



COUNTY OF FREDERICK

**Roderick B. Williams**  
County Attorney

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**MEMORANDUM**

TO: Code & Ordinance Committee  
FROM: Roderick B. Williams, County Attorney  
DATE: September 8, 2020  
RE: Committee Meeting – September 14, 2020

Please be advised that the Code & Ordinance Committee will meet on **Monday, September 14, 2020, at 4:00 p.m., in the First Floor Conference Room of the County Administration Building, 107 North Kent Street, Winchester, Virginia.** The proposed agenda for the meeting is as follows:

1. Adoption of agenda.
2. Proposed revision to County Code Chapter 158 (Vehicles and Traffic), to add a new Section 155-18.1, to designate the roads and streets within the Lake Frederick (Shenandoah) Subdivision as highways for law enforcement purposes.

Explanatory materials re this item and a draft of the revision, addressed to Public Safety Committee, are attached as **Attachment 1**. The Public Safety Committee, at its meeting on August 20, 2020, recommended forwarding the item to this Committee. A recommendation to the Board of Supervisors on the proposed revised ordinance is respectfully requested.

3. Proposed revision to County Code Chapter 86 (Festivals).

Explanatory materials re this item and a draft of the revision are attached as **Attachment 2**. A recommendation to the Board of Supervisors on the proposed revised ordinance is respectfully requested.

4. Any other business.
5. Adjournment.

Attachments

# Code & Ordinance Committee Agenda 9-14-20 - Attachment 1



COUNTY OF FREDERICK

**Roderick B. Williams**  
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## MEMORANDUM

TO: Public Safety Committee

FROM: Roderick B. Williams  
County Attorney

DATE: February 22, 2020

RE: Lake Frederick (Shenandoah) Subdivision – Designation of private roads and streets as highways for law enforcement purposes

The County has received a request for the private roads and streets in the Lake Frederick (Shenandoah) Subdivision to be designated as highways for law enforcement purposes. The significance of this designation, if approved, is that, at present, because the roads are private, law enforcement officers do not have authority to issue summonses for routine traffic offenses (such as for speeding, stop signs, and the like) on those roads.<sup>1</sup> Virginia Code § 46.2-1307 (copy attached) provides, however, that a locality may designate the private roads within any residential development containing 100 or more lots or residential dwelling units, as highways for law enforcement purposes. The Lake Frederick (Shenandoah) Subdivision contains 100 or more residential dwelling units.

Attached is a proposed ordinance that would designate the private roads and streets in the Lake Frederick (Shenandoah) Subdivision as highways for law enforcement purposes, consistent with the authorization under Virginia Code § 46.2-1307. The language in proposed County Code § 155-18.1 is identical to that in County Code §§ 158-16 and 158-18, relative to the Shawneeland and Lake Holiday Subdivisions, respectively. Committee action on the proposed ordinance is requested. If the Committee is favorably disposed to the proposed ordinance, referral to the Code & Ordinance Committee would be appropriate.

Attachments

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<sup>1</sup> Serious traffic offenses, such as reckless driving and driving under the influence, are misdemeanors under Virginia law and, as a result, these offenses may be prosecuted irrespective of whether the conduct takes place on public roads or on private property. As long as an individual is in the act of operating a motor vehicle and his conduct otherwise meets the elements of the offense, the offense may be charged.

## § 46.2-1307. Designation of private roads as highways for law-enforcement purposes

The governing body of any county, city, or town may adopt ordinances designating the private roads, within any residential development containing 100 or more lots or residential dwelling units, as highways for law-enforcement purposes. Such ordinance may also provide for certification of road signs and speed limits by private licensed professional engineers using criteria developed by the Commissioner of Highways, and, for law-enforcement purposes, such certification shall have the same effect as if certified by the Commissioner of Highways.

1979, c. 100, § 46.1-181.5; 1987, c. 152; 1989, c. 727; 2007, cc. [74](#), [187](#), [310](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.



**ORDINANCE**  
**\_\_\_\_\_, 2020**

The Board of Supervisors of Frederick County, Virginia hereby ordains that Section 158-18.1 of Article IV (Law Enforcement of Private Roads and Streets) of Chapter 158 (Vehicles and Traffic) of the Code of Frederick County, Virginia be, and the same hereby is, enacted, to read as follows and to take effect immediately:

**CHAPTER 158 VEHICLES AND TRAFFIC**

**Article IV Law Enforcement of Private Roads and Streets**

**§158-18.1 General restrictions**

- A. The private roads and streets in the subdivision known as "Lake Frederick", also known as "Shenandoah", shall be designated as highways for law enforcement purposes only.
- B. Certification of road signs and speed limits by private licensed professional engineers using criteria developed by the Commonwealth Transportation Commissioner shall be permitted, and, for law enforcement purposes, such certification shall have the same effect as if certified by the Commonwealth Transportation Commissioner.

Enacted this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Charles S. DeHaven, Jr., Chairman	_____	Shawn L. Graber	_____
J. Douglas McCarthy	_____	Robert W. Wells	_____
Blaine P. Dunn	_____	Gene E. Fisher	_____
Judith McCann-Slaughter	_____		

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Kris C. Tierney  
Clerk, Board of Supervisors  
County of Frederick, Virginia

# Code & Ordinance Committee Agenda 9-14-20 - Attachment 2



COUNTY OF FREDERICK

**Roderick B. Williams**  
County Attorney

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## MEMORANDUM

TO: Code & Ordinance Committee

FROM: Roderick B. Williams, County Attorney

DATE: August 18, 2020

RE: County Code, Chapter 86 – Festivals/Commercial Outdoor Events

County Administration, Planning staff, and I have worked over the past several months on revisions to the County's current festival ordinance, Chapter 86 of the County Code, in an effort to have the ordinance best meet the objective of effectively regulating large outdoor gatherings and, at the same time, best relate to corresponding provisions of the Zoning Ordinance. Attached is a proposed revised ordinance that we have developed, for the Committee's consideration.

A key change in the proposed revised ordinance is a change in the definition of the type of events that the ordinance would cover. At present, the ordinance applies to any "musical or entertainment festival or festival":

Any gathering of more than 100 individuals or of a commercial nature, if either is for the purpose of listening to or participating in entertainment which consists primarily of musical renditions conducted outdoors, not within an enclosed structure. Such activities shall be deemed commercial when a business license is obtained or is required to be obtained, or, if a business license is not required, when a charge is imposed for admission to or in connection with the activity.

As proposed, the ordinance would apply to any "commercial outdoor event":

An activity, at a specific outdoor location, which is open to the public, where admission is charged or where donations are accepted, and which event will have more than 100 persons in attendance at any given time.

The new definition attempts to simplify ascertainment of what constitutes a covered event. Along these lines, the proposal revised ordinance changes the term, and the title of the Chapter, from “Festivals” to the more generic “Commercial Outdoor Events”. The new definition also removes the requirement that the event be “entertainment” and that the same “consists primarily of musical renditions”. Many of the health and safety concerns related to gatherings are present irrespective of whether the music is a primary focus of the event. In addition, the definition moves away from reliance on business license references and instead simply covers events if admission is charged or donations are accepted.

The proposed revised ordinance also makes clear that the intent of permits under the ordinance is to accommodate one-time events. Recurring events likely require a conditional use permit under the zoning ordinance (or perhaps even a rezoning) and the proposed revised ordinance recognizes that.

Finally, the proposed revised ordinance would shift administration of the ordinance from the County Administrator’s Office to the Planning Department. This is in light of the fact that much of the analysis related to the appropriateness of a permit under the ordinance entails the same considerations as are relevant to land use matters (such as rezonings and conditional use permits). The Planning Department, of course, is best equipped to provide that analysis.

Also attached for reference are a proposed permit application form and a copy of the current ordinance. A recommendation to the Board of Supervisors on the proposed revised ordinance is respectfully requested.

Attachments:

- Proposed revised ordinance
- Proposed permit application form
- Current ordinance



**ORDINANCE**  
**\_\_\_\_\_, 2020**

The Board of Supervisors of Frederick County, Virginia hereby ordains that Chapter 86 (Festivals) of the Code of Frederick County, Virginia be, and the same hereby is, amended in its entirety, to read as follows and to take effect immediately:

**CHAPTER 86 COMMERCIAL OUTDOOR EVENTS**

**§ 86-1 Purpose.**

This chapter is enacted pursuant to § 15.2-1200 of the Code of Virginia, in the interests of the public health, safety and welfare of the citizens and inhabitants of the County, for the purpose of providing necessary regulation for the conducting of commercial outdoor events, as defined in this Chapter. This chapter is intended to accommodate one-time events and shall not replace the requirements of Chapter 165, Zoning, regarding uses that are permitted with a conditional use permit.

**§ 86-2 Definitions.**

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

BOARD – The Board of Supervisors of the County of Frederick, Virginia.

COUNTY – The County of Frederick, in the State of Virginia.

COMMERCIAL OUTDOOR EVENT – An activity, at a specific outdoor location, which is open to the public, where admission is charged or where donations are accepted, and which event will have more than 100 persons in attendance at any given time.

**§ 86-3 Permit required; exemptions; application; issuance or denial; fee.**

A. No person, group, firm, corporation, partnership, or entity shall host, stage, promote or conduct any commercial outdoor event in the unincorporated areas of the County without first obtaining a permit from the County. For the purposes of this chapter, the following are not considered commercial outdoor events and are exempt from the permit requirements:

1. Activities or events held outdoors that are agritourism related as defined by the Code of Virginia.
  2. Activities or events held at the Frederick County Fairground.
  3. Activities or events that are held and/or sponsored by Frederick County Parks and Recreation or Frederick County Public Schools.
  4. Drive-in motion picture theaters, if permitted on the property according to the allowed uses for the particular zoning district or as an allowed preexisting use under Section 165-901.01 of the Zoning Ordinance.
- B. The submittal, review, approval and/or denial of any permit shall be subject to the following:
1. Permits for commercial outdoor events are subject to approval by the Board of Supervisors, pursuant to § 15.2-1427 of the Code of Virginia, 1950, as amended.
  2. An application for such permit shall be filed with the Department of Planning and Development at least 30 days before the date of such event. Such application shall include all information specified in the application before it will be scheduled for consideration.
  3. In granting a permit, the Board of Supervisors may impose restrictions, including but not limited to restrictions on number of attendees at the festival/event, days and dates of the event, and times of event, as deemed appropriate.
  4. If granted, the permit shall be issued in writing and mailed by the Department of Planning and Development to the applicant at the address indicated in the application. If denied, the refusal shall be in writing, and the reasons for such denial stated therein, and mailed by the Department of Planning and Development to the applicant at the address indicated.

**§ 86-4 Limit on music and entertainment.**

- A. No outdoor music shall be permitted after 10:00 pm Sunday through Thursday, after 11:00 pm Friday and Saturday, nor before 9:00 am on any day.
- B. Music shall not be played, either by mechanical device or live performance, in such a manner that the sound emanating therefrom exceeds 60 decibels at any property line where the adjacent use is residential or 75 decibels at any other property line of the property on which the commercial outdoor event is located.

**§ 86-5 Access, enforcement, and revocation.**

- A. The applicant and/or property owner shall authorize the County and its lawful agents, employees, designees or law enforcement officers to enter the property



upon which the event will be held at any time prior to or during event for the purpose of determining compliance with all applicable regulations.

- B. The Building Official, and/or his agents, shall inspect for approval all temporary structures, tents, seating and stage facilities erected on an event site and all electrical and lighting installations, power sources, and electrical wiring at such site.
- C. The County shall have the right to revoke any permit issued under this chapter upon noncompliance with any of its provisions and conditions. If revoked, the event must be cancelled, and all activities must be terminated immediately.
- D. In addition to any penalties imposed on the violation of any provision of this chapter, the County may bring suit in the Circuit Court of the County to restrain, enjoin or otherwise prevent violation of this chapter.

**§ 86-6 Fees.**

Any person seeking to apply for a commercial outdoor event permit shall submit a fee in the amount of \$\_\_\_\_\_, made payable to the Treasurer of Frederick County.

**§ 86-7 Violations and penalties.**

Any person, group, firm, corporation, partnership or entity who violates any of the provisions of this chapter shall, upon conviction, be subject to punishment by a maximum fine of \$2,500 or by imprisonment for not more than 12 months, or both such fine and imprisonment.

Enacted this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Charles S. DeHaven, Jr., Chairman	_____	Shawn L. Graber	_____
J. Douglas McCarthy	_____	Robert W. Wells	_____
Blaine P. Dunn	_____	Gene E. Fisher	_____
Judith McCann-Slaughter	_____		

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Kris C. Tierney  
 Clerk, Board of Supervisors  
 County of Frederick, Virginia



County of Frederick County  
Department of Planning and Development  
107 N. Kent Street, Winchester VA 22601  
(540) 665-5651

<https://www.fcva.us/departments/planning-development>

## **APPLICATION PACKAGE FOR A COMMERCIAL OUTDOOR EVENT**

### **When do you need a Commercial Outdoor Event Permit?**

Submission and approval of an application for a commercial outdoor event is required for any one-time commercial activity, at a specific outdoor location, which is open to the public, where admission is charged or where donations are accepted, and which event will have more than 100 persons in attendance at any given time.

### **When do I need to apply?**

Applications must be submitted at least four (4) weeks prior to the event start date. Applications for commercial outdoor events are subject to approval by the Board of Supervisors and must have a public hearing. Once the Department of Planning and Development has received a completed application package the event will be scheduled for review by the Board at their next scheduled meeting.

### **What do I need to submit?**

The applicant must submit a completed application (see pages 2-3 of this package) and must provide all information specified in the Application Submission Checklist (see pages 4-5 of this package). An event application will not be scheduled for review by the Board of Supervisors until it is complete.

### **Information Applicants Should Be Aware Of:**

- Events should not be promoted or set up prior to approval and issuance of the permit.
- Separate permits may be required by other agencies such as the Virginia Department of Health (VDH) pertaining to food services or the Frederick County Inspections Department of tent or stage permits. Approval of an event applicant does not exempt you from obtaining other applicable permits. Please call VDH at (540) 722-3480 and Inspections at (540) 665-5650 for further information.
- Business licenses and vendor permits may be required by the Frederick County Commissioner of the Revenue. Please contact this office at (540) 665-5681 prior to commencing any approved event.

***Please contact the Department of Planning and Development should you have questions regarding the application process at (540) 665-5651.***

Please complete the following application and return to the Department of Planning and Development. All information specified under the application checklist must be provided for this submission to be deemed complete and acceptable.

**1. Applicant Information (promoter/financial backer of the event):**

**Applicant Name:** \_\_\_\_\_

**Specific Contact Person if Other than Above:** \_\_\_\_\_

**Mailing Address:** \_\_\_\_\_

**Telephone:** \_\_\_\_\_ **Email:** \_\_\_\_\_

**2. Event Information:**

**Event Name and Type of Event:** \_\_\_\_\_

**Address and Location** - Provide where the property is located at (give street address(es) if assigned or otherwise exact location based on nearest road and distance from nearest intersection, using road names and route numbers):

\_\_\_\_\_  
\_\_\_\_\_

**Property Identification Number(s):** \_\_\_\_\_

**Magisterial District(s):** \_\_\_\_\_

**Size of the Property (acreage):** \_\_\_\_\_

**Current Use of Property:** \_\_\_\_\_

**Event Dates and Times:** \_\_\_\_\_

**Expected Number of Attendees:** \_\_\_\_\_

**Maximum Number of Attendees that will be Allowed:** \_\_\_\_\_

**Written Narrative:** Please attach a separate document that provides a written narrative with an overview of the requested commercial outdoor event (please see the application checklist for required information).

**Applicant Signature Required:**

I (we), the undersigned, do hereby respectfully make application to the Frederick County Board of Supervisors to approve the requested Commercial Outdoor Event Permit. I (we) authorize Frederick County officials to enter the property for site inspection purposes.

I (we) hereby certify that this application and its accompanying materials are true and accurate to the best of my (our) knowledge.

As the owner and/or acting legal representative for the owner, I understand that I shall be responsible and made liable if the regulations of Chapter 86 of the Code of Frederick County are violated or if any requirements specified in this application and checklist are not adhered to.

**Property Owner Signature:**

Owner: \_\_\_\_\_ Date \_\_\_\_\_

If signing on behalf of an entity, please state name of entity and your title: \_\_\_\_\_

Owner: \_\_\_\_\_ Date \_\_\_\_\_

If signing on behalf of an entity, please state name of entity and your title: \_\_\_\_\_

Other Applicant Party (if any): \_\_\_\_\_ Date \_\_\_\_\_

If signing on behalf of an entity, please state name of entity and your title: \_\_\_\_\_

State of Virginia, City/County of \_\_\_\_\_, To-wit:

I, \_\_\_\_\_, a Notary Public in and for the jurisdiction aforesaid, certify that the person(s) who signed to the foregoing instrument personally appeared before me and has acknowledged the same before me in the jurisdiction aforesaid this \_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_ My Commission Expires: \_\_\_\_\_  
Notary Public

***If additional signature lines are necessary, such as if more than two persons are owners, please use additional copies of this page.***

## COMMERCIAL OUTDOOR EVENT - APPLICATION SUBMISSION CHECKLIST

*\*Please note that all sections must be completed and provided prior to your permit being scheduled for review by the Board of Supervisors.*

\_\_\_\_\_ **Completed Application Form** – See Pages 2-3

\_\_\_\_\_ **Application Fee** - payable to the Treasurer of Frederick County.

\_\_\_\_\_ **Written Narrative** of the proposed event. The written narrative is a description of the proposed event. The applicant must outline the following:

- Overview and description of the event
- Information about hours and dates of the activity
- Estimate of the number of persons expected to be in attendance for each day
- Temporary structures (such as stage, platform, tent, ramp) planned for the event. Please note that building permits may be required for these structures
- Confirmation from the Frederick County Commissioner of Revenue regarding any required business licenses
- Names of all persons or groups who will perform at the event – indicate if there will be amplified music
- Indicate if any overnight camping is planned for the event

\_\_\_\_\_ **Restroom Facilities and Garbage/Trash Collection** - This plan must meet the requirements of all state and local statutes, ordinances and regulations, and must be approved by the Virginia Department of Health (Lord Fairfax Health District). If portable restrooms are to be used, an executed contract from a company providing this service must be provided.

\_\_\_\_\_ **Event Access.** A statement signed by the applicant and property owner which authorizes the County and its lawful agents, employees, designees or law enforcement officers to enter the property upon which the event will be held at any time prior to or during the event for the purpose of determining compliance with all applicable regulations.

\_\_\_\_\_ **Emergency Services.** A plan for adequate emergency medical service for persons at the event must be approved by the Fire Marshal and the local fire and rescue company.

\_\_\_\_\_ **Fire Protection.** A plan for adequate fire protection for the event must be approved by the Fire Marshal and the local fire and rescue company.

\_\_\_\_\_ **On-site Food Preparation and/or Service.** A be approved by the Virginia Department of Health (Lord Fairfax Health District).

\_\_\_\_\_ **Permit for Alcoholic Beverages.** Provide a copy of the approved Virginia Alcoholic

Beverage Control permit if alcoholic beverages will be served.

\_\_\_\_\_ **Traffic and Parking.** Provide a plan that identifies adequate parking areas/facilities and a plan for traffic control at the event entrance. If access control is proposed to be provided by the Sheriff's Department, provide an agreement to this effect.

\_\_\_\_\_ **Event Lighting.** If temporary outdoor lighting is proposed for the event, a detail of the proposed light as well as a diagram that shows the location of each light and shielding devices or other equipment to prevent unreasonable glow beyond the property must be provided.

\_\_\_\_\_ **Event Music - Volume.** A statement that no music shall be played, either by mechanical device or live performance, in such a manner that the sound emanating therefrom exceeds 60 decibels at any property line where the adjacent use is residential and 75 decibels at any property for all other uses.

\_\_\_\_\_ **Event Music - Hours.** No outdoor music shall be played after 10:00 pm Sunday through Thursday, after 11:00 pm Friday and Saturday, nor before 9:00 am on any day.

\_\_\_\_\_ **Notarized Authorization** from the property owner or agent indicating consent by the owner(s) for use of the property and related parking for the event (Please see sheet 3).

Frederick County, VA  
Sunday, August 16, 2020

## Chapter 86. Festivals

[HISTORY: Adopted by the Board of Supervisors of the County of Frederick 9-12-1984 as Ch. 4, Art. II, of the 1984 Frederick County Code; amended in its entirety 7-28-2010. Subsequent amendments noted where applicable.]

### **GENERAL REFERENCES**

Disorderly conduct — See Ch. 72.

### § 86-1. Purpose.

This chapter is enacted pursuant to § 15.2-1200 of the Code of Virginia, in the interests of the public health, safety and welfare of the citizens and inhabitants of the County, for the purpose of providing necessary regulation for the conducting of musical or entertainment festivals conducted outdoors 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 outdoors not within an enclosed structure.

### § 86-2. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

#### **BOARD**

The Board of Supervisors of the County.

#### **MUSICAL OR ENTERTAINMENT FESTIVAL or FESTIVAL**

Any gathering of more than 100 individuals or of a commercial nature, if either is for the purpose of listening to or participating in entertainment which consists primarily of musical renditions conducted outdoors, not within an enclosed structure. Such activities shall be deemed commercial when a business license is obtained or is required to be obtained, or, if a business license is not required, when a charge is imposed for admission to or in connection with the activity.

### § 86-3. Permit required; application; issuance or denial; fee.

- A. No person, group, firm, corporation, partnership, or entity shall stage, promote or conduct any musical or entertainment festival in the unincorporated areas of the County unless there shall have been first obtained from the Board an outdoor festival permit for such festival.
- B. An application for such outdoor festival permit shall be in writing, on the form provided for said purpose, and filed in duplicate with the Clerk of the Board at least 30 days before the date of such festival. Such application shall have attached thereto and made a part thereof the plans, statements, approvals and other documents required by this chapter.
- C. The Board shall act on such application at the next scheduled regular meeting of the Board, provided that the application has been on file with the Clerk to the Board and duly advertised for public hearing pursuant to §§ 15.2-1426 and 15.2-1427 of the Code of Virginia, 1950, as

amended. If granted, the permit shall be issued in writing, in letter or other form for said purpose, and mailed by the Clerk to the applicant at the address indicated in the application. If denied, the refusal shall be in writing, and the reasons for such denial stated therein, and mailed by the Clerk to the applicant at the address indicated.

D. Twelve-month permits.

- (1) Eligibility. The Board may issue a twelve-month permit under this section for multiple commercial festivals at a site which is the subject of an approved site plan and has, at least once previously, been granted a permit pursuant to the provisions of this chapter and satisfactorily complied with the requirements of this chapter with respect to the festival that was the subject of that permit.
- (2) Application. An application for a twelve-month permit shall be considered according to the provisions of § 86-3, except that the application need not contain the information described in § 86-5, provided the following information is submitted to the County Administrator's Office at least seven days prior to each festival or event, or as soon thereafter as such information becomes available: date and time of the festival and anticipated number of attendees. If such information is not submitted, the twelve-month permit shall be null and void as to that particular festival or event.
- (3) Duration. Twelve-month permits shall be issued for the period January 1 to December 31 of the same calendar year, except that, when the application is filed after January 1, the permit shall be effective from the date issued until December 31 of that same year.
- (4) Limitations. In granting a twelve-month permit under this subsection, the Board may limit the number of festivals that the applicant may conduct during the period covered by the twelve-month permit and the Board may also impose such other restrictions, including but not limited to restrictions on number of attendees at each festival, days and dates of festivals, and times of festivals, and deposit requirements, as the Board deems appropriate.

E. Each application for an outdoor festival permit shall be subject to a fee in an amount set by the Board, payable at the time of filing with the Clerk of the Board, to cover the cost of advertising and administrative expenses in connection with the Board's review of the application.

F. This section does not apply to an entertainment or music festival in a facility managed by the Frederick County Parks and Recreation Department, provided that the festival complies with all requirements of the Frederick County Parks and Recreation Department.

## § 86-4. Deposit required.

As a condition to issuance of a permit, the Board may require the applicant to make a deposit with the County Treasurer 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. Such additional County services means any additional County personnel in excess of those regularly available to the music or entertainment festival and may include, but shall not be limited to, additional law enforcement officers for crowd control, traffic control and parking; additional firefighters for fire protection during the festival; and any additional medical or sanitation officers necessary to protect the health, safety and welfare of the persons attending the festival. 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 30 days after the festival. Nothing herein limits such rights as the County may otherwise have under applicable law to seek recovery of damages from the applicant or such other persons responsible for costs and/or damages incurred by the County as a result of the festival or otherwise, in amounts in excess of the deposit, and nothing herein obligates the County to provide any of the additional County services set forth herein.



## § 86-5. Conditions to be met; required submissions.

Such outdoor festival permit shall not be issued unless the following documents, information, plans, statements, and approvals are submitted to the Board with the application and the applicant agrees to comply with conditions reflecting the same:

- A. The location of the festival, as well as the name and address of the owner(s) of the property on which such festival is to be held. The applicant may be required to obtain and submit a statement or other documentation indicating consent by the owner(s) for use of the property and related parking for the festival.
- B. The name and address of the promoter(s) of the festival and the financial backer(s) of the festival.
- C. The names of all persons or groups who will perform at such festival. It may be necessary to supplement or update this information as performers are booked.
- D. A copy of the ticket or badge of admission to the festival, containing the date or dates and time or times of such festival.
- E. The name, date(s), and time(s) of the festival, the maximum number of tickets to be offered for sale for each day of the festival, and the best reasonable estimate by the applicant of the number of persons expected to be in attendance for each day of the festival.
- F. A plan for adequate sanitation facilities and garbage, trash and sewage disposal for persons at the festival. This plan must meet the requirements of all state and local statutes, ordinances and regulations, and must be approved by the Virginia Department of Health (Lord Fairfax Health District).
- G. A plan for providing food, water and lodging for the persons at the festival. This plan must meet the requirements of all state and local statutes, ordinances and regulations, and must be approved by the Virginia Department of Health (Lord Fairfax Health District).
- H. A plan for adequate emergency medical service for persons at the festival, designating by name the rescue squad or commercial ambulance service to be made available. This plan must meet the requirements of all state and local statutes, ordinances and regulations, and must be approved by the Fire Chief of the County and the local fire and rescue company.
- I. A plan for adequate fire protection. This plan must meet the requirements of all state and local statutes, ordinances and regulations, and must be approved by the County Fire Marshal and the local fire and rescue company.
- J. A plan for or a diagram indicating adequate parking facilities and traffic control in and around the festival area.
- K. A statement specifying whether any outdoor lights or lighting will be utilized and, if outdoor lights or lighting will be utilized, a plan or diagram showing the location of:
  - (1) Such lights and their proximity relative to the property boundaries and neighboring properties; and
  - (2) The shielding devices or other equipment to prevent unreasonable glow beyond the property on which the festival is located.
- L. A statement that no music shall be played, either by mechanical device or live performance, in such a manner that the sound emanating therefrom exceeds 73 decibels at any property line of the property on which the festival is located.

- M. A statement specifying whether alcoholic beverages will be served, and, if alcoholic beverages will be served, provide evidence of any applicable Virginia Alcoholic Beverage Control Board permit, which permit shall also be displayed at the festival.

## § 86-6. Limit on music and entertainment.

- A. Music shall not be rendered nor entertainment provided for more than eight hours in any twenty-four-hour period, such twenty-four-hour period to be measured from the beginning of the first performance at the festival.
- B. Music shall not be played, either by mechanical device or live performance, in such a manner that the sound emanating therefrom exceeds 73 decibels at any property line of the property on which the festival is located.

## § 86-7. Age limit for admittance.

No person under the age of 18 years shall be admitted to any festival unless accompanied by a parent or guardian, the parent or guardian to remain with such person at all times. It may be necessary to post signs to this effect.

## § 86-8. Enforcement; revocation.

- A. As part of the application, the applicant shall give permission to the Board, its lawful agents, and/or duly constituted law enforcement officers to go upon the property where the festival is being held at any time for the purpose of determining compliance with the provisions of the County ordinance.
- B. The Chief Building Official, and/or his agents, shall inspect for approval all temporary structures, seating and stage facilities erected on a festival site and all electrical and lighting installations, power sources, and electrical wiring at such site.
- C. The Board shall have the right to revoke any permit issued under this chapter upon noncompliance with any of its provisions and conditions.
- D. In addition to any penalties imposed on the violation of any provision of this chapter, the Board may bring suit in the Circuit Court of the County to restrain, enjoin or otherwise prevent violation of this chapter.

## § 86-9. Violations and penalties.

Any person, group, firm or corporation who violates any of the provisions of this chapter shall, upon conviction, be punishable by a maximum fine of \$2,500 or by imprisonment for not more than 12 months, or both such fine and imprisonment.