

Caroline County Board of Supervisors Agenda Executive Summary

Meeting Date: August 9, 2022

Title: First Reading – Proposed Amendment to Repeal & Replace Chapter 49-Festivals of the Code of Caroline County

(Check Mark)

Consent

Action

No Action (Information Only)

Resolution

Closed Meeting

Public Hearing

Ordinance

PowerPoint Presentation

Summary: Planning staff is bringing forward for continued first reading a draft ordinance (Special Events) to repeal and replace Chapter 49 of the County Code (Attachment 1). The current ordinance (Festivals) is included for your reference as Attachment 2. Staff has been working on the draft amendment since it was first presented to the Board in March of this year to update the regulations to address the variety of events that the County is likely to see, not just music festivals.

Staff will be present at the August 9th meeting to discuss with the Board.

Budget Impact: None

Action(s) requested of the Board of Supervisors: Continue with first reading of the proposed amendment to Chapter 49 and, if appropriate, authorize advertisement of a public hearing.

Presenter: Michael A. Finchum, Director, Planning & Community Development

CHAPTER 49. – SPECIAL EVENTS

Article I – General

49.1. - Purpose.

This Chapter is enacted pursuant to Section 15.2-1200 of the Code of Virginia, 1950, as amended, for the purpose of providing necessary regulation for the conduct of special events in the interest of the public health, safety and welfare of the citizens and inhabitants of the county. Special events may significantly impact public property, normal vehicle and pedestrian traffic, and/or the safety of citizens and visitors, thus mandating the use of county services.

49-2. - Definitions.

When used in this chapter, the following words shall have the meanings indicates

SPECIAL EVENT shall mean *any outdoor gathering, musical or entertainment festival, parade, or road race as defined in this chapter*, where:(1) entry is open to the general public, or (2) entry is on the basis of paid admissions, *donations* or solicited contributions, or (3) more than 300 people (2500 at the Meadow Event Park and *Caroline County Agricultural Fair*) are in attendance at any one time at a facility or property where a usage fee or compensation is required.

SINGLE EVENT PERMIT shall mean a permit authorizing the conduct of a single special event in accordance with the terms and conditions specified *with the approval* for such permit.

MULTIPLE EVENT PERMIT shall mean a permit authorizing the conduct of multiple special events at one location in accordance with the terms and conditions specified *with the approval* for such permit.

BOARD OF SUPERVISORS OR BOARD shall mean the Board of Supervisors of Caroline County or its designee.

CODE shall mean the Code of Caroline County, Virginia.

COUNTY ADMINISTRATOR shall mean the person so appointed by the Board, or his/her designee.

OUTDOOR GATHERING shall mean any public event, attraction, festival, or show which is continued in one location for one or more hours and which is held at any place other than in a permanent installation to which members of the public are invited or admitted where the anticipated attendance is 300 or more persons.

MUSICAL OR ENTERTAINMENT FESTIVAL shall mean any gathering of groups or individuals for the purpose of listening to or participating in entertainment which consists primarily of musical renditions conducted in open spaces.

49-3. - Construction of Chapter.

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

49-4. - Violation of Chapter.

- A. Any violation of any provision of this chapter shall be punishable as a Class 1 misdemeanor and shall result in immediate forfeiture of the permit issued under this chapter. At the discretion of the Board, the person or entity committing such violation may be prohibited from obtaining a special event permit for a period of up to five years following the date of such conviction.
- B. Each individual violation continuing in excess of 24 hours shall constitute a separate offense.
- C. The Board may bring suit in the circuit court of the county to restrain, enjoin or otherwise prevent the violation of this Chapter.

49-5. - Music or entertainment.

Music shall not be rendered nor entertainment provided for more than eight (8) hours in any twenty-four-hour period, such twenty-four-hour periods to be measured from the beginning of the first performance at the event. *Unless specifically approved by the board of supervisors, no stage presentation, music, dance, or other performing arts shall take place at a special 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 11:00 p.m. and 9:00 a.m.*

49.6. - Admission of minors.

No person under the age of 12 years shall be admitted to any special event, unless accompanied by a parent or guardian, and the parent or guardian should remain with the minor at all times. This requirement may be waived by the Board based upon the type of event and the required approvals.

Article 2. – PERMITS

49.7. – Permit required.

- A. *A permit issued pursuant to this chapter shall be required for any person to stage, promote or conduct any special event in the county, as defined in Section 49-2.*
- B. *A multiple event permit may be issued for multiple special events to be held at a single location, such permit shall be issued no earlier than January 1 of each year and shall expire no later than December 31 of the same year.*
- C. *Certain special events may also require federal, state or local permits or licenses, including but not limited to: land use permit for events conducted in the Virginia Department of Transportation right-of-way; special event or other licenses from the Virginia Department of Alcoholic Beverage Control; temporary food vendor permit from the Virginia Department of Health; and electrical or building permits from the Caroline County Department of Planning and Community Development. The applicant shall be responsible for obtaining and complying with any such licenses or permit and bear any costs thereof.*

49.8. – County Permit application.

- A. *Written application for a single event permit shall be made to the County Administrator. The application shall be submitted at least forty-five 45 days prior to the date of the proposed event. Such application shall be on forms provided by the county and shall have attached thereto plans, documents, approvals and other material required by this chapter.*
- B. *Written application for a multiple event permit shall be made to the County Administrator. The application shall be submitted at least ninety (90) days prior to the date of the first proposed event. Such application shall be on forms provided by the county and shall have attached thereon plans, documents, approvals and other material required by this chapter.*
- C. *Prior to the submission of an application, the applicant should meet with the County Administrator or his designee, and applicable department and agency officials, to review the application and plans for the event.*
- D. *Every applicant for a multi event permit shall give public notice at least thirty days prior to the date of consideration of the permit application by the Board, including a copy of the application and support materials required by this Chapter. In addition to public notice, the applicant shall mail a copy of the application and information to all abutting property owners, which shall include a brief description of how citizens can submit comments to the Board for consideration. Any interested person can submit comments in writing and/or the public comment period for the application.*
- E. *No permit shall be issued unless the board makes a finding that the permit application and supporting documents thereto adequately protect the public health, safety and general welfare of the public and neighboring residential properties.*
- F. *The landowner on which the special event is held shall be responsible for ensuring compliance with the special event permit.*

49.9. - Information required on the application.

Each application for a special event permit shall contain the following information:

- A. Contact information, including but not limited to names, mailing addresses, telephone numbers, and electronic mail addresses, of the applicant, the special event promoters, the persons responsible for insurance coverage of the special event, and the owners of the property on which the special event shall be held, and the interest of each party in, or the relationship of each party to, the special event;
- B. The location, date(s) and time(s) of the special event;
- C. The nature of the special event, and the names of all persons or groups who will perform at, or participate in such special event;
- D. Sponsor and/or organizer of the special event;
- E. If the applicant is not the property owner, a notarized letter from all property owners(s) authorizing the use of the property for the special event;
- F. The total number of tickets to be offered for sale and the best reasonable estimate of the number of attendees;
- G. Whether alcoholic beverages will be sold or served, and if so, a copy of the Virginia Alcohol Beverage Control license allowing alcoholic beverages to be served must be attached to the application.
- H. A plan, drawn to scale, which identifies the location of attributes of the event, including distance to property boundaries of the event, boundaries of the area devoted to the event, the location of parking, stages, vendors, restrooms and water facilities, fire and ems services, ingress/egress lanes, and any other information deemed necessary be review departments/agencies.
- I. *Verification from the county treasurer that all delinquent taxes have been paid.*
- J. *The applicant shall authorize the Board of Supervisors; its lawful agents, including but not limited to those officials approving plans and providing verifications of compliance as required by this Chapter, and duly constituted law-enforcement officers to go upon the property at any time for the purpose of determining compliance with the provisions of this Chapter.*
- K. *The applicant shall certify that the special event will be held in accordance with all applicable federal, state, and local laws and regulations, including any conditions required for compliance with a permit issued under this chapter. Failure of the applicant to hold the event in accordance with applicable regulations shall be cause for the County to deny future applications, or in the case of a multiple event permit, to revoke the permit for any remaining events.*

Persons or entities applying for a multiple event permit may submit the information required under this section to the County Administrator no later than 30 days prior to each proposed special event; failure to submit such information in a timely fashion with respect to a proposed special event shall render the multiple event permit null and void for such special event.

49.10. – Plans, *statements, approvals* and Information required.

The following plans shall be submitted with an application for permit under this chapter. 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 county administrator or his designee with the application:

All such plans must meet the requirements of applicable federal, state and local statutes, ordinances and regulations and must be submitted to and approved by the specified official prior to issuance of a permit:

- A. Lighting Plan. If outdoor lighting is to be used, a plan for the location of outdoor lights or lighting and shielding devices or other equipment to prevent unreasonable glow and glare beyond the property line, *and ensure compliance with Article XV, Section 15.7.D of the zoning ordinance*. Such plan to be approved by the director of planning and building official.
- B. *Water supply. The applicant shall provide an ample supply of potable water for drinking and sanitation purposes on the premises of the special 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.*
- C. *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. This plan shall be approved by the health department.*
- D. *Waste management. The pickup and removal of refuse, trash, garbage and rubbish from the site of a special 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 applicant's expense. The applicant shall clean up the premises and remove all trash and debris therefrom within 48 hours after the conclusion of the special event.*
- E. If food and beverages are to be provided, a plan for the provision of food and beverages, such plan to be approved by the health officer. The applicant shall obtain a temporary food service permit from the health department if food is to be served on-site.
- F. A noise and vibration study, which shall identify any necessary mitigation measures to ensure occupied residential properties adjacent to the site are not

adversely impacted by the event, and to ensure compliance with the noise limitations set forth in Chapter 68 of the Code of Caroline County.

- G. *Emergency medical services.* A medical plan is to be submitted to describe the measures that will be taken to ensure adequate provision of emergency medical services. The plan is subject to review and approval of the fire chief. The applicant shall bear the costs thereof.
- H. A plan for parking and traffic control in and around for the special event area, *which demonstrates that traffic to/from the event can be dispersed within a reasonable period of time from the end of the event and shall not unreasonably interfere with or cause delay of local through traffic. If these conditions cannot be accomplished with traffic control, the number of attendees shall be reduced to ensure compliance with this standard.* Such plan to be reviewed and approved by the sheriff's office and Virginia Department of Transportation.
- I. *Security plan.* The applicant shall provide an adequate plan for security *in and around the special event* indicating the number of deputies (if required). The plan shall be reviewed and approved by the Sheriff or his designee. *The applicant shall bear the costs thereof.*
- J. *Fire protection.* The applicant shall provide a plan for adequate fire protection as approved by the chief of fire and ems, the applicant shall bear the costs thereof.
- K. An emergency management plan to be reviewed and approved by the sheriff's office, Chief of Fire and EMS, and other departments/agencies deemed appropriate by the County Administrator, the applicant shall bear the costs thereof.
- L. *Dates and hours of special event.* The applicant shall provide the date or dates and hours during which the special event is to be conducted, together with an estimate or schedule of the dates and hours of any performances, entertainments or other events.
- M. *Type and nature of special event.* The applicant shall provide a description of the special event and the type and nature of any performances, entertainment, floor shows, or vendors, together with the names of the expected performers or vendors.
- N. If the special event will be held on County property, an insurance policy, which names the county as additional insured and certificates of insurance so indicating, shall be delivered to the County Administrator at least 14 days prior to the special event. Said policy shall be approved by the County Administrator and County Attorney as to the amount, type and form of insurance.
- O. *Communication system.* If the premises are without a phone, the applicant shall make arrangements, approved by the sheriff and chief of fire and ems, for other means of communication.

P. *Site plan.* The applicant shall furnish a site plan showing:

1. All physical facilities existing or to be constructed on the premises, including, but not limited to, fences, ticket booths, tents, grandstands, and stages.
2. The location, capacity, and nature of all temporary lighting, sound, and public address facilities.
3. The location, capacity, and nature of all temporary water, toilet, and all other public health-related facilities.
4. Vehicle ingress, egress, and parking.
5. The event boundaries which shall at a minimum, meet the required setbacks for the zoning district in which the event is held, except that greater setbacks may be required to ensure the use is compatible with the public health, safety or welfare of citizens in the area.
6. **Lighting Plan.** If outdoor lighting is to be used, a plan for the location of outdoor lights or lighting and shielding devices or other equipment to prevent unreasonable glow and glare beyond the property line, and ensure compliance with Article XV, Section 15.7.D of the zoning ordinance.

Site plans shall be reviewed and approved by the director of planning and building official.

49.11. - Waiver of permit requirements.

- A. Requests for waiver of one of more requirements of this Chapter shall be made in writing to the Board. Requests for [a waiver of the provisions](#) of Section 49-10 shall be made to the County Administrator, who shall forward the request to the appropriate official for review and recommendation to the Board.
- B. If the application for the waiver is approved, only the specific requirements requested in the application and recommended for approval by the appropriate official shall be waived. All other permit requirements as specified in this Chapter shall remain in effect.

49.12. – Performance Standards.

All special event permits shall be in compliance with the performance standards contained below:

- A. All emergency routes/gates on-site shall be clearly identified. All emergency gates, shall remain accessible during show hours. This requirement may be addressed by the gates remaining unlocked, staffed at all times, or “dummy” locked (looks locked but can be turned or opened in the case of an emergency). The method of compliance shall be established with county public safety agencies prior to the event.

- B. Event stages/outdoor sound systems shall be designed, installed, oriented *and tested* to ensure compliance with the noise limitations in the zoning district in which it is located, and to direct sound/vibration away from occupied neighboring properties. *The permittee shall be responsible for taking periodic sound measurements at identified locations throughout the duration of the event. If noise and vibration are detected that exceed the specified noise limitations, then the promoter shall immediately take steps to bring the noise and the noise and vibration levels into compliance with the permitted limitations.*"
- C. The applicant shall adhere to all of the appropriate federal, state and local tax laws and regulations administered by and in conjunction with the Caroline County Commissioner of the Revenues Office. In particular, the applicant must be in full compliance with Caroline County Code section; 103-108 (b) prior to the start of each concert event, which states:

Every person or entity organizing, promoting or managing an event within Caroline County must submit, before the start of the event, a list identifying each and every vendor participating to the commissioner of the revenue's office. The list must include the name, trade name, federal tax identification number or social security number, mailing address, telephone number, and email address.

All applicable forms and documents must be obtained from the commissioner of revenue.

49.13. - Deposit for *county services*.

- A. The Board may require the applicant, as a condition to issuance of a permit, to deposit with the county treasurer funds 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. For purposes of this section, "additional county services" means additional county personnel in excess of those regularly available to the special event and may include, but shall not be limited to, additional sheriff's deputies for crowd control, traffic control and parking; firefighters for fire protection *emergency medical services* or parks and recreation or public works staff necessary to protect the health, safety and welfare of the persons attending the special event.
- B. 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 14 days after the special event, *or in the case of a multi-event permit, the last event.*

49.14. - Bond.

For events to be held on property belonging to the Board, surety in an amount determined by the County Administrator, but not less than \$5000 and in a form approved by the county attorney, shall be deposited with the County Treasurer to ensure the return of the premises to its previous condition.

49.15. – Issuance or denial of application.

- A. The County Administrator shall approve, *conditionally* approve *or* deny *a single event permit* application within *fifteen (15)* working days from the filing date of a complete application, *and give such applicant written notice of the decision. If denied, the reasons for such denial shall be so stated in writing.*
- B. The Board shall approve, conditionally approve *or* deny a multiple-event permit application within *sixty (60)* days from the filing of a complete application, *and give such applicant written notice of the decision. If denied, the reasons for such denial shall be so stated in writing.*
- C. The county administrator or the Board, as appropriate, shall authorize the issuance of a permit for a special event if it finds:
 - (a) That the special 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 this county applicable thereto; and
 - (b) That the information and documents required by this chapter have been filed with the county administrator or his designee; and
 - (c) That it appears the proposed special 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 county.
- D. The *County Administrator or* Board, *as appropriate*, may establish conditions with the approval of the permit to ensure protection of the public health, safety and general welfare.
- E. Where a special event also requires federal, state or other local permits, a conditional permit may be issued to provide preliminary proof of local approval. Before a final permit is granted, an applicant who is granted a conditional permit for any special event shall provide a final site plan that includes proof of other federal, state or local approvals, licenses or permits as required by law, whether for the event or by the vendors and performers. Upon receipt of such final site plan and proof of such other approvals, licenses or permits, the county administrator or his designee shall issue a final permit within 10 calendar days.
- F. An application shall be deemed complete if it contains all of the information, plans, requirements and approvals identified in 49.9 and 49.10 of this Chapter, unless a waiver has been granted pursuant to 49.9, or the application qualifies for conditional approval.

49.16. - Transferability of permit.

Special event permits issued pursuant to this Chapter shall not be transferable.

49.17. - Revocation of permit.

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 single-event permit issued hereunder shall be grounds for immediate revocation of the permit by the county administrator or his designee, or where the event is part of a multiple event permit, revocation of the permit for the specific event in violation. Upon revocation of the permit, the applicant shall immediately terminate the gathering and provide for orderly dispersal of those in attendance.

The Board shall have the right to revoke any *multiple event* permit *in its entirety* issued under this Chapter upon noncompliance with any of the provisions and conditions of the permit or this Chapter.

49.18. - Exemptions.

The provisions of this chapter shall not apply in the following situations:

- A. The event is held under the auspices of and on land owned by the Board of Supervisors of Caroline County.
- B. The event is held on property for which a special exception permit and/or festival permit has previously been issued, and subject to the following:
 - (1) The event is in compliance with conditions of the permits.
 - (2) The permits remain valid.
 - (3) The event is held by the special exception/festival permit holder.

Chapter 49

FESTIVALS

GENERAL REFERENCES

Bingo and raffles — See Ch. 25.

Parks and recreation — See Ch. 74.

§ 49-1. Purpose.

This chapter is enacted pursuant to § 15.1-510 of the Code of Virginia for the purpose of providing necessary regulation for the conducting of musical or entertainment festivals conducted in open spaces 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 in open spaces not within an enclosed structure in the interest of the public health, safety and welfare of the citizens and inhabitants of Caroline County.

§ 49-2. Definitions.

When used in this chapter, the following words shall have the meanings indicated:

BOARD — The Board of Supervisors of Caroline County, Virginia.

MUSICAL OR ENTERTAINMENT FESTIVAL — Any gathering of groups or individuals for the purpose of listening to or participating in entertainment which consists primarily of musical renditions conducted in open spaces not within an enclosed structure.

§ 49-3. Permit required; application procedure.

- A. No person, firm, corporation or partnership shall stage, promote or conduct any musical or entertainment festival in the unincorporated areas of Caroline County unless there shall have been first obtained from the Board a special entertainment permit for said festival.
- B. Application for such special entertainment permits shall be in writing, on such forms provided for the purpose, and filed in duplicate with the Executive Secretary of Caroline County at least 21 days before the date of such festival. Such applications shall have attached thereto and made a part thereof the plans, statements, approvals and other documents required by this chapter. A copy of such applications shall be sent by certified mail by the Executive Secretary to each member of the Board the day such applications are filed.
- C. The Board shall act on such applications within 10 days from the filing of the same. If granted, the permit shall be issued in writing, on a form for the purpose, and mailed by the Executive Secretary 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 Executive Secretary to the applicant at the address indicated.

§ 49-4. Conditions for permit issuance; required documents.

Such permit shall not be issued unless the following conditions are met and the following plans, statements and approvals submitted to the Board with the application:

- A. Said application for a special entertainment permit shall have attached to it a copy of the ticket or badge of admission to said festival, containing the date or dates and time or times of said 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.
- B. 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 perform at said festival.
- C. A statement of the location of the proposed festival, the name and address of the owner or owners of the property on which said festival is to be held and the nature and interest of the applicant therein.
- D. 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 County Health Officer.
- E. 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 County Health Officer.
- F. A plan for adequate medical facilities for persons at the festival, approved by the County Health Officer.
- G. A plan for adequate parking facilities and traffic control in and around the festival area, approved by the Sheriff of Caroline County.
- H. A plan for adequate fire protection. This plan shall meet the requirements of all state and local statutes, ordinances and regulations and shall be approved by the County Forest Warden.
- I. 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, approved by the supplier of electrical power.

§ 49-5. Hours.

Music shall not be rendered nor entertainment provided for more than eight hours in any twenty-four-hour period, such twenty-four-hour periods to be measured from the beginning of the first performance at said festival.

§ 49-6. Persons under eighteen years of age.

No person under the age of 18 years of age shall be admitted to any festival unless accompanied by a parent or guardian, the parent or guardian to remain with said person

at all times.

§ 49-7. Permission to go upon property; revocation.

- A. No permit shall be issued under this chapter 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 time for the purpose of determining compliance with the provisions of this chapter.
- B. The Board shall have the right to revoke any permit issued under this chapter upon noncompliance with any of its provisions and conditions.

§ 49-8. Violations and penalties; additional remedies.

- A. Any person, firm or corporation and the officers of any corporation who violate any provision of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding \$300 or by confinement in jail not exceeding 30 days, or by both such fine and imprisonment. Each violation shall constitute a separate offense.
- B. The Board may bring suits and/or actions in the Circuit Court of Caroline County to restrain, enjoin or otherwise prevent violation of this chapter. This chapter shall not be deemed exclusive of all rights and/or remedies available to the Board but only in addition thereto.

§ 49-9. Construal of provisions.

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