

Article III – Outdoor Festivals

CHAPTER 14 – BUSINESSES

Division 1 – Generally

Sec. 14-66. – 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:

Musical or entertainment festival or festival means any gathering or group of individuals for the purpose of listening to or participating in entertainment which consists primarily of musical renditions conducted in open spaces, where the gathering, or the greater part of the gathering, is not accommodated within an enclosed structure. The term shall not include private gatherings where no admission is charged, no donations are requested, and no donations are accepted and where there are no charges or exchanges of money for refreshments, parking or other services provided.

(Ord. of 7-10-1990, § 1)

Sec. 14-67. – Purpose.

This article is enacted for the purpose of providing necessary regulation for the conduct of musical or entertainment festivals conducted in open spaces not within an enclosed structure and of any gathering or group of 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.

(Ord. of 7-10-1990, § 2)

Sec. 14-68. – Construction of article.

The provisions of this article shall be liberally construed in order to effectively carry out its purposes in the interest of the public health, safety and welfare of the citizens and inhabitants of the county.

(Ord. of 7-10-1990, § 3)

Sec. 14-69. – Time limit on music and entertainment.

Music shall not be rendered nor entertainment provided at a festival for more than eight hours in any 24-hour period, such period to be measured from the beginning of the first performance at the festival. There shall be no music or entertainment between the hours of 12:00 midnight and 9:00 a.m.

(Ord. of 7-10-1990, § 4)

Sec. 14-70. – Admission of minors.

No person under the age of 18 years shall be admitted to any festival unless accompanied by a parent or guardian. The parent or guardian shall remain with such person under the age of 18 years at all times.

(Ord. of 7-10-1990, § 5)

Sec. 14-71. – Violations.

Any person, including the officers and directors of any corporation or entity conducting the festival, who violates any provision of this article shall be guilty of a class 1 misdemeanor as prescribed by state law. The board of

supervisors, any law enforcement officer or any private citizen may bring suits or actions in the circuit court of the county to restrain, enjoin or otherwise prevent violation of this article. This article shall not be construed to be exclusive of all rights or remedies available to the board of supervisors but shall be in addition to such rights or remedies.

(Ord. of 7-10-1990, § 15)

Secs. 14-72–14-95. – Reserved.

Division 2 – Permit

Sec. 14-96. – Required.

No musical or entertainment festival shall be staged, promoted or conducted in the unincorporated areas of the county unless a special entertainment permit has been obtained in accordance with the provisions of this division.

(Ord. of 7-10-1990, § 6)

Sec. 14-97. – Applicants.

The person staging, promoting or conducting the musical or entertainment festival and the owner of the real estate upon which the festival is to be conducted shall jointly make application for the permit and shall be jointly responsible for compliance with the provisions of this article.

(Ord. of 7-10-1990, § 7)

Sec. 14-98. – Applications.

(a) An application for a permit required by this division shall be in writing, on forms provided for the purpose, and filed with

the county administrator at least 60 days prior to the date of the proposed festival. Such application shall have attached and made a part of the plans, statements, approvals and other documents required by section 14-100. A copy of such application shall be promptly mailed by the county administrator to each member of the board of supervisors.

(b) An application submitted pursuant to this division shall be accompanied by such fee as is prescribed by the board of supervisors.

(Ord. of 7-10-1990, § 8)

Sec. 14-99. – Waiver of time period.

Notwithstanding the provisions of this division, the county administrator is authorized to waive the 60-day time requirement of section 14-98 in hardship cases, in which cases the board of supervisors shall take action in granting or denying the permit within ten days after the application is filed. Hardship cases are those cases where a promoter of a festival has, on July 10, 1990, made substantial plans for the festival by securing a site, contracting for entertainment, incurring expenses for advertisement or otherwise financially obligating the promoter.

(Ord. of 7-10-1990)

Sec. 14-100. – Conditions for issuance.

Permits required by this division shall not be issued unless the following conditions are met and the following plans, statements and approvals are submitted to the board of supervisors with the applications:

(1) A statement by the applicants containing the date and time of the festival, the total number of tickets to be offered for sale and the best reasonable estimate by the applicants of the

number of persons expected to be in attendance shall be submitted.

(2) A statement of the names, addresses, telephone numbers and Social Security numbers of the promoters of the festival shall be submitted. If the promoter is a corporation or other entity, the names, addresses, telephone numbers and Social Security numbers of the officers and directors of the corporation or other entity shall be submitted.

(3) A statement providing the location of the festival (with reference to the nearest highway) and the name, address, telephone number and Social Security number of the owner of the property on which the festival is to be held shall be submitted.

(4) A plan for adequate sanitation and sewage disposal and for adequate garbage and trash collection and disposal shall be submitted. The plan shall meet the requirements of all state and county statutes, ordinances and regulations and shall be approved by the county health officer.

(5) A plan for providing food, water and lodging for persons attending the festival shall be submitted. The plan shall meet the requirements of all state and county statutes, ordinances and regulations and shall be approved by the county health officer.

(6) A plan for adequate medical facilities for persons attending the festival, approved by the county health officer, shall be submitted.

(7) A plan for adequate traffic control at all junctions with major highways, at the entrances to the festival area and at such other intersections as may be necessary, to be provided and financed by the promoters, shall be approved by the sheriff and shall be submitted.

(8) A plan for adequate parking facilities and traffic control in and around the festival area shall be approved by the sheriff and shall be submitted.

(9) A plan for adequate fire protection shall be submitted. This plan shall meet the requirements of all state and local statutes, ordinances and regulations and shall be approved by the chief of the fire department serving the area.

(10) A statement shall be submitted stating whether any outdoor 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, shall be submitted.

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

(Ord. of 7-10-1990, § 9; Ord. of 10-12-2004(1))

Sec. 14-101. – Applicant to furnish right of entry.

No permit shall be issued pursuant to this division unless the application is accompanied by a document in writing providing to the board of supervisors, to its lawful agents and to law enforcement officers of the county and the commonwealth, permission to go upon the property at any time for the purpose of determining compliance with the provisions of this division and compliance with the statutes, ordinances and regulations of the county and the commonwealth.

(Ord. of 7-10-1990, § 10)

Sec. 14-102. – Issuance or denial.

The board of supervisors shall act on the application filed pursuant to this division not later than 45 days after the date of filing of the application. If granted, the permit shall be issued in writing on a form designed for the purpose and mailed by the county administrator to the applicants at the addresses provided. If the application is denied, the refusal shall be in writing and the reasons for such denial stated and mailed by the county administrator to the applicants at the addresses provided.

(Ord. of 7-10-1990, § 11)

Sec. 14-103. – Responsibility of property owner.

The owner of the property upon which the festival is conducted shall take appropriate steps to ensure that the provisions of this division are complied with by the promoters of the festival and persons attending the festival.

(Ord. of 7-10-1990, § 12)

Sec. 14-104. – Bond.

Applicants for a permit required by this division shall provide to the county a bond in an amount determined by the county administrator for the faithful performance of the provisions of this division. Such bond shall be in the form of cash or certified check. The board of supervisors may waive these requirements and may specify a different type of bond to be provided.

(Ord. of 7-10-1990, § 13)

Sec. 14-105. – Liability for expenses incurred.

Applicants for a permit required by this division shall be jointly liable for all expenses incurred by the county and by the law enforcement officers of the county and the commonwealth relating to the conduct of a festival conducted within the county.

(Ord. of 7-10-1990, § 14)

Sec. 14-106. – Revocation.

The board of supervisors shall have the right to revoke any permit issued under this division upon noncompliance with any of the provisions and conditions of the permit or of this article.

Secs. 14-107–14-140. – Reserved.