



City of Harrisonburg, Virginia

Office of the City Manager

409 South Main Street
Post Office Box 20031
Harrisonburg, VA 22802
(540) 432-7701 / FAX (540) 432-7778

G. Chris Brown
City Attorney

TO: Kurt Hodgen, City Manager
FROM: G. Chris Brown, City Attorney
DATE: 08/01/16
RE: Amend Section 15-3-2 (Noise Ordinance) and enact Section 15-3-3 (Mass Outdoor Social Gathering)

Summary: Amend Section 15-3-2 to add several definitions, including the definition of mass outdoor social gathering, amend requirements related to large party nuisance to make requirements applicable all day instead of from 10pm to 7am. Enact a new ordinance, Section 15-3-3 regulating mass outdoor social gatherings. This section will require a permit for outdoor parties at which more than 100 people are invited, expected, or actually attend and in which sound amplifying equipment is used.

Background: The city of Harrisonburg has had a noise ordinance since June, 2003. The noise ordinance has been amended from time to time, with a comprehensive rewrite approved by council in August, 2014. The updated noise ordinance has been an effective tool for the Harrisonburg Police Department to address loud parties and other noise producing activities at night. Since the noise ordinance was enacted, there has been a large increase in the number of parties which now occur during afternoon hours and which are not subject to the restrictions of Harrisonburg's noise ordinance. The proposed amendments to Section 15-3-2 will make the provisions of the noise ordinance applicable to large parties which occur anytime, including afternoon hours.

Additionally, very large outdoor parties have routinely occurred in residential neighborhoods with few limitations to mitigate the effect of such large parties on neighbors. Staff is proposing for council's consideration an ordinance requiring a permit for mass outdoor social gatherings. Mass outdoor social gatherings include social events conducted outside or partially enclosed structures to which 100 or more people are invited, expected to attend, or actually attend. Under the proposed mass outdoor social gatherings ordinance, sponsors of such a proposed mass outdoor social gathering must apply for a permit from the City Manager's office. The permit process is designed to ensure issues associated with large outdoor gatherings are mitigated to the extent possible for neighbors. Failure to obtain a permit will subject the sponsor, owner or lessee of the property on which the event occurs to criminal sanctions. The town of Blacksburg has used a similar ordinance to effectively control the number and size of outdoor parties over the last several years.

Key Issues:

1. Should the noise ordinance be amended to apply at all times to large parties?
2. Should a permit process for mass social outdoor gatherings be put into place?

Environmental Impact: N/A

Fiscal Impact: N/A



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Prior Actions: Comprehensive noise ordinance rewrite effective August 12, 2014.

Alternatives:

- (a) approve amendments to Section 15-3-2 and enact a new Section 15-3-3;
- (b) enact some but not all of the proposed amendments and new ordinance; or
- (c) do not amend the noise ordinance or enact a new Section 15-3-3 (Mass outdoor social gathering)

Community Engagement: n/a

Recommendation: Staff recommends approving the proposed amendments to Section 15-3-2 and enacting a new Section 15-3-3

Attachments: Proposed amendments to Section 15-3-2 and the new proposed Section 15-3-3

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.

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