



# City of Harrisonburg, Virginia

## Office of the City Manager

409 South Main Street  
Harrisonburg, VA 22802  
(540) 432-7701 / FAX (540) 432-7778

Eric D. Campbell  
City Manager

TO: Eric Campbell, City Manager  
FROM: Chris Brown, City Attorney  
DATE: August 6, 2019  
RE: Amendments to Harrisonburg City Code Section 15-3-3 (Noise permit for mass outdoor social gathering).

**Summary:** Proposed amendments to the City's mass outdoor social gathering ordinance. The proposed amendments would require the sponsor designate a pick-up and drop-off location for taxis, transportation network companies (such as Uber) and private vehicles, and to have a plan to safely and efficiently disperse attendees at the termination of the event. The proposed amendments would also clarify that a judicial finding of facts sufficient-deferred would constitute a violation of the ordinance for purposes of determining past compliance and added underage possession of alcohol and illegally providing alcohol to underage individuals at the event as disqualifications for a permit for a mass outdoor social gathering.

**Background:** City administrative staff met with representatives of the Harrisonburg Police Department (HPD) and the Commonwealth's Attorneys office to discuss the City's mass outdoor social gathering ordinance. Overall HPD feels that the ordinance is working well and has been an effective and positive enforcement tool to help negate the adverse effects of large parties in the City. HPD did request that Council consider several amendments to the ordinance based on HPD's experience with the ordinance over the past couple of years.

First, the proposed amendment to section (b)(8) will require the event sponsor to designate a drop-off/pick-up location for attendees arriving by taxi, private vehicle, or a transportation network company such as Uber or Lyft. With the increased use of TNC's, HPD has observed traffic issues with vehicles discharging or picking up attendees in unsafe locations. HPD feels that a designated drop-off/pick up area will increase pedestrian and vehicle safety.

Second, the proposed amendment to section (b)(10) will require the sponsor to have a plan to safely and efficiently disperse event attendees at the event's conclusion. HPD has observed that at the termination of events a large crowd of attendees will spill into the street at the site. This creates traffic issues and endangers the safety of the attendees who often end up walking in the street. The sponsor can have monitors redirect individuals onto different streets if possible or ensure that they stay on the sidewalks at the event site.

Third, one of the proposed amendments to section (b)(13) would clarify that a judicial finding of facts sufficient-deferred would constitute a violation of the ordinance for purposes of determining past compliance with the ordinance. Currently if the event sponsor, contact person, or event site has been the subject or two or more violations of section 15-3-3 or 15-3-2, or any combination thereof, an event permit will not be issued. Often judges will defer disposition of a charge for



# City of Harrisonburg, Virginia

## Office of the City Manager

409 South Main Street  
Harrisonburg, VA 22802  
(540) 432-7701 / FAX (540) 432-7778

Eric D. Campbell  
City Manager

violating these ordinances after finding there are sufficient facts to convict the individual. If the individual avoids criminal charges for a given period of time the charge is dismissed. The proposed amendment clarifies that for purposes of qualifying for a mass outdoor social gathering permit, a judicial finding of facts sufficient-deferred qualifies as a violation of the section.

Finally, the proposed ordinance amendment provides that two or more violations of underage possession of alcohol or illegally providing alcohol to underage individuals within 12 months will disqualify the event site from receiving a permit for a mass outdoor social gathering.

**Key Issues:** Amend mass outdoor social gathering ordinance to increase pedestrian/traffic safety and to disqualify repeat offenders of ordinance from obtaining a permit.

**Environmental Impact:** none

**Fiscal Impact:** none

**Prior Actions:** Enactment and amendment of Section 15-3-3.

**Alternatives:**

- (a) Enact amendments as proposed;
- (b); enact some of the proposed amendments; or
- (c) decline to enact any of the proposed amendments.

**Community Engagement:** None, but HPD will publicize any adopted amendments in meetings with JMU representatives and students as part of its outreach program.

**Recommendation:** Staff recommends enacting the proposed ordinance amendments.

**Attachments:**

Section 15-3-3 with proposed amendments highlighted.

RE:

Page 2

**Review:**

*The initiating Department Director will place in Legistar, in sequence of transmittal, the names of each department that must initial their review in order for this item to be placed on the City Council agenda. The completion of review only addresses the readiness of the issue for Council consideration. This does not address the recommendation for approval or denial of the issue.*

###