

To Whom It May Concern:

Re: Outdoor Musical or Entertainment Festivals with 500 or More Participants

As requested, a copy of the Outdoor Festival permit application and the related ordinances are attached hereto. Please keep in mind that the County Code requires that the application be submitted, in writing, to the County Administrator, at least sixty days prior to the proposed planned date of the event. Additionally, the application must be complete in order to be presented and placed on the Culpeper County Board of Supervisors meeting Agenda. This condition can only be waived by action of the County Administrator, in accordance with Section 3-29.

A \$100.00 application fee (certified check, money order, or cash) is required at the time of application.

The conditions of the permit involve contacting various offices and for your convenience, their contact information is provided below:

State Police: First Sergeant Calvin Faudree (540-829-7415) area15@vsp.virginia.gov

VDOT: James Terrell, Jr. (540-829-7625) Fax: (540-829-7705) James.Terrell@VDOT.Virginia.gov

Health Department: Dr. L. Trice Gravatte IV, M.D. trice.gravatte@vdh.virginia.gov

Office of Emergency Medical Services: Bill Ooten (540-727-7161) booten@culpepercounty.gov

Sheriff's Department: Maj. Curtis Hawkins (540-727-7520) chawkins@culpepercounty.gov

Building Official: Bob Orr (540-727-3405) borr@culpepercounty.gov

County Forest Warden: Ed Furlow (540-999-4169) ed.furlow@DOF.virginia.gov

For your convenience, a Special Events Amusement Device Permit application and public events information have also been provided by the Building Department.

If you have questions related to the process, please feel free to contact Kimberly Ellis, Deputy Clerk at 540-727-3427- kellis@culpepercounty.gov.

OUTDOOR MUSICAL OR ENTERTAINMENT FESTIVALS
Culpeper County Code Section 3-25 (attached)

PERMIT APPLICATION

Application for a permit required in writing, on forms provided, at least sixty (60) days before the first planned date of the festival to the County Administrator.

\$100.00 Permit Fee required at the time of application (certified check, money order, or cash pursuant to County Code Section 3-24(B). Payment received: _____

Required Documents to be attached to this Permit Application:

- (1) Copy of the ticket or badge of admission to the event containing the date(s) and time(s) of the festival, together with a statement by applicant of the total number of tickets to be offered for sale and the best reasonable estimate of the number of persons expected to be in attendance.
 - (2) A copy of all approved inspection permits necessary to comply with paragraph (5) of this application.
 - (3) A check payable to the County of Culpeper for all fees required in paragraph (6) of this application.
 - (4) Plat showing all means of ingress and egress from the festival area to one or more of the federal or state highways within the County as described in paragraph (7) of this application.
 - (5) Statements from Virginia Department of Transportation ("VDOT"):
 - (a) Approving such routes as described in paragraph (7) of this application;
 - (b) Approving parking and traffic control plans as described in paragraph (9) of this application; and
 - (c) Approving plans for traffic control as described in paragraph (10) of this application.
 - (6) Statement from Culpeper County Sheriff approving internal festival security and crowd control as described in paragraph (13) of this application.
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1. Name(s), address(es) and telephone number(s) of Property Owner(s): _____

Name(s), address(es) and telephone number(s) of Promoter(s): _____

Date(s) of Festival Event: _____

2. Provide a statement of the financial backing of the festival, and the names of all persons or groups who will perform at the festival: _____

3. Provide a statement on the nature and interest of the property owner(s): _____

4. Describe plans 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. Describe plans for providing food, water and lodging for the persons at the festival. If temporary tents or other temporary structures, including rides and inflatables (i.e., Moon Bounces and the like), and other apparatus that has electrical service, are to be erected for the purpose of this festival, a building permit from the Culpeper County Building Official shall be required before the festival commences. 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. Describe plans for adequate medical facilities for persons at the festival, approved by the Culpeper County Office of Emergency Medical Services. Please note that if the plan requires the Culpeper County Office of Emergency Medical Services or its designee to be at the festival, then a fee of \$130.00 per hour shall be paid in advance to the County Administrator. _____

7. Describe plans (with plat attached) showing all means of ingress and egress from the festival area to one or more of the federal or state highways within the County, together with a statement from VDOT approving such routes as all-weather routes adequate to safely and conveniently handle the volume of traffic contemplated without substantial damage to the same: _____

8. Describe plans 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 Forest Warden: _____

9. Describe plans for adequate parking facilities and traffic control within the festival area and on public or private property surrounding or adjoining the festival area, together with a statement from VDOT approving such plan: _____

10. Describe plans for 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, which plan shall be approved by VDOT: _____

11. Give a statement specifying whether any outdoor lights are 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 of which the festival is located: _____

12. Give 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 be unreasonably audible beyond the property on which the festival is located: _____

13. Describe a plan for internal festival security and crowd control, which must be approved by the Culpeper County Sheriff: _____

Notices sent to:	Promoter/applicant	Office file
	Sheriff's Department	Va. Dept. of Transportation
	Virginia State Police	Culpeper County Health Dept.
	Office of Emergency Services	Building Official
	E-911 Emergency Center	

THE APPROVAL OF THE APPLICATION BY THE COUNTY ADMINISTRATOR CONSTITUTES THE GRANTING OF THE OUTDOOR MUSICAL OR ENTERTAINMENT FESTIVAL PERMIT.

Approved: _____ Denied: _____ Date: _____

 County Administrator

NOTE: UPON APPROVAL, A COPY OF THE PERMIT APPLICATION SHALL BE TRANSMITTED TO THE BUILDING OFFICIAL.

CULPEPER COUNTY CODE

Sec. 3-25. Documents, plans, etc., to accommodate application.

A. A Festival Permit shall not be issued, unless the following conditions are met and the following documents, plans, statements and approvals are submitted to the County Administrator with the application:

(1) The application shall have attached to it a copy of the ticket or badge of admission to the festival, containing the date or dates and time or times of the 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 promoters of the festival, the financial backing of the festival and the names of all persons or groups who will perform at the festival.

(3) A statement of the location of the proposed festival, the name and address of the owner of the property on which the 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.

Cross references: Solid waste, Ch. 11.

(5) A plan for providing food and water for attendees, and lodging for those persons specified in Section 3-17 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.

Cross references: Water supply, Ch. 14.

(6) A plan for adequate medical facilities for persons at the festival, approved by the Culpeper County Office of Emergency Medical Services. If the plan requires the Culpeper County Office of Emergency Medical Services or its designee to be at the festival, then a fee of \$130.00 per hour shall be paid in advance to the County Administrator.

(7) A plan, with plat attached, showing all means of ingress and egress from the festival area to one (1) or more of the federal or state highways within the County, together with a statement from the state department of highways and transportation approving such routes as all-weather routes adequate to safely and conveniently handle the volume of traffic contemplated without substantial damage to the same.

(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 Forest Warden.

(9) A traffic plan, which shall include those plans and measures which the Virginia Department of Transportation ("VDOT"), in its discretion, may deem necessary for the proposed festival. If the applicant proposes to temporarily close roads or intersections for the festival, VDOT may then require that the traffic plan include provisions for traffic flow, temporary road closures, and/or 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 deemed necessary by VDOT. The traffic plan shall be submitted to and approved by VDOT prior to issuance of the Festival Permit. The promoter shall be solely responsible for all costs and expenses incurred in implementation of the approved traffic plan and all fees due either the Virginia State Police or the Culpeper County Sheriff for manual traffic direction services shall be paid in advance.

Cross references: Motor Vehicles and Traffic, Ch. 10.

(10) A plan for adequate parking facilities and traffic control within the festival area and on public or private property surrounding or adjoining the festival area. Such plan shall be submitted to and approved by VDOT prior to issuance of the Festival Permit. The promoter shall be solely responsible for all costs and expenses incurred in implementation of the approved parking and internal traffic plan.

(11) 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 glow beyond the property on which the festival is located.

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

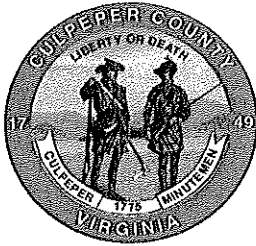
(13) A plan for internal festival security and crowd control approved by the Culpeper County Sheriff. The Culpeper County Sheriff may require, as a condition of security plan approval, that the promoter contract with the Culpeper County Sheriff for provision of security by Sheriff's Deputies or provide a force of licensed private security guards. The promoter shall be solely responsible for all costs and expenses incurred in implementing the approved security plan, and all fees due the Culpeper County Sheriff for contract security services shall be paid in advance.

(14) Notice of the festival shall be given to the Virginia State Police and to the Culpeper County Sheriff, in writing, by the festival promoter, at least sixty (60) days prior to the first festival date.

(15) If, in the discretion of the County Administrator, a bond is desirable to secure the promoter's performance of any obligation owed to a government agency and created pursuant to this article, the County Administrator may require, as a condition to issuance of a Festival Permit, that the promoter post a bond in an amount determined by the County Administrator to be sufficient to secure such obligations. Such bond shall be limited to obligations owed to a government agency or entity and shall specifically exclude private debts incurred by or owed by the promoter to private persons or entities and shall be secured by a letter of credit from a federally chartered banking institution in a form acceptable to the County Administrator.

B. The various government agencies reviewing Festival Permit applications, as required in section A hereinabove, shall have fifteen (15) days from the date upon which they receive the application from the County Administrator in which to respond and shall in any event respond no later than the 35th day prior to the first day of the festival.

(Ord. of 1-5-1971, § 4; 3-4-1997; 10-7-2008(1); 6-7-2011)



302 N. Main Street • Culpeper, VA 22701
DEPARTMENT OF DEVELOPMENT
Building Department
(540) 727-3405 • Fax: (540) 727-3461

Public Events

Below are the most common scenarios that require permits and inspections from the Building Department.

Tents and air supported structures.

Exempt from permit:

Tents or air-supported structures, or both, that cover an area of 900 square feet (84 m²) or less, including within that area all connecting areas or spaces with a common means of egress or entrance, provided such tents or structures have an occupant load of 50 or less persons.

Temporary electrical wiring connected to temporary structures.

Amusement Devices addressed in the current Virginia Amusement Device Regulations, Ex: Moon Bounces, Inflatable Slides, Rock Climbing Walls as well and motorized rides as commonly seen at carnivals and circuses.

It is impossible to list every scenario involving public events, we will be glad to answer any question you may have regarding the need for permits.

Building Department
Culpeper County



Office of the Building Official
302 North Main Street
Culpeper, VA 22701
540/727-3405 fax 540/727-3461
www.culpepercounty.gov

SPECIAL EVENTS AMUSEMENT DEVICE PERMIT

Amusement Device Permit Carnival # rides _____ Inflatable/s # Units _____
Special Event: Tent # Tents _____ Square Footage of each Tent 1) _____ sq.ft. 2) _____ sq.ft.

There will be 4 sides on tent There will be Lights inside Tent Exit signs will be displayed at time of inspection.

Date(s) of Event: _____ to _____ Location: _____

All information requested is required.

OWNER /OPERATOR

_____ Address: _____
 Business Phone: _____ City/Town State zip code

CONTACT PERSON _____ **DAY PHONE:** _____
CELL PHONE: _____ **Email Address:** _____

LOCATION OF EVENT: _____
 Names of Sponsor of Event _____

Address: _____
 Street City/Town State zip code

Owner/Operator : _____ Date _____
 Signature

Please print Name: _____

THE FOLLOWING INFORMATION MUST BE INITIALED BY THE OPERATOR: Make special note of "underlined" information.

_____ It is the responsibility of the party issued this permit to insure compliance with all provisions of the current Virginia Amusement Device Regulations "VADR" specifically 13 VAC 5-31-80 "Owner or Operator Responsibilities." Additionally all applicable ASTM references per the VADR should be maintained by the Owner/Operator. ASTM references should be available for the Inspector.

_____ **INSURANCE REQUIREMENTS**, the owner/operator must submit with this application a copy of his "proof of liability insurance" of an amount of not less than \$1,000,000.00 per occurrence or proof of equivalent financial responsibility and must notify the Culpeper Building Department promptly of any change during the period of operation to be, or which is, authorized by this permit. The policy must list the name of each device identifying the general description of the device or devices to be insured to include quantities and serial numbers or identification numbers of each ride. We do not keep copies of previous insurance certificates so a new copy must be supplied with each permit application.

_____ If the set-up or required inspection falls outside of the normal business hours of the Building Department (7:30-4:30 Monday – Friday excluding holidays); an after-hour fee will be accessed for inspections.

_____ Item #4 of 13 VAC 5-31-80 specifically addresses "Kiddie Rides." The ride must meet all three (3) of the requirements for the once per year inspection requirement. These requirements are: i) the passenger height is limited to 54" or less; ii) the design capacity is 12 passengers or less; and iii) the assembly time is two (2) hours or less.

**ORDINANCE TO AMEND SEVERAL SECTIONS OF CHAPTER 3. AMUSEMENTS,
OF THE CULPEPER COUNTY CODE
REGARDING PROVISIONS AND LICENSING FOR FESTIVALS**

WHEREAS, the Board of Supervisors finds that it is necessary to amend several sections to Chapter 3. Amusements, Article II. Outdoor Musical or Entertainment Festivals and Article III. License for Carnivals, Animal Shows, etc. within the Culpeper County Code regarding provisions and licensing for festivals.

NOW, THEREFORE, IT IS HEREBY ORDAINED THAT THE BOARD OF SUPERVISORS OF CULPEPER COUNTY hereby amends several sections to Chapter 3. Amusements, Article II. Outdoor Musical or Entertainment Festivals and Article III. License for Carnivals, Animal Shows, etc. as provided for in the attachment.

Effective Date

This Ordinance shall take effect when enacted.

NOW, THEREFORE, BE IT HEREBY ORDAINED that the Board of Supervisors of Culpeper County, Virginia, pursuant to Section 15.2-1427 of the Code of Virginia, enacts this Ordinance.

DONE this 7th day of June, 2011.

VOTING AYE: Mr. Aylor, Mr. Chase, Mrs. Hansohn, Mr. Nixon, Mr. Rosenberger

VOTING NAY: Mr. Underwood

ABSTAINING: None

ABSENT: None

Witness this signature and seal.



(SEAL)

William C. Chase, Jr., Chairman
Board of Supervisors of Culpeper County, Virginia

DATE: June 8, 2011

ATTEST:


Frank T. Bossio, Clerk to the Board

CULPEPER COUNTY – CHAPTER 3. AMUSEMENTS

ARTICLE I. IN GENERAL

Sec. 3-1. Repealed.

Editor's note: Former Sec. 3-1 dealt with the permitting, auditing and other regulation of bingo games. In 1995, the Commonwealth created a Charitable Gaming Commission which took these responsibilities over from the counties as of July 1, 1996. This section therefore was not needed in the County Code and was repealed.

(Ord. of 7-5-1995)

Secs. 3-2--3-11. Reserved.

ARTICLE II. OUTDOOR MUSICAL OR ENTERTAINMENT FESTIVALS

DIVISION 1. GENERALLY

Sec. 3-12. Definition.

When used in this article, the term "musical or entertainment festival" or "festival" shall mean any gathering or group of individuals for the purpose of listening to or participating in entertainment which is open to the general public or for which an admissions charge or contribution is assessed or collected, and includes musical renditions conducted in open spaces.

(Ord. of 1-5-1971, § 2; Ord. of 3-4-1997)

Sec. 3-13. Purpose of article.

This article is enacted pursuant to § 15.2-1200 of the Code of Virginia, 1950, as may be amended from time to time, 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 a gathering or group of individuals for the purpose of listening to or participating in entertainment which includes musical renditions conducted in open spaces not within an enclosed structure which is open to the public or for which an admissions charge or contribution is assessed or collected, in the interest of the public health, safety and welfare of the citizens and inhabitants of the County.

(Ords. of 1-5-1971, § 1; 3-4-1997)

Sec. 3-14. Construction of article.

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

(Ord. of 1-5-1971, § 10)

Sec. 3-15. Violations of article.

Any person who violates any provision of this article shall be guilty of a Class 2 misdemeanor. The Board of Supervisors, any law-enforcement officer or any private citizen may bring suit in the Circuit Court of the County to restrain, enjoin or otherwise prevent the violation of this article.

(Ord. of 1-5-1971, § 8)

Cross references: Penalty for Class 2 misdemeanor, § 1-10.

Sec. 3-16. Time limit on music and entertainment.

Music shall not be rendered nor entertainment provided at a festival after midnight or before the hour of 11:30 in the morning.

(Ord. of 1-5-1971, § 5; Ord. of 3-4-1997)

Sec. 3-17. Remaining on premises between, before or after performances.

No person shall remain upon the premises of a festival between, before or after any of the performances or set up temporary habitation upon such premises. This section shall not apply to the person who has assumed or has been contracted to assume the management of the festival, the necessary custodians of the premises, the paid and billed performers and other persons whose continual presence is required for the proper regulation and presentation of the festival.

(Ord. of 1-5-1971, § 6; Ord. of 3-4-1997)

Secs. 3-18--3-22. Reserved.

DIVISION 2. FESTIVAL PERMIT

Sec. 3-23. Required.

A. No person, except as exempted below, shall stage, promote or conduct any musical or entertainment festival in the County, unless he has obtained a permit so to do issued pursuant to this division hereinafter referred to as a "Festival Permit".

B. Gatherings of less than one hundred (100) persons at any time at any place for musical or entertainment festivals are entirely exempt from this Article.

C. Musical or entertainment festivals, including carnivals, circuses and animal shows as described in Article III, and events sponsored by the Commonwealth of Virginia, County of Culpeper, Culpeper County Public Schools, Town of Culpeper, and Culpeper County Volunteer Fire and Rescue organizations, are entirely exempt from this Article.

D. Persons required to obtain a Festival Permit may also be required to obtain a carnival license pursuant to Section 3-40 if applicable.

(Ord. of 1-5-1971, § 3; Ord. of 3-4-1997)

Sec. 3-24. Application generally.

A. Application for a Festival Permit required by this division shall be in writing, on forms provided for the purpose, and shall be submitted to the County Administrator at least sixty (60) days before the first planned date of the festival. Such application shall have attached thereto and made a part thereof the plans, statements, approvals and other documents required by this division. The County Administrator is authorized to accept applications for a Festival Permit and to waive the 60-day time requirement, on a one time basis, if the documents, plans, etc. required under Section 3-25 are submitted with the application at least 15 days prior to the first day of the festival. The County Administrator may grant Festival Permits for gatherings not

to exceed 499 people. Applications for Festival Permits for gatherings of 500 or more people shall be presented by the County Administrator to the Board of Supervisors for approval.

B. Each application submitted under this section shall be accompanied by a fee of One Hundred Dollars (\$100.00). The permit fee required by this section shall be tendered by certified check, money order, or cash with the application required.

Sec. 3-25. Documents, plans, etc., to accommodate application.

A. A Festival Permit shall not be issued, unless the following conditions are met and the following documents, plans, statements and approvals are submitted to the County Administrator with the application:

- (1) The application shall have attached to it a copy of the ticket or badge of admission to the festival, containing the date or dates and time or times of the 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 promoters of the festival, the financial backing of the festival and the names of all persons or groups who will perform at the festival.
- (3) A statement of the location of the proposed festival, the name and address of the owner of the property on which the 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.
Cross references: Solid waste, Ch. 11.
- (5) A plan for providing food and water for attendees, and lodging for those persons specified in Section 3-17 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.
Cross references: Water supply, Ch. 14.
- (6) A plan for adequate medical facilities for persons at the festival, approved by the Culpeper County Office of Emergency Medical Services. If the plan requires the Culpeper County Office of Emergency Medical Services or its designee to be at the festival, then a fee of \$130.00 per hour shall be paid in advance to the County Administrator.
- (7) A plan, with plat attached, showing all means of ingress and egress from the festival area to one (1) or more of the federal or state highways within the County, together with a statement from the state department of highways and transportation approving such routes as all-weather routes adequate to safely and conveniently handle the volume of traffic contemplated without substantial damage to the same.

(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 Forest Warden.

(9) A traffic plan, which shall include those plans and measures which the Virginia Department of Transportation ("VDOT"), in its discretion, may deem necessary for the proposed festival. If the applicant proposes to temporarily close roads or intersections for the festival, VDOT may then require that the traffic plan include provisions for traffic flow, temporary road closures, and/or 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 deemed necessary by VDOT. The traffic plan shall be submitted to and approved by VDOT prior to issuance of the Festival Permit. The promoter shall be solely responsible for all costs and expenses incurred in implementation of the approved traffic plan and all fees due either the Virginia State Police or the Culpeper County Sheriff for manual traffic direction services shall be paid in advance.

Cross references: Motor Vehicles and Traffic, Ch. 10.

(10) A plan for adequate parking facilities and traffic control within the festival area and on public or private property surrounding or adjoining the festival area. Such plan shall be submitted to and approved by VDOT prior to issuance of the Festival Permit. The promoter shall be solely responsible for all costs and expenses incurred in implementation of the approved parking and internal traffic plan.

(11) 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 glow beyond the property on which the festival is located.

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

(13) A plan for internal festival security and crowd control approved by the Culpeper County Sheriff. The Culpeper County Sheriff may require, as a condition of security plan approval, that the promoter contract with the Culpeper County Sheriff for provision of security by Sheriff's Deputies or provide a force of licensed private security guards. The promoter shall be solely responsible for all costs and expenses incurred in implementing the approved security plan, and all fees due the Culpeper County Sheriff for contract security services shall be paid in advance.

(14) Notice of the festival shall be given to the Virginia State Police and to the Culpeper County Sheriff, in writing, by the festival promoter, at least sixty (60) days prior to the first festival date.

(15) If, in the discretion of the County Administrator, a bond is desirable to secure the promoter's performance of any obligation owed to a government agency and created pursuant to this article, the County Administrator may require, as a condition to issuance of a Festival Permit, that the promoter post a bond in an amount determined by the County Administrator to be sufficient to secure such obligations. Such bond shall be limited to obligations owed to a government agency or entity and shall specifically exclude private debts incurred by or owed by

the promoter to private persons or entities and shall be secured by a letter of credit from a federally chartered banking institution in a form acceptable to the County Administrator.

B. The various government agencies reviewing Festival Permit applications, as required in section A hereinabove, shall have fifteen (15) days from the date upon which they receive the application from the County Administrator in which to respond and shall in any event respond no later than the 35th day prior to the first day of the festival.

(Ord. of 1-5-1971, § 4; 3-4-1997; 10-7-2008(1))

Sec. 3-26. Applicant to furnish right of entry.

No Festival Permit shall be issued unless the applicant shall furnish to the County Administrator written permission for the County Administrator, his lawful agents and 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.

(Ord. of 3-4-1997)

Sec. 3-27. Issuance or denial.

The County Administrator shall act on an application for a Festival Permit filed under this division no later than thirty (30) days, or ten (10) days in the case of a waiver as provided for in Section 3-24 A, before the first day of the festival. If granted, the Festival Permit shall be issued in writing on a form provided for the purpose and mailed by the County Administrator to the applicant at the address indicated. If denied, the refusal shall be in writing, with the reasons for such denial stated therein, and mailed by the County Administrator to the applicant at the address indicated.

(Ord. of 1-5-1971, § 3; 3-4-1997)

Sec. 3-28. Revocation.

The Board of Supervisors shall have the right to revoke any Festival Permit issued under this division upon noncompliance with any of the provisions and conditions of the permit or of this article.

(Ord. of 1-5-1971, § 7)

Sec. 3-29. Requests for waiver of any requirements of the permit.

Any applicant who desires a waiver of any of the requirements of this article shall apply for such waiver to the Board of Supervisors, in writing, by no later than two (2) weeks before a regularly scheduled meeting of the Board of Supervisors. If the Board of Supervisors finds that good cause has been shown, the application for the waiver may be granted. Only the specific requirements requested in the application shall be so waived. All other permit requirements shall be met as specified in this article. Applicants must pay all fees in advance, but the Board of Supervisors may later authorize a refund.

(Ord. of 3-4-1997)

Sec. 3-30. Unlawful assembly.

Any festival conducted without first having obtained a Festival Permit shall be declared an unlawful assembly and the Sheriff is authorized, in his discretion, pursuant to § 18.2-111 of the Code of Virginia, 1950, as may be amended from time to time, to disperse persons

unlawfully assembled for a festival conducted without a permit required by this ordinance. Every person who conducts a festival without obtaining a Festival Permit required by this Article shall be fined Five Hundred Dollars (\$500.00) per offense. Each day that the violation continues shall constitute a separate offense.

(Ord. of 3-4-1997)

Secs. 3-31--3-38. Reserved.

ARTICLE III. LICENSE TAX FOR CARNIVALS AND CIRCUSES.

Sec. 3-39. Definitions.

For the purpose of this article, a "carnival" is an aggregation of shows, amusements, concessions, eating places and riding devices, or any of them, operated together on one (1) lot or street, or on contiguous lots or streets, moving from place to place, whether the same are owned and actually operated by separate persons or not.

(Ord. of 8-3-48)

State law references: Similar provisions, Code of Virginia, § 58.1-3728(A)

Sec. 3-40. Required.

A. Pursuant to Section 58.1-3728 of the Code of Virginia, every person who conducts in the County a carnival, circus, a side show, dog and pony (or either) show, trained animal show, or any other show, exhibition or performance similar thereto shall procure a license so to do, except as otherwise specifically provided in this article. The requirement to obtain a license shall not apply to individual exhibitors who participate in such shows, exhibitions, or performances nor shall this requirement apply to agricultural fairs, art exhibits, or industrial arts exhibits.

B. Every person who wishes to conduct a carnival must first make an application for a license and comply with Section 3-25 before the license is issued. The County Administrator may grant a license for gatherings not to exceed 499 people. Applications for licenses for gatherings of 500 or more people shall be presented by the County Administrator to the Board of Supervisors for approval.

C. Every person who exhibits or gives a performance without the license required by this section shall be fined Five Hundred Dollars (\$500.00) per offense and per permit. Each day that the violation continues shall constitute a separate offense.

D. Persons required to obtain a carnival license may also be required to obtain a Festival Permit pursuant to Section 3-23 if applicable.

(Ord. of 8-3-1948; 3-4-1997)

State law references: Authority to require above license tax and provisions similar to Subsection B, Code of Virginia, § 58.1-3728(A).

Sec. 3-41. License tax.

Unless exempt by the law or by this article, there shall be paid, for each day's performance or exhibition by a carnival, show, circus, menagerie or other exhibition or performance referred to in section 3-40, a license tax of One Hundred Dollars (\$100.00).

State law references: Authority for above tax, Code of Virginia, § 58.1-3728(A).

Sec. 3-42. Exemptions.

A. Gatherings of less than one hundred (100) persons at any time at any place for carnivals are entirely exempt from this Article.

B. Carnivals and circuses which are described in Article III which are sponsored by the Commonwealth of Virginia, County of Culpeper, Culpeper County Public Schools, Town of Culpeper, and Culpeper County Volunteer Fire and Rescue organizations, are entirely exempt from this Article.

C. No additional license tax shall be required for the privilege of selling soft drinks, confections, food, souvenirs and novelties on the grounds on which a show licensed under this article is exhibited.

D. The provisions of this Article shall not be construed to allow, without payment of the license tax imposed by this article, a performance for charitable or benevolent purposes by a person who makes it his business to give exhibitions, no matter what terms of contract may be entered into or under what auspices such exhibition is given by such person for benevolent or charitable purposes, it being the intent and meaning of this article that every person who makes his business that of giving exhibitions for compensation, whether a part of the proceeds are for charitable or benevolent purposes or not, shall pay the license tax prescribed by this article.

State law references: Similar provisions, Code of Virginia, § 58.1-3728(B).

Sec. 3-43. Exhibition of license.

The Sheriff and other authorities of the County shall not allow any performance to open until the license required by this article is exhibited to them.

(Ord. of 8-3-1948)