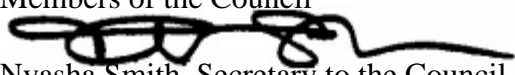


COUNCIL OF THE DISTRICT OF COLUMBIA
1350 Pennsylvania Avenue, N.W.
Washington D.C. 20004

Memorandum

To : Members of the Council

From : 
Nyasha Smith, Secretary to the Council

Date : July 11, 2018

Subject : Referral of Proposed Legislation

Notice is given that the attached proposed legislation was introduced in the Office of the Secretary on Tuesday, July 10, 2018. Copies are available in Room 10, the Legislative Services Division.

TITLE: "Amplified Noise Amendment Emergency Amendment Act of 2018", B22-0900

INTRODUCED BY: Chairman Mendelson and Councilmembers Cheh, Evans, and Bonds

Retained by the Council.

Attachment

cc: General Counsel
Budget Director
Legislative Services

1 
2 Councilmember Jack Evans


Chairman Phil Mendelson

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5 Councilmember Anita Bonds

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7 Councilmember Mary Cheh

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9
10 A BILL

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16 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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21 To amend, on an emergency basis, Title 20 of the District of Columbia Municipal Regulations to
22 regulate noise in the public space generated from electronically amplifying sound
23 devices, to update the definition of a noise disturbance by making reference to all
24 residentially zoned districts, to clarify that a person participating in a parade, public
25 gathering, or demonstration is exempt from the noise disturbance standard and other
26 noise limitations; and to prohibit the use of gas generators in the public space subject to
27 certain exceptions.
28

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

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

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

34 (1) Section 2799 (20 DCMR § 2799) is amended by striking the phrase “does not
35 exceed 80 decibels inside the nearest occupied residence in districts zoned R1-A, R-1B, R-2, R-
36 3, or R-4” and inserting the phrase “does not exceed 80 decibels inside the nearest occupied

37 residence in a residentially zoned district, as those terms are used in 11-A DCMR § 101.9” in its
38 place.

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

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

42 “2800.2A It shall be unlawful for any person to make, operate, use, or play any
43 electronically amplified sound in a public space that is plainly audible to an individual of normal
44 hearing at a vertical, horizontal, or diagonal distance of 100 feet or more from the sound source,
45 as measured from public space or from inside a residential or commercial building.

46 (2) A new subsection 2800.2B (20 DCMR § 2800.2B) is added to read as follows:

47 “2800.2B Any person who violates 20 DCMR § 2800 and continues or resumes the
48 violation after receiving a verbal warning from a Metropolitan Police Officer or other law
49 enforcement officer shall be issued a notice of violation by a Metropolitan Police Officer or other
50 law enforcement officer and punished by a fine of three hundred dollars (\$300).

51 (3) A new subsection 2800.2C (20 DCMR § 2800.2C) is added to read as follows:

52 “In the event of any violation of, or failure to comply with this section, each and every
53 day of the violation shall constitute a separate offense, and the penalties described in this section
54 shall be applicable to each separate offense.

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

56 “2800.3 A person participating in a parade, public gathering, or demonstration conducted
57 pursuant to a permit issued by the Metropolitan Police Department (as provided for in 24 DCMR,
58 Chapter 7), if required, is exempt from the noise disturbance standard and the requirements of this
59 section.

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

- 61 (1) Construction purposes;
- 62 (2) Special events; or
- 63 (3) Licensed or permitted activities.

64 Sec. 4. Applicability.

65 Section 2 of this act is applicable as of August 1, 2018.

66 Sec. 5. Fiscal impact statement.

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

70 Sec. 6. Effective date.

71 This act shall take effect following approval by the Mayor (or in the event of veto by the
72 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than
73 90 days, as provided for emergency acts of the Council of the District of Columbia in section
74 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
75 D.C. Official Code § 1-204.12(a)).