

ORDINANCE AMENDING AND RE-ENACTING

SECTION 15-3-3

OF THE CODE OF ORDINANCES

CITY OF HARRISONBURG, VIRGINIA

Be it ordained by the Council of the City of Harrisonburg, Virginia:

That Section 15-3-3. - Noise permit for use for mass outdoor social gathering be amended as shown:

Sec. 15-3-3. - Permit for use of sound amplifying equipment in connection with a mass outdoor social gathering.

- (a) No person shall operate, cause to be operated, or permit the operation on any land of which that person is an owner or on any land of which that person is in control, of any sound amplifying equipment in the city in connection with a mass outdoor social gathering; and no person shall sponsor a mass outdoor social gathering at which sound amplifying equipment is proposed to be used, or is used, unless a permit has first been obtained from the city for such use of sound amplifying equipment as provided in this section.
- (b) Persons applying for a permit under this section at least fifteen (15) days prior to the event shall file with the city manager an application, in writing, giving the following information, hereby ordained as substantive requirements of this section:
 - (1) Evidence of plans to mitigate and limit the sound from the mass outdoor social gathering, so that the effects of the excessive noise are minimized or eliminated;
 - (2) The name, address, and telephone number of the owner or owners of the site for the event;
 - (3) The name, local address, and telephone number of the sponsor or sponsors.
 - (4) The name, local address, and telephone number of each contact person representing the sponsor or owner, or both, and a copy of a form of identification issued by a government agency of each contact person. Each contact person shall be responsible for the event's compliance with this ordinance and the permit issued for the event, shall be physically present at the event, readily available at the provided telephone number during the event and authorized to address problems related to the event that affect private citizens. If the event takes place at a residential property, at least one contact person shall be a resident of that property;
 - (5) The proposed location of the event; the boundaries of the event site; a general description of the sound equipment to be used; and the land use characteristics of the area surrounding the site;
 - (6) The expected number of persons to attend the event;

- (7) The date and beginning and ending times for the use of amplified sound, and the beginning and ending times of the event, which in both cases shall not precede 10:30 a.m. or exceed 10:00 p.m. of any day;
 - (8) Evidence that plans and provisions for the following have been addressed: Provision of at least one (1) toilet facility per fifty (50) people; sufficient refuse containers; and provision of ample, designated parking areas, or arrangement for transporting attendees to and from a remote parking area, or both, including if applicable, copies of written permission to use private property, not that of the owner of the site of the event or sponsor, for parking; [designated drop-off and pick-up area for private vehicles, taxis, and transportation network companies](#);
 - (9) Evidence that all city and state parking laws, and all city noise control laws, will be complied with;
 - (10) Evidence of plans to [safely and efficiently disperse individuals from the event site at the event's termination and to](#) clean up the event site and surrounding area after the event no later than 11 a.m. on the date following the event;
 - (11) Evidence that notice of the event and names, telephone numbers, and addresses of the owner, sponsor and contact person have been given to representatives of any residential area that might be impacted by the mass outdoor social gathering.
 - (12) Evidence that the owner or sponsor has arranged for the presence of at least one monitor per fifty (50) people during the mass outdoor social gathering. The monitors shall aid the owner or sponsor in the resolution of any problems created by the event, including the conduct of objectionable activities by participants, and may report to the city police any violations of the law that may take place during the event. Nothing in this subparagraph shall afford the monitors city or other police powers or create an agency relationship between the city and the monitors. Monitors shall be acting for the owner or sponsor of the mass outdoor social gathering.
 - (13) ~~Evidence~~ [A verified statement](#) that [neither](#) the sponsor ~~nor the~~ ~~and~~ contact person has ~~ve not been convicted of~~ two (2) or more violations of this section or ~~section~~ [Harrisonburg City Code Section 15-3-2](#), or a combination thereof, in the preceding twelve (12) months, and that the site of the event has not been the subject ~~or situs~~ of two or more violations of this section, ~~or~~ [Harrisonburg City Code section](#) [Section 15-3-2](#), [Harrisonburg City Code Section 16-8-62](#), or [Virginia Code Section 4.1-306](#), or a combination thereof, in the preceding twelve (12) months. [For purposes of this section, violations shall include a judicial finding of guilt or finding of facts sufficient-deferred.](#)
- (c) Upon receipt of a substantially complete registration form, as determined by the city manager, using the standards of this section, the city manager shall immediately accept in writing the application.
 - (d) The city manager may review the application with the applicant to lessen, adjust, or accommodate to the peculiarities of the situation, but not increase, the requirements of this chapter, in order to achieve the goals and meet the standards of public safety, comfort, convenience, and welfare, by reducing or limiting excessive noise and other adverse effects from the mass outdoor social gathering. To this end, with the city manager's permission, the applicant may amend the applicant's application up to three (3) days prior to the event.
 - (e) Upon the city manager's satisfaction that the applicant for the permit has met the standards of this section, the city manager on behalf of the city shall issue a written permit called for

under this section to the applicant and shall send a copy of the permit to the city clerk for filing.

- (f) The applicant shall comply with the permit and with the terms of this chapter in the conduct of the mass outdoor social gathering and in the use of amplified sound for a mass outdoor social gathering. The permittee shall keep the permit in the permittee's possession during the mass outdoor social gathering and shall promptly display it to any police officer on request.
- (g) In case of emergency, or other circumstance calling for the immediate conduct of a mass outdoor social gathering, so that the fifteen-day deadline set out in subsection (b) cannot be met, the city manager may waive the deadline using the following standards, as applicable: the intensity or immediacy of the emergency or circumstance; lack of alternate means of applicants accomplishing these same goals by complying with the deadline; and avoidance of nullifying the deadline by a repeated course of conduct. The waiver shall be in writing, shall address these standards as applicable, and shall be filed in the office of the city clerk.
- (h) Penalties for violations of this section shall be set forth in section 15-3-2(h).

This ordinance shall be effective on the _____ day of _____, 2019

ADOPTED AND APPROVED this _____ day of _____, 2019.

MAYOR

ATTEST:

City Clerk