

ARTICLE III. ANNUAL MUSICAL OR ENTERTAINMENT FESTIVAL(S)**Sec. 6-76. Purpose.**

This article is enacted pursuant to Code of Virginia, §15.2-1200, as amended, and other applicable statutes, for the purpose of providing necessary regulations for the conducting of annual musical or entertainment festivals as defined by Section 6.2, and is enacted in the interest of the public health, safety and welfare of the citizens and inhabitants of Smyth County (herein referred to as County). (Code 1978, § 3-11)

Sec. 6-77. Definition.

As used in this article, "annual musical or entertainment festival(s)", "musical or entertainment festival(s)", or "festival(s)" shall mean an individual or group conducting up to six (6) events annually, with each event not exceeding three (3) consecutive days, for the purpose of listening to or participating in entertainment which consists primarily of but is not limited to musical renditions conducted in open spaces, not within an enclosed structure, for which a fee or charge is imposed on attendees. (Code 1978, § 3-12)

Cross reference-Definitions generally, §1-2.

Sec. 6-78. Permits--Required; applications; issuance or denial.

- (a) No person shall stage, promote, or conduct any musical or entertainment festival(s) in the unincorporated areas of the County unless they have first obtained from the Smyth County Board of Supervisors (herein referred to as Board) a special entertainment permit for such festival(s).
- (b) Application for an annual musical or entertainment festival(s) required by this section shall be in writing on forms provided and filed in duplicate with the County Administrator (herein referred to as Administrator), or his designee, by the last business day of the month of February or at least sixty (60) days prior to the first date of such festival(s). Such applications shall have attached thereto and made a part thereof the plans, statements, approvals and other documents required by this article.
- (c) The board shall act on applications for permit under this article within forty-five (45) days from the filing of such applications, and shall issue a permit if the requirements of this article are met. If granted, the permit shall be issued in writing on a form for such purpose and mailed by the Administrator, or his designee, 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, or his designee, to the applicant at the address indicated. (Code 1978, § 3-13)

Sec. 6-79. Same—Conditions on issuance.

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:

- (1) *Promoters and backers.* A statement of the names and addresses of the promoters of the festival(s), and the financial backing of the festival(s).

- (2) *Location and Site Plan.* A statement of the location of the proposed festival(s), the name(s) and address(es) of the owner(s) of the property on which such festival(s) is to be held, and the nature and interest of the applicant therein. The Site Plan may be an applicant prepared sketch and shall include the following items:
- a. Dimensions of site, including length, width, and total size.
 - b. Location of the lot or parcel by vicinity map. The Site Plan shall also contain a north arrow, original date, revision dates, and graphical scale.
 - c. Property lines of the proposed festival(s). If only a portion of the property is proposed for the festival(s), a "Limits of Festival(s)" shall also be shown.
 - d. The name and address of the property owner of the site, if different than the applicant.
 - e. The tax parcel number(s) of the parcels proposed for the festival(s).
 - f. The names, route numbers, locations, and dimensions of existing public or private streets, alleys, and rights of way shall be shown. Any proposed rights of way for said festival(s) shall also be shown.
 - g. The location, type, and size of site access points such as driveways, curb openings, and crossovers. If existing cuts will serve the site they shall be shown. If new median cuts are proposed, their locations shall also be shown.
 - h. The location of buildings or structures existing or proposed for the site, including the distance between buildings or structures.
 - i. Location and design of all existing and proposed utilities, including water, sanitation, and electrical service.
 - j. The location of any proposed bugger yards, screening, and fencing.
 - k. A statement by the applicant that the site plan for said festival(s) will be built according to the plan.
 - l. Any additional information requested by the Administrator or the Board.
- (3) *Plans.* The following plans shall be submitted by the applicant to the agencies referenced below and said agencies approvals forwarded to the Administrator, or his designee, ten (10) days prior to the public hearing.
- a. *Sanitation facilities, garbage, trash and, sewage disposal.* 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 Smyth County Health Department.
 - b. *Food, water and lodging.* 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 Smyth County Health Department.

- c. *Medical facilities.* A plan for adequate medical facilities for persons at the festival, approved by the Smyth County Health Department.
 - d. *Parking, crowd and traffic control.* A plan for adequate parking facilities and traffic control in and around the festival area, approved by the Smyth County Sheriff's Office.
 - e. *Fire protection.* A plan for adequate fire protection. This plan shall meet the requirements of all state and local statutes, ordinances and regulations, and if applicable shall be approved by the Virginia Department of Forestry.
 - f. *Tickets.* The applicant is to provide a statement containing 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.
- (4) *Lighting.* 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.
- (5) *Loud music.* 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) *Administration and Public Notice:* The Administrator, or his designee, is responsible for receiving each application for Annual Musical or Entertainment Festival(s), and processing those application(s) as provided for in other Articles of this Chapter, including meeting the public notice requirements contained in §15.2-2204 of the Code of Virginia.
- (7) *Fee.* A non-refundable fee in the amount of \$75.00 shall be paid with each application.
- (8) *A Certificate of Liability Insurance* shall be submitted signifying the Board as "Certificate Holder" in the amount of, not less than, One Million Dollars (\$1,000,000.00) and shall cover medical pay. The date(s) of the festival(s) shall be within the effective dates of the Certificate of Liability Insurance. A copy of said Certificate shall be furnished to the Board with all other documentation before approval will be obtained by the applicant.
(Code 1978, § 3-14)
- (9) *Failure to Comply.* Failure of the applicant to comply with the requirements of this Section 6-79 shall result in the application being returned to the applicant without any action by the Administrator, or his designee, or the Board.

Sec. 6-80. Hours of performances.

Music shall not be rendered nor entertainment provided at any festival permitted under this article for more than 12 hours in any 24-hour period, such 24-hour periods to be measured from the beginning of the first performance at such festival. No music shall be rendered between the hours of 12:00 midnight and 8:00 a.m.
(Code 1978, § 3-15)

Sec. 6-81. Inspections of premises.

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 reasonable time for the purpose of determining compliance with the provisions of this article.

(Code 1978, § 3-16)

Sec. 6-82. Revocation of permits.

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

(Code 1978, § 3-17)

Sec. 6-83. Exemption of churches, schools, civic organizations from application fee and bond.

The application fee and bond provided for in this article shall not be payable by established Churches, chartered civic organizations or public schools; provided, that all other provisions of this article shall be fully enforceable.

(Code 1978, § 3-18)

Sec. 6-84. Construction of article.

The provisions of this article shall be liberally construed in order to effectively carry out the purpose of this article in the interest of the public health, welfare and safety of the citizens and residents of the County.

(Code 1978, § 3-19)

Sec. 6-85. Penalties; remedies.

- (a) Any person who violates any provision of this article shall be guilty of a Class 3 Misdemeanor. Each such violation shall constitute a separate offense.
- (b) The board may bring suit in the Circuit Court or other court of competent jurisdiction to restrain, enjoin, or otherwise prevent the violation of this article.

(Code 1978, § 3-20)

Sec. 6-86. Appeals.

Any action taken by the Board on a decision regarding the granting or denial of an Annual Musical or Entertainment Festival(s) permit(s) may be appealed by filing within thirty (30) days of the decision with the Circuit Court of Smyth County.

Sec. 6-87. Conditions.

In authorizing a permit(s) for an Annual Musical or Entertainment Festival(s) provided for in this Article, the Board may impose specific conditions as necessary to assure compliance with the standards set forth in Article III. Such conditions may include, but are not limited to: dust control, prohibition and/or regulations of signs.

Secs. 6-88—6-105. Reserved.