

## TOURS

**Chapter 103****TOURS**

**[HISTORY: Adopted by the Council of the Town of Middleburg on 2/25/2016]**

**SECTION 103-1 PURPOSE**

It is the purpose of this ordinance to establish a process for permitting tours conducted on public streets or public property within the Town of Middleburg.

**SECTION 103-2 DEFINITIONS**

When used in this chapter, the following terms shall have the meanings indicated:

**Tour Business** – A person, company or organization who organizes, markets and provides tours, including but not limited to tours of the Town or of historic places within the Town for any purpose.

**SECTION 103-3 PERMIT REQUIRED**

No person, firm, corporation or organization shall stage, promote or conduct any tour on public property, including public rights-of-way, in the Town of Middleburg without a valid tour permit obtained from the Town Administrator.

**SECTION 103-4 FORM OF PERMIT APPLICATION**

Requests for tour permits shall be submitted in writing on the Town's application form to the Town Administrator at least fifteen (15) days prior to the start of the tour operations. Such applications should include the following items:

- A. The name, address and contact information of the tour operator.
- B. A statement signed by an authorized representative of the tour operator agreeing to comply with the terms of Section 103-5 of this ordinance as may be amended from time to time.

**SECTION 103-5 CONDITIONS OF PERMIT; EXCEPTIONS**

Operators of any tour business shall comply with the following terms and conditions:

- A. Upon approval of the tour permit but prior to conducting a tour within the Town of Middleburg, the operator of a tour business shall provide the Town Administrator with a Certificate of Liability Insurance naming the Town as an additional insured in the amount of one million dollars (\$1,000,000). A current Certificate of Liability Insurance shall be provided on an annual basis upon its renewal. Failure to provide an updated Certificate of Liability Insurance annually in accordance with this section may be cause for revocation of the previously issued permit;

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- B. Prior to conducting a tour within the Town of Middleburg, the operator of a for-compensation tour business must hold a valid business license issued by the Town of Middleburg for the provision of tour services;
- C. The operator of a tour business shall secure a signed Release of Liability, in a form approved by the Town Attorney, from each tour participant or his/her guardian holding the Town of Middleburg harmless from any and all claims incidental to their participation in said tour;
- D. Tours may only occur within the boundaries of the Town of Middleburg Historic District;
- E. Prior to offering a tour within the Town of Middleburg, the tour business operator shall submit a copy of his/her tour route to the Middleburg Police Chief for information purposes only. Prior to making any changes in the tour route in the future, the tour business operator shall submit a copy of the revised tour route to the Police Chief;
- F. Tours shall not interfere with the free and unencumbered use of the public street, sidewalk or other public place or right-of-way within the Town of Middleburg;
- G. Tours shall be conducted between 8:00 a.m. and 10:00 p.m.;
- H. A tour business shall not conduct tours on private property without the express written permission of the property owner, setting forth the location of the tour, permissible size of groups, the types of activities permitted and any other limitations or conditions on the tour. A copy of said written permission shall be provided to the Town Administrator prior to conducting tours on private property and shall be updated annually, or more often as needed;
- I. The operator of a tour shall not conduct tours in such a manner as to interfere with the peace and tranquility of occupants of buildings and private yards and spaces or in such a way as to interfere with ingress and egress to private or public buildings and property;
- J. The operator of a tour business shall promptly, but no later than twenty-four hours, report to the Middleburg Police Department any violation of any federal, state or local law by any participant in the tour group.

The following shall be exceptions to the above listed terms and conditions:

- 1. Any tour sponsored by the Town of Middleburg shall be exempted from Sections 103-5(A) through 103-5(D);
- 2. Tours being operated by any non-profit historical museum located within the Commonwealth of Virginia which is accredited by the American Association of Museums shall be exempted from Section 103-5(B).

**SECTION 103-6      ISSUANCE OF PERMIT**

The Town Administrator shall approve applications for a tour permit within fourteen (14) days following the filing of a complete copy of the same.

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**SECTION 103-7      REVOCATION OF PERMIT**

The Town Administrator shall have the right to revoke any permit issued under this chapter upon the finding of non-compliance with any of its provisions and conditions. Immediately upon notice that a permit has been revoked, the tour business operator shall cease operations on public property, including public rights-of-way, in the Town of Middleburg.

**SECTION 103-8      APPEAL TO TOWN COUNCIL**

In the event the Town Administrator revokes a permit, the holder may appeal such revocation to the Town Council provided written intent to note such an appeal is filed with the Town Clerk within ten (10) days of said revocation.

**SECTION 103-9      PERMITS NOT TRANSFERRABLE**

No permit may be transferred.

**SECTION 103-10      PENALTIES**

Any person, firm, corporation or organization that operates a tour without the required permit or after a permit has been revoked shall be punished as if guilty of a Class 1 misdemeanor as identified in Town Code Section 1-19, entitled General Penalty.