A BILL

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To amend, on an emergency basis, Title 20 of the District of Columbia Municipal Regulations to regulate noise in the public space generated from electronically amplifying sound devices pursuant to an enforcement standard of plainly audible at a distance of 100 feet or more and to specify a penalty for continuing or resuming a violation of that standard following an official warning, to clarify the definition of a noise disturbance by making reference to all residentially zoned districts, to clarify that a person participating in a parade, public gathering, or demonstration is exempt from the noise disturbance standard and other noise limitations; and to prohibit the use of gas generators in the public space subject to certain exceptions.

BE IT ENACTED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Amplified Noise Emergency Amendment Act of 2018”.

Sec. 2. Title 20 of the District of Columbia Municipal Regulations (20 DCMR § 100 *et seq*.), is amended as follows:

(a) Chapter 27 (20 DCMR § 2700 *et seq*.) is amended as follows:

(1) Section 2713.3 (20 DCMR § 2713.3) is amended by striking the phrase “any provision of the Act” and inserting the phrase “any provision of the Act other than 20 DCMR § 2800” in its place.

(2) A new section 2713.3A (20 DCMR § 2713.3A) is added to read as follows:

“2713.3A Any person who violates 20 DCMR § 2800 and continues or resumes the violation after receiving a verbal warning from a Metropolitan Police Officer, a Metro Transit Police Officer, or a National Park Service Officer shall be punished by a fine not to exceed three hundred dollars ($300).

(3) Section 2799 (20 DCMR § 2799) is amended by striking the phrase “does not exceed 80 decibels inside the nearest occupied residence in districts zoned R1-A, R-1B, R-2, R-3, or R-4” and inserting the phrase “does not exceed 80 decibels inside the nearest occupied residence in a residentially zoned district, as those terms are used in 11-A DCMR § 101.9” in its place.

(b) Section 2800 (20 DCMR § 2800 *et seq*.) is amended as follows:

(1) A new section 2800.2A (20 DCMR § 2800.2A) is added to read as follows:

“2800.2A It shall be unlawful for any person to make, operate, use, or play any electronically amplified sound in a public space that is plainly audible to an individual of normal hearing at a vertical, horizontal, or diagonal distance of 100 feet or more from the sound source, as measured from public space or from inside a residential dwelling or commercial space.

(2) Section 2800.3 (20 DCMR § 2800.3) is amended to read as follows:

“2800.3 A person participating in a parade, public gathering, or demonstration conducted pursuant to a permit issued by the Metropolitan Police Department (as provided for in 24 DCMR, Chapter 7), if required, is exempt from the noise disturbance standard and the requirements of this section.

Sec. 3. The use of gas generators shall be prohibited in the public space except for:

(1) Construction purposes;

(2) Special events; or

1. Licensed or permitted activities.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director, as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).