

**BOARD OF SUPERVISORS
COUNTY OF NEW KENT
VIRGINIA**

O-7-02R

At the regular meeting of the Board of Supervisors of the County of New Kent in the Boardroom of the Administration Building in New Kent, Virginia, on the 8th day of April 2002:

Present:	Vote:
Rebecca M. Ringley	Aye
James H. Burrell	Aye
Dean E. Raynes	Aye
Julian T. Lipscomb	Aye
W. R. "Ray" Davis	Aye

Motion was made by Mr. Lipscomb, which carried 5:0, to adopt the following ordinance:

**AN ORDINANCE TO AMEND CHAPTER 6, AMUSEMENTS
AND ENTERTAINMENTS, NEW KENT COUNTY CODE TO
PROVIDE AN ANNUAL PERMIT AND CLARIFY
ADMINISTRATIVE PROCEDURES**

WHEREAS, Chapter 6, Amusements and Entertainments, New Kent County Code has a number of minor internal conflicts that need to be corrected in order to avoid confusion; and

WHEREAS, there currently is no provision for issuing an annual permit;
and

WHEREAS, this Ordinance has been properly advertised for public hearing;
and

WHEREAS, the Board of Supervisors has carefully considered the views of the citizens presented at the public hearing; and

WHEREAS, the Board finds that approval of this request would further the goals and objectives of the County with respect to public gatherings; and

WHEREAS, the Board believes that the amendments contained herein are in the best interests of the citizens of New Kent County;

NOW THEREFORE BE IT ORDAINED this, the 8th day of April 2002, by the New Kent County Board of Supervisors that Chapter 6, Amusements and Entertainments, New Kent County Code be, and it is hereby, amended to read and provide as follows:

CHAPTER 6

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Article II. Cultural Events And Programs

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DIVISION 2. PERMIT

Sec. 6-61. Required.

No person shall stage, promote, advertise, or conduct any cultural event or program unless a permit has first been obtained from the ~~county planning department~~ **Zoning Administrator** for such a gathering.

Sec. 6-62. Application; fee.

- (a) Written application for a permit to hold a cultural event or program shall be made to the zoning administrator or his designee. The application shall be submitted at least 60 days prior to the date upon which the gathering is to be held ***unless attendance at such event is under 200 people. For events where attendance will be under 200, the application shall be submitted at least thirty (30) days prior to the date of the event.*** Such application shall be on forms provided by the county and shall have attached thereto plans, documents, approvals, and other material required by this article and by Chapter 98, Zoning. A permit fee as provided in Appendix A of this Code shall accompany each application.

- (b) A nonprofit organization can request a waiver of the permit fee from the County **Zoning** Administrator. Such a request must be made in writing, with evidence of the group's nonprofit status, and be received in the County **Zoning** Administrator's office at least two weeks prior to the next regularly scheduled Board of Supervisors meeting.

Sec. 6-63. Action on application.

- (a) The county Zoning Administrator shall act on any application under this article within 30 days after receiving the application.
- (b) In approving an application, the Zoning Administrator will review the permit to ensure that all performance standards are met and that the application meets all requirements of this Code. These standards are developed to protect the health, safety, welfare, and property of persons attending the gathering and the citizenry in general. The Zoning Administrator shall authorize the issuance of a permit for a cultural event and/or program if the zoning administrator finds:
- (1) The cultural event or program will be held at a location which complies with and meets all of the health, zoning, fire, and safety requirements and standards of the laws of the state and ordinances of the county applicable thereto;
 - (2) The information and documents required by this article have been filed with the Board of Supervisors **Zoning Administrator**, and
 - (3) That the cultural event or program will be conducted in full accord with all requirements of this Code and will not substantially jeopardize, adversely affect, endanger, or otherwise constitute a menace to the public health, safety, or general welfare of the residents of the county.

Sec. 6-64. Conditions precedent to granting of permits, plans, statements, approvals, etc., to accompany application for permit.

No permit shall be issued under this chapter unless the following conditions are met and the following plans, statements, and approvals are submitted to the Zoning Administrator with the application for permit:

* * *

- (6) *Waste management.* The pickup and removal of refuse, trash, garbage, and rubbish from the site of a cultural event shall be at least once a day and more often if required by the health department. Removal of all trash and refuse shall be at the permittee's expense. The applicant shall clean up the premises and remove all trash and debris within 48 hours after the conclusion of the gathering. ***Unless the event shall be at a facility holding an annual permit, a*** A security bond acceptable to the county attorney or certified check in a total amount no less than \$10,000.00 shall be provided. ***Upon written request, the Zoning Administrator may waive or reduce the security requirement for nonprofit organizations based on acceptable past performance by the specific nonprofit organization requesting the permit. The nonprofit organization shall bear full responsibility for demonstrating such acceptable past performance. Waiver or reduction of security requirements does not reduce or discharge the permittee's obligations with respect to cleaning the premises.***

* * *

- (18) *Site plan.* The applicant shall furnish ***to the Zoning Administrator*** a site plan ~~in accordance with the requirements of article XXII of chapter 98, site plans. In addition to the requirements in article XXII of chapter 98, site plans,~~ the site plan ***sketch that*** shall show ***shows*** the following information:
- a. The areas for performances or activities and grandstand capacity and/or the number of seats, showing the location of all aisles for pedestrian travel and other crowd-control measures.
 - b. All physical facilities existing or to be constructed on the premises, including, but not limited to, fences, ticket booths, grandstands, and stages.
 - c. The location, capacity, and nature of all temporary lighting, sound and public address facilities.
 - d. The location, capacity, and nature of all temporary water, toilet, and all other public health-related facilities.
 - e. Vehicle ingress, egress, and parking plan.

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Sec. 6-66. Appeal of Zoning Administrator's decision

- (a) ~~If~~ ***In the event*** the Zoning Administrator denies the permit under this article, the applicant may file an appeal with the New Kent County Board of Zoning Appeals. Such an appeal must be received within 10 days of the Zoning Administrator's decision. The appeal must demonstrate that the applicant has met all conditions required by this ***the New Kent County*** Code and that the denial was arbitrary and capricious.
- (b) Board of Zoning Appeals may uphold or over turn the Zoning Administrator's decision based upon the evidence presented to the Board.

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Sec. 6-68. Deposit for Law Enforcement and Fire Protection.

As a condition to issuance of a permit, the Zoning Administrator may require the applicant to make a deposit with the County Treasurer to pay for the cost of the estimated additional county services necessary to meet the requirements of the plans submitted with the application and necessary to protect the health, safety, and welfare of the citizens of the county. Such additional county services means any additional county personnel in excess of those regularly available and may include, but shall not be limited to, additional law- enforcement officers for crowd control, traffic control, and parking; additional firefighters for fire protection during the event; and any additional medical and sanitation officers necessary to protect the health, safety and welfare of the persons attending the event.

Sec. 6-69. Annual Permit.

Applicants desiring to operate multiple events on property specifically zoned for such entertainment purposes may apply for an annual permit for the events that will be held on such property during a twelve-month period. The annual permit application shall list the events to be included in the permit and provide all relevant information required in this chapter for each event or class of events so listed. The application for an annual permit shall be submitted no later than sixty (60) days prior to the first scheduled event. The fee for the annual permit shall be based on the total number of events included in the application with the full fee for an individual event assessed for the first event and fifty percent (50%) of the individual fee assessed for

each additional event. In granting an annual permit, the Zoning Administrator may incorporate reasonable notification requirements and such other conditions as are deemed appropriate by the Zoning Administrator.

6-70 through 6-9999. Reserved for future legislation.

Attested:



Richard S. Ellyson
Interim County Administrator



W. R. "Ray" Davis
Chairman