

ARTICLE 1 - Title, Authority, and Jurisdiction

1.1 Title

This ordinance shall hereinafter be known as and may be cited as the "Musical and Entertainment Festival Ordinance of Wythe County, Virginia," Ordinance Number 77-1.

1.2 Authority

It is adopted pursuant to the authority of Title 15.1, Chapter XII, Article 2, Sections 15.1-510 and 15.1-510.1, of the Code of Virginia of 1950, and amendments thereto.

3 Jurisdiction

The provisions of this ordinance shall apply to all land within Wythe County, Virginia, which is not within the jurisdiction of incorporated municipalities.

ARTICLE 2 - Purpose

2.1 This ordinance is adopted for the purpose of providing necessary regulation 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 Wythe County.

ARTICLE 3 - Rules

3.1 In the construction of this ordinance, the rules contained in this section shall be observed and applied, except when the context clearly indicates otherwise:

- 1) Words used in the present tense shall include the future, and words used in the singular number shall include the plural number, and the plural the singular;
- 2) The word "lot" includes the words "plat" and "parcel"
- 3) The word "shall" is mandatory and not discretionary;
- 4) The word "may" is permissive and not mandatory;
- 5) The word "approve" shall be considered to be followed by the words "or disapprove";

- 6) The masculine gender includes the feminine and neuter; and
- 7) Any reference to this ordinance includes all ordinances amending or supplementing the same.

#### ARTICLE 4 - Definitions

For the purpose of this ordinance, certain words or terms used herein shall be defined as follows:

- 4.1-1 Administrator. The representative of the Board of Supervisors appointed to serve as the agent of the Board in administering all provisions of this ordinance.
- 4.1-2 Board. The Board of Supervisors of Wythe County, Virginia
- 4.1-3 Musical or Entertainment Festivals. 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.

#### ARTICLE 5 - Administration

##### Administrator

The Administrator, as appointed by the governing body, is hereby delegated to administer this ordinance. The Administrator shall be considered the agent of the governing body.

##### 5.1-1 Additional Authority

In addition to the regulations herein contained, the Administrator may, from time to time, establish any reasonable administrative procedures deemed necessary for the proper administration of this ordinance or such other authority as the Board of Supervisors might delegate.

#### ARTICLE 6 - Procedure

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

Application for such special entertainment permit shall be in writing on forms provided for the purpose (see Appendix A) and filed in duplicate with the Administrator at least thirty (30) days before the date of such festival and at least twenty-one (21) days prior to a regular meeting of the said Board. Such application 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 Administrator to each member of the Board the day such applications are filed.

The Board shall act on such application within thirty (30) days from the filing of the same and shall issue a permit if the requirements of the Ordinance are met. If granted, the permit shall be issued in writing and mailed by the 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 Administrator to the applicant at the address indicated. If the application falls within the exempt status of this Ordinance under Article 9, and the requirements of that article are met, an exemption certificate shall be issued in writing and mailed by the Administrator to the applicant at the address indicated. If the application does not fall within the exempt status of this Ordinance, and all the requirements of said article are not met, an exemption certificate shall be denied and the denial shall be in writing and the reason for such denial stated therein and mailed by the Administrator to the applicant at the address indicated.

#### ARTICLE 7 - General Requirements

Such permit shall not be issued unless the following conditions are met and the following plans, statements, and approvals submitted to the Board with the application.

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 and the best reasonable estimate by the applicant of the number of persons expected to be in attendance.

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.

A statement of the location of the proposed festival, the name and address of the owner of the property on which said festival is to be held, and the nature and interest of the applicant therein.

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.

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.

A plan for adequate medical facilities for persons at the festival. This plan shall be approved by the county health officer.

7.8 A plan for adequate parking facilities and traffic control in and around the festival area. This plan shall be approved by the sheriff of Wythe County.

A plan for adequate fire protection. This plan shall meet the requirements of all state and local statutes, ordinances and regulations. This plan shall be approved by the county representative of the Virginia Division of Forestry.

7.10 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. This plan shall be approved by the county building inspector.

7.11 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.

7.12 Music shall not be rendered for 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 of said festival, specifically no music shall be rendered between the hours of twelve midnight and 8 a.m.

7.13 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 officer 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 noncompliance with any of its provisions and conditions.

A fee of \$5,000 per day shall be required for issuing any license for the conduct of a musical or entertainment festival as provided by this ordinance. The fee is payable to the Treasurer of Wythe County and shall be submitted with the application to the Administrator.

A bond, with corporate surety, in the amount of TWENTY-FIVE THOUSAND DOLLARS (\$25,000) shall be required and shall be conditioned to the removal and clearing of the premises so as to leave them in the same condition as they were found, and further conditioned to the full and satisfactory execution and compliance with the terms of the permit when issued. Such bond should be payable to "Wythe County, Virginia."

### ARTICLE 9 - Exceptions

The Board of Supervisors, finding that it is not necessary to regulate and require permits for all musical gatherings in the County inasmuch as gatherings of a nominal size do not require the planning, the police protection, or the sanitation and health facilities, therefore there is hereby exempted entirely from the operation of this ordinance, a gathering of less than one thousand (1000) persons.

For the same foregoing considerations, an anticipated gathering of more than one thousand (1,000) persons, but less than five thousand (5,000) persons is exempted from all the provisions of this ordinance other than the filing of a simple statement with the Administrator, which statement shall contain the following information:

- 1) The location of the musical or entertainment festival.
- 2) The date(s) on which the same is to be held
- 3) The name(s) of the promoters thereof
- 4) A statement as to the number of tickets available for sale, of the advertising conducted, if any, by the promoters and a statement of the reasons as to why less than five thousand persons are expected to attend.
- 5) A brief statement of what sanitation, parking, and food facilities are available.

- 10.1 Any person, 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 \$1,000 or by confinement in jail, not exceeding 30 days or by both such fine and imprisonment. Each violation shall be constituted a separate offense and each day such violation may continue, shall constitute a separate offense. The Board may bring suit in the Circuit Court of the County of Wythe to restrain, to enjoin, or otherwise prevent violation of this ordinance.

ARTICLE 11 - Legal Status Provisions

- 11.1 Certified Copies of Ordinances. Certified copies of this ordinance and all amendments thereto shall be filed in the offices of the Planning Commission, the County Administrator, and the Clerk of the Circuit Court of Wythe County, Virginia.
- 11.2 Validity. Should any article, section, subsection, or provision of this ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of this ordinance as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.
- 11.3 Conflicting Ordinances. All ordinances or portions of ordinances in conflict with this ordinance are hereby repealed to the extent of their conflict.
- 11.4 Effective Date. This ordinance was duly considered following a required public hearing held on December 13, 1977, and was adopted by the Board of Supervisors of Wythe County, Virginia at its regular meeting held on December 13, 1977, the members voting:

<u>Name</u>	<u>For</u>	<u>Against</u>
Blair	X	
Groseclose	X	
Hagee	X	
James	X	
King	X	
Smith	X	

This ordinance shall be effective on and after 12:01 a.m. on December 14, 1977.

Pursuant to ordinance number \_\_\_\_\_

\_\_\_\_\_ hereby makes application for a permit to conduct a musical or entertainment festival in Wythe County, Virginia, on \_\_\_\_\_ or as permitted by said Board of Supervisors, as follows:

(A) ATTACH COPY OF TICKET (Number of tickets to be printed and offered and estimate of number of persons who will attend.)

NAME AND ADDRESS OF PERSON OR PERSONS RESPONSIBLE \_\_\_\_\_

LOCATION OF SITE OF ENTERTAINMENT \_\_\_\_\_

PLAN FOR SANITATION \_\_\_\_\_

(E) FOOD, WATER, LODGING PLANS \_\_\_\_\_

MEDICAL FACILITIES \_\_\_\_\_

PARKING AND TRAFFIC CONTROL PLANS \_\_\_\_\_

FIRE PROTECTION \_\_\_\_\_

OUTDOOR LIGHTING PLAN \_\_\_\_\_

STATEMENT OF UNREASONABLE AUDIBILITY \_\_\_\_\_

BOND \_\_\_\_\_

STATEMENT PERMITTING ENTERING BY DULY APPOINTED LAW ENFORCEMENT OFFICER

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Signature of Applicant

Date



AMENDMENT TO ORDINANCE NO. 77-1  
MUSICAL AND ENTERTAINMENT FESTIVAL ORDINANCE  
OF WYTHE COUNTY, VIRGINIA

The Chairman stated that the public hearing was for the purpose of considering a proposed amendment to the Musical and Entertainment Festival Ordinance of Wythe County, Virginia, #77-1. The hearing was held on November 12, 1980 at 1:40 p.m. The Chairman called for a discussion of the proposed change.

Mr. Reardon made a motion to amend the Musical and Entertainment Festival Ordinance of Wythe County, Virginia #77-1 as follows:

ARTICLE 7 - General Requirements

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A plan for adequate security, parking facilities and traffic control in and around the festival area. This plan shall be approved or disapproved by the Sheriff of Wythe County.

ARTICLE 9 - Exceptions

9.1 Where gatherings for musical or entertainment events are less than one thousand (1000) persons they are exempt from the provisions of this ordinance.

Where gatherings for musical or entertainment events are more than one thousand (1000) and less than five thousand (5000) persons they are exempt from the provisions of this ordinance other than filing a statement, under oath, with the Administrator, which shall contain the following information:

- 1 The location of the musical or entertainment event
- 2) The type of event to be held.
- 3) The date(s) on which the event is to be held.
- 4) The name(s) of the promoters thereof.
- 5) A statement as to the number of tickets available for sale, the type of advertising conducted by the promoters, and the reasons why less than five thousand (5000) persons are expected to attend.
- 6) A statement of what sanitation and food facilities are available. Copies of the health permits must be submitted with the statement.

7) A letter from the Sheriff of Wythe County stating that necessary arrangements have been made for security, parking facilities, and traffic control in and around the location of the event.

Motion was seconded by Mr. Johnstone and the roll call vote is as follows:

YEAS: James, Johnstone, Mabe, Payne, and Reardon.

NAYS: Matney.

ABSENT: None.

This amendment shall be effective on and after 12:01 a.m., November 13, 1980.