

**CAMPBELL COUNTY CODE OF 1988**

**CHAPTER 3**

**AMUSEMENTS**

As to licenses for carnivals, see §§14-16 to 14-24 of this Code. As to zoning ordinance, see Chapter 22 of this Code.

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## Article I. In General.

Secs. 3-1 to 3-5. Reserved.

## Article II. Outdoor Entertainment Assemblages or Festivals.

### Sec. 3-6. Purpose of article; findings.

The Board of Supervisors of Campbell County, Virginia, hereby finds and declares that certain gatherings of groups or individuals for the purposes of entertainment activities conducted either wholly or partly in open spaces not within an enclosed structure tend to draw together in the vicinity large crowds of people, thus generating high levels of noise, music, odors, disturbances, trash, traffic congestion, parking problems, safety and fire hazards; etc.; that such conditions tend to interfere substantially with the reasonable and proper enjoyment of adjacent public or private property, to disrupt substantially the public's use of public streets and rights-of-way, and to impede necessary access to the vicinity by police, fire, and rescue vehicles; that the police powers granted to Campbell County under VA. CODE ANN. §15.2-1200 (Repl. Vol. 2008) extend beyond the promotion of health, safety, and general welfare, and comprehend the duty, within constitutional limitations, to protect the well-being and tranquility of the community; and that it is the intent of the County of Campbell to regulate such outdoor assemblages and festivals so as to promote and preserve the health, safety, general welfare, and good order of the County and its citizens without unduly restraining liberty or property.

For general police powers granted to counties, see VA. CODE ANN. §15.2-1200 (Repl. Vol. 2008). See also VA. CODE ANN. §15.2-925 (Repl. Vol. 2008), §15.2-926 (Repl. Vol. 2008).

[THE DECEMBER 1, 1997 AMENDMENT substantially rewrote this section.]

[THE FEBRUARY 2, 1998 and AUGUST 3, 1998 AMENDMENTS substituted “§15.2-1200 (Repl. Vol. 1997)” for “§15.1-510 (Repl. Vol. 1989).”]

### Sec. 3-7. "Outdoor entertainment assemblage or festival" defined; exemption.

"Outdoor entertainment assemblage or festival" shall mean any gathering of groups or individuals for the purposes of entertainment where such entertainment activities are conducted either wholly or partly in open spaces not within an enclosed structure and where such activity is not of a nature and scope customarily incidental and subordinate to the principal use and intended function of the subject structure or land. Such assemblages or festivals may include, either primarily or incidentally, the presentation of musical renditions.

The provisions of this article shall not apply to religious or political gatherings and other activities protected by the First Amendment to the United States Constitution.

Cross-reference.--For State Board of Health regulations in re certain public gathering places, see VA. CODE ANN. §32.1-198 et seq. (Repl. Vol. 2004).

[THE DECEMBER 1, 1997 AMENDMENT substantially rewrote this section, deleting references to "for the purpose of listening to or participating in entertainment which consists primarily of musical renditions conducted in open spaces..." and adding the exemption stated in the second paragraph.]

[THE AUGUST 3, 1998 AMENDMENT added "and where such activity is not of a nature and scope customarily incidental and subordinate to the principal use and intended function of the subject structure or land" at the end of the first sentence in the first paragraph.]

**Sec. 3-8. Permits--When required; applications; action by Board of Supervisors or its designated agent; duration of permit; non-transferability.**

(a) No person shall stage, promote or conduct any outdoor entertainment assemblage or festival in the County without first determining whether or not a special entertainment permit is required under the following guidelines and, if such permit is required, securing same from the County Board of Supervisors or its designated agent.

(b) (1) A special entertainment permit shall not be required when the outdoor entertainment assemblage or festival (i) shall have a continued existence on the premises for a period of time not exceeding twelve (12) hours, AND (ii) less than 250 persons are expected to attend, regardless of whether or not admission is charged.

(2) A special entertainment permit shall be required when the outdoor entertainment assemblage or festival (i) shall have a continued existence on the premises for a period of time not exceeding twelve (12) hours, AND (ii) more than 250 persons are expected to attend, regardless of whether or not admission is charged;

(3) A special entertainment permit shall be required when the outdoor entertainment assemblage or festival shall have a continued existence on the premises for a period of time in excess of twelve (12) hours, regardless of whether or not admission is charged and regardless of the number of persons expected to attend.

Issuance of the special entertainment permit shall be subject to the provisions of §3-11 of this Code.

(c) Conduct of any outdoor entertainment assemblage or festival in the County and issuance of any special entertainment permit shall be subject to compliance with the provisions of this article and any other applicable provisions of County ordinances or state law, including, but not limited to, the County zoning ordinances and the County noise ordinances.

(d) (1) Applications for such special entertainment permits shall be in writing on forms provided for the purpose and filed in duplicate with the County Administrator (after issuance of a special use permit under the Zoning Ordinance, *if required*) at least twenty-one (21) days before the date of such assemblage or festival. Such applications shall have attached thereto and made a part thereof the plans, statements, approvals and other documents or permit(s) required by this article.

(2) Written notice shall be given by the applicant for a special entertainment permit at least twenty-one (21) days before the date of the planned assemblage or festival to the owner or owners, their agent, or the occupant of the parcel of land on which the assemblage or festival is to be held, to the owners, their agent or the occupant of all abutting property and property immediately across the street or road from the property affected, including those parcels which lie in other localities of the Commonwealth. If any portion of the affected property is within a planned unit development, then the written notice shall be given to the incorporated property owners' associations within the planned unit development that have members owning property located within 2,000 feet of the affected property. In the case of a condominium or cooperative, the written notice may be mailed to the unit owners' association or proprietary lessees' association, respectively, in lieu of each individual unit owner.

(3) Such written notice shall include, but not be limited to, the name and address of the applicant for the special entertainment permit and information about the planned date(s), location, and anticipated attendance of such planned outdoor entertainment assemblage or festival. The notice shall inform the addressee that an application for a special entertainment permit has been filed in the office of the County Administrator of Campbell County, that action granting or denying such permit may be taken by the Board of Supervisors or its designated agent not sooner than ten (10) days following the mailing of this notice, and that the addressee should immediately make known to the County Administrator, or his designated agent, any objections he may have to issuance of the permit.

(4) One notice sent by first class mail to the last known address of such owners as shown on current real estate tax books or current real estate tax assessment records shall be deemed adequate compliance with the notice requirements of this subsection, provided that the applicant shall make affidavit that such mailings have been made, shall specify in the affidavit the date on which the notices were mailed, and shall file such affidavit with the documents in the County Administrator's office.

(e) The Board of Supervisors or its designated agent shall act on such applications in due course, upon receipt of all required documentation, provided, however, that no action shall be taken on such application sooner than ten (10) days following the mailing of the prescribed written notices as required by this section. If granted, the permit shall be issued in writing on a form for the purpose and mailed by the County Administrator 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 County Administrator to the applicant at the address indicated. (4-19-71, §3.)

(f) (1) A special entertainment permit issued under this article shall be valid only for the date or dates and time or times specified in the approved permit. If the assemblage or festival is to be held on more than one (1) day, then such days shall be consecutive; in no case shall an outdoor entertainment assemblage or festival have a continued existence on the premises in excess of seven

(7) consecutive days unless a subsequent permit is obtained. Should such an assemblage or festival be discontinued for more than one (1) day, except due to an Act of God, then a separate special entertainment permit shall be required, subject to compliance with all conditions for issuance.

(2) For the purposes of this article, an applicant for a permit for an assemblage, festival, or the like that is (i) of an ongoing nature, (ii) conducted in one venue, and (iii) staged, promoted or conducted by the same person(s) or entity(ies) shall be required to obtain one permit hereunder, which permit shall be valid for an initial period up to seven (7) days. A separate special entertainment permit shall be obtained for any period of time in excess of that authorized by the initial permit and issuance of such subsequent permit shall be subject to compliance with all conditions for issuance of a permit set forth in this article.

(3) For the purposes of this article, an applicant for a permit for an assemblage, festival, or the like that is characterized by a series of performances having distinct performance times or “shows,” shall be required to obtain a separate special entertainment permit for each performance or “show,” based on the nature of the event. Such individual permits shall be in addition to the special entertainment permit issued for the overall ongoing event and shall be subject to compliance with all conditions for issuance of a permit set forth in this article.

(g) A special entertainment permit shall not be transferable.

Cross-reference: For license tax on carnivals and circuses, see §14-16 et seq. of this Code.

[THE MARCH 17, 1997 AMENDMENT rewrote subsection (a) and added paragraphs (i) through (iv) therein.]

[THE DECEMBER 1, 1997 AMENDMENT redesignated the former introductory language as subsection (a), inserting "or its designated agent" at the end, and redesignated former paragraphs (i) through (iii) therein as subsection (b), substantially rewriting provisions, redesignated former subsection (a) (iv) as present subsection (c) and added "and the County noise ordinances" at the end thereof, and redesignated former (b) and (c) as present (d) and (e), inserted "after issuance of a special use permit under the Zoning Ordinance, if required" and "assemblage or" in first sentence of (d), deleted the former last sentence in (d), regarding mailing of copies of the application to members of the Board, inserted "or its designated agent" and substituted "in due course, upon receipt of all required documentation" for "at their next regularly scheduled meeting from the filing of the same" in (e), and added (f) and (g).]

[THE AUGUST 3, 1998 AMENDMENT redesignated provisions of (d) as paragraph (1) thereof and inserted "or permit(s)" in second sentence therein, added new paragraphs (2), (3), and (4) in (d), and added proviso language in (e).]

[THE JULY 6, 2004 AMENDMENT, in (f), designated the provisions as paragraph (1) thereof, substituting “seven (7)” for “five (5)” and adding “unless a subsequent permit is obtained” in the second sentence thereof; and added new paragraphs (2) and (3).]

**Sec. 3-9. Same--Conditions of issuance.**

(a) Such special entertainment permit shall not be issued unless the following conditions are met and the following plans, statements, approvals, and information, along with supporting documentation satisfactory to the Board of Supervisors or its designated agent, are submitted to the Board of Supervisors or its designated agent with the permit application:

- (1) A statement of:
  - (i) The full legal name and personal description of the applicant;
  - (ii) The applicant's street and mailing addresses, legal (permanent) and local;
  - (iii) The applicant's telephone numbers, permanent and local;
  - (iv) The full legal name and personal description of the promoters of the assemblage or festival, if different from the applicant; such promoters' street and mailing addresses, legal (permanent) and local; and such persons' telephone numbers, permanent and local;
  - (v) The source of financial backing for the assemblage or festival;
  - (vi) The full legal name and personal description of all persons who, individually or as part of a group, will perform at such assemblage or festival, if applicable; their street and mailing addresses, legal (permanent) and local; and such persons' telephone numbers, permanent and local;
  - (vii) The location, including street and mailing addresses, where the assemblage or festival will be held;
  - (viii) The name of the legal owner of the property upon which the assemblage, festival, or the like will be held, and a brief description of the property, which may include amount of acreage, tax map identification number, etc.
  - (ix) The date or dates and time or times of such assemblage or festival; if the assemblage or festival is to be held on more than one day, then the days shall be consecutive days, not to exceed seven (7) consecutive days, unless a subsequent permit is obtained;
  - (x) If an assemblage, festival, or the like is characterized by a series of performances having distinct performance times or "shows," then the times of such performances or "shows" shall be provided.

(2) Such application for special entertainment permit shall have attached to it a copy of the ticket or badge of admission to such assemblage or festival, containing the date or dates and time or times of such assemblage or festival, together with a statement by the applicant of the total number of tickets to be offered for sale, if applicable, and the best reasonable estimate by the applicant of the number of persons expected to be in attendance.

(3) A plan for adequate sanitation facilities and garbage, trash and sewage disposal for persons at the assemblage or festival. This plan shall meet the requirements of all state and local statutes, ordinances, and regulations, and shall be approved by the County Health Director, who shall affix his signature thereon.

(4) A plan for providing food and water, and lodging when necessary, for the persons at the assemblage or festival. This plan shall meet the requirements of all state and local statutes, ordinances and regulations, and shall be approved by the County Health Director, who shall affix his signature thereon.

(5) A plan for adequate emergency medical facilities for persons at the assemblage or festival, approved by the County Director of Public Safety, who shall affix his signature thereon.

(6) A plan for adequate parking facilities, crowd and traffic control in and around the assemblage or festival area, including a plan for adequate off-street parking facilities, and the employment of an adequate number of private security or law-enforcement personnel for crowd and traffic control. This plan shall be approved by the County Administrator, or his agent, and the Sheriff, who shall affix their signatures thereon.

(7) 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's Director of Public Safety, who shall affix his signature thereon.

(8) 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 assemblage or festival is located.

(9) A statement that no music shall be played, either by mechanical device or live performance, in such a manner that the sound emanating therefrom shall be unreasonably audible beyond the property on which the assemblage or festival is located.

(10) Written permission for the Board of Supervisors, its lawful agent 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 article.

(11) A statement that alcoholic beverages will or will not be provided and if provided, then whether the applicant will sell or give the aforementioned beverages. The distribution and consumption of alcoholic beverages shall be in strict compliance with the provisions of the Alcoholic Beverage Control Board.

(12) A plan, if the statement in paragraph (11) is in the affirmative, for providing adequate age identification at the entrance of the designated area within which alcoholic beverages will be distributed, served, and consumed, so as to adequately control the serving of alcoholic beverages only to persons age twenty-one (21) years or older.

(13) A statement specifying what age group the event will be open to for attendance.

(14) A statement indicating whether or not any public display of fireworks is planned to be held, presented, or given at the outdoor entertainment assemblage or festival. If so, such public display of fireworks shall be held, presented, or given *only in accordance with a permit issued by the County Fire Marshal* pursuant to the provisions of Chapter 10 of this Code. The applicant for a special entertainment permit shall provide a copy of the fireworks permit to the Board of Supervisors or its designated agent either (i) with the application for a special entertainment permit or (ii) at least twenty-four (24) hours prior to the time of the planned public display of fireworks.

(b) An applicant for a special entertainment permit under this article shall be required to comply with all applicable provisions of the Campbell County Code of 1988, including, but not limited to, the zoning ordinance of the County (Chapter 22 of this Code), the County noise ordinance ( §16-10 et seq. of this Code) and applicable state and federal law. (4-19-71, §4, §7)

Cross-references: For license tax on carnivals and circuses, see §14-16 et seq. of this Code. For County noise ordinance, see §16-10 et seq. For County fireworks ordinances, see §10-28.01 et seq. For County ordinances concerning County Fire Marshal and Statewide Fire Prevention Code, see Chapter 10 of this Code.

[THE 1987 AMENDMENT added paragraphs (1), (m), (n).]

[THE 1988 AMENDMENT deleted "or persons who attained the age of nineteen (19) years by July 1, 1985" at end of paragraph (m) because the current uniform lawful drinking age is twenty-one (21) years.]

[THE DECEMBER 1, 1997 AMENDMENT rewrote and redesignated introductory language as (a) and inserted "or its designated agent" twice therein, and added new paragraph (1) (with subparagraphs (i) to (ix) therein), and redesignated former paragraph (a) as present paragraph (2) in (a), deleted former paragraphs (b) and (c), which provisions are rewritten in present (a)(1)(iv) to (viii), redesignated former paragraphs (d) to (f) as paragraphs (3) to (5) in (a), inserted new (6), redesignated former (h) to (n) as present (7) to (13), clarifying requirements re ABC regulations in (11) and (12), and added (b).]

[THE JULY 2, 2001 AMENDMENT added paragraph (14) in subsection (a).]

[THE JUNE 17, 2002 AMENDMENT substituted "Chapter 10 of this Code" for "§10-49 et seq. of this Code" in the second sentence of paragraph (14) in (a).]

[THE JULY 6, 2004 AMENDMENT, in (a)(1), substituted "assemblage, festival, or the like" for "assemblage or festival" in (viii); substituted "seven (7)" for "five (5)" and added "unless a subsequent permit is obtained" in (ix); and added subparagraph (x).]

### **Sec. 3-9.1. Licenses to serve alcoholic beverages.**

(a) An applicant for a special entertainment permit for an event where alcoholic beverages will be served shall obtain an appropriate state license from the Virginia Alcoholic Beverage Control Commission. The applicant shall meet the requirements of all state statutes and regulations pertaining to the issuance of said license and serving of alcoholic beverages. If a County special entertainment permit is not required under this article, but alcoholic beverages will be served, the person responsible for staging, promoting or conducting such assemblage or festival shall obtain an appropriate state license from the Virginia Alcoholic Beverage Control Commission, subject to all requirements of state statute and regulations, and shall exhibit such license in a conspicuous place during such assemblage or festival.

(b) The applicant shall provide the Board of Supervisors or its designated agent with a copy of the aforementioned license at least twenty-four (24) hours prior to the time of the scheduled event.

For state law basis, see VA. CODE ANN. §4.1-206 et seq. (Repl. Vol. 1999 and Cum. Supp. 2008).

Cross-reference: See also §3-12 of this Code regarding restrictions on attendance where alcoholic beverages are distributed, served or consumed.

[THE 1987 ACT adopted this section.]

[THE MARCH 17, 1997 AMENDMENT added the third sentence in subsection (a).]

[THE DECEMBER 1, 1997 AMENDMENT inserted "assemblage or" before "festival" twice in the last sentence of (a) and inserted "or its designated agent" in (b).]

### **Sec. 3-10. Revocation of permit.**

(a) The Board of Supervisors, its designated agent, or the duly constituted law enforcement officer, shall have the right to revoke any permit issued under this article upon noncompliance with any of its provisions and conditions. (4-19-71, §7.) (11-15-82)

(b) Revocation of a permit issued under this article shall not bar prosecution for a violation of the provisions of this article or of other relevant provisions of this Code or of state or federal law.

For general state law authority, see VA. CODE ANN. §15.2-1200 (Repl. Vol. 2008). See also VA. CODE ANN. §18.2-411 (Repl. Vol. 2004) and VA. CODE ANN. §18.2-415 (Cum. Supp. 2008).

[THE 1982 AMENDMENT added "or the duly constituted law enforcement officer."]

[THE DECEMBER 1, 1997 AMENDMENT designated existing provisions as subsection (a) hereof, inserted "its designated agent" therein, and added subsection (b).]

### **Sec. 3-11. Time limitation on music and/or entertainment.**

Music shall not be rendered nor entertainment provided for more than fourteen (14) hours in any twenty-four hour period, such twenty-four periods to be measured from the beginning of the first performance at such assemblage or festival. Such hours shall exclude the hours from 1:00 A.M. to 8:00 A.M. (4-19-71, §5.)

[THE 1987 AMENDMENT substituted "1:00 A.M." for "Midnight" in last sentence.]

[THE DECEMBER 1, 1997 AMENDMENT inserted "fourteen (14) hours" for "eight hours" and inserted "assemblage or" in the first sentence.]

**Sec. 3-12. Restrictions on attendance where alcoholic beverages distributed, served, or consumed.**

No person under the age of twenty-one (21) years of age attending an outdoor entertainment assemblage or festival shall be admitted to the designated area(s) within which alcoholic beverages are being distributed, served, or consumed.

For state law authority, see VA. CODE ANN. Title 4.1 (Repl. Vol. 1999 and Cum. Supp. 2008) and applicable regulations. See also VA. CODE ANN. §15.2-926 (Repl. Vol. 2008).

[THE DECEMBER 1, 1997 AMENDMENT deleted former provisions prohibiting attendance at a festival by a minor unless accompanied by a parent or guardian who must remain with the minor at all times, and substituted the present provisions.]

**Sec. 3-13. Construction of article.**

The provisions of this article shall be liberally construed in order to effectively carry out the purposes of this article in the interest of the public health, welfare and safety of the citizens and residents of the County. (4-19-71, §10.)

**Sec. 3-14. Severability.**

Should any section, paragraph, sentence, phrase or portion thereof of this article be declared by final order of a court of competent jurisdiction to be unenforceable or unconstitutional, such final orders shall not affect the validity of this article as a whole or any other part thereof, and all of the remaining portion hereof shall remain in full force and effect. (11-15-82)

[THE 1982 AMENDMENT repealed and reenacted this section.]

**Article III. County Parks.**

**Sec. 3-15. Parks established.**

Pursuant to the authority of VA. CODE ANN. §15.2-1806 (Repl. Vol. 2008) and VA. CODE ANN. §15.2-1200 (Repl. Vol. 2008), there are hereby established within the County of Campbell certain County Parks, which shall be a parks for recreational use and enjoyment by the public.

For state law authority, see VA. CODE ANN. §15.2-1806 (Repl. Vol. 2008) and VA. CODE ANN. §15.2-1200 (Repl. Vol. 2008).

[THE 1990 ACT adopted this section.]

[THE MARCH 17, 1997 AMENDMENT substituted "are hereby established within the County of Campbell certain County Parks, which shall be parks" for "is hereby established within the County of Campbell the Long Island Park, which shall be a park."]

**Sec. 3-16. Liability of County in the operation of recreational facilities.**

The County of Campbell shall not be liable in any civil action or proceeding for damages resulting from any injury to the person or property of any person caused by any act or omission constituting simple or ordinary negligence on the part of any officer or agent of the County in the maintenance or operation of any such park or recreational facility operated by the County. The County shall, however, be liable in damages for the gross or wanton negligence of any of its officers or agents in the maintenance or operation of any such recreational facility.

The immunity created by this section is conferred upon the County in addition to, and not limiting on, other immunity existing at common law or by statute.

For state law basis, see VA. CODE ANN. §15.2-1809 (Repl. Vol. 2008).

[THE 1990 ACT adopted this section.]

[THE 1991 AMENDMENT added the second paragraph.]

**Sec. 3-17. Regulations regarding use of park facilities.**

Use and enjoyment of the park facilities by any person or group of persons shall be subject to the following rules and regulations, which shall be strictly enforced:

COUNTY PARK REGULATIONS

1. Park hours - Individual park hours shall be as determined by the County Board of Supervisors from time to time and shall be posted on park premises.
2. Fires may be kindled only in grills and fireplaces provided in the park or in private grills.
3. No weapons of any kind will be permitted on park property except by authorized law enforcement personnel.
4. Alcoholic beverages and illegal narcotics are prohibited on park property.
5. Motorized vehicles are prohibited in the park except on roadways and parking areas.
6. All pets shall be kept on a leash while in the park.
7. It shall be unlawful for any person to kill any bird or animal within the park.

8. The amplification of music, speeches or any other sound within the park shall be subject to the applicable provisions of the County noise ordinance and other ordinances of the County, and also subject to conditions imposed by any permit(s) which may be required.

9. No selling or vending of food, drinks, or other objects shall be allowed in the park except by special permission from the Director of Recreation or the County Administrator.

10. Additional rules and regulations applicable to one or more individual County park(s) may be adopted by the Board of Supervisors from time to time by duly adopted uncodified ordinances, which are hereby incorporated by reference as a part of this section. Such additional rules and regulations, enforceable in the same manner as the general rules governing County parks, shall become effective upon adoption and shall be posted on the premises of the affected park(s).

For state law authority, see VA. CODE ANN. §15.2-1806 (Repl. Vol. 2008) and VA. CODE ANN. §15.2-1200 (Repl. Vol. 2008).

[THE 1990 ACT adopted this section.]

[THE MARCH 17, 1997 AMENDMENT substituted "COUNTY" for "LONG ISLAND" in the heading, rewrote item 1 concerning park hours and deleted "or permit" at the end of item 3.]

[THE DECEMBER 1, 1997 AMENDMENT, in item 8, substituted language beginning "shall be subject to the applicable provisions of. . ." for "is allowed only upon written permission from the Director of Recreation".]

[THE JUNE 5, 2006 AMENDMENT added paragraph 10.]

### **Sec. 3-18. Penalty for violations.**

Any violation of any rule or regulation set forth in §3-17 of this Code or incorporated therein by reference shall constitute a misdemeanor which, upon conviction, shall be punishable by imposition of a fine of not more than \$250.00.

For state law authority, see VA. CODE ANN. §15.2-1806 (Repl. Vol. 2008), VA. CODE ANN. §15.2-1429 (Repl. Vol. 2008), and VA. CODE ANN. §18.2-11 (Repl. Vol. 2004).

[THE 1990 ACT adopted this section.]

[THE JUNE 5, 2006 AMENDMENT inserted "or incorporated therein by reference."]

## **Article IV. Public Dance Halls.**

**Sec. 3-19. Definition.**

For the purposes of this article, "Public Dance Hall" shall mean any place open to the general public where dancing is permitted.

For state law authority, see VA. CODE ANN. §15.2-912.3 (Repl. Vol. 2008).

[THE 1982 AMENDMENT added the proviso language following "permitted."]

[THE 1987 AMENDMENT substituted "this article" for "this and the following sections" and deleted a proviso which formerly followed "permitted," which provided that certain restaurants licensed to serve food and beverages having a dance floor with an area not exceeding ten per centum of the total floor area of the establishment would not be deemed to be public dance halls.]

**Sec. 3-20. Permit required, conditions of issuance.**

(a) No person shall operate a public dance hall in the County unless such person has obtained a written permit from the County Administrator. No permit shall be issued unless the person desiring to obtain a public dance hall permit provides satisfactory evidence that he has complied with all applicable provisions of the Virginia Uniform Statewide Building Code, the Statewide Fire Prevention Code, and related statutes, ordinances and regulations.

(b) The County Administrator may establish such administrative rules and procedures as he deems necessary to administer the provisions of this Code pertaining to public dance halls.

(c) No permit shall be issued unless endorsed by the Sheriff.

(d) The permit issued under this section must be renewed annually.

(e)(1) An application fee of twenty-five dollars (\$25.00) (nonrefundable) shall be submitted with each application for a dance hall permit.

(2) A license fee of one hundred dollars (\$100.00) per year (nonproratable and nonrefundable) must be paid upon approval of application and issuance of a permit.

(f) The applicant must submit a plan for adequate parking facilities, crowd and traffic control around the dance hall, including a plan for adequate off-street parking facilities and the number of private security or police personnel to be employed. This plan shall be approved by the Office of the County Administrator and the Office of the Sheriff.

(g) The holder of a permit by acceptance of the issuance thereof warrants that no music shall be played either by mechanical devices or live performance in such manner that the sound emanating therefrom shall be unreasonably audible beyond the property on which the dance hall is located.

(h) No alcoholic beverages shall be consumed in or on the premises of a public dance hall except in strict compliance with the provisions of the Alcoholic Beverage Control Board.

(i) The property upon which a public dance hall is located shall be kept reasonably clean and free of litter.

For state law authority, see VA. CODE ANN. §15.2-912.3 (Repl. Vol. 2008).

Cross reference: For County noise ordinance, see Article VI of Chapter 16 of this Code. For provisions regarding Statewide Fire Prevention Code, see Chapter 10 of this Code.

[THE 1987 AMENDMENT designated undesignated paragraphs in subsection (e) as paragraphs (1) and (2) thereof, substituted "An application fee" for "A fee" and "shall" for "will" in paragraph (1) and inserted "license" in paragraph (2).]

[THE DECEMBER 1, 1997 AMENDMENT deleted "Commonwealth's Attorney and" preceding "Sheriff" in subsection (c) and deleted "the Commonwealth's Attorney" following "Administrator" in the second sentence in subsection (f).]

[THE JULY, 2, 2001 AMENDMENT, at the end of subsection (a), substituted "the Statewide Fire Prevention Code, and related statutes, ordinances and regulations" for "and the Virginia Fire Hazards Law."]

**Sec. 3-21. Revocation.**

Any permit issued pursuant to the provisions of the foregoing section of this Code shall be revoked for a violation of the provisions thereof. No permit shall be revoked prior to reasonable notice being given to the holder of the permit and without a hearing for cause before a three (3) member panel appointed by the Board of Supervisors. This panel shall consist of one (1) member of the Board of Supervisors, one (1) member of the County Administrator's staff, and one (1) member of the Sheriff's Department. Revocation of such permit shall not bar prosecution for a violation of the provisions of this Article.

For state law authority, see VA. CODE ANN. §15.2-912.3 (Repl. Vol. 2008).

**Sec. 3-22. Hours of operation.**

It shall be unlawful for any person to operate or conduct a public dance hall in the County between the hours of 1 a.m. and 6 a.m. Monday night through Friday night, or 12 midnight and 6 a.m. on Saturday night. There shall be no public dance halls operated in the County on Sundays.

For state law authority, see VA. CODE ANN. §15.2-912.3 (Repl. Vol. 2008).

**Sec. 3-23. Exemptions.**

Dances which are held for benevolent or charitable purposes or which are conducted under the auspices of religious, educational, civic or military organizations shall not require permits under this section, provided that such dances are not held on a regularly scheduled basis. Dances held by any of the foregoing organizations on a regular basis, however, shall require a permit as required by §3-20 of this Code; provided, however, that the foregoing organizations shall not be required to pay the license and application fees under §3-20(e) as a condition precedent to issuance of the permit required hereunder. (3-2-81, 5-4-81, 3-21-83)

For state law authority, see VA. CODE ANN. §15.2-912.3 (Repl. Vol. 2008).

[THE 1983 AMENDMENT added proviso language in the second sentence.]

[THE 1987 AMENDMENT deleted "or" preceding "civic" in the first sentence, and inserted "and application" in the proviso in the second sentence.]

[THE 1993 AMENDMENT substituted "§3-20" for "§16-5" and "§3-20(e)" for "§16-5(e)" in the last sentence.]

[THE JULY 6, 2004 AMENDMENT, in the first sentence, deleted “not held on a regularly scheduled basis and which are” preceding “held for,” substituted “or which are” for “when,” and inserted “, provided that such dances are not held on a regularly scheduled basis.”]

### **Sec. 3-24. Applicability of article within towns in County.**

The provisions of this article shall not apply within an incorporated town in the County in which an ordinance adopted under the provisions of VA. CODE ANN. §15.2-912.3 (Repl. Vol. 2008) is in effect.

For state law authority, see VA. CODE ANN. §15.2-912.3 (Repl. Vol. 2008).

[THE 1987 ACT enacted this section.]

### **Sec. 3-25. Penalty for violation.**

Any person violating any provision of this Article shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than \$500.00.

For state law authority, see VA. CODE ANN. §15.2-912.3 (Repl. Vol. 2008) and VA. CODE ANN. §18.2-11 (Repl. Vol. 2004).

[THE 1987 ACT adopted this section.]