

✓ Vote Record - Ordinance 1914						
<input type="checkbox"/> Adopted <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn <input type="checkbox"/> Meeting Cancelled <input type="checkbox"/> Deferred <input type="checkbox"/> Denied <input type="checkbox"/> Approved <input type="checkbox"/> Consensus of the Board <input type="checkbox"/> Tabled by Consensus <input checked="" type="checkbox"/> Approved as Amended			Yes/Aye	No/Nay	Abstain	Absent
	Susan Lascolette	Second	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Ned Creasey	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Manuel Alvarez	Mover	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Robert Minnick	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Ken Peterson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**AT A MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF GOOCHLAND, VIRGINIA, HELD ON JULY 5, 2016, IN THE GOOCHLAND COUNTY ADMINISTRATION BUILDING, 1800 SANDY HOOK RD., SUITE 250, GOOCHLAND, VIRGINIA, THE FOLLOWING ACTION WAS TAKEN:**

**An ordinance to amend Chapter 8 (Licenses and Business Regulations), Article V (Large Crowd Events and Musical and Entertainment Events), of the Goochland County Code of Ordinances to replace the phrase “large crowd events and musical and entertainment events” with “special events;” to define the terms “special event” and “special event permit;” to redefine the term “promoter;” to clarify the purpose of the article; to amend the application process for a special event permit; to add a provision for recurring special events; to add a provision for additional conditions to any permit; and to add a provision regarding revocation and public safety cancellations**

**WHEREAS**, §§ 15.2-1427 and 15.2-1433 of the Code of Virginia (1950, amended) enable a local governing body to adopt, amend, and codify ordinances or portions thereof; and

**WHEREAS**, the Board of Supervisors wishes to amend Chapter 8 (License and Business Regulations), Article V ( Large Crowd Events and Musical and Entertainment Events) of the Goochland County Code of Ordinances to replace the phrase “large crowd events and musical and entertainment events” with “special events;” to define the terms “special event” and “special event permit;” to redefine the term “promoter;” to clarify the purpose of the article; to amend the application process for a special event permit; to add a provision for recurring special events; to add a provision for additional conditions to any permit; and to add a provision regarding revocation and public safety cancellations; and

**WHEREAS**, the Board of Supervisors wishes to amend and update the County Code for the foregoing reasons; and

**WHEREAS**, this ordinance is required to serve the health, safety, and welfare of the citizens of Goochland County; and

**WHEREAS**, the full text of this proposed ordinance amendment was available for public inspection in the Goochland County Administrator’s Office, County Administration Building, 1800 Sandy Hook Road, Goochland, Virginia 23063; and

**WHEREAS**, a public hearing was conducted on Tuesday, July 5, 2016, at 7:00 p.m. at the Goochland County Administration Building, Board Meeting Room 250, 1800 Sandy Hook Road, Goochland, Virginia 23063 after proper advertisement was made, as required by law.

**NOW, THEREFORE, BE IT ORDAINED**, that the Goochland County Code is hereby amended and this ordinance is hereby enacted as follows:

**1. Chapter 8 (Licenses and Business Regulations), Article V (Large Crowd Events and Musical and Entertainment Events) of the Goochland County Code is hereby amended as follows:**

**ARTICLE V. - ~~Large Crowd~~ Special Events and Musical and Entertainment Events**

**Sec. 8-326. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Special event.* A “special event” ~~Large crowd event~~ means any gathering of ~~more than five hundred (500) persons~~ with more than 500 people at any given time at the event on any given day. A “special event” shall also mean musical or entertainment events consisting of any outdoor gathering of 250 or more persons at any given time, either:

- (a) For the purpose of listening to or participating in entertainment which consists primarily of, but not limited to, musical performances; or
- (b) At which alcoholic beverages are possessed or consumed.

*Special event permit.* All special events shall require a “special event permit.”

~~Musical or entertainment event means any commercial outdoor gathering of two hundred fifty (250) or more persons, either:~~

- ~~(1) For the purpose of listening to or participating in entertainment which consists primarily of, but not limited to, musical renditions; or~~
- ~~(2) At which alcoholic beverages are possessed or consumed.~~

~~A musical or entertainment event shall be deemed to be commercial if a charge is imposed for admission or for the sale of anything at such event, or if a donation is requested for admission to such event.~~

~~Promoter means:~~

*Promoter.* A promoter is any person who (a) promotes, conducts, or assists with the promotion or conducting of a special event, or (b) owns or has been granted a possessory right in the real property upon which a special event is conducted and who has consented to the promotion or conducting of the event on the property.

- ~~(1) Any person who shall undertake solely or with any other person to promote or conduct a musical or entertainment event or a large crowd event, or who shall aid and abet the promotion or conducting of such an event;~~
- ~~(2) The owner or other person having a possessory right in and to the real property upon which such an event is conducted who shall have consented to the promotion or conducting of such an event upon such property; or~~
- ~~(3) Any musician or entertainer who shall provide music or entertainment during such~~

**Sec. 8-327. - Purpose of article.**

The purpose of this article is to protect the public health, safety, and welfare of the county citizens by providing reasonable regulations for the control of large crowds at special events. ~~and the conducting of musical or entertainment events within the county.~~ Accordingly, this article sets forth the application and review process for special event permits to minimize any negative impacts on event participants, spectators, and the public.

**~~Sec. 8-328. - Penalty for violation of article.~~**

- ~~(a) Any person who violates any provision of this article shall be guilty of a Class 1 misdemeanor.~~
- ~~(b) The board of supervisors may institute a suit in the Goochland County Circuit Court of the county or in any other court of competent jurisdiction to restrain, enjoin, or otherwise prevent a violation of this article without the necessity of proving irreparable harm.~~

**Sec. ~~8-328~~ 8-330. - Compliance with other regulations.**

Nothing contained in this article shall relieve the applicant, promotor, ~~the property owner, the promoters~~ or any other persons engaged in a musical or entertainment promoting or conducting any event from the other requirements in this Code or state law, of other ordinances of the county, including, but not limited to, provisions relating to licenses, the Statewide Goochland Fire Prevention Code, permits issued by the Health Department, and the Uniform Statewide Building Code. Requirements contained in conditional use permits, proffers, and plan of development waivers approved by the board of supervisors that conflict with this article shall supersede.

**Sec. ~~8-329~~ 8-331. - Permit required; violations.**

- (a) It shall be unlawful to promote or conduct ~~either a musical or entertainment event or a large crowd~~ a special event within the county unless the promoter thereof shall have first obtained, in accordance with requirements of this article, a permit for conducting such event, which permit shall be signed approved by the county administrator. All permit applications shall be reviewed for compliance by the sheriff, the fire marshal, the zoning administrator, the health department, and the building official.
- (b) It shall be unlawful to knowingly make a false application for ~~the~~ a permit required under this article or to knowingly breach any condition of issuance set forth in such permit.

**Sec. ~~8-330~~ 8-332. - Application for permit.**

- (a) Filing. Application for a special event ~~an entertainment~~ permit shall be made in writing and submitted to the county's department of community development ~~shall be filed in duplicate with the county administrator~~ at least ~~sixty (60)~~ days prior to the date of the event. Each application shall have attached thereto and made a part thereof six ~~four (4)~~ copies of the plans, statements, and other documents required by this article.
- (b) Contents. Each application for a permit shall include the following:

- (1) The name and address of the applicant and a statement of the nature and interest of the applicant in the event.
- (2) The name and address of each promoter of the event, including ~~the~~ any financial sponsor of the event, and every person or group who will perform at such event.
- (3) The date(s) and location of the event and the time period during which the event will be held and a detailed explanation of the nature of the event itself.
- (4) The location of the property upon which the event will be held and the name and address of the owner of or person having a possessory right in such property upon which the event is to be held.
- (5) A copy of the ticket or badge ~~of~~ for admission to the event, together with a statement of the total number of tickets to be offered for sale and the best reasonable estimate of the number of persons expected to attend the event.
- (6) A plan for adequate sanitation facilities, including the use of portable toilets and handwashing facilities, and a plan for disposal of garbage, trash, and sewage generated by the persons who will attend the event. Such plan shall include provisions for removal from the event area of garbage and trash at the end of the event and shall include the names of the persons responsible therefore. Such plan shall also include contingency arrangements, including the name and telephone number of weekend and emergency contacts for persons who will provide the aforesaid services in the event the promoter's initial source or suppliers are compromised.
- (7) A plan for providing food, potable water, and lodging, where applicable, for persons who will attend the event. If food will be provided at the event, such plan shall include the name and telephone number of the designated person who will be on site during the event to ensure compliance with food permitting requirements. Such plan shall also include contingency arrangements, including the name and telephone number of weekend and emergency contacts for persons who will provide the aforesaid services in the event the promoter's initial source or suppliers are compromised.
- (8) A plan designating the provisions for medical facilities which shall be available for persons who will attend the event.
- (9) A plan designating the provisions for fire protection which shall be available for persons who will attend the event.
- (10) A plan designating the provisions for adequate parking facilities, crowd control, and traffic control in and adjacent to the event area. Any contingency plans for the routing or re-routing of vehicular traffic or road or lane closures shall be reviewed and approved by the sheriff.
- (11) A statement specifying whether any outdoor lights or lighting will be utilized and, if such lights will be utilized, a plan which designates the location of such lights, devices to shield the lights, and limits the light level at the property line to no more than one-half foot candle.
- (12) A site plan drawn to scale that clearly indicates all the information required by subsections (6) through (11) above. If a petting zoo or other live animals are a part of the special event, the site plan shall also show that such animal attractions are at least 100 feet from all temporary food establishments.
- (13) ~~The applicant shall submit~~ A plan showing how noise generated by the event will be controlled and a statement that no music (or amplified noise of any kind) shall be played, either by mechanical device or live performance, in such a manner that the sound emanating therefrom shall exceed ~~sixty five (65)~~ decibels at the property lines of the property on which the ~~musical or entertainment~~ event is located.
- (14) A plan for adequate security to protect against personal injury of the persons attending

the event and to further protect against property damage of any private and public property. The sheriff shall have final approval of any requested use of private security contractors, based upon the specific circumstances of the special event.

- (15) A statement signed by the applicant and owner or person having a possessory interest in the property upon which such event is to be conducted, which authorizes the sheriff, the fire marshal, zoning administrator, health department representative, or the building official to enter upon 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 the provisions of this article or any other local, state, or federal law.
- (16) A statement by the applicant agreeing to comply with the provisions of the permit.
- (17) Each applicant shall provide evidence that the applicant has ~~secured~~ obtained liability and casualty insurance required by the county administrator covering losses sustained by the county or any person as a result of death or injury to any person or damage to any property incurred as the result of negligent acts or omissions of persons attending, performing, working at, or traveling to and from such event. Certificates of insurance shall be delivered to the ~~county administrator~~ department of community development at least ~~fourteen~~ (14) days prior to the event.
- (c) Application fee. An application fee, as set by the board of supervisors, shall be paid to the county when the application for the permit is filed. No application will be deemed complete or be processed without the payment of the application fee except as provided below.
- (d) Exception. An application fee shall not be required for applications submitted by any charitable, religious, volunteer, governmental, educational, civic, or historic organization when the event is for the benefit of the citizens of ~~Goochland County~~ the county and approved by the county administrator.

**Sec. ~~8-331~~ 8-333. - Granting, denial of permit.**

- (a) Authorization. The county administrator is authorized to grant, within his or her discretion, special event permits, with or without conditions as provided in section 8-336 below, which meet the requirements of this article provided the following standards are met:
- (1) The proposed event does not unreasonably interfere with the normal use of county property by the county or general public;
  - (2) The proposed event does not present a safety or health risk to participants, spectators, the general public, or an environmental hazard;
  - (3) The proposed event is compatible with the surrounding area or neighborhood in consideration of anticipated noise, traffic, crowd capacity, and other similar factors;
  - (4) The county resources necessary to support the proposed activity are reasonably available; and
  - (5) The county administrator has received all licenses, fees, approvals, and materials required by this article.
- (~~a~~b) Grant or denial of permit. The county administrator may either refuse to issue the permit required under this article or may require an applicant to modify or amend plans submitted with the application if they determine that such plans are inadequate to protect the health, safety and welfare of the citizens of the county. Each denial of a permit and the reasons therefore shall be in writing and mailed by the county administrator to the applicant at the address indicated in the application.
- (~~b~~c) Time to respond. The county administrator shall act on such application within ~~thirty~~

~~five~~(35) days of the filing of the application and shall not issue the permit unless the requirements of this article are met. Each permit issued shall be issued in writing and mailed by the county administrator to the applicant at the address indicated in the application. Failure of the county administrator to take action on ~~an~~ a completed application within ~~thirty five~~(35) days after the filing thereof shall be deemed an approval of such application.

**Sec. 8-332. - Recurring special events.**

Recurring special event permits. The county administrator may approve, in his or her discretion, quarterly or annual permits for certain venues within the county, and subject to the following requirements:

- (a) The venue has previously been granted a special event permit and been used for a substantially similar special event;
- (b) All previous permitted special events were conducted in compliance with the provisions of this article;
- (c) The proposed series of special events are all substantially similar in nature; and
- (d) The proposed special events will all occur in the same location on the same property.

**Sec. 8-333 ~~8-334~~. - Waiver of requirements, expedited review.**

The county administrator may waive any or all of the requirements and conditions, except those requirements relating to public safety, required under this article, including the 60 day submission requirement prior to an event, upon consideration of the time of permit application and all of the information required to be set forth in the application. Any permit issued waiving any of such requirements shall set forth in the permit the reasons for such waiver.

**Sec. 8-334 ~~8-335~~. - Deposit for cost of county services.**

As a condition to issuance of a permit under this article, the applicant shall deposit with the county treasurer a sum of money deemed sufficient by the sheriff and county administrator to pay for the cost of additional county services occasioned by the event, which services shall be necessary to meet the requirements of the plans and statements contained in the permitted plans. The actual cost of such additional services shall be paid by the treasurer to the county out of the deposit, and the difference, if any, shall be refunded to the applicant within seven (~~7~~) days after the event. Such additional county services shall mean overtime payments made to regular county personnel and any additional payments made to other personnel in addition to those persons regularly employed by the county which are necessary to protect the health, safety, and welfare of the citizens of the county, and may include, but shall not be limited to, additional law enforcement personnel necessary for crowd control, traffic control, and parking; additional firefighters necessary for fire protection during the event; and any additional medical or sanitation officers necessary to protect the health, safety, and welfare of the persons attending the event.

**Sec. 8-335 ~~8-336~~. - Bond.**

After issuance of the permit required by this article and ~~fourteen~~(14) days prior to

commencement of the event, the applicant shall deposit with the county treasurer a sum of money or, in lieu thereof, a bond with corporate surety, in an amount determined by the county administrator and sheriff. The bond shall be conditioned upon the permittee's faithful compliance with each requirement of this article. Such bond shall be in a form approved by the county administrator and sheriff, and shall be in an amount sufficient to insure against failure of the applicant to meet each requirement of such permit. If the county shall provide, or cause to be provided, any facility or service required as a condition to the issuance of permit required under this article, so much of the bond shall be forfeited to the county as to reimburse it for its costs incurred as the result of providing such facility or services which the applicant failed to provide.

**Sec. 8-336 8-337. - Hours; time limit on entertainment. Conditions.**

~~Music or entertainment at events regulated under this article shall not be rendered for more than eight (8) hours during any calendar day and no event shall end later than 1:00 a.m.~~

The county administrator may require certain conditions as part of any permit to address the probable impacts of the event. These additional conditions may result from issues or concerns raised by the sheriff, the fire marshal, the zoning administrator, the health department, and the building official. Conditions may include, but are not limited to, specific limitations on operating hours for the event and consecutive days of the event.

**Sec. 8-337. - Revocation and public safety cancellations.**

(a) Revocation of special event permit by county administrator.

(1) The county administrator may revoke a special permit at any time if any of the following occurs:

(i) Violation of the provisions of this article, any condition of the special event permit, or other federal, state, or local law related to the operation of the event; or

(ii) Operation of the special event constitutes a public nuisance or hazard to the public health, safety, or welfare, or otherwise is endangering the life or property of others.

(2) If a special event permit is revoked, the event must be immediately canceled and all activities related to the event be immediately terminated. Revocation of a permit for recurring special events cancels all scheduled events subsequent to the revocation.

(b) Cancellation of a special event by public safety official. The sheriff, fire official, building official, or their designees, may cancel and shut down any special event, without notice to the event organizer, when operation of the special event violates any provision of this article, any term or condition of the special event permit, or other federal, state, or local law related to the operation of the event, or threatens the public health, safety, and welfare. Grounds for cancellation include, but shall not be limited to, severe weather events, unruly or violent crowds, and crowds in excess of property capacity or permit approval, whichever is less.

(c) The county shall not issue any refunds if an event is canceled and shut down pursuant to this section, except as provided in subsection (d) below, and the county shall not be liable for any additional expenses incurred by the event organizer as a result of cancellation.

(d) Cancellation due to severe weather events. A special event canceled by public safety

officials due to a severe weather event may be rescheduled, subject to approval, and said approval shall not be unreasonably withheld by the county administrator.

(1) A rescheduled event shall not require an additional application fee.

(2) Additional review and conditions may be required if the location or character of the rescheduled event are different from the initially approved special event.

(3) In the event that the permit holder is unable or does not desire to reschedule the special event, the county shall not issue a refund of the application fee.

**Sec. 8-338. - Penalty for violation of article.**

(a) Any person who violates any provision of this article shall be guilty of a Class 1 misdemeanor.

(b) The board of supervisors may institute a suit in the Goochland County Ceircuit Ceourt of ~~the county~~ or in any other court of competent jurisdiction to restrain, enjoin, or otherwise prevent a violation of this article without the necessity of proving irreparable harm.

**2. Except as amended herein, all chapters, articles, sections, paragraphs and provisions of the County Code are readopted in their entirety as if set forth herein.**

**3. This ordinance shall be effective immediately.**

A COPY ATTEST:

\_\_\_\_\_  
John A. Budesky, County Administrator  
Goochland County Board of Supervisors