

**ORDINANCE AMENDING AND RE-ENACTING SECTION 15-3-2(b), 15-3-2(c)(7),
15-3-2(d)(4), and ENACTING SECTION 15-3-2(c)(8) OF THE
HARRISONBURG CITY CODE**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HARRISONBURG,
VIRGINIA:**

That Section 15-3-2(b) be amended and re-enacted as follows:

Section 15-3-2 – Noise Violations; penalties.

(a) *Declaration of findings and policy:* The city council hereby finds and declares that excessive noise is a serious hazard to the public health, welfare, peace and safety, and the quality of life. It is, therefore, the policy of the city and the purpose of this section to prevent such excessive noise.

(b) *Definitions:* [The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

City Manager means the Harrisonburg City Manager or his/her designee

Decibel (dB) means a unit for measuring the volume of a sound, equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micropascals (twenty (20) micronewtons per square meter).

Dwelling unit means a building or portion thereof designed or intended to be occupied as living quarters by one (1) or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

Mass outdoor social gathering means a social event conducted outside or in a partially enclosed structure, on public or private land in the city to which one hundred (100) or more people are invited or expected to attend, as licensees, invitees, or trespassers, or as people who happen to show up or a at which one hundred (100) or more people are actually in attendance. The term may also be referred to as "the event".

Motor vehicle means every vehicle defined as a motor vehicle by § 46.2-100 of the Code of Virginia (1950), as amended.

Owner means the person owning, controlling, or possessing land, premises, or personalty.

Person means any individual, firm, owner, sole proprietorship, partnership, limited liability company, corporation, unincorporated association, governmental body,

municipal corporation, executor, administrator, trustee, guardian, agent, occupant or other legal entity.

Plainly audible means any sound that can be detected by a person using his or her unaided hearing faculties, provided that a sound shall be determined to be audible even if specific words or phrases cannot be distinguished.

Property boundary means an imaginary line along the ground surface, and its vertical extension, which separates the real property owned, leased or otherwise legally controlled by one (1) person from that owned, leased or otherwise legally controlled by another person, including intra-building real property divisions.

Residential area means any property zoned for residential use, whether or not exclusively.

Restaurant means any building or structure where in the normal course of business food or drink is available for eating on the premises, in consideration for payment. For purposes of this chapter, the term restaurant includes, but is not limited to, bars, lounges, taverns, coffee shops and cafes.

Sound amplifying equipment means any machine or device for the amplification of the human voice, music, or any other sound. This term shall not include warning devices on authorized emergency vehicles, horns or other warning devices on other vehicles used only for traffic safety purposes.

That Section 15-3-2(c)(7) be amended and re-enacted and 15-3-2(c)(8) be enacted as follows:

(7) *Large party nuisance.* The creation of plainly audible sound that between the hours of 10:00 p.m. and 7:00 a.m. that continues unabated for thirty (30) minutes or more, and emanates from a gathering of ten (10) or more people where the gathering is not completely contained within a structure, but spills outdoors into balconies, yards, common areas, parking lots, or other outdoor spaces and is plainly audible across a property line, or through partitions common to two (2) dwelling units within a building, or a at a distance of one hundred (100) feet or more from its source and on property other than that which the sound originates.

(8) Mass outdoor social gatherings, using or causing to be used sound amplifying equipment for the purpose of producing music or entertainment for a mass outdoor social gathering, unless such use is registered with the City Manager, as provided in Section 15-3-3.

That Section 15-3-2(d)(4) be amended and re-enacted as follows:

(4) *Exemptions.* The following activities or sources of noise shall be exempt from the prohibitions set forth in this section chapter:

a. Band performances or practices, athletic contests or practices and other school-sponsored activities on the grounds of public or private schools.

b. Athletic contests and other officially sanctioned activities in city parks.

c. Activities related to the construction, repair, maintenance, remodeling or demolition, grading or other improvement of real property, including road construction and maintenance.

~~d. Gardening, lawn care, tree maintenance or removal and other landscaping activities.~~

~~de. Church bells or carillons.~~

~~ef. Religious or political gatherings and other activities protected by the First Amendment to the United States Constitution.~~

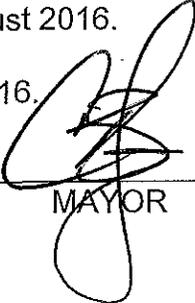
~~fg. Activities for which the regulation of noise has been preempted by federal law.~~

~~gh. Public and private transportation, refuse collection and sanitation services.~~

~~hi. A special event that is conducted in accordance with a valid permit issued by the city in accordance with the city's special events regulations.~~

This ordinance shall be effective on the 23 day of August 2016.

ADOPTED AND APPROVED this 23 day of August 2016.



MAYOR

ATTEST:



CLERK