

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY OF DINWIDDIE, 1985, AS AMENDED,

BY AMENDING SECTIONS 3-16 ET SEQ.,

CHAPTER 3, AMUSEMENTS,

ARTICLE II. SPECIAL EVENTS.

BE IT RECOMMENDED by the Planning Commission of Dinwiddie County:

(1) *That Chapter 3 of the Code of the County of Dinwiddie, 1985, as amended, is amended by inserting the following language shown underlined and deleting the following language marked as strikethrough:*

Chapter 3 - AMUSEMENTS

ARTICLE I. - IN GENERAL

Secs. 3-1—3-15. - Reserved.

ARTICLE II. - SPECIAL EVENTS

DIVISION 1. - GENERALLY

Sec. 3-16. - Definitions.

(a) The term "special event" or "special events" shall mean a Festival or an Agritourism Event.

(a)(b) ~~For purposes of this article, The term "special event"~~ "Festivals" shall mean a preplanned event to be held in the county for purposes of entertainment, celebration, amusement, cultural recognition, amateur sports, demonstrations of skill, competition, or similar activities, sponsored by an individual, group, and/or organization, where over two hundred fifty (250) people are anticipated to be in attendance. entry to which is either (1) open to the general public or (2) on the basis of paid admissions or solicited contributions. Special events Festivals may significantly impact public property, normal vehicle and pedestrian traffic, and/or the safety of citizens and visitors, thus mandating the use of county services. Preapproval and advisement by appropriate county staff is required. ~~"Special events"~~ Festivals may include, but are not limited to: circuses, carnivals, foot races, bike races, parades/marches, festivals, concert series, music festivals, celebrations, tours, car shows, street dances, sidewalk sales, air shows, and turkey shoots.

(c) The term "Agritourism Event" shall mean a private or public event held in accordance with Dinwiddie Code §§ 22-262.1 et seq., where over two hundred fifty (250) people are anticipated to be in attendance.

(b) (d) For purposes of this article, the term "single event permit" shall mean a permit authorizing the conduct of any single special event in accordance with the terms and conditions specified on the application for such permit.

~~(e)~~(e) For purposes of this article, the term "multiple event permit" shall mean a permit authorizing the conduct of multiple special events at one location in accordance with the terms and conditions specified on the application for such permit, as supplemented and modified from time to time.

~~(d)~~ (f) For purposes of this article, the term "county administrator" shall mean the county administrator of Dinwiddie County or his designee.

(Code 1970, § 11A-2; Ord. of 12-19-90; Ord. of 10-21-08, § 1)

Sec. 3-17. - Purpose of article.

This article is enacted pursuant to Section 15.2-1200 of the Code of Virginia, 1950, as amended, for the purpose of providing necessary regulation for the conduct of special events in the interest of the public health, safety and welfare of the citizens and inhabitants of the county.

(Code 1970, § 11A-1; Ord. of 10-21-08, § 1)

Sec. 3-18. - Construction of article.

- (a) 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.
- (b) Nothing contained in this article shall relieve the applicant, property owners, promoters, sponsors, participants or any other persons engaged in a special event from other requirements of this Code, including, but not limited to, provisions relating to licenses, amusements, zoning building requirements for temporary structures, and inspections and permitting of rides.
- (c) The county administrator is hereby authorized to establish rules, regulations and policies to administer and implement the provisions of this article.

(Code 1970, § 11A-1; Ord. of 10-21-08, § 1)

Sec. 3-19. - Violation of article.

- (a) Any violation of any provision of this chapter shall be punishable as a Class 1 misdemeanor and shall result in immediate forfeiture of the permit issued under this chapter. At the discretion of the county administrator, the person or entity committing such violation may be prohibited from obtaining a special event permit for a period of up to five years following the date of such conviction.
- (b) Each individual violation continuing in excess of 24 hours shall constitute a separate offense.
- (c) The board of supervisors may bring suit in the circuit court of the county to restrain, enjoin or otherwise prevent the violation of this article.

(Code 1970, § 11A-8; Ord. of 10-21-08, § 1)

Sec. 3-20. - Music or entertainment at a special event.

The provision of music or entertainment at a special event shall at all times be in compliance with section 15-1 herein.

(Code 1970, § 11A-5; Ord. of 10-21-08, § 1)

Sec. 3-21. - Admission of minors.

No person under the age of 18 years shall be admitted to any ~~Festival~~ Special Event unless accompanied by a parent or guardian, and the parent or guardian shall remain with the minor at all times.

(Code 1970, § 11A-6)

Secs. 3-22—3-26. - Reserved.

DIVISION 2. - PERMIT

Sec. 3-27. - Permit required.

- (a) A permit issued pursuant to this chapter shall be required for any person to stage, promote or conduct any special event in the county. ~~as defined in section 3-16 herein.~~
- (b) In lieu of a single event permit, a multiple event permit may be issued for multiple special events to be held at a single location. Such permit shall be issued no earlier than January 1 of each year and shall expire no later than December 31 of the same year.
- (c) It shall be unlawful for any person to stage, promote or conduct any special event in the county for which a permit under this article is required without first obtaining such permit.
- (d) It shall be unlawful for any person to fail or refuse to comply with any of the plans, statements or other conditions approved by the appropriate official pursuant to obtaining a permit under this article in connection with the staging, promoting or conducting of any special event in the county for which such a permit has been obtained.

(Ord. of 10-21-08, § 1)

Secs. 3-28, 3-29. - Reserved.

Sec. 3-30. - Permit application.

- (a) Any application for a single event permit shall be in writing, on forms provided for such purpose; shall be filed, in duplicate, with the county administrator, at least 30 days before the date of the proposed special event; and shall include the following:
 - (1) The information required by section 3-32 herein;
 - (2) The plans required by section 3-33 herein;
 - (3) The certifications required by section 3-34 herein; and
 - (4) The statements from the applicant required by section 3-35 herein.

- (b) Any application for a permit for a multiple event permit shall be in writing, on forms provided for such purpose; shall be filed, in duplicate, with the county administrator, at least 30 days before the date of the first proposed special event; and shall include the following:
- (1) For each proposed special event, the information required by section 3-32 herein;
 - (2) For the venue, the plans required by section 3-33 herein;
 - (3) The certifications required by section 3-34 herein; and
 - (4) The statements from the applicant required by section 3-35 herein.

(Ord. of 10-21-08, § 1)

Sec. 3-31. - Reserved.

Sec. 3-32. - Information required.

The following information shall be submitted with an application for permit for one or more special events:

- (a) Contact information, including but not limited to names, mailing addresses, telephone numbers, and electronic mail addresses, of the applicant, the special event promoters, the persons responsible for insurance coverage of the special event, and the owners of the property on which the special event shall be held, and the interest of each party in, or the relationship of each party to, the special event;
- (b) The location, date(s) and time(s) of the special event;
- (c) The nature of the special event, and the names of all persons or groups who will perform at or participate in such special event;
- (d) The sponsorship of the special event;
- (e) If the applicant is not the property owner, a notarized letter from all property owners(s) authorizing the use of the property for the special event;
- (f) The total number of tickets to be offered for sale and the best reasonable estimate of the number of attendees;
- (g) Whether alcoholic beverages will be sold or served, and if yes, a copy of the Virginia Alcohol Beverage Control license allowing alcoholic beverages to be served at the special event must be attached to the application.

Persons or entities applying for a multiple event permit may submit the information required under this section no later than 30 days prior to each proposed special event; failure to submit such information in a timely fashion with respect to a proposed special event shall render the multiple event permit null and void for such special event.

(Ord. of 10-21-08, § 1)

Sec. 3-33. - Plans required.

The following plans, unless waived by the approving official, shall be submitted with an application for permit under this chapter. All such plans must meet the requirements of applicable federal, state

and local statutes, ordinances and regulations and must be submitted and approved by the specified official prior to issuance of a permit:

- (a) If outdoor lighting is to be used, a plan for the location of outdoor lights or lighting and shielding devices or other equipment to prevent unreasonable glow beyond the property on which the special event is located, such plan to be approved by the building official.
- (b) A plan for adequate sanitation facilities and garbage, trash and sewage disposal for persons at the special event, including provisions for removal from the special event area of garbage and trash at the end of the special event, the names of the persons responsible for the work, and a valid permit from the health department, such plan to be approved by the health officer.
- (c) If food, water, and/or lodging are to be provided, a plan for the provision of food, water and lodging, such plan to be approved by the health officer. The applicant shall obtain a temporary food service permit from the health department if food is to be served on-site and shall provide a copy of the training certificate, if the applicant has attended a food safety class within the last two years.
- (d) A plan for medical facilities for persons at the special event, such plan to be approved by the division chief of fire and EMS.
- (e) A plan for parking facilities and traffic control in and around the special event area, including a security plan indicating the number of deputies (if required), such plan to be approved by the sheriff's department.
- (f) A plan for fire protection, such plan to be approved by the division chief of fire and EMS or the fire marshal.
- (g) A plan for security measures to ensure the safe and orderly conduct and control of individuals and crowds in, and around the special event, such plan to be approved by the sheriff's department. If the applicant intends to employ or does employ security forces to work at the site, such individuals must be licensed as security personnel by the state and, while on duty at the site, must wear uniforms identifying them as security personnel.
- (h) A plan for insurance for the special event, including the amounts and types of insurance the applicant, sponsors, property owners or promoters will obtain to insure against such injury or damage. If the special event will be held on public property, each insurance policy shall name the county as additional insured and certificates of insurance so indicating shall be delivered to the county administrator at least 14 days prior to the special event, such plan to be approved by the county administrator.

(Ord. of 10-21-08, § 1)

Sec. 3-34. - Certifications required.

The following certifications shall be submitted with an application for permit under this chapter:

- (a) Certification by the building official that all applicable plans have been reviewed and approved, that all temporary seating and stage facilities erected on the site and all electrical and lighting installations, power sources and electrical wiring will be inspected and approved, and that any special permits required by the building officer have been issued.

- (b) Certification by the planning director that zoning regulations permit the special event to be held in the proposed location and that all necessary planning approvals or permits have been obtained.
- (c) Certification from the county commissioner of the revenue that all requisite licenses have been issued.
- (d) Certification by the county treasurer that all delinquent taxes have been paid.

(Ord. of 10-21-08, § 1)

Sec. 3-35. - Statements from the applicant required.

The applicant shall provide the following authorization and pledge with an application for permit under this chapter:

- (a) The applicant shall authorize the county administrator; his lawful agents, including but not limited to those officials approving plans and providing certifications as required by sections 3-33 and 3-34, respectively, herein; and 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.
- (b) The applicant shall pledge to hold the special event in accordance with all applicable federal, state, and local laws and regulations.

(Ord. of 10-21-08, § 1)

Sec. 3-36. - Deposit for police protection, traffic control and fire protection.

- (a) The county administrator may require the applicant, as a condition to issuance of a permit, to deposit with the county treasurer funds to pay for the cost of additional county services necessary to meet the requirements of the plans submitted with the application and necessary to protect the health, safety and welfare of the citizens of this county. For purposes of this section, "additional county services" means additional county personnel in excess of those regularly available to the special event and may include, but shall not be limited to, additional police officers for crowd control, traffic control and parking; additional firefighters for fire protection during the special event; and any additional medical or sanitation officers necessary to protect the health, safety and welfare of the persons attending the special event.
- (b) The actual cost of such additional services shall be paid to the county out of the deposit, and the difference, if any, shall be refunded to the applicant within 14 days after the special event.

(Ord. of 10-21-08, § 1)

Sec. 3-37. - Bond.

The county administrator may require the applicant, as a condition prior to issuance of a permit, to deposit with the county treasurer, at least 14 days prior to the commencement of the special event, a sum of money or a bond with corporate surety in a form approved by the county attorney, in an amount sufficient to insure against the applicant's failure to meet each requirement of the permit, such deposit to be held conditioned upon compliance with each requirement of this article.

(Ord. of 10-21-08, § 1)

Sec. 3-38. - Issuance, denial or modification of application.

- (a) The county administrator shall approve, deny, or request modification of a filed application for a permit under this chapter within ten working days from the filing of the same. Each such response shall be mailed by the county administrator to the applicant at the address indicated on the permit application.
- (b) If approved, the permit shall be issued in writing, on a form provided for such purpose.
- (c) If denied, the refusal shall be in writing and the reasons for such denial shall be stated therein.
- (d) If the plans submitted are determined by the county administrator to be inadequate to protect the health, safety and welfare of the citizens of the county, he may refuse to issue a permit or may require an applicant to modify plans submitted with the application.

(Ord. of 10-21-08, § 1)

Sec. 3-39. - Transferability of permit.

A permit issued pursuant to this article shall not be transferable without the approval of the county administrator.

(Ord. of 10-21-08, § 1)

Sec. 3-40. - Waiver of permit requirements.

- (a) Requests for waiver of one of more requirements of this article shall be made in writing to the county administrator except that requests for waiver pursuant to section 3-33 shall be made to the appropriate approving official.
- (b) If the application for the waiver is approved, only the specific requirements requested in the application shall be waived. All other permit requirements shall remain in effect as specified in this article.

(Ord. of 10-21-08, § 1)

Sec. 3-41. - Revocation of permit.

The county administrator shall have the right to revoke any permit issued under this article upon noncompliance with any of the provisions and conditions of the permit or the provisions of this article.

(Ord. of 10-21-08, § 1)

Sec. 3-42. - Reserved.