

An Ordinance pursuant to WEST VIRGINIA CODE Section 7-1-3kk to eliminate hazards to public health and safety and abate public nuisances associated with temporary mass gatherings of people for entertainment events.

Be it enacted by the Preston County Commission,

### **An Ordinance to Regulate Mass Gatherings**

It appearing to the County Commission (the Commission) of Preston County, West Virginia that it is authorized by Chapter 7, Article 1, Section 3kk of the Official Code of West Virginia, 1931, as amended, to enact ordinances, issue orders and take other appropriate and necessary actions for the elimination of hazards to public health and safety and to abate or cause to be abated anything which the commission determines to be a public nuisance, the Commission hereby adopts the following Ordinance which provides as follows:

(1) **Purpose**

The Commission **FINDS** that temporary mass gatherings of people to attend musical performances and other entertainment events have created a hazard to public health and safety and a public nuisance due to increased criminal activity, high levels of traffic congestion in the public roads surrounding such events, and high demands on police, emergency, and medical resources in Preston County.

(2) **Definitions**

For purposes of this Ordinance

“Mass gathering” is defined as any event which has more than 3,000 attendees who will reside at the event for 14 hours or more in temporary shelters that will be removed when the event has been completed.

“Temporary shelters” are defined as a non-permanent structure such as a tent which is designed to be easily removed and which is not assessed under West Virginia Law for tax purposes as either an improvement upon real property or as personal property.

(3) **Permit Required**

No person, firm, corporation, or partnership, shall stage, promote, or conduct any entertainment event creating a "mass gathering" unless there shall have first been obtained a permit from the Commission. Applications for said permit shall be in writing, on forms provided by the County Clerk and filed with the County Clerk not more than one year but at least 30 days prior to the beginning of said entertainment event. Said Application shall have attached the plans, statements, approvals and other documents required by this Ordinance. The Commission anticipates that the application process may occur over time with some application requirements submitted earlier than others. However, the Commission will not act until all Application requirements have been submitted.

The Commission shall docket and act on said Application at the next regularly scheduled meeting held after all Application requirements have been filed which allows said matter to be docketed at least three business days before the Commission meeting.

(4) **Application Requirements**

The Application for permit shall include the following plans, statements, approvals, and documents:

a statement by the applicant of the date(s) and times for the event;

a statement by the applicant of the total number of tickets that will be provided for attendees whether sold or provided otherwise, the applicant's best reasonable estimate of the total expected persons in attendance at the event, and the applicant's certification that it will comply with all applicable state and local laws and regulations;

a statement of the name and addresses of the promoter of the event, the financial backing of the event, and the names of all persons that will perform at the event;

a statement of all lands upon which any part of the event will occur, and the names and addresses of all owner(s) of those lands;

a plan for adequate sanitation facilities and garbage, trash, and sewage disposal for the event which shall comply with all applicable state and local law and regulations which shall be approved by the County Health Department;

a plan for providing food and water for persons attending the event which shall comply with all applicable state and local law and regulations which shall be approved by the County Health Department;

a plan for providing adequate medical care for persons attending the event which shall be approved by the Director of the Office of Emergency Management for the County;

a plan for providing adequate security and traffic control for the event including surrounding roads which shall be approved by the Sheriff of Preston County;

a list of all vendors that will be providing goods or services to the event and documentation showing that they are legally certified and licensed to do business in West Virginia.

(5) **Deposit Required**

A deposit in an amount sufficient to cover the cost of additional police, emergency, and medical resources which shall be paid to the Commission when the Application is finally approved by the Commission. Said deposit will be determined as follows:

3,000 to 9,999 attendees	\$1 per person per day
10,000 to 19,999 attendees	\$1.25 per person per day
20,000 to 39,999 attendees	\$1.50 per person per day

40,000 or greater attendees

\$1.75 per person per day

(6) **Geographical Coverage**

This Ordinance applies to all geographical areas of Preston County, West Virginia, whether inside or outside the boundaries of any municipal corporation. Provided: this Ordinance shall not be construed as prohibiting a municipal corporation from lawfully adopting a municipal ordinance with greater protections against the hazards addressed by this Ordinance, to the extent allowed by the laws of this State.

(7) **Severability**

In the event that any court declares any provision of this Ordinance to be unenforceable, said declaration shall not be construed as invalidating the remaining provisions.

(8) **Civil Sanctions**

The Commission shall have the right to revoke any permit granted under this Ordinance and prohibit the Applicant from obtaining any future permits after appropriate notice and hearing for the Applicant if there are violations of any portion of the Ordinance; In addition, the Commission may seek injunctive relief in the Circuit Court of Preston County for public nuisance if there are violations of any portion of the Ordinance.

(9) **Criminal Violations**

Any person, firm, corporation, or partnership which willfully violates any portion of this Ordinance shall upon conviction be subject to a jail sentence of not more than 12 months and/or a fine not to exceed \$25,000 by the Preston County Magistrate Court.

Adopted this \_\_\_ day of \_\_\_\_\_ 2011,  
effective immediately upon passage.

\_\_\_\_\_  
President of the Commission

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

Attest:

\_\_\_\_\_  
Clerk of the County Commission