



City of Harrisonburg, Virginia

Office of the City Manager

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

Kurt D. Hodgen
City Manager

TO: Kurt Hodgen, City Manager
FROM: G. Chris Brown, City Attorney
DATE: April 4, 2016
RE:

Summary: Amend Section 15-3-2 Noise Violations; penalties and 15-3-3 Mass Social Outdoor Gatherings to clarify and strengthen certain aspects of these ordinances.

Background: In August of 2016, city council enacted Section 15-3-3 regarding noise permits for mass outdoor social gatherings, and certain provisions of Section 15-3-2, the Noise Ordinance, in order to address issues and problems emanating from large parties. Now that the Mass Social Outdoor Gathering Ordinance has been in effect for a year, staff has met with various interested parties, including students, property owners, property managers, and law enforcement and other emergency services in order to ascertain what changes should be made to these Ordinances.

The proposed changes to Section 15-3-2 are mainly clarifying amendments and amendments meant to address Fourth Amendment concerns raised by recent Supreme Court decisions.

The proposed changes to Section 15-3-3 are, to a large extent, designated to assist members of the Harrisonburg Police Department (HPD) to more effectively enforce the ordinance. These changes include ensuring that a readily identifiable individual serving as a contact person is physically present at the event, ensuring proper clean up, and, most significantly, prohibiting the issuance of a Mass Outdoor Social Gathering Permit to a sponsor, contact, or property site which has been the subject of two violations of the ordinance within the preceding year. This is an attempt to address repeat offenders.

Key Issues: see background

Environmental Impact: n/a

Fiscal Impact: n/a

Prior Actions: Enactment of Section 15-3-3, Mass Outdoor Social Gatherings and 15-2-2, Noise Violation

Alternatives:

- (a) enact all suggested amendments;
- (b) enact some of the suggested amendments; or
- (c) reject suggested amendments.



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Community Engagement: Attendance at community meeting between property owners, HPD, Harrisonburg Fire Department, HRECC, and property managers.

Recommendation: Staff recommends approval of the suggested amendments.

Attachments:

Current ordinance with proposed amendments

RE:

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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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