

**Chapter 57 Special Events**

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## Chapter 57 Special Events

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[Adopted 2022-10-18]

### *§ 57-1. Purpose and intent.*

This ordinance is enacted pursuant to Virginia Code § 15.2-1200 for the purpose of providing necessary regulation for the holding of outdoor events.

The purpose of this ordinance is to promote public safety and to ensure that peace and quiet is maintained in the unincorporated areas of Clarke County. To meet these goals, it is critical that notice of the intent to conduct potentially disruptive events be provided to appropriate County officials and that a management plan sufficient to protect the health and safety of the event participants and prevent unnecessary or unwanted impacts on the residents of the county be prepared and approved.

This ordinance shall not be construed in a manner that shall infringe on any person's right to free speech or assembly and shall therefore not affect bona fide protests or picketing.

### *§ 57.2. Definitions.*

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

**Adjacent Property Owner**---The owner of property or properties immediately contiguous to or directly across public rights of way, private access easements, railroad rights of way/easements, any streams, rivers, or lakes, and state or county political boundaries) from the tax map parcel containing the site of the proposed outdoor event.

**Administrator** — The County Administrator or his/her designee

**Attendance** – The cumulative total number of people entering the site of a Special Event on an Event Day, including all participants and spectators For Events with multiple consecutive Event Days, the Day with the greatest number of persons attending shall be used to determine whether an Event is Small, Medium, or Large.

**Board** — The Board of Supervisors

**Event Day** – Any day, or part thereof, during which the activity for which a permit has been issued occurs. General set up, and taking down of equipment, shall not count as an event day unless event activities are also occurring on those days.

**Permanent Enclosed Structure**—A building, intended to be permanently located at the site, being fully enclosed by roof and walls, with windows and doors that are constructed and operated during the duration of any event so as to insure that light and sound emanating from the structure do not extend unreasonably beyond the

boundaries of the site. Noise emitted from a permanent enclosed structure shall follow the regulations found in Clarke County Code § 120.

**Public Property**—property owned by or under the direct control of the United States, the Commonwealth of Virginia, or any political subdivision or agency thereof.

**Special Event**—

- a) Any assembly, attraction, ceremony, event, festival, gathering, circus, carnival, or show at which rides, games, competitions, attractions, music, dance, or other performing arts that are engaged in by participants or provided as entertainment by professional or amateur performers or by prerecorded means,
  - 1) Which involves the raising, charging, donating or re-couping of funds;
  - 2) Which is held at any place other than on property owned by the United States Of America, the Commonwealth of Virginia, or the County Of Clarke;
  - 3) Which is not held in a permanent enclosed structure;
  - 4) To which the public is invited or admitted;
  - 5) Which does not occur in the town of Berryville, the Berryville annexation area, or the town of Boyce, and
- b) Such an assembly shall not include demonstrations, parades, rallies, marches, or picketing activities.

**Small Special Event** – attendance of 150 to 499 persons. Small special events shall be located on a parcel of six (6) or more acres (or adjoining parcels with the same owner that have a total area of six (6) or more acres).

**Medium Special Event** – attendance of 500 to 999 persons. Medium special events shall be located on a parcel of twenty-five (25) or more acres (or adjoining parcels with the same owner that have a total area of twenty-five (25) or more acres).

**Large Special Event** –attendance of 1000 or more persons. Large special events shall be located on a parcel of fifty (50) or more acres (or adjoining parcels with the same owner that have a total area of fifty (50) or more acres).

**§ 57.3. Permit required.**

- a) No person or entity shall stage, promote, advertise, or hold any Special Event unless a permit has first been obtained from the County or unless exempted from obtaining a permit by other provisions of this ordinance.
- b) The permit required by this ordinance, or the exemptions provided herein, shall not eliminate or substitute for any requirement for any business license or any other

permit(s) which may be required by any federal, state, or local statutes, ordinances, rules, or regulations. Applicants are responsible for insuring that all such permits, licenses, and certificates are obtained from the appropriate authority.

- c) The Board shall review all special event applications.
- d) The maximum number of days special events may be permitted per calendar year on a parcel, including all parcels included in any special events permit, shall be five days. Property owners seeking to have more than five days of special events on a parcel should contact the Planning & Zoning office concerning a minor commercial public assembly

#### *§ 57.3.1. Exemptions from permit*

A permit shall not be required for an event with attendance less than 150 persons on a parcel of six (6) or more acres (or adjoining parcels with the same owner that have a total area of six (6) or more acres). Events not requiring a special events permit shall comply with Clarke County Code § 120.

Agritourism activities, permitted and defined in Clarke County Code § 200, are also not required to obtain a special events permit.

#### *§ 57.4. Application for permit.*

- a) Any party interested in organizing a special event shall review the requirements of this ordinance and all application materials provided by the County. Applicants are strongly encouraged to talk with their neighbors about the proposed special event. When the event location, size, date(s), and other details have been determined, the applicant shall contact the County Administrator and request an on-site agency review meeting.
- b) Upon receiving a request for an on-site agency review meeting, the County Administrator shall schedule such review meeting at the proposed special event's location with the applicant and the following agencies: Clarke County Building Official, Clarke County Sheriff, Clarke County Director of Fire, EMS, and Emergency Management, Clarke County Office of Planning & Zoning, Virginia Department of Health, and the Virginia Department of Transportation. Other agencies may be included at the discretion of County staff or as requested by the applicant.
- c) Following the mandatory on-site agency review meeting, the applicant may submit an application for a Special Event permit using the application forms provided by the County. Applications shall be submitted at least 60 days prior to the proposed special event. The application shall include:
  - 1) A description of the event, including the type and nature of any performances, shows, and/or other activities.
  - 2) A schedule of specific performances, shows, and/or other activities, including the dates and times.

- 3) A description, plan, and/or documentation of how the applicant will comply with each of the Special Event requirements set forth in §57.6.
  - 4) A signed statement from the owner of the property on which the event is to be held confirming that the owner has given permission for the specific Special Event to be held.
  - 5) If the proposed Special Event is to be held on property that is accessed by private road, a signed letter from all property owners on that private road noting their approval of the use of the private road for the Special Event is required.
  - 6) A scaled drawing depicting the following:
    - i. The areas for performances or activities and for grandstands or seats, showing the location of all aisles for pedestrian travel and other crowd-control measures.
    - ii. All physical facilities existing or to be constructed on the premises, including but not limited to fences, ticket booths, seating, tents, and stages.
    - iii. The location, capacity, and nature of all temporary lighting, sound, and public address facilities.
    - iv. The location, capacity, and nature of all temporary water, toilet, and all other public health-related facilities.
    - v. Vehicle ingress, egress, and parking plan, to include emergency vehicle access.
  - 7) Any other information required by the County Administrator or reviewing agency.
- d) The County Administrator, upon determining that a completed application and permit fee have been submitted, shall forward the application to the agencies that were invited to the mandatory on-site review meeting. Those agencies shall provide written comments to the County Administrator within ten (10) business days. The County Administrator shall provide these comments to the applicant. Failure of the agency to respond within ten (10) business days shall be deemed their approval of the proposed special event.
- e) Upon receipt of all agency comments, the County Administrator shall place the application on the next available Board of Supervisors meeting evening session agenda for review and consideration. At the evening session the applicant will be given an opportunity to present their proposed application. The public will then be permitted to provide the Board comments on the proposed application following standard public comment protocols. The County Administrator shall also provide notice of the following to all adjacent property owners:

1. An application for a special events permit has been received.
  2. The location at which a copy of the application is available to view.
  3. The date and time at which the application will be presented to the Board of Supervisors for consideration.
- f) The County Administrator shall also place a sign at the proposed Special Event location informing the public that an event is planned on the property at least ten (10) days prior to the scheduled Board of Supervisors meeting informing the public that a special events permit has been requested for the property.
- g) The Board of Supervisors will make one of the following actions:
1. Approve the issuance of a Special Event Permit.
  2. Approve the issuance of a Special Event Permit subject to reasonable conditions.
  3. Defer action on the application to a later meeting.
  4. Deny the issuance of a Special Event Permit.
- h) The County Administrator shall send written notice of the Board's decision to the applicant and all adjacent property owners.

*§ 57.5. Permit Fee.*

A permit fee shall be paid at the time of submission of an application for a permit. The Board of Supervisors shall adopt a fee schedule for the various types of Special Events.

*§ 57.6. Special Event requirements.*

All Special Events shall comply with the following terms, conditions, and requirements, unless exception is requested and specifically granted by any permit issued. The Board of Supervisors may waive any of the following if deemed appropriate due to circumstances unique to the proposed event.

- a) **Event hours.** Unless specifically approved by the Board, no stage presentation, music, dance, or other performance or activity shall take place at a Special Event between the hours of 12:00 a.m. and 7:00 a.m.
- b) **Admission regulated.** The applicant shall regulate admission by admission ticket or other acceptable means, so as to insure that the number of persons attending an event does not exceed the number allowed by terms of the permit.
- c) **Limits to attendance.** The applicant shall not sell or distribute a greater number of tickets than the number that the permit allows for attendance. The applicant shall not admit any

persons to an outdoor event if such admission would result in a greater number of persons present than allowed by the permit.

- d) **Water supply.** The applicant shall provide an ample supply of potable water for drinking and sanitation purposes on the premises of the Special Event, as determined by the Health Department.
- e) **Toilet and/or lavatory facilities.** The applicant shall provide adequate toilet and/or lavatory facilities on the premises of the Special Event, as determined by the Health Department.
- f) **Waste management.** The applicant shall provide for adequate pickup and removal of refuse, trash, garbage, and rubbish from the site of the event, as determined by the Health Department. The applicant must clean up the premises and remove all trash and debris within 48 hours from the conclusion of the event.
- g) **Medical facilities.** The applicant shall provide adequate on-site medical facilities and emergency medical transport vehicles, as determined by the Health Department and the Director of Fire, EMS, and Emergency Management.
- h) **Fire protection.** The applicant shall provide for adequate fire prevention and protection, as determined by the Director of Fire, EMS, and Emergency Management.
- i) **Traffic and parking control.** The applicant shall provide for adequate ingress, egress, parking, and traffic control for the Special Event, as determined by the Sheriff, VDOT, and/or the State Police.
- j) **Security.** The applicant shall provide adequate on-site security, as determined by the Sheriff.
- k) **Food & Beverage.** The applicant shall provide for adequate preparation and provision of any food or beverage for consumption at the Special Event, as determined by the Health Department and, if alcoholic beverages are to be served, the Virginia Alcohol Beverage Control Board.
- l) **Illumination.** If outdoor lighting is to be utilized, such lights shall be located, and appropriately shielded or mitigated as to prevent unreasonable glow beyond the property on which the event is located. All necessary building permits shall be obtained before the event occurs.
- m) **Temporary Structures.** All necessary building permits shall be obtained before the event occurs for any temporary structures such as tents or amusement rides.
- n) **Sound.** Sound levels shall comply with the Clarke County Code § 120-9(d), which regulates amplified sound.

- o) **Communication system.** The applicant shall provide adequate means of communication with public safety and other government officials, as determined by the Sheriff and the Director of Fire, EMS, and Emergency Management.
- p) **Liability insurance.** The applicant shall provide evidence of adequate liability insurance. A certificate of insurance providing coverage in an amount of at least \$1 million dollars, naming the County of Clarke as an additional insured, and showing the date(s) of the event must be received by the County Administrator prior to the issuance of a Special Event Permit.
- q) **Setbacks.** The approving entity may establish setbacks from property lines, rights of way, and access easements to the site of public assembly or parking for participants or spectators for a Special Event as determined necessary by the approving entity depending on site characteristics, the type of event, the anticipated number of participants and spectators, and the impact on adjacent property owners.
- r) **Permission for Entry.** The applicant shall provide written permission allowing County staff and all duly constituted law enforcement officers to enter the property at any time during the Special Event in order to determine compliance with the approved permit and the provisions of this chapter.
- s) **Other laws and rules.** The applicant shall comply with all federal, state and local laws, ordinances and regulations, including zoning ordinance provisions and any applicable special use provisions.
- t) **Necessary Safety Services.** The operator of the Special Event shall provide any services necessary to provide appropriate levels of safety over and above what public agencies determine that they are able to provide.
- u) **Camping.** Camping associated with a special event shall only be permitted as allowed in the Clarke County Zoning Ordinance.

*§ 57.7. Deposit.*

As a condition of issuing the permit, the Board may require the payment of a deposit to cover anticipated public clean-up costs, law enforcement costs, and/or emergency services costs beyond what is usual and customary. The applicant shall be responsible for such costs in excess of any deposit, and the applicant shall be refunded any unused portion of a deposit.

*§ 57.8. Permit not transferable.*

No permit issued under the provisions of this chapter shall be transferable.

*§ 57.9. Revocation or suspension of permit.*

A permit issued under the provisions of this chapter may be revoked or suspended by the Board of Supervisors. The Sheriff or his/her designee may temporarily suspend the permit



pending consideration by the Board, of action to revoke or suspend a permit. Such action by the Board or the Sheriff or designee may be taken for any of the following reasons:

- a) Any 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 permit issued hereunder.
- b) Any material misrepresentation in the application for a permit.
- c) Any change in the ownership of the location of the permitted event, unless there is provided a signed statement from the new owner to confirm that the new owner has given permission for the specific Special Event to be held.
- d) Any material change in the condition of the facilities or ability of contracted organizations to provide required services or equipment.
- e) Any state of emergency, disaster, hazardous weather condition, or other threat to the public health, safety, and welfare that has been declared or is anticipated to occur such that continuation of the event is deemed to be an undue or unnecessary risk to the participants, general public, or public safety providers.

Upon revocation or suspension of the permit, the permitted shall immediately cancel and/or terminate the event and provide for orderly dispersal of those in attendance.

*§ 57.10. Violations and Penalties*

Any person or entity that violates any provision of this chapter shall be guilty of a Class 1 misdemeanor. Each violation shall constitute a separate offense, and each day such violation may continue shall constitute a separate offense. The Board may bring suit in the Clarke County Circuit Court to restrain, enjoin, or otherwise prevent a violation of this chapter.

*§ 57.11. Effective Date*

This ordinance shall be effective on October 18, 2022. Any completed application submitted prior to October 18, 2022 may proceed under the ordinance in effect at the time of the application submittal.

## **Amendments Chapter 57**

2008-09-16

Chapter readopted with title change from Amusements to Special Events; Reference Updates in Chapter 78 Dance Halls; Chapter 97 Fireworks; Chapter 112 Littering; Chapter 124 Nuisances; Chapter 165 Taxation CC-07-01

2009-02-17

Chapter 57, Special Events; §57-2, Definitions, so as to change the definition of Special Events to include activities that occur 10 or more times in a calendar year,; §57-3, Permit Required, and §57-4, Application for Permit, so as to clarify the requirements for a permit and the criteria for a permit application, and; §57-6, Action on Applications, so as to allow the Board of Supervisors and the County Administrator to approve any number of Special Events for multiple years at the same location. CC-09-02

2010-01-19

§ 57-2. Amend definition of the term “Special Events”; § 57.4. Application for permit: so as to add the requirement to send written notice and remove the requirement to send the full application by certified mail; § 57.6. Action on applications: so as to remove the requirement of the County Administrator and/or Board to provide notice to applicant and adjacent property owners via certified mail. CC-10-01

2022-10-18

Chapter rewritten.