

## ALTERNATE #1

REQUESTED BY COUNCILMEMBER BARBARA M. HENLEY

AN ORDINANCE TO AMEND CHAPTER 4 OF THE CITY CODE BY ADDING NEW SECTIONS 4-85 THROUGH 4-90, DEFINING EVENT FACILITIES AND SETTING FORTH REGULATIONS PERTAINING TO THE SAME

City Code Sections Added: City Code Sections 4-85, 4-86, 4-87 4-88, 4-89 and 4-90

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VIRGINIA BEACH, VIRGINIA:

That Chapter 4 of the City Code is hereby amended and reordained by the addition of City Code Sections 4-85, 4-86, 4-87 4-88 4-89 and 4-90 defining event facilities and setting forth regulations pertaining to the same, to read as follows:

### CHAPTER 4. AMUSEMENTS

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#### ARTICLE IV. EVENT FUNCTIONS.

##### **Sec. 4-85. Intent.**

The intent of this article is to regulate the rental of houses in residential neighborhoods for the purpose of holding large events such as weddings, receptions, parties and similar activities so as to protect such neighborhoods from the adverse impacts of such events. The provisions of this article allow occasional rentals of homes for purposes of having large events in residential neighborhoods, while preserving the predominately residential character of the neighborhood. It is not the purpose or intent of this article to prohibit or require permits for family gatherings and similar activities that are ordinarily and customarily carried on in residential neighborhoods.

## COMMENT

The section sets forth the intent of the ordinance in regulating certain events held in houses in residential areas.

### **Sec 4-86. Findings.**

The City Council finds that:

(a) Dwellings in residential areas that are primarily used, maintained, or advertised as locations that may be rented on a short-term basis for functions and special events such as weddings, retreats, parties, meetings and other gatherings of invited guests who are not using the structure for habitable purposes, are often the cause of excessive noise, illegal or improper parking, traffic violations, congestion and litter, and can interfere with the quiet enjoyment of the residential neighborhood in which they occur. The rental of property for such purposes is a commercial use and, unless restricted, is incompatible with surrounding homes.

(b) There is a need to balance residential and commercial interests where the two types of activity are carried on in close proximity to each other and where commercial activities unreasonably disturb the tranquility and harmony of the residential neighborhoods in which such commercial activities take place. Accordingly, in residential areas, the City has allowed commercial activities, such as home occupations, only on a limited basis and with sufficient safeguards to protect against excessive commercial activity in residential neighborhoods and the attendant adverse impacts of such activity. Where commercial activity occurs in residential neighborhoods, the health, safety and welfare of residents must be protected by minimizing noise, unruly conduct, unlawful parking, litter, and other adverse effects of the use of residential structures for commercial uses.

## COMMENT

The section sets forth the City Council's findings regarding the use of homes as rented sites for certain types of gathering that constitute commercial uses.

**Sec. 4-87. Definitions.**

As used in this article, the following definitions apply:

Duplex. A freestanding building having a permanent foundation, containing two (2) dwelling units, entirely surrounded by a yard and located in a predominantly residential area.

Dwelling, single-family. A freestanding building having a permanent foundation, containing one (1) dwelling unit, entirely surrounded by a yard and located in a predominantly residential area. Mobile homes, travel trailers, housing mounted on self-propelled or drawn vehicles, tents or other forms of temporary or portable housing are not included within this definition.

Dwelling unit. A room or rooms connected together, constituting an independent housekeeping unit and including permanent provisions for living, sleeping, eating, cooking and sanitation.

Event Function. An assembly of persons at a single-family dwelling or duplex for a wedding, reception, party, retreat, meeting or other event, where the total number of attendees at any time exceeds seventy-five (75) people and the property on which the event function is held:

- (1) Is used, designed, maintained, advertised or held out as a destination for gatherings of invited guests; and
- (2) Is being rented at the time of the event for a period of less than seven (7) consecutive days.

Assemblies or gatherings that constitute special events as provided in section 4-1(a)(3) shall not be included in this definition.

**COMMENT**

**The section sets forth the definition of “event function” and the terms that are used in defining that term.**

**Sec. 4-88. Requirements; violations.**

(a) No person or entity shall hold, organize or sponsor any event function unless a permit therefor has been granted pursuant to the provisions of this article.

(b) Any person who violates any of the provisions of this article shall, upon conviction thereof, be guilty of a misdemeanor punishable by a fine of not less than ten dollars (\$10.00) nor more than one thousand dollars (\$1,000.00); provided, however, that any person found to be in violation of any provision of the Virginia Statewide Fire Prevention Code, as may be modified or amended in Article III of Chapter 12 of the City Code, or of the Virginia Uniform Statewide Building Code, including the model codes and provisions thereof incorporated by reference therein, shall be subject to the penalties prescribed therein, respectively.

(c) In addition to and not in lieu of any other penalty, any violation of this Article may be enjoined by a court of competent jurisdiction upon application by the City.

**COMMENT**

The section sets forth the basic requirement that a permit be issued prior to the staging of any event function, and also prescribes the penalties for violations of the ordinance.

**Sec. 4-89. Permits; permit requirements.**

(a) An application for a permit required by this article shall be made to the city manager or his designee, accompanied by a nonrefundable processing fee in the amount of Two Hundred Dollars (\$200.00). The application shall be submitted not less than thirty (30) days nor more than six (6) months prior to the date of the proposed event function. The application shall contain the following information, utilizing a form provided by the city manager:

- (1) A description of the proposed event function, including the anticipated number of attendees, whether the proposed event function is to be held outdoors or indoors or both, and whether amplified music is to be provided;

- (2) The date, beginning and ending times, and location of the proposed event function:
- (3) Specific provisions for litter control, traffic control, and parking:
- (4) Copies of the notices to adjacent property owners and owners of property required by subsection (c):
- (5) The name, address and telephone number of an individual or individuals who shall be responsible for ensuring compliance with the provisions of this article and the conditions of the permit:
- (6) A certificate of compliance from the fire marshal stating that the property on which the proposed event function is to be held meets all applicable requirements of the Virginia Statewide Fire Prevention Code, as may be modified or amended in Article III of Chapter 12 of the City Code, which certificate shall have been issued no more than twelve (12) months prior to the date of the proposed event function:
- (7) A certificate of compliance from the building official stating that the property on which the proposed event function is to be held meets all applicable requirements of the Virginia Uniform Statewide Building Code, including the model codes and provisions thereof incorporated by reference therein, which certificate shall have been issued no more than twelve (12) months prior to the date of the proposed event function; and
- (8) Such additional information or as the city manager or his designee may reasonably require in order to determine whether the proposed event function meets the requirements of this article.

(b) A completed application shall be processed and either granted or denied within twenty-one (21) days of receipt of a completed application meeting the requirements of subsection (a). Such decision shall be in writing and set forth the conditions of the permit, if granted, or the reasons for denial. The decision shall be

provided to the applicant at the address stated in the application. Any application that is incomplete shall be returned by the city manager or his designee to the applicant within five (5) working days with a statement of the deficiencies in the application.

(c) The applicant shall notify the owner or owners of all properties any portion of which are located within five hundred (500) feet of the nearest portion of the property on which the event function is to be held, of the application for a permit to hold an event function. Such notice shall be state, at a minimum, the date and beginning and ending times of the proposed event, the anticipated number of attendees, and the name, address and telephone number of the office to which the application is made.

(d) The permit shall be granted if the following conditions are met:

- (1) Adequate parking, other than on public streets, will be provided by shuttle services, on-site parking or public parking lots, such that parked vehicles will not unreasonably interfere with the normal use of such streets and emergency vehicles, waste collection vehicles, school buses and other vehicles used in the performance of public functions will not be impeded;
- (2) The proposed activity does not present a safety or health risk to attendees or to persons residing in the neighborhood.
- (3) The proposed activity is compatible with the surrounding area or neighborhood, in consideration of anticipated noise, traffic, crowd capacity, vehicular parking and other identifiable factors; and
- (4) The applicant has provided proof of liability insurance underwritten by insurers acceptable to the city, indemnifying the city, its officers, employees and agents, against any suits, claims and losses which may arise in connection with the proposed activity. Such coverage shall be in amounts consistent with a standard schedule approved by the city manager, based upon risks associated with each type of event, in consideration of anticipated attendance;

(e) The city manager or his designee may impose, as conditions to granting a permit, such further requirements and restrictions as will reasonably protect the public health, safety, welfare, peace and order. Such conditions may include, but are not limited to:

(1) The payment of a reasonable fee for the use or allocation of city property, equipment and personnel not exceeding the actual costs incurred by the city in connection with the proposed activity; and the posting of a performance bond or other surety securing payment of such fee;

(2) The provision of adequate crowd and traffic control, security, fire protection, food handling, waste and refuse disposal, and noise restrictions; and

(3) The duration, location and number of any portable storage containers.

(f) In the event a permit application is denied, the applicant shall have the right to a hearing before the city manager or his designee.

#### **COMMENT**

The section sets forth provisions regarding permit applications, processing procedures, a notice requirement, the conditions under which permits must be granted and the conditions of approval that may be attached to a permit, and provides for an appeal.

#### **Sec. 4-90. Other requirements.**

(a) No more than three (3) event functions within a period of twelve (12) consecutive months shall be held at any property, and no portion of any event function shall take place outdoors between midnight and 10:00 a.m.,

(b) The number of attendees time shall not exceed one hundred (100) persons.

(c) The individual or individuals responsible for ensuring compliance with the provisions of this article and the conditions of the permit, as required by Section 4-89(a)(5), shall be present at all times during an event function.

**COMMENT**

**The section sets forth additional requirements pertaining to event functions, including a maximum number of events in one year, the times during which event functions may take place, the maximum number of attendees and the presence of the persons responsible for compliance.**

Adopted by the City Council of the City of Virginia Beach, Virginia on the  
day of \_\_\_\_\_, 20\_\_ .

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