

Chapter 7
FESTIVALS, DANCE HALLS AND CARNIVALS, ETC.

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Chapter 7
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Article 1. Festivals.

Sec. 7-1-1. Authority; purpose.

This article is enacted pursuant to section 15.1-510 of the Code of Virginia for the purpose of providing necessary regulations for the conducting of musical or entertainment festivals conducted in open spaces not within an enclosed structure and of any gathering or 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 the county. (Min. Bk. 6, pp. 423-426; Comp. 1974, ch. 6)

Sec. 7-1-2. Definitions.

When used in this article, the following words shall have the meanings respectively ascribed to them in this section:

Board shall mean the board of supervisors of the county.

Musical or entertainment festival or 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. (Min. Bk. 6, pp. 423-426; Comp. 1974, ch. 6)

Sec. 7-1-3. Special entertainment permit - - Required.

No person shall stage, promote or conduct any musical or entertainment festival in the unincorporated areas of the county unless there shall have been first obtained from the board a special entertainment permit for such festival. (Min. Bk. 6, pp. 423-426; Comp. 1974, ch. 6)

Sec. 7-1-3.1. Same - - Application - - Generally.

Applications for special entertainment permits required by this article shall be in writing on forms provided for the purpose and filed in duplicate with the clerk of the board at least twenty-one 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 article. A copy of such applications shall be sent by certified mail by the clerk to each member of the board the day such applications are filed. (Min. Bk.

6, pp. 423-426; Comp. 1974, ch. 6)

Sec. 7-1-3.2. Same - - Same - - Action by board; issuance or refusal of permit.

The board shall act on applications required by this article within ten 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. (Min. Bk. 6, pp. 423-426; Comp. 1974, ch. 6)

Sec. 7-1-3.3. Same - - Same - - Conditions for issuance of permit; documents to accompany application.

The permit required by this article shall not be issued unless the following conditions are met and the following plans, statements and approvals submitted to the board with the application:

(a) Such application for a special entertainment permit shall have attached to it a copy of the ticket or badge of admission to such festival, containing the date or dates and time or times of such festival together with a statement by the applicant of the total number of tickets to be offered for sale 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 such festival.

(c) A statement of the location of the proposed festival, the name and address of the owner of the property on which such 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 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 county health officer.

(f) A plan for adequate medical facilities for persons at the festival, approved by the county health officer.

(g) A plan for adequate parking facilities and traffic control in and around the festival area.

(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 county forest warden.

(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.

(j) A statement that no music shall be played, either by mechanical device or live performance, in such a manner that the sound emanating therefrom shall be unreasonably audible beyond the property on which the festival is located. (Min. Bk. 6, pp. 423-426; Comp. 1974, ch. 6)

Sec. 7-1-4. When music or entertainment prohibited.

Music shall not be rendered nor entertainment provided for more than eight hours in any twenty-four hour period, such twenty-four hour periods to be measured from the beginning of the first performance at such festival. (Min. Bk. 6, pp. 423-426; Comp. 1974, ch. 6)

Sec. 7-1-5. Minors to be accompanied by parent or guardian.¹

No person under the age of eighteen years of age shall be admitted to any festival unless accompanied by a parent or guardian, the parent or guardian to remain with such person at all times. (Min. Bk. 6, pp. 423-426; Comp. 1974, ch. 6)

Sec. 7-1-6. Right of entry of board, etc.

No permit shall be issued under this article 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 article. The board shall have the right to revoke any permit issued under this article upon noncompliance with any of its provisions and conditions. (Min. Bk. 6,

¹For state law as to authority of county to regulate minors in public places of amusement, see Code of Va., § 18.2-432.

pp. 423-426; Comp. 1974, ch. 6)

Sec. 7-1-7. Construction of article.

The provisions of this article shall be liberally construed in order to effectively carry out the purposes of this article in the interest of the public health, welfare and safety of the citizens and residents of the county. (Min. Bk. 6, pp. 423-426; Comp. 1974, ch. 6)

Article 2. Dance Halls²

Sec. 7-2-1. Hours of operation.

It shall be unlawful for any person to operate or conduct a public dance hall between the hours of 2 A.M. Sunday and 12:01 A.M. Monday within the county. (Min. Bk. 5, p. 183; Comp. 1974, ch. 6; Ord. 4-1-85)

Article 3. Carnivals, Circuses, Side Shows, Etc.³

Sec. 7-3-1. Registration and permit required.

It shall be unlawful for any person to promote, sponsor, operate or exhibit in the county any carnival, circus, side show, trained animal show, menagerie, speedway or any other show, exhibit or performance similar thereto, without first registering with the sheriff's office of this county, furnishing the information required by this article and obtaining the permit required hereby. (Min. Bk. 4, p. 392; Min. Bk. 6, p. 118; Comp. 1974, ch. 6)

Sec. 7-3-2 . Information to be furnished; issuance and term of permit.

Every person engaging in any of the acts set forth in section 7-3-1 shall furnish to the sheriff's office his name, temporary address, permanent address, the name of the firm or company, if any, which he represents, the address of such firm or company, the type and size of the show, exhibit or performance for which the permit is requested, and the place and time or times when such shows, exhibitions or performances are to take place. Upon receiving such information the sheriff's office shall provide such person with a written permit showing due registration, and the place and time or times for which permit is issued. No permit shall be issued or valid for a period of longer than six consecutive days. (Min. Bk. 4, p. 392; Min.

²For state law as to regulation of dance halls by counties, see Code of Va., § 18.2-433.

³For state law as to authority of county to license carnivals, etc., see Code of Va., § 58.1-3728.

Bk. 6, p. 118; Comp. 1974, ch. 6)

Sec. 7-3-3. License tax imposed; permit prerequisite to issuance of license; term of license.

There is hereby imposed a license tax of one hundred dollars upon every person which exhibits within this county any carnival, circus, side show, trained animal show, menagerie, speedway, or any other show, exhibition or performance similar thereto as set forth in section 7-3-1. Such license shall be obtained from the commissioner of revenue, but no such license shall be granted until the permit from the sheriff's office required by this article has been obtained. Such license shall be valid for a period not exceeding six consecutive days. (Min. Bk. 4, p. 392; Min. Bk. 6, p. 118; Comp. 1974, ch. 6)

Sec. 7-3-3.1. Certain organizations exempt from license tax; proviso.

Any show, exhibition or performance which is sponsored, promoted, operated or exhibited by any religious, educational, charitable, fraternal or civic organization of this county shall not be required to pay the license tax imposed by this article; provided, that such organization shall receive not less than forty percent of all admission charges to the grounds, shows, rides, exhibits and the like, which proceeds shall be used by such organizations for religious, educational, charitable, fraternal or civic purposes. Such organizations however, are not exempted from registering with the sheriff's office and obtaining the permit required by this article. (Min. Bk. 4, p. 392; Min. Bk. 6, p. 118; Comp. 1974, ch. 6)