



SPECIAL ORDER



SUBJECT: Procedures to be Utilized in Response to Citizen Complaints Concerning Noise Levels	SERIES	NUMBER	EFFECTIVE DATE
	85	14	April 5, 1985
	DISTRIBUTION		
	A		
ORIGINATING UNIT			PDD
EXPIRATION DATE			*

D.C. Law 2-53, "District of Columbia Noise Control Act of 1977" provides comprehensive regulations to control noise levels so as to promote peace and comfort for city residents. This department was charged with responsibility for enforcing certain provisions of the law while primary responsibility for enforcement was charged to the Department of Environmental Services, but later absorbed by the Department of Consumer and Regulatory Affairs. Most police department enforcement is accomplished under the city's nuisance provision which restricts "... using, operating or playing any radio, stereo, musical instrument, television, or other machine or device for the producing or reproducing of sound in such a manner as to disturb the comfort and quiet of any neighborhood or its inhabitants."

Amplified music on public space appears to be primarily a summer, seasonal, community-oriented activity which, in most instances, may be authorized as an exemption to the nuisance provision. This Order is intended to direct attention to those procedures in effect for members when responding to citizen complaints primarily in those types of situations.

D.C. Municipal Regulations Title 20, Chapter 30, dated January 1984 denotes maximum noise levels during the daytime and nighttime while also outlining variances and temporary exemptions. The Mayor may grant a variance or a temporary exemption to the stated levels if he determines that the social value clearly outweighs the need for the limitations.

DCMR Title 20 also outlines noise control provisions as it relates to musical instruments, loudspeakers, and amplifiers. "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. The use, operation, or playing of, or the permitting to be used, operated, or played, any musical instrument or device, loud speaker, sound amplifier, or other similar machine or device for the production or reproduction of sound on private property or public space shall be prohibited in excess of seventy-eight (78) dB(A) at a distance of not less than one (1) meter from the source, building, or structure from which it emanates." A member of the Department of Consumer and Regulatory Affairs shall measure the sound level "... 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."

78 dB
1 meter

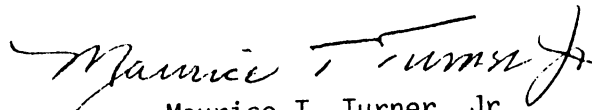
DCR
measure

When asked to respond to a complaint under the nuisance provision, members shall first try to resolve the complaint with a verbal warning. Should the violation persist, the member shall contact the Department of Consumer and Regulatory Affairs, during the daytime, at 727-7722 to request a decibel meter reading. During the evening and nighttime hours, members are to contact the Mayor's Command Center at 727-6161. The Command Center will contact the responsible individual at the Department of Consumer and Regulatory Affairs in

order to secure the required reading. If the decibel level reading is higher than the maximum allowed, members shall proceed with the issuance of a P.D. Form 61D (Violation Citation). Members are reminded that the Disorderly Conduct statute (D.C. Code 22-1121 (3)) prohibits the making of noise during the nighttime so as to disturb others, with an intent of breaching the peace. In such situations, while a decibel level reading from the Department of Consumer and Regulatory Affairs would not be necessary to take enforcement action, the proof required to obtain a conviction may be difficult without the meter reading. Members; therefore, should be aware that this may be especially true when there are not enough persons complaining about the loud noise so as to occasion an imminent breach of the peace.

Commanders shall ensure that members of their command are familiar with the contents of this Special Order.

*This Special Order shall remain in effect until such time as it is incorporated into General Order 308.2.


Maurice T. Turner, Jr.
Chief of Police

MTT:HBK:1mp

also S.O. 86-27