

## Chapter 6

### AMUSEMENTS AND ENTERTAINMENTS\*

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\* **Cross References:** Businesses, ch. 18.

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## **ARTICLE I.**

## **IN GENERAL**

**Secs. 6-1--6-25. Reserved.**

## ARTICLE II.

### MUSIC AND ENTERTAINMENT FESTIVALS\*

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\* **Charter References:** Authority of town council to define and prevent all things detrimental to the health, morals, safety, convenience and welfare of the inhabitants of the town, § 26.

**State Law References:** Charitable gaming, Code of Virginia, § 18.2-340.15 et seq.; minors in public places of amusement, Code of Virginia, § 18.2-432; public dancehalls, Code of Virginia, § 18.2-433; public gathering places, Code of Virginia, § 32.1-198 et seq.; regulation by towns of sanitary conditions in public gathering places, Code of Virginia, § 32.1-202; campgrounds, Code of Virginia, § 35.1-1 et seq.; local licenses of performances at carnivals, etc., Code of Virginia, § 58.1-3728.

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## DIVISION 1.

## **GENERALLY**

### **Sec. 6-26. Purpose and construction of article.**

(a) The town council recognizes that, in the interest of preserving the public health, protecting property and preserving peace and good order in the town, it is necessary and proper to enact this article 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. This article is enacted 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 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 in the interest of the public health, the protection of property and preserving peace and good order within the town.

(b) This article shall be liberally construed in order to effectively carry out the expressed purposes of this article.

(Code 1992, § 12-1)

**Sec. 6-27. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Musical or entertainment festival* means 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.

(Code 1992, § 12-2)

**Cross References:** Definitions generally, § 1-2.

**Sec. 6-28. Compliance with article and with permits.**

It shall be unlawful for any person to violate or fail to comply with any section of this article or with any condition of any permit issued pursuant to this article.

(Code 1992, § 12-10)

**Sec. 6-29. Restrictions on music and entertainment.**

Music shall not be rendered nor entertainment provided for more than eight hours in any 24-hour period, such 24-hour periods to be measured from the beginning of the first performance at the musical or entertainment festival.

(Code 1992, § 12-7)

**Sec. 6-30. Admission of minors.**

No person under the age of 18 years shall be admitted to any musical or entertainment festival unless accompanied by a parent or guardian, the parent or guardian to remain with such minor person at all times.

(Code 1992, § 12-8)

**Secs. 6-31--6-55. Reserved.**

**DIVISION 2.**

**PERMIT**

**Sec. 6-56. Required.**

No person shall stage, promote or conduct any musical or entertainment festival in the town unless there shall have first been obtained from the town council a special entertainment permit.



(Code 1992, § 12-3)

**Sec. 6-57. Application.**

Applications for special entertainment permits required under this division shall be in writing on forms provided for the purpose and shall be filed in duplicate with the town clerk at least 21 days before the date of the musical or entertainment festival. Such application shall have attached thereto and made a part thereof the plans, statements, approvals and other documents required by this division. A copy of the application shall be sent by certified mail by the town clerk to each member of the town council the day such application is filed, if the post office is open, otherwise on the next following day in which the post office is open.

(Code 1992, § 12-4)

**Sec. 6-58. Action by council on application.**

The town council shall act on each application for the permit required under this division within ten days from the filing of the application. If approved, the permit applied for shall be issued in

writing on a form for the purpose and mailed by the town clerk to the applicant at the address indicated. If denied, the refusal shall be in writing, and the reasons for such denial shall be stated therein and mailed by the town clerk to the applicant at the address indicated.

(Code 1992, § 12-5)

**Sec. 6-59. Conditions for issuance.**

No permit shall be issued under this division unless the following conditions are met and the following plans, statements and approvals are submitted to the town council with the application:

(1) The application shall have attached to it a copy of the ticket or badge of admission to the musical or entertainment festival, containing the dates and times of the 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.

(2) 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.

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

(4) 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 health director.

(5) 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 health director.

(6) A plan for adequate medical facilities for persons at the festival, approved by the health director.

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

(8) 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 chief of the fire department.

(9) 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.

(10) 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.

(Code 1992, § 12-6)

**State Law References:** Food and drink, Code of Virginia, § 3.1-361 et seq.; forest wardens and fires, Code of Virginia, § 10.1-1135 et seq.; Virginia Waste Management Act, Code of Virginia, § 10.1-1400 et seq.; general county powers as to water and sewage, Code of Virginia, § 15.2-2109 et seq.; fire protection, Code of Virginia, § 27-1 et seq.; sewage disposal, Code of Virginia, § 32.1-163 et seq.; public water supplies, Code of Virginia, § 32.1-167 et seq.

**Sec. 6-60. Right of entry upon premises; revocation.**

No permit shall be issued under this division unless the applicant shall furnish to the town council written permission for the town council, its lawful agents or duly constituted law enforcement officers to go upon the property at any time for the purpose of determining compliance with this article. The town council shall have the right to revoke any permit issued under this division upon noncompliance with any of the sections and conditions of this article.

(Code 1992, § 12-9)