

AN ORDINANCE RELATING TO MUSICAL OR ENTERTAINMENT FESTIVALS CONDUCTED IN OPEN SPACES NOT WITHIN AN ENCLOSED STRUCTURE; PROVIDING FOR DEFINITIONS; REQUIRING SPECIAL ENTERTAINMENT PERMITS FOR ISSUANCE OF SAME; SETTING STANDARDS AND CONDITIONS FOR THE ISSUANCE OF PERMITS; PROHIBITING MUSIC OR ENTERTAINMENT FOR MORE THAN EIGHT (8) HOURS IN ANY TWENTY-FOUR (24) HOUR PERIOD; PROVIDING THAT PERSONS UNDER 18 YEARS OF AGE ATTENDING SUCH FESTIVALS MUST BE ACCOMPANIED BY A PARENT OR GUARDIAN; PROVIDING FOR INSPECTION OF PREMISES AND REVOCATION OF PERMITS; PROVIDING PENALTIES; PROVIDING FOR SEVERABILITY OF PROVISIONS; PROVIDING FOR LIBERAL CONSTRUCTION; AND PROVIDING AN EFFECTIVE DATE.

Section 1. Authority and Purpose.

This ordinance is enacted pursuant to Sections 15.1-504 and 15.1-510 of the Code of Virginia for the purpose of providing necessary regulation of musical or entertainment festivals conducted in open spaces not within an enclosed structure and of any gathering of 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 Middlesex County.

Section 2. Definitions.

When used in this ordinance, the following words shall mean;

- (1) Board – The Board of Supervisors of Middlesex County, Virginia
- (2) Musical or entertainment festival – 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. Applications.

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

Applications for such special entertainment permit shall be in writing on forms provided for the purpose and filed in duplicate with the Clerk of the Board at least thirty (30) 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 Clerk to each member of the Board the day such applications are filed.

The Board shall act on such applications within fourteen (14) 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 Clerk 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 Clerk to the applicant at the address indicated.

Section 4. Conditions.

- (1) Such permit shall not be issued unless the following conditions are met and the following plans, bonds, 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, the amount to be charged for such admission, 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 or owners 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 Middlesex 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 Middlesex County Health Officer.
 - (f) A plan for adequate medical service for persons at the festival, approved by the Middlesex County Health Officer, and including signed agreements from a licensed physician and an ambulance service that they will be in attendance to serve as may be required.

- (g) A plan for adequate parking facilities, crowd control, and traffic control, in and around the festival area, approved by the Sheriff of Middlesex County.
 - (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 Middlesex County Forest Warden and the Chief of the Volunteer Fire Department serving the site of the proposed festival.
 - (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, approved by the suppliers of electrical powers.
 - (j) A statement that no music shall be played, either by mechanical device or live performance, in such manner that the sound emanating therefrom shall be unreasonably audible beyond the property on which the festival is located.
 - (k) Cash bond or equivalent, a surety bond of a surety company, or certified check payable to the Middlesex County Treasurer in the amount of Five Thousand Dollars (\$5000.00) as a guarantee to the execution of the terms of the application, and further conditioned to the clearing of the premises so as to leave them in essentially the same condition as they were found.
 - (l) Certified check payable to the Middlesex County Treasurer in the amount of One Thousand Dollars (\$1000.00) per day or part thereof for the period of the festival, which will constitute the fee required for the issuance of the permit. If the festival is presented for less than the stipulated number of days, the applicant shall be entitled to a refund of the proportionate share of the fee.
- (2) 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.
- (3) 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 said person at all times.
- (4) 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 non-compliance with any of its provisions and conditions.

Section 5. Violations and Penalties.

Any person, firm or corporation, and the officers of any 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. Nothing in this ordinance shall be construed to supersede the provisions of law as to disorderly conduct, public drunkenness and the other criminal laws of the Commonwealth of Virginia. The Board may bring suit in the Circuit Court of Middlesex County to restrain, enjoin, or otherwise prevent violations of this ordinance. This ordinance shall not be deemed exclusive of all rights and/or remedies available to the Board but only in addition thereto.

Section 6. Validity.

It is declared to be the intent of the Board that if any section, sub-section, 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.

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 Middlesex County.

Section 7. Effective Date.

This ordinance shall be in full force and effect from and after its passage as provided by law.