

CHAPTER 10.1
OUTDOOR EVENTS.

Sec. 10.1-1. Basis, purpose and intent.

This ordinance is enacted pursuant to section 4.01(9) of the Town Charter and §15.2-1102 of the Code of Virginia for the purpose of providing necessary regulation for the holding of outdoor gatherings, musical events and entertainment festivals. The purpose of this ordinance is to promote public safety and to ensure that peace and quiet is maintained in the various neighborhoods of the Town of Amherst. To meet these goals, it is critical that the timing for infrequent and potentially disruptive events be communicated to the appropriate Town officers and that an appropriate management plan be followed to ensure a successful event. This ordinance shall not infringe on any person's right to free speech or assembly and shall therefore not affect bona fide protests or picketing.

This ordinance is not intended to regulate parades on public streets; such parades are regulated by VDOT.

This ordinance is intended to supplement the requirements of Chapter 18.1, Zoning and Subdivision; Section 8-63, (Business) License requirement; Section 8-69(6) Rates of license tax; and Section 10-110 Noise.

Sec. 10.1-2. Definition.

For the purpose of this chapter, the words "outdoor event" shall mean any public gathering, event, attraction, festival, or show at which rides, games or attractions or music, dance, or other performing arts are provided by professional or amateur performers or by prerecorded means and which is held at any place other than on public property or in a permanent installation, which permanent installation has been constructed so that it can be used for the holding of such activities, to which members of the public are invited or admitted for a charge or free of charge and which is attended by more than 100 persons.

Sec. 10.1-3. Permit required.

No person shall stage, promote, advertise or hold any outdoor event as defined in this ordinance unless a permit has first been obtained from the Town Council for such an event. However, activities that take place on public property shall not be required to obtain a permit from the Town Council if otherwise permitted by the public agency that owns the property provided the reimbursement requirement for the Town's expenses (i.e. extra police service) met.

Sec. 10.1-4. Application for permit.

(a) Written application for a permit to hold an outdoor event shall be made to the police chief or his designee. The application shall be submitted at least 90 days prior to the date upon which the event is to be held. Such application shall be on the proposer's stationery and shall contain information as required herein

AMHERST TOWN CODE

and shall have attached thereto plans, documents, approvals and other material required by this chapter.

(b) The permit application fee for an outdoor event shall be as follows:

For carnivals, circuses and speedways, the permit application fee shall be as prescribed in Section 8-69.1(6) of the Town Code. For other outdoor events, the fee shall be \$100 for each day of the event held in the Town of Amherst. However, when such outdoor events are sponsored by civic or charitable groups and no company or contract promoter is involved, the fee may be waived by the Town Council provided if all other requirements of the ordinance have been met.

Sec. 10.1-5. Action on applications.

Upon receipt of a completed application for a permit, the police chief shall make a recommendation to the Town Council as to whether it should approve or deny the application within 30 calendar days and give such applicant written notice of the recommendation; provided, however, the police chief may extend such period of time if the applicant agrees to an extension. Following is the time line for the application process:

(a) Upon receipt of the completed application for a permit, the application will be sent to reviewing agencies within five calendar days;

(b) The reviewing agencies shall complete their review and return to the police chief;

(c) The police chief shall make a written recommendation to the Town Council as to whether it should approve or deny the application within 30 calendar days of the receipt of the original completed application and give such applicant written notice of the recommendation; provided, however, the police chief may extend such period of time if the applicant agrees to an extension.

(d) The Town Council shall grant the permit, grant the permit with conditions, or deny the permit within 45 calendar days and give such applicant written notice of the decision. If the application for permit is denied, the applicant may appeal the decision to the Circuit Court for the County of Amherst within ten calendar days of receipt of the notice of appeal. In approving a permit, the Town Council may set conditions or standards to protect the health, safety, welfare and property of persons attending the event and the citizenry in general.

The Town Council shall authorize the issuance of a permit for an outdoor event if it finds:

(a) That the outdoor event will be held at a location which complies with and meets all of the health, zoning, fire and safety requirements and standards of the laws of the state and ordinances of the Town applicable thereto; and

(b) That the information and documents required by this chapter have been filed with the police chief; and

(c) It appears the proposed outdoor event will be conducted in full accord with all requirements of this chapter and will not substantially jeopardize, adversely affect, endanger or otherwise constitute a menace to the public health, safety or general welfare of the residents of the Town.

Sec. 10.1-6. Conditions precedent to granting of permit; plans, statements, approvals, etc., to accompany application for permit.

AMHERST TOWN CODE

No permit shall be issued under this chapter unless the following conditions are met and the following plans, statements and approvals are submitted to the police chief with the application:

(a) *Hours of operation.* Unless specifically approved by the Town Council, no stage presentation, music, dance, or other performing arts shall take place at an outdoor event between the hours of 11:00 p.m. and 9:00 a.m. and no activity involving the use of any means of sound amplification shall be permitted between the hours of 10:00 p.m. and 7:00 a.m.

(b) *Admission by ticket only.* The applicant under this ordinance shall not admit, and shall prevent the entrance to the premises on which the outdoor event is held, any person who does not possess a ticket, except a peace officer or other public official in the performance of his duties. The permittee shall not sell, give or distribute a greater number of tickets than the number that the permit allows to attend. The permittee shall not admit any persons to an outdoor event if such admission would result in a greater number of persons present than allowed by the permit.

(d) *Water supply.* The applicant shall provide an ample supply of potable water for drinking and sanitation purposes on the premises of the outdoor event. The location and type of water facilities on the premises shall be approved by the health department prior to the issuance of a permit under this chapter.

(e) *Toilet and/or lavatory facilities.* The applicant shall provide a statement and plan concerning adequate toilet and/or lavatory facilities. A description of the type (flush type or portable chemical) and number of toilets available shall be provided. The toilet and/or lavatory facilities plan shall be approved by the health department prior to the issuance of a permit under this chapter.

(f) *Waste management.* The pickup and removal of refuse, trash, garbage and rubbish from the site of an outdoor event shall be at least once a day and more often if required by the health department. Removal of all trash and refuse shall be at the permittee's expense. The applicant shall clean up the premises and remove all trash and debris therefrom within 48 hours after the conclusion of the event. A security bond or certified check in a total amount of \$5,000.00 shall be required if attendance is expected to exceed 1,000 persons. An additional amount of \$500.00 shall be required for each additional 500 persons over 1,000.

(f) *Medical facilities.* Adequate medical facilities shall be provided as required by the department of public health and the Amherst County Department of Public Safety.

(g) *Fire protection.* The applicant shall provide a plan for adequate fire protection as approved by the chief of the Amherst Volunteer Fire Department. Fire protection shall be provided at the applicant's own expense.

(h) *Traffic and parking control.* The applicant shall provide adequate ingress and egress to the outdoor event premises. Adequate parking shall also be provided. The chief of police shall have the authority to approve the traffic control and parking plans.

(h) *Security.* At least one off-duty Town of Amherst policeman for each 200 attendees approved in the permit, but in no event less than two, shall be in attendance during all performances. In lieu of off-duty Town policemen, the applicant may propose a security plan involving a bona fide professional security company and/or off duty law enforcement officers. The chief of police shall have the authority to approve such security

AMHERST TOWN CODE

plan and the applicant shall bear the costs thereof.

(j) *Food.* A plan approved by the health department for the adequate provision and handling of food shall be provided.

(k) *Illumination.* A statement shall be provided 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 event is located.

(l) *Noise.* Noise levels resulting from the event shall not be unreasonably audible beyond the property on which the event is held. The applicant shall submit a written statement specifying the expected noise level at the perimeter of the property pursuant to Sec. 10-110 of the Town Code.

(m) *Communication system.* If the premises are without a phone, the applicant shall make arrangements, approved by the Amherst County Public Safety Department, for other means of communication.

(n) *Promoters, liability insurance.* The applicant shall provide evidence of liability insurance of not less than \$1 million dollars as approved by the Town Attorney. The certificate of insurance shall show the date(s) of the event and the Town of Amherst as a certificate holder of the policy.

(o) *Dates and hours of event.* The applicant shall provide the date or dates and hours during which the outdoor event is to be conducted, together with an estimate or schedule of the dates and hours of performances, entertainments or other events.

(p) *Type and nature of event.* The applicant shall provide a description of the event and the type and nature of the performances, entertainment or floor shows, together with the names of the expected performers.

(q) *Authority.* The applicant shall furnish a signed statement from the owner of the property on which the event is to be to confirm that the owner has given permission for the specific event to be held.

(r) *Site plan.* The applicant shall furnish a site plan showing:

- (1) The areas for performances or activities and grandstands or seats, showing the location of all aisles for pedestrian travel and other crowd-control measures.
- (2) All physical facilities existing or to be constructed on the premises, including, but not limited to, fences, ticket booths, grandstands and stages.
- (3) The location, capacity and nature of all temporary lighting, sound and public address facilities.
- (4) The location, capacity and nature of all temporary water, toilet and all other public health-related facilities.
- (5) Vehicle ingress, egress and parking plan to include emergency vehicle access.

Sec. 10.1-7. Applicant may be required to meet additional conditions.

(a) Any applicant for a permit required by this chapter may be required to meet any conditions, in addition to those specified in this chapter prior to receiving a permit to conduct an outdoor event, which are deemed by the Town Council to protect the health, safety, and general welfare of the persons attending such event, or the public in general. All expenses incurred in meeting these conditions will be borne by the

applicant.

(b) If the outdoor event results in the need for Town services at levels beyond what is usual and customary, the applicant shall bear the costs thereof and pay the estimates therefore in advance of the event. The Treasurer shall invoice the applicant for services not paid for in advance or return unused monies if the advance is not used to cover the Town's expenses. However, the Town Council may waive such assessments if it is determined that the applicant is a nonprofit institution and the event is being staged for the recreational enjoyment of the residents of the Town of Amherst.

Sec. 10.1-8. Permit not transferrable.

No permit issued under the provisions of this ordinance shall be transferrable.

Sec. 10.1-9. Revocation of permit.

Any violation of one or more of the requirements of this chapter or any violation of one or more of the terms and conditions of a permit issued hereunder shall be grounds for immediate revocation of the permit by the Police Chief. Upon revocation of the permit, the permittee shall immediately terminate the event and provide for orderly dispersal of those in attendance.

The violation of any provision of this chapter shall constitute a Class II misdemeanor.

(Adopted June 30, 2003)