

AN ORDINANCE to amend The Code of the City of Alexandria, Virginia, 1963, as amended, by adding thereto a new chapter numbered 9C entitled CONCERTS, which new Chapter 9C relates to CONCERTS; DEFINITIONS PERTAINING THERETO; PERMIT REQUIREMENTS; OPERATING REGULATIONS; PERMIT REVOCATION; APPEALS, EXEMPTIONS; INSPECTIONS AND RIGHT OF ENTRY; AND PENALTIES FOR VIOLATIONS.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended by adding thereto a new chapter 9C to read as follows:

CHAPTER 9C

CONCERTS

Sec. 9C-1. Definitions.

For purposes of this chapter, certain words shall have the meaning assigned below.

Concert. Any entertainment, activity, amusement, gathering or assembly of persons within the city wherein an admission fee is charged and where there will be presented as the primary source of entertainment live or recorded musical entertainment, and which the promoter thereof has reason to believe will attract 500 or more persons. A public dance or dance exhibition is a concert.

Promoter. Any natural person, association, partnership, firm, corporation, joint venture or any other legal entity whatsoever, who initiates, organizes, promotes, permits, conducts or causes to be advertised, a concert.

Sec. 9C-2. Permit--Required.

It shall be unlawful for any promoter to organize, promote, permit, conduct or cause to be advertised a concert unless a permit has been obtained pursuant to this ordinance. A separate permit shall be required for each concert.

The requirement that such permit shall be obtained is in addition to any other permits or licenses required by the state, this Code, the city council or any department, board, agency or commission of the city.

No such permit shall be transferrable.

Sec. 9C-3. Same--application.

Written application for a permit to conduct and operate a concert shall be made to the city manager. The application shall be submitted thirty (30) days or more prior to the date upon which the concert is to be, or may be held. Each application shall contain the following:

(a) The name, age, residence and mailing address of the applicant. Where the applicant is a partnership, a corporation or other association, this information shall be provided for all partners, officers and directors or members.

(b) The name and mailing address of the owner of the premises, if other than the applicant, and the exact location of the premises on which the concert is to be presented.

(c) The date and hours during which the concert is to be presented.

(d) An estimate of the minimum and the maximum number of persons expected to attend the concert.

(e) A description of all loudspeakers and sound equipment to be used and the estimated intensity of the sound, in decibels, at the boundary of the property on which the concert is to be presented.

(f) Such other information pertinent to the event as the city manager finds is reasonably necessary and required in order to determine whether or not the permit should be granted.

Sec. 9C-4. Same--Approval; denial; conditions for issuance.

Within twenty-one (21) days after an application is filed, the city manager shall approve or deny the application. Failure by the city manager to act within that period shall constitute approval of the application. In approving an application, the city manager may set conditions prerequisite to the issuance of a permit, and shall as a minimum, require the following of all permits:

(a) Security personnel. The permittee shall employ at his own expense such security personnel as are necessary and sufficient to provide for adequate security and protection of the maximum number of persons expected to attend the concert and for the preservation of order and protection of property in and around the site of the concert. The required number of such security personnel shall be determined by the chief of police whose decision shall be final.

(b) Fire protection. The permittee shall at his own expense take adequate steps as determined by the fire marshal to ensure fire protection.

Any other conditions imposed by the city manager as a prerequisite to the issuance of a permit shall be reasonably calculated to protect the health, safety, welfare and property of persons attending the concert or of the citizenry in general. If such other conditions are imposed as a prerequisite to the issuance of a permit or where an application is denied, within three (3) days of such action, notice thereof must be mailed to the applicant by certified mail and, in the case of denial, the reasons therefore shall be stated in the notice.

A permit may be denied if:

(a) The applicant fails to comply with any requirements of this ordinance, or with any conditions imposed pursuant hereto, or with any other applicable provision of state or local law, rule or regulation.

(b) The applicant has knowingly made a false, misleading or fraudulent statement in the permit application or in any supporting document.

Sec. 9C-5. General operating regulations.

The following operating regulations shall be enforced by the permittee:

(a) No permittee or persons having control of the concert shall knowingly permit any persons to bring onto the premises of the concert any intoxicating liquor, or permit intoxicating liquor to be consumed on the premises, and no person during the concert shall take or carry onto the premises or drink thereon intoxicating liquor.

(b) No musical entertainment, either live or recorded, utilizing sound amplification equipment, shall be operated in such manner as to be plainly audible across property boundaries at a distance of fifty (50) feet from the building, structure or premises on which it is located.

(c) No concert shall be presented between the hours of 2:00 a.m. and 9:00 a.m.

(d) Concerts operating without a permit under this ordinance based on a reasonable anticipation of less than 500 persons in attendance, shall limit attendance to 499 persons and printed tickets, if utilized, shall not number more than 499.

(e) The burden of preserving order during the concert is upon the permittee.

#### Sec. 9C-6. Revocation of permit.

Any violation of one or more of the requirements of this chapter or any violation of one or more of the terms and conditions of a permit issued hereunder shall be grounds for immediate revocation of the permit by the city manager or his designee. Upon revocation of the permit, the permittee shall immediately terminate the concert and provide for the orderly dispersal of those in attendance.

#### Sec. 9C-7. Appeal of denial of application or conditions of approval for permit.

Any applicant aggrieved by the actions of the city manager in the denial of an application or the imposition of conditions of approval of an application for a permit under this chapter shall have the right to appeal to the city council. Such appeal shall be taken by filing with the clerk of the city council within ten (10) days after notice of the city manager's decision regarding denial or conditions of approval, a written statement setting forth fully the grounds for appeal. The clerk of the city council shall forthwith notify the city manager, who shall schedule a public hearing before the city council and shall give notice of such hearing to the appellant.

After such hearing, the city council may affirm or revoke the city manager's decision with respect to denial of the permit and may affirm, modify or waive those conditions of approval which, in its opinion, are impractical or would result in severe hardship to the applicant; provided, however, that the provisions of section 9C-4(a) and (b), herein cannot be waived.

#### Sec. 9C-8. Exemptions.

The provisions of this chapter shall not apply to any concert sponsored by the Commonwealth of Virginia or the City of Alexandria where such event is conducted on publicly owned land or property.

#### Sec. 9C-9. Inspections; right of entry.

The city manager, his authorized agents or representatives, shall have the power to enter a concert upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this chapter or of terms and conditions imposed pursuant thereto.

#### Sec. 9C-10. Penalties.

Any person violating any of the provisions of this chapter or violating the terms and conditions of a permit granted pursuant to this chapter shall, upon conviction thereof, be guilty of a misdemeanor and shall be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment not exceeding six (6) months, or both.

Section 2. That the title of and an informal memorandum explaining this ordinance shall be published in a newspaper of general circulation published in the city not later than five days following its introduction together with a notice containing the time and place for a public hearing. The city clerk shall have the full text of this ordinance printed in sufficient numbers to supply copies to meet request. The city clerk shall note the date of introduction and first reading, the date of publication, the date of the public hearing and the date of the second reading and final passage in the minutes of the meeting. This ordinance shall become effective the date of its final passage.

FRANK E. MANN  
Mayor

FINAL PASSAGE: June 27, 1978