

## ARTICLE I. IN GENERAL

### Sec. 7-1. Public entertainments, auditoriums or arenas.

(a) This section is enacted pursuant to Code of Virginia § 15.2-1200 for the purpose of providing necessary regulation for the conduct of musical or entertainment festivals, and of any gathering or group of individuals for the purpose of listening to or participating in entertainment, including but not limited to musical renditions, in the interest of the public health, safety and welfare of the citizens and inhabitants of the county.

(b) All public entertainments of any kind to which admission is to be charged shall apply and obtain a license from the board of supervisors. This requirement shall not apply to events sponsored by any board, agency, or authority of Amherst County, although the director of parks and recreation shall be notified in advance of all such events. Application for a public entertainment license shall be in writing on forms provided for the purpose and shall be filed in duplicate with the director of parks and recreation at least sixty (60) days before the date of such festival or outdoor entertainment, and at least twenty-one (21) days prior to a regular meeting of the board of supervisors. The application shall have attached thereto and made a part thereof the plans, statements, approvals and other documents required by this article. A copy of the application shall be sent by the director of parks and recreation to the county administrator and each member of the board of supervisors.

(c) If the entertainment is to be conducted for a period of more than eight (8) hours in any day, the application for the license shall contain the following information:

- (1) The name, address, business and cellular phone numbers of the person sponsoring the entertainment;
- (2) The admission to be charged persons attending the entertainment;
- (3) The names of performers who will entertain;
- (4) Plans, agreed to by the county fire marshal, for proper fire protection as set forth in the Statewide Fire Prevention Code;
- (5) An agreement from a recognized first-aid crew or ambulance service that it will be in attendance and ready to transport emergency cases to the nearest medical facility at all times the entertainment is conducted;
- (6) Plans, agreed to by the health officer, for the installation and servicing of sanitary facilities, sufficient to accommodate the number of persons anticipated to attend;
- (7) An agreement from a qualified catering service to provide refreshment to those anticipated to attend;
- (8) For events to be held on property belonging to Amherst County of any of its boards, agencies or authorities, a bond in the penalty of five thousand dollars (\$5,000.00) conditioned to the removal and clearing of the premises so as to leave them in the same condition as they were found and to the execution of the terms of the application;
- (9) Money or securities in the amount of fifty dollars (\$50.00) per day for each day the entertainment is to be presented shall be collected as a fee for the issuance of the permit. If, for any reason the entertainment is presented for less than the number of days stipulated, the applicant shall be entitled to a refund of the unearned portion of the monies collected;
- (10) Proof of liability insurance in an amount to be deemed adequate by the board of supervisors. For events taking place on property owned by Amherst County or any of its boards, agencies, or authorities, Amherst County shall be named as a co-insured;

(11) For events scheduled to take place on property owned by Amherst County or any of its boards, agencies, or authorities, payment in advance of per diem rent and supervisory fees, in an amount to be determined from time to time by the parks, recreational and cultural development board.

(d) If no admission is to be charged and the entertainment is not to be conducted for more than five (5) hours, the application for license shall only contain the information as to the sponsor's name, the purpose and the date and time.

(e) Upon compliance with the terms above, the board of supervisors shall issue a permit to the applicant for the days designated in the application. The permit shall be posted conspicuously upon the premises for the duration of the event.

(f) The premises shall be available to inspection by the county sheriff's department and department of public safety, the state police, other law enforcement agencies and the health department.

(g) Failure to obtain the permit or to continue to make available any of the services set forth in the application, shall constitute a misdemeanor, and, on conviction, shall be subject to a fine of not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1,000.00) for each violation. Nothing in this chapter shall be construed to supersede the provisions of law as to disorderly conduct, public drunkenness or the other criminal laws of the state.

(h) Where a person requesting a permit pursuant to this section can show that the strict application of all the terms and provisions of this section would cause unnecessary hardship, because conditions or reasons peculiar to the type of entertainment to be presented, and where, in the opinion of the board of supervisors, a variance or departure from the provisions of this section can be made without destroying the intent of this section, and where the board is satisfied that such variation or exception will be in harmony with the intended spirit and purpose of this section and in the interest of the public health, safety and welfare of the citizens and inhabitants of the county, the board may grant an exception or variance from the strict application of all or certain of the terms and provisions of this section. Any variance or exception so authorized shall be in writing and shall set forth the reasons justifying the granting of the variance or exception.

(Ord. of 7-6-70, § A; Ord. of 5-20-03(1); Ord. of 7-17-07(1))

**Cross references:** Recreation, Ch. 12.

**State law references:** Disorderly conduct in public places, Code of Virginia, § 18.2-415; public intoxication, Code of Virginia, § 18.2-388.