VDH”). All applicable permits required will be subject to separate permit fees.

F.—

G.E. A plan for adequate medical facilities and EMS coverage for persons at the festival shall be approved by the Director of Public Safety. The Applicant shall be responsible for any and all associated costs of EMS coverage as required by § 11-91 of the County Code.

H.F. A plan for adequate parking facilities and traffic control in and around the festival shall be approved by the County, the County’s Sheriff’s Department, the Virginia

Department of Transportation (“VDOT”), and the Virginia State Police (“VSP”). If traffic impacts are expected on public roads leading to the proposed venue, a VDOT land use permit for special events must be obtained and said permit may be subject to separate permit fees. A Traffic Control Plan will be required. The Applicant must comply with all requirements set forth in VDOT’s Land Use Permit.

I.G. A plan for adequate fire protection shall be approved by the Director of Public Safety. This plan shall meet the requirements of all state and local statutes, ordinances, and regulations. The Applicant shall be responsible for any and all associated cost of fire department services as required by § 11-91 of the County Code.

J.H. If any outdoor lighting will be utilized, a plan showing the location of such lights and shielding devices or other equipment to prevent unreasonable glow beyond the venue shall be submitted and approved by the Director of Community Development.

I. Documentation from a Sound Engineer shall be submitted and approved by the Director. Documentation from a Sound Engineer shall be submitted and approved by the Director. Documentation from a Sound Engineer shall be submitted and approved by the Director of Community Development showing that adequate measures have been taken to reduce the sound and/or music, either by mechanical device or live performance, to a decibel level at or below the acceptable level specified in the Pittsylvania County Noise Ordinance. The event shall always remain in compliance with the Pittsylvania County Noise Ordinance.

J. Any pyrotechnics or fireworks displays that will be utilized during the festival shall be permitted and approved by the County Fire Marshal and will be subject to separate permit fees.

K. A Security and Crowd Control Plan shall be submitted and approved by the County Sheriff. The Applicant shall be responsible for any and all associated costs of required coverage by the County Sheriff’s Department or the VSP.

SEC. 10-5. TWELVE (12) HOUR LIMITATION.

Music shall not be rendered, nor entertainment provided for more than twelve (12) hours in any twenty-four (24) hour period to be measured from the beginning of the first performance at said festival. However, all music performance shall start no earlier than 9:00 a.m. and end prior to 11:00 p.m. on the night of the performance. There shall be no amplified music before 1:00 p.m. on Sundays. This restriction may be waived by the Board.

SEC. 10-6. ADMISSION.

Any and all age restrictions placed on ticket sales and entry into the festival shall be determined. Any and all age restrictions placed on ticket sales and entry into the festival shall be determined. Any and all age restrictions placed on ticket sales and entry into the festival shall be

determined by the festival’s organizer and submitted to the County in its Permit Application. The festival’s organizer shall also comply with all other federal, state, and local regulations, laws, and ordinances related to minors’ admission/attendance at music festivals and festivals serving alcohol.

SEC. 10-7. TAXATION AND FEES

Any festival shall be subject to the taxation rates and/or fees applicable at the time of said festival, not those in place at the time of the Application, Permit, and/or their approval. The County’s Commissioner of the Revenue, or his/her designee(s), shall be in attendance at the festival and shall be responsible for collecting all applicable taxes, fees, or other monies of or related to the festival.

SEC. 10-8. PERMISSION.

No Permit shall be issued under this Ordinance unless the Applicant furnishes 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 non-compliance with any of its provisions and conditions.

SEC. 10-9. VIOLATION.

Any person, firm, or corporation who violates any provisions of this Ordinance shall be subject to civil penalties to be determined by the Board which shall not exceed a fine of up to \$500 for the first offense within a twelve (12)-month period, a fine of up to \$10,000 for the second offense within the same twelve (12)-month period. Each violation shall constitute a separate offense. The third or more violation within the same twelve (12) month period shall be punishable as a Class 1 Misdemeanor.