

ROCKBRIDGE COUNTY CODE

Chapter 4

AMUSEMENTS AND ENTERTAINMENT*

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ARTICLE I. IN GENERAL

Secs. 4-1--4-15. Reserved.

ARTICLE II. MUSICAL OR ENTERTAINMENT FESTIVALS

Sec. 4-16. Purpose of article.

This article is enacted pursuant to §15.2-1200 of the Code of Virginia for the purpose of providing necessary regulation for the conducting of musical or entertainment festivals or any combination of musical or entertainment festivals with any other event 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 that consists primarily of musical renditions conducted in open spaces not within an enclosed structure in the interest of the public health, safety and welfare of the citizens and inhabitants of Rockbridge County.

Sec. 4-17. Definitions.

When used in this article, the following words shall mean:

Board shall mean the board of supervisors of Rockbridge County, Virginia.

Musical or entertainment festival shall mean any gathering of groups or individuals for the purpose of listening to or participating in entertainment that consists primarily of musical renditions conducted in open spaces not within an enclosed structure.

Cross reference—Definitions and rules of construction, §1-2.

* **Cross reference(s)**--Licenses and business regulations, Ch. 19; amusement and recreation services, §19-54(2), (5); carnival licenses, §19-58; licenses for coin-operated machine operators, §19-59.

Sec. 4-18. Permits.

(a) *Required; exemptions.* No person, firm, corporation or partnership shall stage, promote, or conduct any musical or entertainment festival in the unincorporated areas of Rockbridge County unless there shall have been first obtained from the board a special entertainment permit for said festival. Fire departments, rescue squads, agricultural fairs, entertainments sponsored by local high schools, sporting events sponsored by local high schools, or any event in which the participants are all high school students are exempt from this requirement.

(b) *Application.* Application for such special entertainment permits shall be in writing on forms provided for the purpose and filed in duplicate with the clerk of the board at least thirty (30) days before the date of such festival and twenty-one (21) days prior to a meeting of the board. Such applications shall have attached thereto, and made a part thereof, the plans, statements, approvals and other documents required by this article.

(c) *Issuance; denial.* The board shall act on such applications within ten (10) days from the date on which the application is considered. If granted, the permit shall be issued in writing on a form for the purpose and mailed by the clerk 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 clerk to the applicant at the address indicated.

Cross reference(s)--Licenses and business regulations, Ch. 19.

Sec. 4-19. Requirements for approval of permits.

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

- (1) An application for special entertainment permit shall have attached to it a copy of the ticket or badge of admission to said festival, containing the date or dates and time or times of said festival, together with a statement by the applicant of the total number of tickets to be offered for sale and the best reasonable estimate by the applicant of the number of persons expected to be in attendance.
- (2) A statement of the name and address of the promoter of the festival, the financial backing of the festival, and the names of all persons or groups who will perform at said festival.
- (3) A statement of the location of the proposed festival, the name and address of the owner of the property on which said festival is to be held, and the nature and interest of the applicant therein.
- (4) A plan for adequate sanitation facilities and garbage, trash and sewage disposal for persons at the festival. This plan shall meet the requirements of all state and local statutes, ordinances and regulations, and shall be approved by the county health officer.

- (5) A plan for providing food, water, and lodging of the persons at the festival. This plan shall meet the requirements of all state and local statutes, ordinances and regulations and shall be approved by the county health officer.
- (6) A plan for adequate medical facilities for persons at the festival, approved by the county health officer.
- (7) A plan for adequate parking facilities, crowd control and traffic control in and around the festival area approved by the sheriff.
- (8) 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 fire chief.
- (9) 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 flow beyond the property on which the festival is located.
- (10) A statement that no music shall be played, either by mechanical device or live performance, in such manner that the sound emanating therefrom shall be unreasonably audible beyond the property on which the festival is located.

Sec. 4-20. Time limitations.

Music shall not be rendered nor entertainment provided for more than eight (8) hours in any twenty-four hour period, such twenty-four-hour periods to be measured from the beginning of the first performance at such festival.

Sec. 4-21. Right of entry.

Permits, which are not assignable or transferable, shall not be issued under this article unless the applicant shall furnish to the board written permission for the board, its lawful agents, or duly constituted law enforcement officers, to go upon the property at any time for the purpose of determining compliance with the provisions of this article. The board shall have the right to revoke any permit issued under this article upon noncompliance with any of its provisions or conditions.

Sec. 4-22. Penalty.

Any person, firm or corporation who violates any provision of this article shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding three hundred dollars (\$300.00) or by confinement in jail not exceeding thirty (30) days, or by both such fine and imprisonment. Each violation shall constitute a separate offense. The board may bring suit in the Circuit Court of Rockbridge County to restrain, enjoin, or otherwise prevent a violation of this article.

Sec. 4-23. Severability.

It is declared to be the intent of the board that if any section, subsection, sentence, clause, phrase, or portion of this article shall for any reason be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and individual provision, and such holding shall not affect the validity of the remaining portions thereof.

Sec. 4-24. Rule of construction.

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

Sec. 4-25. Effective date.

This article shall be in full force and effect upon adoption (October 14, 1970) by the board of supervisors of Rockbridge County.

Sec. 4-26--4-35. Reserved.

ARTICLE III. BINGO GAMES AND RAFFLES*-- DELETED

Secs. 4-36--4-38. Deleted, pursuant to 1995 repeal of Code of Virginia, §§18.2-340.1--340.14 and vesting of all Charitable Gaming, including Bingo, with Charitable Gaming Commission, under Code of Virginia, §18.2-340.15 et seq. §§4-36--4-38 now reserved.

ARTICLE IV. REGULATION OF NOISE*

Sec. 4-39. Short Title.

This Article shall be known as the “Noise Ordinance of the County of Rockbridge, Virginia.”
(Ord. Of 7-25-94)

Sec. 4-40. Prohibition.

It shall be unlawful for any person to make, continue or cause to be made any loud, unreasonable, disturbing or unnecessary noise in the form of the using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph or other machine or device for producing or reproducing of music or sound in such a manner as to disturb the peace, quiet and comfort of neighboring inhabitants with volume that is plainly audible at a

* **State law reference(s)** – Authority for control of all charitable gaming, including Bingo, vested in Charitable Gaming Commission, Code of Virginia, §18.2-340.15 et seq.

* **State law reference(s)** – Authority of county to adopt ordinance similar to this article, Code of Virginia, §15.2-1200.

distance of 100 feet from the building, structure, vehicle or device itself between the hours of midnight (12:00 AM) and 7:00 AM.
(Ord. Of 7-25-94)

Sec. 4-41. Undue Hardship Variance.

- (1) Any person responsible for the noise source may apply to the county Board of Supervisors for a variance or partial variance from the provisions of this article. The Board may grant such variances or partial variance if it finds that:
 - a. The noise does not endanger the public health, safety or welfare; or
 - b. Compliance with the provisions of this article from which a variance is sought would produce serious hardship without producing equal or greater benefit to the public.
- (2) In determining whether to grant such a variance, the Board shall consider the time of day the noise will occur, duration of the noise, whether the noise is intermittent or continuous, its extensiveness, the technical and economic feasibility of bringing the noise into conformance with this article and such other matters as are reasonably related to the impact of the noise on the health, safety and welfare of the community and the degree of hardship that may result from the enforcement of the provisions of this article.
- (3) No variance or partial variance issued pursuant to this article shall be granted for a period to exceed one (1) year, but any such variance or partial variance may be renewed for like periods if the County shall find such renewal is justified after again applying the standards set forth in this article. No renewal shall be granted except upon application therefor.

(Ord. Of 7-25-94)

Sec. 4-42. Exceptions.

The provisions of this article shall not apply to any noise other than that defined herein. This article specifically excepts any noise emanating from acts of manufacturing, farming, industry and any other activities not specifically prohibited herein.

(Ord. Of 7-25-94)

Sec. 4-43. Penalty.

- (1) Any person who violates any provision of this article shall be deemed guilty of a Class 3 misdemeanor. Any person who commits a second violation of any provision of this article within a twelve-month period shall be deemed guilty of a Class 2 misdemeanor. Any person who commits a third or subsequent violation

of any provision of this article within a twelve-month period shall be guilty of a Class 1 misdemeanor.

- (2) Each separate act on the part of the person violating this article shall be deemed a separate offense, and each day of violation is permitted to continue unabated shall constitute a separate offense.

(Ord. of 7-25-94)

(Amended by Ord. of 11-27-06, effective November 27, 2006)

Secs. 4-44--4-49. Reserved.

ARTICLE V. FARMERS' MARKET

Sec. 4-50. Purpose of article.

This article is adopted for the purpose of promoting and regulating outdoor farmers' markets. A farmers' market promotes regional agriculture and ensures a continuing supply of fresh, local produce for area residents. Such markets support farmers and preserve farmland for the future by providing regional small family farmers with alternative opportunities to sell their goods. It is the intent of this article that farmers' markets are held in existing parking areas or other such open space used periodically for the seasonal sale of regionally grown agricultural or horticultural produce or merchandise, to include handmade crafts, produced, forged or constructed on the farm.

Sec. 4-51. Permits.

(a) *Required; exemptions.* No person, firm, corporation or partnership shall promote or conduct an outdoor farmers' market in the unincorporated areas of Rockbridge County unless there shall have been first obtained from the Board of Supervisors a special seasonal permit for said market.

(b) *Application.* Application for such seasonal market permits shall be in writing on forms provided for the purpose and filed with the Clerk of the Board at least thirty (30) days before the beginning of the seasonal market and twenty-one (21) days prior to a meeting of the Board. Such applications shall have attached thereto, and made a part thereof, the plans, statements, approvals and other documents that may be required.

(c) *Issuance; denial.* The Board shall act on such applications within fifteen (15) days from the date on which the application is considered. If granted, the permit shall be issued in writing on a form for the purpose and mailed by the clerk 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 Clerk to the applicant at the address indicated.

(d) *Signage, temporary.* Temporary signage may be allowed up to 24 hours prior to, and the day of, the event. Such signage may be placed off-premise and shall not exceed twelve (12)

square feet in area and eight (8) feet in height for the purpose of directing participants to the event.

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

- (1) A statement of the name and address of the organizer of the market.
- (2) A statement of the location of the proposed market, the name and address of the owner of the property on which said market is to be held, and letter of approval from the owner.
- (3) A plan for adequate sanitation facilities and garbage, trash and sewage disposal for persons at the market. This plan shall meet the requirements of all state and local statutes, ordinances and regulations, and shall be approved by the County health officer.
- (4) A plan for adequate parking facilities, crowd control and traffic control in and around the market area.
- (5) All equipment, materials and signage shall be removed from the premises at the end of each daily event.

Cross reference(s)--Licenses and business regulations, Ch. 19.
(Article V, Secs. 4-50--4-51 added by Ord. of 4-27-09)