

DISTRICT OF COLUMBIA GOVERNMENT
Alcoholic Beverage Regulation Administration



March 11, 2014

RE: Noise Task Force

Dear Licensee:

Please be advised that the District of Columbia's Noise Task Force – a joint initiative between the Alcoholic Beverage Regulation Administration (ABRA), the Department of Consumer and Regulatory Affairs (DCRA), and the Metropolitan Police Department (MPD) – will be conducting noise level checks outside of licensed on-premises establishments in the coming months.

The Noise Task Force was established in 2012 to address noise emanating from establishments in the District of Columbia. The checks are conducted by the Noise Task Force to determine whether ABC licensed establishments are complying with the District's noise laws, including but not limited to Chapter 27 of Title 20 of the D.C. Municipal Regulations and D.C. Official Code Section 25-725.

D.C. Code Section 25-725(a) prohibits an on-premises retailer's licensee from producing any sound, noise, or music of such intensity that it may be heard in any premises other than the licensed establishment by the use of any:

- (1) Mechanical device, machine, apparatus, or instrument for amplification of the human voice or any sound or noise;
- (2) Bell, horn, gong, whistle, drum, or other noise-making article, instrument, or device; or
- (3) Musical instrument.

A list of the exceptions to this existing statutory noise provision is contained in D.C. Code Section 25-725(b), which is enclosed.

In general, during nighttime hours, Chapter 27 prohibits individuals and businesses from generating noise outside their property that exceeds 60 dB(A) in commercial and light-manufacturing zones; 65 dB(A) in industrial zones; and 55 dB(A) in residential, special purpose, or waterfront zones. Enclosed is 20 DCMR § 2701.1.

Please take the necessary steps to ensure your establishment complies with the District's noise laws. An enforcement action may be taken against your establishment if the Noise Task Force determines that your establishment is generating noise levels that exceed the requirements of Chapter 27 of Title 20 or D.C. Code Section 25-725. ABRA appreciates your cooperation in this regard.

Sincerely,

Fred Moosally
Director, Alcoholic Beverage Regulation Administration

CC: Nicholas Majett, Director, DCRA
Cathy L. Lanier, Chief of Police

DISTRICT OF COLUMBIA GOVERNMENT
Alcoholic Beverage Regulation Administration



DISTRICT OF COLUMBIA OFFICIAL CODE TITLE 25

§ 25-725. Noise from licensed premises.

(a) The licensee under an on-premises retailer's license shall not produce any sound, noise, or music of such intensity that it may be heard in any premises other than the licensed establishment by the use of any:

- (1) Mechanical device, machine, apparatus, or instrument for amplification of the human voice or any sound or noise;
- (2) Bell, horn, gong, whistle, drum, or other noise-making article, instrument, or device; or
- (3) Musical instrument.

(b) This section shall not apply to:

- (1) Areas in the building which are not part of the licensed establishment;
- (2) A building owned by the licensee which abuts the licensed establishment;
- (3) Any premises other than the licensed establishment which are located within a C-1, C-2, C-3, C-4, C-M, or M zone, as defined in the zoning regulations for the District;
- (4) Sounds, noises, or music occasioned by normal opening of entrance and exit doors for the purpose of ingress and egress; or
- (5) Heating, ventilation, and air conditioning devices.

(c) The licensees under this subchapter shall comply with the noise level requirements set forth in Chapter 27 of Title 20 of the District of Columbia Municipal Regulations.

(d)(1) ABRA shall maintain a complaint program to receive noise complaints by phone, email, and fax. The complaint program shall be staffed by an ABRA employee until at least one hour after the end time for the legal sale of alcoholic beverages as set forth in § 25-723.

(2) ABRA shall keep records regarding noise complaints and record the following information at the time the complaint is made:

- (A) The time and date of the complaint;
- (B) The name and address of the establishment that is the subject of the complaint;
- (C) The name and address of the complainant, if available;
- (D) The nature of the noise complaint; and
- (E) Whether the complaint was substantiated by ABRA.

(3) Upon receipt of a noise complaint, ABRA shall attempt to contact the establishment by phone or in person and inform the ABC manager on-duty that a noise complaint has been received and describe the nature of the complaint.

(4) ABRA shall notify the licensee of the complaint by e-mail, phone, or registered mail within 72 hours of receiving the complaint. ABRA shall notify the licensee of the results of any investigation that may result in a show cause hearing within 90 days as required by § 25-832.

(e) The windows and doors of an establishment from which noise can be heard shall remain open or closed, as they were at the time the complaint was made, in order for an ABRA investigator or Metropolitan Police Department officer to determine whether a violation of subsection (a) of this section exists. The ABRA investigator shall have the authority to direct that windows and doors be closed or opened.

2701 MAXIMUM SOUND LEVELS

2701.1 Except for person engaged in the noise-producing activities that are subject §§ 2702 through 2704, and §§ 2800 through 2807 of this subtitle, no person shall cause, suffer, or permit any sound that emanates from an operation, activity, or noise source under his or her control to exceed the maximum permissible sound level established in the following table as applicable for the time of day or night and the zoning location where the noise originates. For the purposes of this subsection, the source level shall be measured at the property line of the property on which the noise source is located or as close as is practicable if there is an obstruction. Sound levels shall be measured according to the test procedures prescribed by the administering agency established under § 2700:

ZONE	MAXIMUM NOISE LEVEL	
	Daytime	Nighttime
Commercial or light-manufacturing zone	65 dB(A)	60 dB(A)
Industrial zone	70 dB(A)	65 dB(A)
Residential, special purpose, or waterfront zone	60 db(A)	55 db(A)

2701.2 For the purposes of this section, the sound level shall be measured at the property line of the property on which the noise source is located, or as close as is practicable if there is an obstruction.

2701.3 Sound levels shall be measured according to the test procedures prescribed by the administering agency established under § 2700.3 of this subtitle.

2701.4 If a sound can be measured in a contiguous noise zone that has a more restrictive noise limitation than that from which the noise emanates, the sound level measurement at the zone line shall not exceed that established for the more restrictive zone.

2701.5 If the sound emanates from a source within an area for which the maximum permissible sound level has not been established, the maximum level shall be sixty (60) dB (A).

2701.6 Unless restricted by another section of Chapters 27 and 28 of this subtitle, sounds emanating from a street or highway shall not exceed the most restrictive sound level established for the property bordering the street or highway.

2701.7 Noise emanating from inside a motor vehicle shall be measured at a distance of not less than fifty feet (50 ft.) from the vehicle.

SOURCE: Section 5 of the District of Columbia Noise Control Act of 1977, D.C. Law 2-53, 24 DCR 5293 (December 30, 1977); as amended by §2 of the Noise Control Amendment Act of 1996, D.C. Law 11-161, 43 DCR 3727 (July 19, 1996).