

AN ACTION to eliminate hazards to public health and safety and abate the public nuisance associated with temporary mass gatherings for large groups of people.



Be it enacted by the Preston County Commission,
A new ordinance as follows:

ORDINANCE

AN ORDINANCE OF THE COUNTY COMMISSION OF PRESTON COUNTY, WEST VIRGINIA, REGARDING THE CONTROL OF TRAFFIC CONGESTION AND ACCESSIBILITY FOR EMERGENCY SERVICES RELATED TO MASS GATHERINGS, UNDER THE AUTHORITY OF CHAPTER 7, ARTICLE 1, SECTION 3kk OF THE OFFICIAL CODE OF WEST VIRGINIA, 1931, AS AMENDED.

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 and it shall read as follows:

(1) The Commission finds that temporary mass gatherings of people for musical performances and similar events have created a public nuisance and a hazard to public health and safety due to increased criminal activity including illegal drug sales and usage, high levels of traffic congestion, and high usage of hospital, ambulance, rescue, fire, and police resources in the county.

(2) For purposes of this Ordinance, a “mass gathering” is defined as any event in which there are more than 3,000 attendees who will reside at the event for one or more nights in temporary shelters such as tents that will be removed at the end of the event.

(3) The Commission hereby requires that the Promoter/Organizer and Owner of any land upon which a “mass gathering” is held are jointly required to apply for and obtain a permit from the Commission before holding such event. Said application shall specifically address traffic control in the areas around the event; police and security personnel both inside the event and in the areas surrounding the event; medical personnel needs both in the event and in the areas surrounding the event; sanitation needs for the event; a certification that all vendors operating in the event shall be legally certified and licensed to do business in West Virginia.

(4) The parties recognize that various county public organizations will incur costs for extra personnel and staff during the event and as part of the application process the

Promoter/Organizer agrees to pay the Commission an amount as determined for those additional resources which shall be distributed by the Commission to those public organizations to defray their cost for that coverage.

(5) The Commission shall review and approve said permit if it is satisfied that the plan set forth in said application adequately addresses the issues noted above and the Promoter/Organizer has submitted the costs noted above.

(6) This Ordinance applies to all geographical areas of Preston County, West Virginia, whether inside or outside the boundaries of any municipal corporation, provided that, 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) 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) The failure of any Promoter/Organizer to obtain an appropriate permit for "mass gathering" as defined in this ordinance shall be a misdemeanor crime within the jurisdiction of the Preston Count Magistrate Court subject to a jail sentence of not more than one year and/or a fine not to exceed \$25,000.

Adopted this ____ day of _____ 2010, effective immediately upon passage.

President of the Commission

Commissioner

Commissioner