

ORDINANCE TO PROVIDE FOR THE CONTROL AND
REGULATION OF MUSICAL OR ENTERTAINMENT FESTIVALS

(1978)

WHEREAS, The Board of Supervisors of Madison County, Virginia, finds it necessary and proper to enact this ordinance in the interest of the public health, safety and general welfare, to provide for the control and regulation of musical or entertainment festivals conducted in the open and of groups or gatherings of persons for the purpose of listening to or participating in such festivals.

NOW, THEREFORE, Be it Enacted by the Board of Supervisors of Madison County, Virginia, that:

* Revised 11/12/82 1. "Music or entertainment festival" defined. For the purposes of this ordinance, the term "musical or entertainment festival" shall mean any gathering of individuals, open to the public, with or without admission charge 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.

2. Permit required. No person, firm, corporation or partnership shall stage, promote or conduct any musical or entertainment festival in Madison County, Virginia, unless there shall have been first obtained from the Board of Supervisors a special entertainment permit for such festival.

3. Application for permit. Applications for special entertainment permits shall be in writing, on forms provided for the purpose, and filed in duplicate with the county 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 Board of Supervisors, along with a filing fee of One-Hundred Dollars (\$100.00). Such applications shall have attached thereto and made a part thereof the plans, statements, approvals and other documents required by this ordinance. The county administrator shall, without delay, notify each member of the Board of Supervisors of the filing of each application.

4. Action on application; granting or denial of permits. The Board of Supervisors shall act on such applications within ten (10) days from filing thereof. The Board of Supervisors may grant a permit upon those conditions which it deems necessary and proper to promote the public health, safety and general welfare, including, but not limited to, the posting of bond by the applicant in an amount established by the Board of Supervisors to ensure compliance with this ordinance, cleaning of the premises used so as to restore said premises to the same condition as they existed prior to the festival, and to ensure payment of any and all damages and legitimate nuisance claims which might arise from the conduct of said festival. 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.

5. Conditions precedent to granting of permits; plans, statements, approvals, etc., to accompany application of permit. No permit shall be issued under this ordinance unless the following conditions are met and the following plans, statements and approvals are submitted to the Board of Supervisors with the application for permit:

(a) The 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 the time or times of the festival, together with a statement by the applicant of the total number of tickets to be offered for sale, the best reasonable estimate by the applicant of the number of persons expected to be in attendance, and the maximum number of persons who will be granted admission to such festival.

(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 the festival.

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

(d) A statement of written permission from the owner(s) of the property on which the festival is to be held.

(e) 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.

(f) 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.

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

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

(i) A plan for adequate fire protection. This plan shall meet the requirements of all state and local statutes, ordinances and regulations.

(j) 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.

(k) 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.

6. Restrictions as to music and entertainment. 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 any festival, and further, no music nor entertainment shall be provided between the hours of 1:00 A.M. and 10:00 A.M.

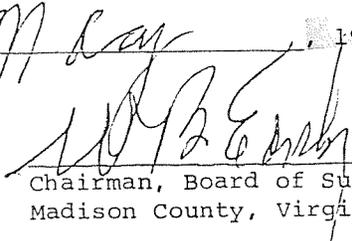
7. Enforcement provisions. No permit shall be issued under this ordinance unless the applicant shall furnish to the Board of Supervisors

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 of Supervisors shall have the right to revoke any permit issued under this ordinance upon noncompliance with any of its provisions and conditions.

8. Violations and penalties; injunctions. Any person who violates any provision of this ordinance, and upon conviction thereof, shall be punished by a fine not exceeding One Thousand Dollars (\$1,000.00) or by confinement in jail not exceeding thirty (30) days, or by both such fine and imprisonment. Each violation shall constitute a separate offense. The Board of Supervisors may bring suit in the Circuit Court of Madison County, Virginia to restrain, enjoin or otherwise prevent violation of this ordinance.

9. Validity. It is declared to be the intent of this Board of Supervisors that if any section, subsection, sentence, clause, phrase or portion of this ordinance shall for any reason be held 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.

Enacted this 7th day of May, 1978.


Chairman, Board of Supervisors of
Madison County, Virginia

Amended: October 12, 1982