

Chapter 4 - AMUSEMENTS

***Cross reference** – Noise regulations, §0-67 et seq.; license tax generally, §-350 et seq.; license tax on certain amusements and entertainments, § 20-506 et seq.

***State law reference** – Locality may regulate minors from frequenting amusements, Code of Virginia, § 15.2-926(B).

ARTICLE I. - IN GENERAL

Secs. 4-1 – 4-30. - Reserved.

ARTICLE II. - BILLIARD PARLORS

***Cross reference** – License tax, § 20-350 et seq.

Sec. 4-31. - Hours of operation.

It is unlawful for any person owning, managing, or operating a billiard parlor, as defined and referred to in section 24-8405.F as a "pool or billiard hall," to keep open or operate such billiard parlor on any day between the hours of midnight and 6:00 a.m. of the following day, except on Sunday, when it is unlawful to open or operate a billiard parlor before 1:00 p.m. and after midnight, unless the operation of such establishment and hours of operation are specifically authorized by a provisional use permit approved by the board of supervisors in accordance with chapter 24. It is unlawful for any person, except its employees, to enter a billiard parlor during the hours in which it is closed.

(Code 1980, § 3-1; Code 1995, § 4-31)

Sec. 4-32. - Minors.

- (a) Except as otherwise provided in this section, it shall be unlawful for any person owning, managing or operating a billiard parlor to allow any minor to enter the billiard parlor except for the transaction of business. It shall be unlawful for any minor who is in a billiard parlor for the transaction of business to remain there after the business has been transacted, and it shall be unlawful for the owner, manager or operator to allow such minor to thereafter remain in the billiard parlor.
- (b) Any person owning, managing or operating a billiard parlor may, in his discretion, allow minors to play or watch the play of billiards in the billiard parlor after the person owning, managing or operating the billiard parlor has ensured that:
- (1) The minor is accompanied by a parent, person in loco parentis or legal guardian;
 - (2) A copy of this article is posted in plain and conspicuous view in the billiard parlor;
 - (3) The interior of the billiard parlor is lighted throughout at a level of 40 footcandles;
 - (4) No partitions, other than those for toilet facilities, are maintained in the billiard parlor; and
 - (5) No window in the billiard parlor is permanently covered or otherwise obstructed.

Failure to ensure that all these conditions are met shall be unlawful.

- (c) It shall be unlawful for any person to accompany a minor in a billiard parlor unless such person is a parent, person in loco parentis, or legal guardian of the minor. It shall be unlawful for a parent, person in loco parentis, or legal guardian to permit a child under the age of 18 years to enter a billiard parlor unless the child is accompanied by such parent, person or guardian. It shall be unlawful for a parent, person in loco parentis, or legal guardian, having accompanied a child under the age of 18 years of age in a billiard parlor, to leave the billiard parlor without the child. It shall be unlawful for any minor to enter a billiard

parlor except in compliance with the provisions of this section. It shall be unlawful for any person owning, managing or operating a billiard parlor to knowingly permit any person to violate the provisions of this section.

(Code 1980, § 3-2; Code 1995, § 4-32)

State law reference – Authority to prohibit loitering by minors in public places of amusements, Code of Virginia, § 15.2-926(B).

Sec. 4-33. - Gambling.

(a) *Prohibited.* It shall be unlawful for any person to bet or participate in unlawful gambling in any billiard parlor. No proprietor or person in charge of any billiard parlor shall permit betting or unlawful gambling on the premises.

(b) *Penalty.* Violations of this section shall be punishable by a fine not to exceed \$2,500.00 or imprisonment in jail for up to 12 months, or both.

(Code 1980, § 3-3; Code 1995, § 4-33)

State law reference – Gambling prohibited, Code of Virginia, § 18.2-325 et seq.; authority to adopt ordinances prohibiting gambling, Code of Virginia, § 18.2-340.

Sec. 4-34. - Penalty; revocation of provisional use permit.

Violation of any provision of this article is grounds for revocation of any provisional use permit for the operation of the billiard parlor by the board of supervisors in accordance with section 24-2306.C.7.(b). Violations of sections 4-31 and 4-32 shall be class 3 misdemeanors.

(Code 1980, § 3-4; Code 1995, § 4-34)

State law reference – Penalty for class 3 misdemeanor, Code of Virginia, § 18.2-11.

Secs. 4-35 – 4-60. - Reserved.

ARTICLE III. - DANCE HALLS

***Cross reference** – License tax, § 20-350 et seq.

***State law reference** – Authority to regulate dance halls, Code of Virginia, § 15.2-912.3.

Sec. 4-61. - 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:

Public dance hall means any place open to the general public where dancing by patrons is permitted.

(Code 1980, § 3-4; Code 1995, § 4-61; Ord. No. 1093, § 1, 3-13-2007)

Sec. 4-62. - Penalty.

Any person violating the provisions of section 4-63(a), 4-68 or 4-69 shall be guilty of a class 3 misdemeanor.

(Code 1980, § 3-9; Code 1995, § 4-62; Ord. No. 1093, § 1, 3-13-2007)

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

State law reference – Penalty for class 3 misdemeanor, Code of Virginia, § 18.2-11.

Sec. 4-63. - Required permit; application and fee.

(a) No person shall operate or conduct a public dance hall in the county except in accordance with a permit issued by the chief of police and such other regulations in this article which may apply. Such permit shall be maintained on the premises of the dance hall and made available for inspection in accordance with section 4-67.

(b) Application for a permit under this article shall be made in writing on forms provided for this purpose and filed with the chief of police. Applicants shall provide the following:

- (1) The name, street address and telephone number of the proposed public dance hall.
- (2) The name, residential address, telephone number, date of birth, sex, race, hair and eye color, height and weight of the individual applicant or the individual applying on behalf of an entity.
- (3) The name, address and telephone number of each individual who is an officer, director, partner, principal or manager of the proposed public dance hall, as well as any promoter involved in conducting the dances at the proposed public dance hall.
- (4) Whether the applicant or any of the persons listed in subsection (b)(3) of this section has been convicted of any felony or misdemeanor and, if so, the nature of the offense, when and where convicted and the penalty or punishment assessed.
- (5) Whether the applicant or any of the persons listed in subsection (b)(3) of this section has had a public dance hall permit denied or revoked by any jurisdiction in the last five years and, if so, when and where the denial or revocation occurred.
- (6) The name, residential address and telephone number of two references who are neither minors nor relatives of the applicant or of any person listed in subsection (b)(3) of this section.
- (7) If the applicant does not own the premises of the proposed public dance hall, a signed statement from the owner or owners authorizing use of the premises for a public dance hall.
- (8) Written declaration, dated and signed by the applicant, certifying that the information contained in the application is true and correct and authorizing the chief of police to undertake a criminal background and reference check.

(c) Each such application for a permit shall be accompanied by a fee in the amount of \$200.00.

(d) In addition to submitting the information required by subsection (b) of this section, applicants shall make the premises of the proposed public dance hall reasonably available for inspection pursuant to this article by representatives of the division of police, the division of fire, the department of building construction and inspections, and the department of planning of the county.

(Code 1980, § 3-5; Code 1995, § 4-63; Ord. No. 1093, § 1, 3-13-2007)

Sec. 4-64. - Issuance or denial of permit.

(a) Within 30 days of the filing of an application completed in accordance with section 4-63, or a longer period if requested by the applicant, the chief of police shall issue a permit or provide a written decision of denial to the applicant.

(b) Upon receipt of a completed application, the chief of police shall provide relevant portions of the application to the fire chief, the building official and the director of planning of the county for their review. Within 20 days of receipt, or a longer period if the applicant has requested that the permit decision be rendered more than 30 days after filing:

- (1) The fire chief shall inform the chief of police in writing whether the structure in which the

proposed dance hall is located meets all the provisions in the county's fire prevention code, including the Virginia Statewide Fire Prevention Code, and whether the parking facilities impede the approach of fire apparatus;

(2) The building official shall inform the chief of police in writing whether the structure in which the proposed dance hall is located meets all the applicable provisions in the Virginia Uniform Statewide Building Code; and

(3) The director of planning shall inform the chief of police in writing whether the zoning requirements have been fulfilled for the proposed dance hall.

(c) The chief of police shall issue a permit if he finds that:

(1) The fire chief has determined that the structure in which the proposed dance hall is located meets all the provisions in the county's fire prevention code, including the Virginia Statewide Fire Prevention Code, and the parking facilities do not impede the approach of fire apparatus;

(2) The building official has determined that the structure in which the proposed dance hall is located meets all the applicable provisions in the Virginia Uniform Statewide Building Code;

(3) The director of planning has determined that the zoning requirements have been fulfilled for the proposed dance hall; and

(4) None of the following grounds for denial appears to exist:

a. The applicant or any person listed in section 4-63(b)(3) has been convicted within the past five years of a felony, or within the past three years of a misdemeanor involving moral turpitude, under the laws of any state or of the United States.

b. The applicant or any person listed in section 4-63(b)(3) has operated another dance hall or a business affiliated with the proposed dance hall that permitted repeated occurrences of disorderly, violent, obscene or other unlawful conduct or was declared a public nuisance.

c. The applicant or any person listed in section 4-63(b)(3) has had a public dance hall permit denied or revoked by another jurisdiction within the past five years for violating any local, state or federal law or permitting disorderly, violent, obscene or other unlawful conduct.

d. The application or any statement made in support of the application contains a material misrepresentation or omission of fact.

e. The proposed dance hall does not conform to applicable local, state and federal laws.

f. The proposed dance hall is not permitted under the terms of an applicable lease or real property covenant.

(d) The chief of police may attach conditions to a permit that are reasonably related to the preservation of peace and good order.

(e) Permits issued under this section shall not be transferable.

(Code 1995, § 4-64; Ord. No. 1093, § 3, 3-13-2007)

Sec. 4-65. - Revocation of permit or license.

The chief of police may revoke any permit issued pursuant to this article for any of the following reasons:

(1) The dance hall does not conform to the requirements of the fire prevention code of the county, the Virginia Statewide Fire Prevention Code, or any other law concerning fire prevention or safety.

(2) The dance hall does not conform to the requirements of the Virginia Uniform Statewide Building Code.

(3) The dance hall does not conform to the requirements of the zoning code of the county.

(4) The application or any statement made in support of the application has been discovered to

contain a material misrepresentation or omission of fact.

- (5) The permittee has allowed, or failed to take reasonable measures to prevent, repeated occurrences of disorderly, violent, obscene or other unlawful conduct on its premises.
- (6) The permittee has violated any term or condition of its permit.
- (7) The permittee has violated any provision of this article.
- (8) The permittee has assigned or otherwise transferred its permit to another person or entity.
- (9) The permittee is in violation of a local, state or federal law, and such violation prohibits the continued operation of the dance hall.

(Code 1980, § 3-8; Code 1995, § 4-65; Ord. No. 1093, § 2, 3-13-2007)

Sec. 4-66. - Procedure upon denial of an application or revocation of a permit.

(a) If the chief of police denies an application or revokes a permit, he shall notify the applicant or permittee in writing of such action, the reasons therefor, and the right to request a hearing. To receive a hearing, the applicant or permittee must make a written hearing request which must be received by the chief of police within ten days of the date of the notice of denial or revocation. If a timely hearing request is not received by the chief of police, his decision shall be final. If a hearing is properly requested, it shall be held within ten days from receipt of the hearing request. The hearing shall be presided over by the chief of police. The applicant or permittee shall have the right to present evidence and argument or to have counsel do so. Within five days of the hearing, the chief of police shall render his decision, which shall be final. A permittee must discontinue operation of its dance hall when the decision to revoke the permit becomes final.

(b) Any person operating such a public dance hall whose permit has been revoked shall have the right of appeal to the circuit court of the county in accordance with law.

(Code 1995, § 4-66; Ord. No. 1093, § 3, 3-13-2007)

Sec. 4-67. - Right of entry.

In addition to any existing legal authority, representatives of county departments shall have the authority to enter and inspect any dance hall permitted under this article for the purpose of determining compliance with the provisions of this article.

(Code 1995, § 4-67; Ord. No. 1093, § 3, 3-13-2007)

Sec. 4-68. - Hours of operation; prohibited conduct.

(a) It shall be unlawful for any person operating or conducting a public dance hall to have such dance hall open on Sunday between the hours of 1:00 a.m. and 1:00 p.m. or open on any other day between the hours of 1:00 a.m. and 9:00 a.m. In addition to the provisions of this subsection, permittees shall conform to all zoning code requirements concerning their hours of operation.

(b) It shall be unlawful for any person operating or conducting a public dance hall to permit, or fail to take reasonable measures to prevent, disorderly, violent, obscene or other unlawful conduct on its premises.

(Code 1980, § 3-6; Code 1995, § 4-68; Ord. No. 1093, § 2, 3-13-2007)

Sec. 4-69. - Illumination of exterior signs.

Any person operating or conducting a public dance hall shall not allow exterior signs to be illuminated after 1:00 a.m., or to be illuminated during any hours prohibited for the operation of such dance hall.

(Code 1980, § 3-7; Code 1995, § 4-69; Ord. No. 1093, § 2, 3-13-2007)

Secs. 4-70 – 4-90. - Reserved.

ARTICLE IV. - MUSICAL OR ENTERTAINMENT FESTIVALS

***Cross reference** – License tax, § 20-350 et seq.

DIVISION 1. - GENERALLY

Sec. 4-91. - Purpose.

This article is enacted for the purpose of providing necessary regulation for the conducting of commercial musical or entertainment festivals out-of-doors and not within an enclosed structure for the purpose of listening to or participating in entertainment which consists primarily of musical renditions conducted out-of-doors and not within an enclosed structure, in the interest of the public health, safety and welfare of the citizens and inhabitants of the county.

(Code 1980, § 3-19; Code 1995, § 4-91)

Sec. 4-92. - 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:

Board means the board of county supervisors.

Musical or entertainment festival means any commercial gathering of groups or individuals for the purpose of listening to or participating in entertainment which consists primarily of musical renditions or other entertainment conducted out-of-doors and not within an enclosed structure. Such activities shall be deemed commercial when a business license is obtained or is required to be obtained, or, if a business license is not required, when a charge is imposed for admission to the activity.

(Code 1980, § 3-20; Code 1995, § 4-92)

Sec. 4-93. - Penalty; forfeiture of permit.

Any person, and the officers of any corporation, violating any provision of this article shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished according to the provisions of section 1-13. Each violation shall constitute a separate offense. Conviction for violation of any provision of this article shall result in a forfeiture of the annual permit and the privilege to obtain a permit for a period of five years following the date of conviction.

(Code 1980, § 3-27; Code 1995, § 4-93)

Sec. 4-94. - Misleading advertising.

Any advertisement of a musical or entertainment festival which is reasonably calculated to imply that persons attending the festival will not be subject to full and complete compliance with all applicable laws shall forthwith void the application and, if already granted, the permit.

(Code 1980, § 3-23; Code 1995, § 4-94)

Sec. 4-95. - Time limits on entertainment.

Music or entertainment at a festival regulated under this article shall not be rendered for more than eight hours during any calendar day. All performances shall end no later than 11:00 p.m., and no performance shall begin prior to 12:30 p.m. on any Sunday.

(Code 1980, § 3-24; Code 1995, § 4-95)

Sec. 4-96. - Admission of persons under 12 years of age.

No person under the age of 12 years shall be admitted to any festival regulated by this article, unless accompanied by a parent or guardian. The parent or guardian shall remain with such person at all times.

(Code 1980, § 3-25; Code 1995, § 4-96)

Secs. 4-97 – 4-110. - Reserved.

DIVISION 2. - PERMIT

Sec. 4-111. - Required.

No person shall stage, promote, conduct or participate as an entertainer in any musical or entertainment festival in the county unless there shall have been first obtained from the director of public safety a special entertainment permit for such festival.

(Code 1980, § 3-21(a); Code 1995, § 4-111)

Sec. 4-112. - Application.

Application for a special entertainment permit required by this division shall be in writing on forms provided for the purpose and filed in duplicate with the director of public safety at least 45 days before the date of such festival. Such application shall have attached thereto and made a part thereof the plans, statements, approvals and other documents required by this division. A nonrefundable fee of \$200.00 shall accompany each application. The director of public safety may, at his discretion and upon an applicant's showing of good cause, consider an application submitted less than 45 days before the date of the festival.

(Code 1980, § 3-21(b); Code 1995, § 4-112)

Sec. 4-113. - Annual permit.

(a) Eligibility. The director of public safety may issue an annual permit under this division for multiple festivals at a site which is the subject of an approved plan of development, has a structure previously used for outdoor concerts, and has previously satisfied the requirements of this article.

(b) Application; fee. Application for an annual permit shall be in writing on forms provided for the purpose and filed in duplicate with the director of public safety at least 45 days before the date of the first festival to be held under the permit. The director of public safety may, at his discretion and upon an applicant's showing of good cause, consider an application submitted less than 45 days before the date of the festival. Except as provided in this subsection, the application shall have attached thereto and made a part thereof the plans, statements, approvals and other documents required by this division. An application for an annual permit need not contain the information described in section 4-115(a)(1) and (2), provided such

information is submitted to the chief of police at least 15 days prior to each festival or as soon thereafter as such information becomes available. If such information is not submitted, the annual permit shall be null and void as to that particular festival. A nonrefundable fee of \$2,000.00 shall accompany each application for an annual permit.

(c) *Duration.* Annual permits shall be issued for the period January 1 to December 31 of the same calendar year, except that, when the application is filed after January 1, the permit shall be effective from the date issued until December 31 of that same year.

(Code 1980, § 3-21(b1) – (b3); Code 1995, § 4-113)

Sec. 4-114. - Granting or denial.

The director of public safety shall act on applications for permits under this division within 30 days from the filing of the application. If granted, the permit shall be issued in writing on a form for the purpose and mailed by the director of public safety 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 director of public safety to the applicant at the address indicated.

(Code 1980, § 3-21(c); Code 1995, § 4-114)

Sec. 4-115. - Conditions for issuance.

(a) *Required information.* Except as provided in section 4-113(b), a permit required by this division shall be issued when the following conditions have been met and the following plans, statements and other items requiring approval have been submitted to the director of public safety with the application:

- (1) The application for a special entertainment permit shall have attached to it a copy of the ticket or badge of admission to such festival, containing the date and time of such 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) The applicant shall submit a statement of the name and address of the promoters of the festival, the financial backing of the festival and the names of all persons or groups who will perform at such festival.
- (3) The applicant shall submit a statement of the location of the proposed festival, the name and address of the owner of the property on which such festival is to be held, the nature and interest of the applicant therein and documentation of the property owner's concurrence in the use of the facility.
- (4) The applicant shall submit a plan for adequate sanitation facilities and garbage, trash and sewage disposal for persons at the festival. At a minimum, this plan shall meet the requirements of all pertinent state and local statutes, ordinances and regulations and shall be approved by the director of health of the county.
- (5) The applicant shall submit a plan for providing food and water, if applicable, for the persons at the festival. At a minimum, this plan shall meet the requirements of all pertinent state and local statutes, ordinances and regulations and shall be approved by the director of health of the county. Lodging or overnight camping at the site shall not be permitted.
- (6) The applicant shall submit a plan for emergency medical service, designating by name the rescue squad or commercial ambulance service to be made available for persons at the festival, approved by the fire chief of the county.
- (7) The applicant shall submit a plan for adequate parking facilities, traffic control and crowd control in and around the festival area, approved by the chief of police and the traffic engineer of the county. Advance arrangements acceptable to the chief of police shall be made to ensure payment of all fees, salaries and charges incurred by the applicant in satisfying the provisions of this subsection.

(8) The applicant shall submit a plan for adequate fire protection. At a minimum, this plan shall meet the requirements of all pertinent state and local statutes, ordinances and regulations and shall be approved by the fire chief. Advance arrangements acceptable to the fire chief shall be made to ensure payment of all fees, salaries and charges incurred by the applicant in satisfying the provisions of this subsection.

(9) The applicant shall submit a statement specifying whether any outdoor lights or lighting is to be utilized and, if so, a plan shall be submitted 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, approved by the chief of building construction and inspections and the director of planning of the county.

(10) The applicant shall submit a statement from the director of planning of the county, specifying whether the festival may be lawfully held in the proposed location in accordance with applicable zoning restrictions.

(11) The applicant shall submit 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 exceed 65 decibels at the property lines of the property on which the festival is located.

(b) *Security personnel.* If the applicant intends to employ or does employ security forces to work at the site, such individuals must be licensed as security personnel by the state and, while on duty at the site, must wear uniforms identifying them as security personnel.

(c) *Inspection of structures and electrical system.* The office of building construction and inspections shall inspect and approve all temporary seating and stage facilities erected on the site and all electrical and lighting installations, power sources and electrical wiring.

(Code 1980, § 3-22; Code 1995, § 4-115; Ord. No. 936, 10-23-1996)

Sec. 4-116. - Consent to inspections; revocation.

No permit shall be issued under this division unless the applicant shall furnish to the director of public safety written permission for the director of public safety, the county's 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 director of public safety shall have the right to revoke any permit issued under this article upon noncompliance with any of its provisions and conditions.

(Code 1980, § 3-26; Code 1995, § 4-116)

Secs. 4-117 – 4-140. - Reserved.

ARTICLE V. - CONCESSION STANDS AT YOUTH ATHLETIC FACILITIES

*State law reference – Hotels, restaurants, summer camps and campgrounds, Code of Virginia, § 35.1-1 et seq.; authority to exempt youth athletic activities from provisions of title 35.1, Code of Virginia, § 35.1-26(2).

Sec. 4-141. - Exemption from state law.

The provisions of Code of Virginia, title 35.1 (Code of Virginia, § 35.1-1 et seq.), as amended, pertaining to the regulation of restaurants, shall not apply to concession stands at youth athletic activities, when such stands are promoted or sponsored by either a youth athletic association or by any charitable nonprofit organization or group thereof which has been recognized by an ordinance or resolution of the county as being part of its youth recreational program.

(Code 1980, § 3-28(a); Code 1995, § 4-141)

State law reference – Authority to exempt youth athletic activities from provisions of title 35.1, Code of Virginia, § 35.1-26(2).

Sec. 4-142. - Supervision by director of health.

It shall be the duty of the county's director of health, or a qualified person designated by him, to provide education and consultation, establish advisory standards and exercise appropriate supervision regarding the safe preparation, handling, protection and preservation of food at concession stands at youth athletic activities, to protect the public health.

(Code 1980, § 3-28(b); Code 1995, § 4-142)