



County of Brunswick

OFFICE OF THE PLANNING DIRECTOR

POST OFFICE BOX 399
LAWRENCEVILLE, VA 23868
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Outdoor Musical or Entertainment Festivals Application

Application for a special entertainment permit shall be filed in writing with the County Administrator a minimum of seventy (70) before the date of such event. All applications shall have attached thereto and made a part thereof the plans, statements, approvals and other documents required by Article III of the Code of Brunswick.

Date Submitted _____

Applicant _____	
Mailing Address _____ _____	
Phone # _____	Fax # _____
Property Owner _____	
Mailing Address _____ _____	
Phone # _____	Fax # _____

Name of Event _____
Description of Event _____
Location for Event _____
Date(s) of Event _____
Time for Event _____

Estimated number of people expected to be in attendance _____

If a ticket is required , provide the total number of tickets to be offered for sale _____

Will a donation be requested? _____

Will an admission be charged? _____ If yes how much? _____

Will food be sold? (If yes, please describe) _____

Will alcoholic beverages be sold or permitted? (If yes, please describe) _____

Will goods or services be offered for sale? (If yes, please describe) _____

Are you a tax exempt organization? (If yes, please provide your Federal Tax Exempt I.D. # _____)

The following information ***must*** be submitted with this application:

- _____ A copy of the ticket for sale (if tickets are sold) or a copy of the promotional flyer.
- _____ A plan for total crowd control, which shall be designed to maintain order and prevent spill-over or trespass on adjoining properties not a part of the intended location of the proposed festival, including the number of private security or police personnel to be employed. The plan must be approved by the County Sheriff. The Sheriff shall have the authority to designate and shall designate the minimum number of security personnel required for the event.
- _____ A plan for adequate traffic control for ingress and egress at the site, this plan shall be approved by the office of the state police in the County.
- _____ A plan for adequate sanitation facilities and garbage, trash and sewage disposal for person at the festival.

_____ A plan for adequate medical facilities for persons at the event, and a plan for adequate fire protection, including minimizing potential fire hazards at the site shall be approved by the County Emergency Services Coordinator.

_____ If food is to be provided or sold to persons attending the event, you must obtain approval from the Health Official.

_____ A plan for adequate garbage, trash and litter clean-up and disposal on the site and on adjacent properties and roadways.

_____ Liability insurance coverage with limits of \$100,000.00 per individual and \$500,000.00 for each occurrence. The County shall be named as a coinsured on the insurance policy. The name of the broker or agent shall be furnished.

_____ Written permission for the Board of Supervisors, its lawful agents or duly constituted law enforcement officers to go upon the property at any time and for the purpose of determining compliance with the provisions of this section and conditions of the permit as issued.

_____ A fee of \$150.00 dollars shall accompany this application. Check made payable to Treasurer, County of Brunswick.

_____ A license tax in the amount of \$100.00 each day the festival is to be conducted. Check made payable to Treasurer, County of Brunswick.

_____ A performance bond, with surety approved by the County, payable to the County with a penalty of \$5,000.00.

The following section must be completed if you are requesting an exemption from any or all of the provisions of Article III. Outdoor Musical or Entertainment Festivals of the Code of the County of Brunswick. Attach additional sheets if necessary.

Justification for exemption _____

The following section must be completed if you are requesting a waiver from the Board of Supervisors from any provision of Article III. Outdoor Musical or Entertainment Festivals of the Code of the County of Brunswick.

Section for which you are requesting a waiver _____

Justification for waiver request _____

Section for which you are requesting a waiver _____

Justification for waiver request _____

Section for which you are requesting a waiver _____

Justification for waiver request _____

Section for which you are requesting a waiver _____

Justification for waiver request _____

Applicant Signature _____

Date _____

Property Owner's Signature _____

Date _____

(e) If the property owner ceases to use, operate or maintain a permitted structure, the property owner may be required to remove the permitted structure within 30 days after receipt of notice. Such removal shall be at the property owner's expense. Upon termination or revocation of the pier permit, the property owner shall restore the waterway and county-owned property to as good a condition as existed prior to the construction of the pier, normal wear and tear accepted. If the property owner fails to comply with the foregoing, the county may remove the structure and restore the waterway and county-owned property at the property owner's expense.

(f) If portions of a permitted structure must be removed for storage or extensive maintenance, the county may require that the entire structure be removed from the county-owned property. (Ord. of 5-19-1999)

Secs. 42-85—42-110. Reserved.

ARTICLE III. OUTDOOR MUSICAL OR ENTERTAINMENT FESTIVALS

Sec. 42-111. Definitions.

Music or entertainment festival means any gathering of groups of 50 or more individuals in open spaces (i.e., not within a permanent, enclosed structure), where: a charge is imposed or a donation requested for admission to such event; or goods or services are offered for sale; or, alcoholic beverages are sold or the possession or consumption thereof is permitted; or, the purpose of such gathering is for groups or individuals to listen to or participate in entertainment. The following are examples of regulated activities: a circus, a carnival, a motor vehicle show or competition, a craft or artisan show, an agricultural exposition, a concert or musical festival, fairs and similar forms of public amusement or entertainment. (Hereafter referred to as "festival".) The following uses are exempted from this definition:

- (1) Gatherings of groups or individuals for activities conducted by churches and/or religious organizations, recognized as be-

ing non-profit by the U. S. Internal Revenue Service, when such activities are conducted on church-owned property.

- (2) A festival which was held or conducted at one site within Brunswick County in at least three, or all four, of the following four calendar years: 1996; 1997; 1998; 1999. This exemption shall not be available if the festival is held or conducted at a site different from the site at which such festival was held or conducted within the identified years.
- (3) Athletic events such as baseball, softball, soccer, and similar athletic events conducted at a facility designed for such activities.
- (4) Gatherings of groups or individuals for activities conducted by educational organizations which are recognized as being non-profit by the U. S. Internal Revenue Service or which have been recognized by action of the Brunswick County School Board or the Brunswick Academy School Board as being educational in purpose when such activities are conducted on property utilized for school purposes.
- (5) Gatherings of persons related by blood or marriage for activities such as family reunions.
- (6) Yard sales and auctions.
- (7) Gatherings of persons for the purpose of purchasing or accepting delivery of food items offered for sale by organizations which are recognized as being non-profit by the U. S. Internal Revenue Service, where such activities do not include other entertainment activities as herein identified. The following are examples of exempted activities: bake sales; sales of Brunswick S; sales of "take-out" dinners. (Amd. of 1-19-00; Amd. of 4-19-00)

Sec. 42-112. Purpose.

This article is enacted for the purpose of providing necessary regulation of the conduct of

musical or entertainment festivals to protect and promote the health, safety, and welfare of the citizens and inhabitants of the county.
(Amd. of 1-19-00)

Sec. 42-113. Violations and remedies.

(a) Any person who violates any provision of this section, or conditions of the permit as imposed thereon by the board of supervisors or its agent in pursuance of the objectives of this section, shall be guilty of a Class I misdemeanor and upon conviction thereof, shall be punishable as prescribed by statute for Class I misdemeanors. Each day that the violation(s) exist shall constitute a separate such offense.

(b) The board of supervisors may bring suit in the circuit court of the county to restrain, enjoin or otherwise prevent violation of this section or conditions of the permit.
(Amd. of 1-19-00)

Sec. 42-114. Permit required.

No person shall stage, promote, or conduct, or participate as an entertainer in, any festival, as defined herein, in the county, unless there shall have been first obtained from the Brunswick County Board of Supervisors a permit for such festival, hereafter referred to as a "Special Entertainment Permit."
(Amd. of 1-19-00)

Sec. 42-115. Application generally.

(a) Applications for such special entertainment permit shall be filed in writing with the county administrator a minimum of 70 days before the date of such event. Such applications shall have attached thereto and made a part thereof the plans, statements, approvals and other documents required by this article.

(b) A fee of \$150.00 dollars shall accompany each such application. However, the board reserves the authority to refund application fees for non-profit organizations.
(Amd. of 1-19-00)

Sec. 42-116. General conditions for issuance; plans, statements, etc., to accompany application.

An application for a special entertainment permit shall contain the following information, unless specifically waived by the county administrator due to the nature and scope of the proposed festival:

- (1) Each such application for a special entertainment permit shall have attached to it a copy of the ticket or badge of admission containing the dates and times of such 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. These tickets or badges shall be numbered in sequence in order to assist the applicant with estimating crowd size. Should tickets or badges not be required for admission to a festival, then the applicant shall be required to submit a copy of the promotional flyer which describes the dates and times of such festivals, together with a statement by the applicant of the anticipated number of attendees.
- (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 participate.
- (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, the nature of the interest of the applicant therein and documentation of the property owner's concurrence in the use of the property.
- (4) A plan for total crowd control, which shall be designed to maintain order and prevent spill-over or trespass on adjoining properties not a part of the intended location of the proposed festival, including the number of private security or police personnel to be employed. The plan must be approved by the county sheriff. The sheriff shall have the authority to designate

and shall designate the minimum number of security personnel required for the event.

- (5) A plan for adequate sanitation facilities and garbage, trash and sewage disposal for persons at the festival. At a minimum, this plan shall meet the requirements of all pertinent state and local statutes, ordinances and regulations and shall be approved by the director of health or his designated representative.
- (6) A plan for adequate traffic control for ingress and egress at the site; this plan shall be approved by the office of the state police in the county.
- (7) A plan for adequate medical facilities for persons at the event, and a plan for adequate fire protection, including minimizing potential fire hazards at the site shall be approved by the county director of emergency services. These plans shall meet the requirements of all state and local statutes, ordinances and regulations.
- (8) A statement as to whether food is to be provided for persons attending the festival. If food is to be provided, a plan for the same that meets the requirements of all applicable state and local statutes, ordinances and regulations, and that has been approved by the county director of public health or his designated representative.
- (9) A plan for adequate garbage, trash and litter clean-up and disposal on the site and on adjacent properties and roadways.
- (10) Liability insurance coverage with limits of \$100,000.00 per individual and \$500,000.00 for each occurrence. The county shall be named as a coinsured on the insurance policy. The name of the broker or agent shall be furnished.
- (11) Written permission for the board of supervisors, its lawful agents or duly constituted law enforcement officers to go upon the property at any time and for the purpose of determining compliance with the provisions of this section and conditions of the permit as issued. The board of supervisors or its designated agents shall

have the right to immediately revoke any permit issued under this section upon noncompliance with any of its provisions or conditions.

- (12) The board or its designated agent may establish special requirements and regulations for the protection of adjacent property, or make any requirements as they deem necessary in the public interest.

(Amd. of 1-19-00)

Sec. 42-117. Additional regulations.

(a) Signs.

- (1) Signs advertising a festival shall not exceed 32 square feet in size. Signs advertising a festival affixed to an existing billboard shall be permitted with no minimum size requirement. Billboards are herein defined as a structure which portrays information to direct attention to a business, commodity, service or entertainment not necessarily related to the other permitted uses on the property upon which the structure is located. No sign shall be erected before a special entertainment permit application has been submitted to the County, nor shall any sign be allowed to remain more than ten days after any event or activity.
- (2) Any other signs shall conform to the requirements of the specific zoning district.

(b) Attendance of minors. No person under 16 years of age shall be admitted to a festival unless accompanied by an adult 21 years of age or older.

(c) Time limitations. No festival shall be conducted for more than four consecutive calendar days. Likewise, no festival shall be conducted for more than 12 hours in any 24 hour period. No festival shall begin before 8:00 a.m. Monday through Saturday, or before noon on Sunday. All festivals shall end no later than 10:00 p.m.

(d) Lodging and camping. No overnight camping or lodging shall be provided or allowed. This section shall not apply to event performers or employees during the scheduled festival.

(e) *Carrying weapons.* No person shall carry or have in his possession a firearm or any other weapon while attending a music or entertainment festival in the county. For the purposes of this paragraph, "weapon" shall be defined as any pistol or other firearm or weapon designed or intended to propel a missile of any kind, dirk, bowie knife, switchblade knife, razor, slingshot, metal knucks or any weapon of like kind, or nunchaku or any other similar flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which instrument may also be known as a "nunchaku", "shuriken", fighting chain or any weapon of like kind. This paragraph shall not apply to any law enforcement officer in the discharge of his duties.

(g) *License tax.* A license tax in the amount of \$100.00 each day the festival is to be conducted shall be collected by the commissioner of the revenue as a fee for the issuance of any permit granted hereunder by the board; provided and except, that religious, charitable or educational organizations which have been recognized as tax exempt by the U. S. Internal Revenue Service shall not be charged or required to pay the license tax required by this paragraph.

(h) *Performance bond.* A performance bond, with surety approved by the county, payable to the county with a penalty of \$5,000.00, shall be required and shall be forfeited upon noncompliance with the terms and conditions of the permit.
(Amd. of 1-19-00)

Sec. 42-118. Exemptions or waivers.

The board of supervisors may exempt applicants which have been recognized as tax exempt by the U. S. Internal Revenue Service from any or all of the provisions of this article. The board of supervisors may waive or modify any or all of the provisions of this article provided that the character, nature, duration or other aspect of a proposed festival is not such that a strict application of this article is required to protect and promote the health, safety, and welfare of the citizens and inhabitants of the county.
(Amd. of 1-19-00)

Sec. 42-119. Severability.

Should any section hereof, subsection hereof, or any portion of either be determined by a court of a competent jurisdiction to be unenforceable, then all remaining terms, conditions and provisions hereof shall nevertheless remain in full force and effect, as if the provisions deemed unenforceable had not theretofore been a part hereof.

(Amd. of 1-19-00)