

**STEPHENS CITY CODE**

**Chapter 11**

**MUSIC AND ENTERTAINMENT FESTIVALS**

**Article I      In General, §§11-1 – 11-30**

**Article II     Permit, §§11-31 -11-34**

**Article III    Newtown Heritage Festival, §§11-35**

## MUSIC AND ENTERTAINMENT FESTIVALS

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### ARTICLE 1. IN GENERAL

#### **Sec. 11-1. Purpose of Chapter.**

(a) The Town Council of Stephens City recognizes that in balancing the interests of preserving public health, protecting property and preserving peace and good order against the interests of promoting a healthy community spirit it is necessary and proper to enact this chapter to provide for the control and regulation of musical, entertainment and all types of festivals conducted in the open and of groups or gatherings of persons for the purpose of participating in such gathering or festivals.

(b) This chapter is not intended to apply to any sort of gathering which is strictly and totally within the confines of a building or house of worship.

#### **Sec. 11-2. Restrictions on timing of operations.**

No exterior musical entertainment or festival shall be conducted between the hours of 10:00 pm and 7:00 am.

#### **Sec. 11-3. Restrictions on music and entertainment.**

No music or entertainment provided shall be rendered for more than eight hours in any 24-hour period, such 24-hour period to be measured from the beginning of the first performance.

#### **Sec. 11-4. Persons under 16 to be accompanied by parent or guardian.**

No person under the age of 16 years shall be admitted to or shall freely roam about in any musical or entertainment festival unless accompanied by a parent or guardian, who shall remain with the minor person at all times.

#### **Sec. 11-5. Compliance with chapter and with permits required.**

It shall be unlawful for any person to violate or fail to comply with any provision of this chapter or with any condition of any permit issued pursuant to this chapter.

#### **Sec. 11-6. Donations and gifts.**

(a) The Town, by action of either the Mayor, the Town Manager or any Town committee by majority vote, may accept donations or gifts to the Town, either in kind or in cash, to carry out any of the public purposes for the operation of a Town sponsored festival, park, recreation, or for any other governmental purpose as determined by the Town. Gifts to the Town that meet the criteria of the Internal Revenue Code (IRC) Section 170(c)(1) may provide a donor with favorable tax treatments. The value of a gift may be deductible from the donor's federal adjusted gross income pursuant to IRC Section 170(c)(1). The Town does not provide advice concerning any potential tax benefits that may accrue to the donor. It is the responsibility of the donor to consult with their own tax advisor regarding the tax implications of their gift. The Town

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Treasurer shall acknowledge such gifts or donations as for an exclusive public purpose, but shall not assign a value to the gift or donation.

(b) This provision does not contemplate acceptance by a Town employee or a Town Official of a personal gift to the individual rather than the municipal corporation.

**State law reference** 2.2-3104: 15.2-1108; IRC Section 170(c)(1)

**Sec. 11-7 – 11-30. Reserved.**

### ARTICLE II. PERMITS

**Sec. 11-31. Permit Required.**

No person shall stage, promote or conduct any music or entertainment festival or gathering within the Town unless having first obtained from the Town Council a special entertainment permit to do so. This provision shall not apply to any event or festival sponsored by the Town.

**Sec. 11-32. Applications for permit and papers to accompany applications.**

Applications for special entertainment or music festival permit shall be in writing on forms provided for this purpose and filed in duplicate with the Town Clerk at least 45 days before the date of the musical or entertainment festival. The application shall have attached the plans, statements and approvals and other documents required by this chapter. The Town Clerk shall have a copy of the complete application provided by way of a member of the Town Police Department to the address of every Town Council member and the Mayor, and shall coordinate with the Mayor to schedule a special meeting of the Council to consider the application. The application shall include a \$500.00 permit fee.

**Sec. 11-33. Action by Town Council on application for permits.**

The Town Council shall act on each application for a permit under this chapter within 15 days from its completed filing with the Town Clerk. If approved, the permit shall be issued in writing and mailed by the Town Clerk to the applicant. If denied, the refusal shall be in writing and the reasons for such denial stated in the refusal document, which shall in a like manner be mailed by the Town Clerk to the applicant. If the applicant has provided an electronic mail address, the Clerk shall use both regular post office mail and electronic mail.

**Sec. 11-34. Conditions precedent to granting permit.**

No permit under this chapter shall be approved or issued by the Town Council unless the following conditions are met and the following plans, statements and approvals are submitted to the Town Council with the application:

(a) The application shall have attached to it a copy of the ticket or badge of admission to the festival showing the dates and times of the festival, together with a statement by the applicant of the total number of tickets available and an estimate of the total number of persons expected to

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be in attendance. This ticketing shall apply regardless of whether an admission is charged or whether admission is free.

(b) A statement of the names and addresses of the promoters of the festival or gathering, the financial backing of the festival, and the names and addresses of all persons or groups that will perform at the event.

(c) A statement of the location of the proposed festival or gathering, the name and address of the owner of the property on which the festival or gathering is to be held, and the nature and interest of the applicant therein.

(d) A written plan for adequate sanitation facilities and garbage, trash and sewage disposal for persons at the festival or gathering. This plan shall meet the requirements of all state and local statutes, ordinances and regulations, and shall be approved prior to filing the application with the Town by the County health officer.

(e) A plan for providing food, water and lodging for the persons attending the festival or gathering. This plan shall meet the requirements of all state and local statutes, ordinances and regulations, and shall be approved prior to filing the application with the Town by the County health officer.

(f) A plan for adequate medical facilities for persons at the festival or gathering, approved prior to filing the application with the Town by the County health officer.

(g) A plan for adequate traffic control and parking facilities and security for the event approved prior to filing the application with the Town by the Town Chief of Police.

(h) 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 prior to filing the application with the Town by the Stephens City Fire Department Chief.

(i) A written outline and schedule of timing for any use of outdoor lighting, and if so, a plan showing the location of such lights and shielding devices or other equipment to prevent interference of quiet enjoyment of neighboring properties.

(j) A statement that no music or sounds shall be played in such a manner that the sound or noises from the gathering or festival shall be unreasonably audible beyond the property on which the festival or gathering is located.

(k) Proof of liability insurance for the festival or gathering to protect persons attending the festival from negligent acts or harm, with a minimum coverage of \$100,000.00.

(l) Written consent from the applicant granting Town Council, its agents or duly constituted law enforcement officers to go upon the property at any reasonable time for the purpose of determining compliance with the provisions of this Chapter, to ensure standard of health, safety

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and good order are maintained. Should the Town Council determine that the applicant is not complying with the terms of the permit, it may revoke the permit.

**State law references** – Generally, Town Charter, Fire prevention and protection, Chapter 6, motor vehicles and traffic, Chapter 10, water and sanitation, Chapter 22, Sanitary requirements 3.2-5100 et seq., 32.1-200, 32.1-201, fire safety, emergency medical care 27-34.2:1, 32.1-111.3 et seq. environmental health concerns, 32.1-163 et seq.

### ARTICLE III. NEWTOWN HERITAGE FESTIVAL

#### Sec. 11-35. Purpose and Operation of the Newtown Heritage Festival

(a) In 1992 the Town Council began the process of sponsoring a local Town festival called the Newtown Heritage Festival in order to provide a forum for the citizens of the Town of Stephens City, Virginia to celebrate, study and encounter the heritage and history of the Town, as well as to provide an educational experience for residents and nonresidents alike as to the rich history of the Town and the role the Town has playing in forging both the United States of America and the Commonwealth of Virginia. In that original capacity, the Town Council oversaw a stand-alone organization to operate the festival.

(b) The Town Council now believes it is in the best interests of its citizens and for the public good to officially bring the operation of the Festival into the operation of the Town as a Town recreation, education and public festival, and hereby sponsors the operations of the Newtown Heritage Festival.

(c) The Council shall appoint a minimum of five and a maximum of eleven members to a Festival Committee, and from the Committee shall appoint a chairman, to oversee the operations of this Festival. The Committee shall at all times have a least one Town Council representative, one Town staff member and its membership shall at all times have at least one Town resident citizen on the committee for each nonresident serving on the Committee.