

District of Columbia Noise Control Act

Noise Disturbance Definition

Any sound which is loud and raucous or loud and unseemly and unreasonably disturbs the peace and quiet of a reasonable person of ordinary sensibilities in the vicinity thereof, unless the making and continuing of the noise is necessary for the protection or preservation of the health, safety, life, or limb or some person. In making a determination of a noise disturbance, the Mayor shall consider the location, the time of day when the noise is occurring or will occur, and the duration of the noise. In addition, the Mayor may consider the magnitude of the noise relative to the maximum sound levels permitted under this act, the possible obstruction or interference with vehicular or pedestrian traffic, the number of people that are or would be affected, and such other factors as are reasonably related to the impact of the noise on the health, safety, welfare, peace, and quiet of the community. A noise shall not be considered a noise disturbance if it is made during noncommercial public speaking during the daytime and does not exceed 80 decibels inside the nearest occupied residence in districts zoned R-1A, R-1B, R-2, R-3, or R-4.

Except as it may otherwise conflict with provisions of this act, all measurements of noise levels shall be performed and verified by qualified inspectors of the Department of Consumer and Regulatory Affairs in accordance with the requirements specified in Chapter 29 of Title 20 of the District of Columbia Municipal Regulations. If the noise is made at night or does not involve noncommercial public speaking, the Mayor shall not be required to measure the decibel level of the noise to find a noise disturbance.

General Maximum Sound Levels

| Zone | Daytime (7a - 9p) | Nighttime (9p - 7a) |
|--------------------------------------|----------------------|------------------------|
| Commercial | 65 dB | 60 dB |
| Industrial | 70 dB | 65 dB |
| Residential, Waterfront, Special Use | 60 dB | 55 dB |
| Other Zone | 60 db | 60 db |

Exemptions (§§ 2702-2704, 2800)

| Source | Maximum Level (in dB) | Times | Measurement Locations |
|---|------------------------------|-------------------------------------|----------------------------------|
| Trains | 75 (Res), 80 (Com), 90 (Ind) | Any | 100 ft from center line of track |
| Safety signals, emergency, pressure release valves, warning/alarm devices | No Limit | Any | N/A |
| Emergency Vehicles | No Limit | Any | N/A |
| Emergency Work | No Limit | Any | N/A |
| Unamplified Voice | No Limit | Any | N/A |
| District or US government public address systems | No Limit | Any | N/A |
| Unamplified church bells connected with worship | No Limit | Any | N/A |
| Musical instruments, loudspeakers, radio, tape recorder, TV, CD player, stereo, and car stereos, unamplified voices | 60 or zone max | Any | 1 meter from source |
| Mechanical Equipment | 60 | Any | Property line |
| Construction- Day | 80 (w/o variance) | 7a to 7p | 25 ft from edge of site |
| Construction- Night | Zone Max | 7a to 7p | 25 ft from edge of site |
| Construction in Residential/Waterfront/Special Use Zone | Zone Max | Mon-Sat 7a-7p | 25 ft from edge of site |
| Portable power tools (for personal use) in Res Zone | Zone Max | Weekdays, Sat/Sun/holiday, 9a to 9p | 25 ft from edge of site |
| Public utility work- or subcontractors | Zone Max | Any | 25 ft from edge of site |
| WMATA work- or subcontractors | Zone Max | Any | 25 ft from edge of site |
| Explosives | Zone Max | Weekdays and Sat., 7a to 9p | Property line |
| Hawkers, vendors (not at licensed entertainment events) | Zone Max | 7a to 9p | Property line |
| Trash Collection (not District-owned garbage vehicles) | 60 | 7a to 9p | Property line |
| Vehicle-Mounted Loud Speakers | Zone Max | 9a to 9:30 p | 1 meter from source |
| Leaf Blowers | 70 | 8a to 8:30 p | 50 ft from source |

| | | | |
|--|--------------------------------------|---------------------------|---|
| New Motor Vehicle | | | 50 ft from center traffic line |
| Motorcycle, Auto 1978+ and >5 tons, 1976+ and <5 tons | 83 | Any | 50 ft from center traffic line |
| 1982 or later vehicle >5 tons, 1978 or later <5 tons | 80 | Any | 50 ft from center traffic line |
| Operational Limits | | | 50 ft from center traffic line |
| Any vehicle or combination of vehicles >5 tons | 86 (\leq 35 mph), 90 (>35 mph) | Any | 50 ft from center traffic line |
| Motorcycle | 82 (\leq 35 mph), 86 (>35 mph) | Any | 50 ft from center traffic line |
| Any vehicle towed by another vehicle >5 tons | 76 (\leq 35 mph), 82 (>35 mph) | Any | 50 ft from center traffic line |
| Emergency generator equipment | No limit | Any | N/A |
| Emergency generator equipment testing | No limit | Weekdays, 4p to 6:30p | Property line at all other times |
| Construction in Residential Zones - inside an occupied multi-unit apt bldg, hospital, nursing home, community-based res facility, or other temp res facility-- If exceeding general noise limits, landlord must provide written notice to tenants 5 days prior to start date with construction purpose, length, and times of day work will happen) | Zone Max | General time restrictions | 25 ft from source of noise |
| Car Alarm- must be silenced automatically within 5 minutes | N/A | Any | Not Needed |
| Any noise made at night or which does not involve non-commercial public speaking (regardless of zone) can be a noise disturbance | N/A | 9 p to 7a | Inside nearest occupied residence in R-1A, R-1B, R-2, R-3, or R-4 zones |

Emergency Procedures (§ 2711)

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| The Mayor may order a cease and desist to any person that violates the Act. |
| Failure to comply with a cease and desist order is a separate violation of the act |
| Any person aggrieved by emergency order can request a hearing within 48 hours of the order |
| A hearing must be scheduled as soon as is practical |
| Requesting a hearing is not grounds for noncompliance with the emergency order |
| After the hearing, the alleged violator will be informed of the Mayor's decision; the ruling is final |
| Initiating an emergency order or a hearing does not preclude the mayor from recovering a penalty as described in the Act |

Enforcement (§§ 2713-2714)

| Penalties | Civil Enforcement |
|--|---|
| Enforced by the Metropolitan Police Department | Any person may commence civil action for injunctive relief or enforce a req. of the Act, even if by Mayor, against: |
| MPD may issue verbal warning prior to citation or NOI | |
| Punishment: \$1000 fine, 10 days prison or both | Anyone in violation of the Act |
| Each day in non-compliance after an NOV is a separate offense, thus penalties apply each day | Anyone in violation of any order issued by Mayor |
| Police officers can issue a notice of civil infraction | Anyone engaged in any act prohibited by the Act |
| Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the Noise Control Act | No civil action will occur until 10 days after the plaintiff has given notice of violation to the Mayor |
| | No civil action will occur if the Mayor is already prosecuting a civil action to require compliance |

| Variances and Temporary Exemptions (§ 2706) | | | |
|--|---|----------|---------------------|
| Considerations | Procedure | Variance | Temporary Exemption |
| Location | File a petition with Mayor | x | x |
| Time of day | Include plans, specifications with petition | x | |
| Duration | <i>Optional</i> : include petition with building permit app | x | x |
| Magnitude | Mayor provides 30 days notice of petition before issuing a final ruling: 1. DC Register, 2. Applicant mails to all owners of abutting property, 3. Applicant mails to occupants of property within 200 ft | x | |
| Interference with traffic | Public comments accepted 25 days after notice | x | |
| Feasibility of compliance | Mayor must hold hearing if neighbors request | x | x |
| No. of people affected | Mayor files a written opinion with final ruling | x | x |
| Hardship if variance is not granted | Mayor may issue a conditional variance (including for construction work) | x | |
| Any other factors reasonably related to impact of noise on health, safety, welfare, peace and quiet of community | Variance issued for no longer than 1 year | x | |
| | Temporary exemption cannot exceed 45 days | x | x |
| | Applicant may renew variance for up to 2 years | x | |
| | Applicant must file a new application to renew | x | |
| | Renewal app must be filed 60 days prior to variance expiration | x | |
| | Notice of issuance published in Register & posted at location for 4 days | | x |
| | Any adversely affected person may request a hearing within 10 days of issuance | | x |

| Notice of violations (§ 2710) | | |
|---|---|---|
| Requirements | Properly serving an NOV | Procedure |
| Must be in writing | Personally served to alleged violator or left at his usual place of business or home w/person 16 or older; or | NOV allows reasonable time for compliance |
| Indicate violated DCMR section(s) | Notice left with any agent of the alleged violator or is left at the agent's office (only if the alleged's home or office can't be found after reasonable search); or | A notice (properly served) is final unless the alleged requests a hearing. |
| State the nature of the violation | Notice mailed to last known address of the alleged and is not returned by Postal Service; or | Mayor must hold a hearing to decide whether to sustain, |
| Include all supporting data (dB readings, dates, time and place of recording) | Notice is published on 3 consecutive days in daily paper if: no current address is known, or any mailed notice is returned undeliverable by the Postal Service | Failure to comply with a final notice issued is a separate violation of the act and can be penalized. |

| Data and Reports (§ 2906) |
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| Required Data |
| Date, time, location, operator's name |
| Wind speed and direction |
| Instrumentation models and identifying numbers |
| Sketch of the site (with measurement points, noise sources, buildings, etc) |
| Measurement of noise peaks and steady levels to the nearest dB |
| Description of special techniques employed |
| Description of noise, noting whether it is a pure tone or impulsive content |
| The meter damping used |
| Measurement and description of ambient |

| Measurements (§§ 2900-2905) | |
|---|---|
| General | Equipment |
| A 2.5 dB grace is granted to all measurements to account for possible meter inaccuracies | Meter & mic meeting ANSI S1.4-1971, Type II specs Meters should be qualified annually |
| A noise source is not considered measurable if it does not increase total noise 4dB over ambient level. | Sound pressure level output between 200 and 1000 Hz Windscreen with insertion loss less than 0.5 dB below 8 Hz |
| If readings exceed statutory levels, but fall within grace levels, the noise must be measured with specialized equipment by a qualified professional. | Stopwatch accurate to 2% or better Wind speed indicator, w/at least 20% accuracy at 12 mph Earphones with qualified impedance |

| Calibration | Measurement Locations |
|---|---|
| Battery check (before and after tests) | At property line or as close as possible if obstructions |
| External calibration (within 0.2 dB) | One meter from musical instrument, amplifier, radio, etc. |
| Calibration check should agree within 0.5 dB | 25 ft. from outermost limits of construction site |
| Calib. check should be made hourly during tests | 50 feet from center line of traffic for motor vehicles |
| | Microphone should be 3 ft above surface for readings |
| | Mic. orientation is set by manufacturer |
| | On private property, must have permission of owner, his/her representative, or a search warrant |
| | Outdoor measurements not valid with winds over 12 mph, fog, or precipitation |

| Equipment Settings | |
|---|---|
| Rapidly fluctuating noise | Steady noise |
| Windscreen used for outdoor environment | Windscreen used for outdoor environment |
| "C" scale used on the sound level meter | "A" scale used on sound level meter |
| Attenuator set so that levels fall between zero and full marks on meter scale | Attenuator set so that levels fall between zero and full marks on meter scale--allow 5 seconds between readings |
| Fast meter response must be used on meter | Slow meter response must be used on meter |

| Procedures |
|---|
| Earphones used occasionally during measurements to ensure that the meter is responding properly to noise source |
| For steady noise- an ambient noise level is required |
| If the ambient noise level of steady noise is within 10 dB of the noise source level, refer to Table 1 for correction |
| If ambient level of steady noise is less than 3 dB from noise source, the measurements are not valid |
| Several measurements showing a violation should be taken with at least 20 seconds between each measurement |

| TABLE 1: Ambient Sound Pressure Level Correction Table | |
|--|---|
| Difference in dB between sound pressure level measured with sound source operating & ambient sound pressure level along dB | Correction in dB to be subtracted from sound pressure level measured with sound source operating to obtain level due to source along dB |
| Less than 4 | Measurement cannot be made |
| 4 | 2.2 |
| 5 | 1.7 |
| 6 | 1.3 |
| 7 | 1.0 |
| 8 | 0.8 |
| 9 | 0.6 |
| 10 | 0.4 |
| More than 10 | 0.0 |

DELEGATED AGENCY DUTIES UNDER THE NOISE CONTROL ACT OF 1977
(as amended) AND MAYOR'S ORDER 97-60 (dated March 21, 1997)

A. Department of Consumer and Regulatory Affairs (DCRA)

- a. Designated as the administering agency under § 4(a) of the Act.
 - i. Under § 4(b) of the Act, responsible for:
 - 1. Conducting public education programs on:
 - a. Causes and methods of controlling noise and vibration; and
 - b. Actions prohibited by the Act.
 - 2. Consulting with other agencies on standards or regulations that may be in violation of the Act;
 - 3. Establishing measuring procedures for sound tests;
 - 4. Establishing noise assessment guidelines for evaluation of proposed capital projects; and
 - 5. Making annual report to Council on effectiveness of noise control program and recommended legislative/budget changes.
 - b. Except as otherwise provided, delegated all authority vested in the Mayor by the Act and responsible for enforcing, implementing, and coordinating all activities necessary for compliance with the Act.
 - c. Shall not issue a building or demolition permit unless the applicant has provided written assurance that noise emanating from the planned construction shall not violate § 5(d)(2) of the Act.

B. Metropolitan Police Department (MPD)

- a. Under 20 DCMR 2713 (and Section 2(n) of the Noise Control Amendment Act of 1996 (D.C. Law 11-161)), MPD is charged with enforcing provisions of the Act.
- b. MPD can give verbal warnings prior to issuing a citation or notice of infraction.

C. Department of Administrative Services (Department of General Services)

- a. Delegated authority vested in the Mayor under § 9(b) of the Act.
- b. In consultation with DCRA, shall develop standards for capital project contract provisions requiring compliance with the Act.
- c. Responsible for enforcing requirement of noise control compliance provisions in all capital improvement contracts.
- d. Has authority to review all proposed capital improvement contracts to ensure compliance.

D. Office of the Attorney General (OAG)

- a. Delegated authority vested in the Mayor under § 14 of the Act to commence a civil action for injunctive relief.

E. All District Departments and Agencies

- a. Shall consult with DCRA prior to proposing or adopting any regulation or standard that may be inconsistent with the Act.

- b. Shall be responsible for preparing noise impact analyses of proposed capital improvement projects, with the assistance of DCRA.
- c. Shall provide information and assistance relative to their respective programs and activities, as requested by DCRA for purposes of meeting DCRA's responsibilities under the Act.

F. Joint Delegations of Authority

a. *MPD & DCRA*

- i. Under § 10(a) of the Act, concurrently responsible for issuing a notice of violation that:
 - 1. Shall be in writing;
 - 2. Shall indicate the section of the Act that has been violated;
 - 3. Shall state the nature of the violation (including, if applicable, decibel readings); and
 - 4. May allow reasonable time to abate.
- ii. Under § 11(a) of the Act, concurrently responsible for ordering the immediate reduction or cessation of actions by a person causing a sound level that is injurious to the public welfare, human or animal life, property, or that interferes with the reasonable enjoyment of life or property.
- iii. Under § 9(d) of the Act, jointly delegated authority to designate officers and employees to take noise level measurements.

b. *MPD, DCRA & DPW*

- i. Under §§ 5(c)(4), (7), and (8) of the Act, concurrently responsible for enforcing requirements that:
 - 1. Motorcycles be maintained and operated in compliance with the Act's noise limits in § 6;
 - 2. No person operates safety signals, emergency pressure relief valves, or warning or alarm devices in a way beyond that necessary for the emergency or for necessary testing; and
 - 3. Law enforcement, ambulance, fire or other emergency or official personnel not make excessive noise with their emergency vehicles.
- ii. Under § 5(e) of the Act, concurrently responsible for noise emanating from:
 - 1. Hawkers, peddlers, and vendors at nighttime;
 - 2. Construction in residential, special purpose, or waterfront zones on any Sunday or legal holiday or between 7 pm and 7 am on any weekday;
 - 3. Blasting from explosives on any Sunday or legal holiday or at nighttime on weekdays;
 - 4. Trash collection in residential, special purpose, or waterfront zones at nighttime on any night of the week (with the exception of District trash trucks); and
 - 5. Vehicle-mounted loudspeakers and amplifiers operating on streets between 9 pm and 9:30 am and 4 pm and 6:30pm.

- iii. Under § 6(c) of the Act, concurrently responsible for enforcement against any modification of a vehicle or motor cycle's exhaust system which amplifies the noise above the levels in § 6(b) of the Act.
- iv. Under § 12 of the Act, concurrently responsible for enforcement against any person refusing, preventing, or interfering with a lawful noise level measurement.
- v. Each agency shall also assist, as far as practicable, in the enforcement of all other provisions of the Act.

c. DPW & DCRA

- i. Under § 6(a)(1) of the Act, concurrently responsible for enforcing maximum noise levels of new motor vehicles or motorcycles offered for sale.

G. Additional Enforcement Authority

a. Alcoholic Beverage Regulation Administration (ABRA)

- i. Under D.C. Official Code §25-725(a), an on-premises retailer shall not produce any sound, amplified noise, or music that can be heard outside the establishment. ABRA licensees are also required to comply with the noise level requirements of 20 DCMR 27.
- ii. Under 23 DCMR 804.1, both ABRA investigators and MPD officers may issue citations for second-tier violations, which includes noise violations). A first offense for this violation category is \$250.

Noise Control Scenarios

• First Amendment Protests

- First Amendment demonstrations – including union protests – cannot be cited as a noise disturbance unless all of the following conditions are met:
 - The noise is made between 7 am and 9 pm on Mondays through Saturdays;
 - A noise measurement can be taken from the inside of the nearest occupied residence in a district zoned R-1A, R-1B, R-2, R-3, or R-4; and
 - The noise measurement exceeds 80 dB.

• Street Drummers

- If the street drummers are deemed to be engaged in noncommercial speech, then their drumming noise will not be considered a noise disturbance if:
 - The noise is noncommercial public speaking;
 - The noise is made between 7 am and 9 pm on Mondays through Saturdays;
 - A noise measurement can be taken from the inside of the nearest occupied residence in a district zoned R-1A, R-1B, R-2, R-3, or R-4; and
 - The noise measurement does not exceed 80 dB.
- If the street drummers are deemed to not be engaged in noncommercial speech, then their drumming noise may be considered a noise disturbance because:
 - Under 20 DCMR § 2800, noise from musical instruments cannot exceed maximum noise levels, regardless of whether it is on private property or public space;
 - Under 20 DCMR § 2701.1, the daytime maximum sound level for a commercial zone is 65 decibels and 60 decibels for a residential, special purpose or waterfront zone; and
 - Under 20 DCMR §2904.1(b), noise level measurements of any musical instrument or device shall be made from a distance of 1 meter from the source;
 - Under 20 DCMR § 2711, a person could also be issued a cease and desist order by the Mayor; failure to comply would be a violation of the noise control laws;
 - Under 20 DCMR 2713.3 (as amended in 2004), fines for violations are \$1,000.
- Under Mayor’s Order 97-60, MPD and DCRA share noise control enforcement authority. Either agency can issue a Notice of Violation to the drummers.
- Under 20 DCMR 2710.3, the NOV can contain a reasonable time for “the performance of any act required by the notice”, which can be interpreted to mean that no fine needs to be issued if the drummer stops making noise.

• After-Hours Trash Collections

- Under 20 DCMR § 2806.2, trash collections cannot occur within 300 feet of any residential, special purpose, or waterfront zone between 9 pm and 7 am on any day of the week.
- More than one after-hours trash collection violation within a six-month period constitutes sufficient grounds for the suspension or revocation of the business license of the solid waste collector or the solid waste vehicle.
- Last year the Council enacted the Trash Collection Noise Abatements Act (DC Law 17-259, effective November 19, 2008).
 - Under the law, residents can fill out a complaint form and attached photographic evidence of after-hours trash collections; DCRA reviews the complaints and evidence, and can issue a citation to the alleged violator, without need for an inspector to witness the violation.

- **Church Services**

- Under the definition of “noise disturbance” in 20 DCMR § 2799.1, “if a noise is made at night [9pm to 7am] or does not involve noncommercial public speaking, the Mayor shall not be required to measure the decibel level of the noise to find a noise disturbance.”
 - However, to qualify as a noise disturbance, the sound must be “loud and raucous or loud and unseemly and unreasonably disturbs the pace and quiet of a reasonable person of ordinary sensibilities in the vicinity”.
- Non-amplified noise from church bells or music that is connected with church worship is exempted under 20 DCMR § 2704.10 from the decibel requirements of 20 DCMR § 2701 (which ranges from 55-65 decibels at night, depending on the zone).
 - However, 20 DCMR § 2704.1 says that the exemptions listed in the section are not precluded from enforcement action under any other section of Chapters 27 and 28 of DCMR Title 20.
 - Under 20 DCMR § 2800.2, it is unlawful for any person to make any noise disturbance by the operation or playing of any musical instrument on private property. The definitions under 20 DCMR Chapter 28 are the same as those in 20 DCMR § 2799.1.
- A church can be cited for creating a noise disturbance between the hours of 9 pm and 7 am, regardless of them being exempt from the maximum decibel levels in 20 DCMR § 2701, if the noise they are making is either “loud and raucous” or “loud and unseemly” and “unreasonably disturbs” a nearby “reasonable person of ordinary sensibilities.”

- **Construction Noise**

- Early morning or after-hours construction noise by companies
 - DCRA can issue citations to construction projects being done before or after the hours allowed pursuant to their building permits

CHAPTER 27 NOISE CONTROL

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GENERAL PROVISIONS

- 2700.1 It is the declared public policy of the District that every person is entitled to ambient noise levels that are not detrimental to life to life, health, and enjoyment of his or her property. It is hereby declared that excessive or unnecessary noises within the District are a menace to the welfare and prosperity of the residents and businesses of the District. It is the declared public policy of the District to reduce the ambient noise level in the District to promote public health, safety, welfare, and the peace and quiet of the inhabitants of the District, and to facilitate the enjoyment of the natural attraction of the District.
- 2700.2 It is the intent of the Council of the District of Columbia that D.C. Law 2-53 (the "Act") be liberally construed to carry out its general purpose.
- 2700.3 Certain noise-producing activities are subject to limitations other than the general decibel limitations pursuant to §2701. The activities set forth in §§2702 through 2704, and §§2800 through 2807 are subject to the noise disturbance standard or other specific limitations and include, among others, the use of musical instruments, loud speakers, amplifiers, or unamplified speech, construction (which is subject to specific decibel limitations), and use of vehicle-mounted loud speakers or amplifiers (which are subject to the noise disturbance standard during permitted hours). All other noise-producing activities are subject to the general decibel limitations set forth in §§2701 and 2810.
- 2700.4 The agency that administers the noise control program shall conduct programs of public education regarding the following:
- (a) The causes, effects, and general methods of abatement and control of noise and vibration;
 - (b) The actions prohibited by the Act; and
 - (c) The procedures for reporting violations.

Title 20

District of Columbia Municipal Regulations

- 2700.5 The agency that administers the noise control program shall encourage the participation of public interest groups in related public information efforts.
- 2700.6 The agency that administers the noise control program shall request any other department or agency responsible For any proposed or final standard, regulation, or similar action to consult with it on the advisability of revising the action, if there is reason to believe that the action is not consistent with Chapters 27 and 28 of this subtitle.
- 2700.7 The agency that administers the noise control program shall establish and publish on or before November 15, 1978, the test procedures to be used for measuring sound levels to determine compliance with Chapters 27 and 28 of this subtitle.
- 2700.8 The test procedures for measuring sound levels, as required by §2700.7, shall be revised periodically, as necessary.
- 2700.9 The public shall be given thirty (30) days to comment on all proposed test procedures before they are made final.
- 2700.10 On or before May 15, 1979, the agency that administers the noise control program shall establish noise assessment guidelines for the evaluation of proposed projects for the capital improvements budget and program.
- 2700.11 The guidelines required by §2700.10 may be used in the determination of the relative priority of each project in terms of noise impact.
- 2700.12 The agency that administers the noise control program shall evaluate and report to the Council of the District of Columbia every year on the effectiveness of the noise control program, and shall make recommendations for any legislative or budgetary changes necessary to improve the program.
- 2700.13 Noise of safety signals, emergency pressure relief valves, and warning or alarm devices shall be exempt (including horns when necessary as a danger warning); Provided, that no person shall knowingly permit the noise to be made or to continue beyond that necessary for the emergency safety purpose, or necessary testing.
- 2700.14 Unless specifically provided otherwise by the Act, a sound that constitutes a noise disturbance shall be considered a violation of the Act.
- 2700.15 The Mayor shall consult with the Administrator of the Federal Aviation Administration to recommend changes in airport operations to minimize noise disturbances resulting from the landing and the taking off of planes at the Washington National Airport.
- 2700.16 The Mayor shall require all departments responsible for a capital improvements budget and program to prepare an analysis of the noise impact of any proposed capital projects in accordance with noise assessment guidelines established by the administering agency pursuant to §§2700.3 through 2700.12 of this chapter.
- 2700.17 For the purposes of this section, the term "proposed capital projects" includes land acquisition, building construction, highway improvements, and fixed equipment installation. '

- 2700.18 All contracts signed by the District for capital projects shall contain provisions requiring compliance with the Act:
- 2700.19 The Mayor shall ensure that any written contract, agreement, purchase order, or other instrument by which the District is committed to the expenditure of monies in return for goods or services shall contain provisions requiring compliance with the Act.
- 2700.20 Noise levels under the Act may be measured by any official designated by the Mayor or by any person who is a qualified acoustical engineer who holds a certificate of registration as a professional engineer issued by the District. The measurements shall be admissible as evidence in any civil, criminal, or administrative proceeding relating to the enforcement of any provision of the Act.
- 2700.21 Nothing in this act shall be construed as repealing or limiting the effectiveness of noise limiting provisions contained in the D.C. Harbor Regulations (DCMR Title 19).
- 2700.22 Each separate provision of Chapters 28 and 29 of this subtitle shall be considered independent of any other provision of those chapters and, if all or part of any provision, sentence, clause, or section is held illegal, invalid, unconstitutional, or inapplicable, to any person or circumstance, the illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of those chapters or their application to other parts or circumstances.
- 2700.23 It is the legislative intent that the Act would have been enacted if an illegal, invalid, or unconstitutional provision, sentence, clause, section, or part had not been included in the Act, and if the person or circumstances to which all or part of the Act is inapplicable had been specifically exempted from the Act.

AUTHORITY: Unless otherwise noted, the authority for this chapter is An Act approved January 26, 1887, 24 Stet. 368, ch. 49, as amended; D.C. Code §1-315 (1992 (Repl. Val.); the §§422(6) and 422(11) of the District of Columbia Self-Government and Governmental Reorganization Act; the District of Columbia Noise Control Act of 1977, D.C. Law 2-53; as amended; Mayors Order 79-28 dated February 5, 1979.

SOURCE: Sections 2, 4, 5, 7, 9, 15, 18 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 OCR 3727, 3728 and 3730 (July 19, 1996).

EDITOR'S NOTE: Chapter 30, Noise Control was renumbered Chapter 27.

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 | <u>MAXIMUM NOISE LEVEL</u> | |
|--|----------------------------|-----------|
| | 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 82740.3 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 OCR 5293 (December 30,1977); as amended by §2 of the Noise Control Amendment Act of 1996, D.C. Law 2-53, 43 OCR 3727 (July 19, 1998).

2702 EXEMPTIONS: PRE-EXISTING SOURCES

- 2702.1 Sounds emanating from pre-existing sources shall, to the extent indicated, be exempt from the specific noise limitations contained in §2701 of this chapter; Provided, that the exemption shall not preclude enforcement under any other section of Chapters 27 and 28 of this subtitle.
- 2702.2 Pre-existing sources shall be exempt for one hundred and twenty (120) days after May 15, 1978.
- 2702.3 Any owner or person in control of a pre-existing source that exceeds the maximum permissible sound levels as prescribed in §2701 of this chapter shall, within one hundred and twenty (120) days after May 15, 1978, file with the Mayor a written plan for the Mayor's approval for the reduction of noise sound levels to the maximum permissible levels.
- 2702.4 Each plan submitted pursuant to §2702.3 shall include a time schedule for the accomplishment of the reduction of noise levels, and shall provide for periodic increments of progress. The Mayor shall treat the plan as a request for a variance as provided in §2706 of this chapter.

SOURCE: Section 5 of the District of Columbia Noise Control Act of 1977, D.C. Law 2-53, 24 DCR 5293, 5304 (December 30, 1977).

2703 EXEMPTIONS: VEHICLES USING ONLY RAILS AND TRACKS

- 2703:1 Sounds emanating from vehicles using only rails and tracks shall, to the extent indicated, be exempt from the specific noise limitations contained in §2701 of this chapter; Provided, that the exemption shall not preclude enforcement under any other section of Chapters 27 and 28 of this subtitle.
- 2703.2 Vehicles propelled only upon rails and tracks shall be exempt at all times.
- 2703.3 Railroad cars operated by the Washington Metropolitan Area Transit Authority shall be operated in a manner so as not to emit maximum noise levels in excess of those established in the following table when measured at a distance of one hundred feet (100 ft.) from the center line of the track, or at the nearest property line, whichever is the greater distance from the center line of track.

| ZONE | MAXIMUM NOISE LEVEL |
|--|---------------------|
| Residential, special purpose, or waterfront zone | 75 dB(A) |
| Commercial or light manufacturing zone | 80 dB(A) |
| Industrial zone | 90 dB(A) |

2703.4 In taking a measurement pursuant to §2703.3, the slow meter response of the sound level meter shall be used, and the measurement shall be taken approximately five feet (5 ft.) above grade.

SOURCE: Section 5 of the District of Columbia Noise Control Act of 1977, D.C. Law 2-53, 24 OCR 5293, 5305 (December 30, 1977).

2704 EXEMPTIONS: MISCELLANEOUS

2704.1 Sounds emanating from the sources covered in this section shall, to the extent indicated, be exempt from the specific noise limitations contained in §2701 of this chapter; Provided, that no exemption shall preclude enforcement under any other section of Chapters 27 and 28 of this subtitle.

2704-2 Individual pieces of construction equipment shall be exempt at all times. They shall be operated so as to comply with the noise limits established in §2802 of this subtitle.

2704.3 Noise of safety signals, emergency pressure relief valves, and warning or alarm devices shall be exempt (including horns when necessary as a danger warning); Provided, that no person knowingly shall permit a noise to be made or to continue beyond that necessary for the emergency safety purpose, or necessary testing.

2704.4 Noise resulting from any authorized emergency vehicle, when responding to an emergency call or acting in a time of emergency, shall be exempt: Provided, that this subsection shall not be construed to permit law enforcement, ambulance, fire, or other emergency or official personnel to make excessive noise in the performance of their duties when the noise clearly is unnecessary.

2704.5 Noise resulting from emergency work shall be exempt at all times.

2704.6 The use or operation of portable power tools, home snow removal equipment, power garden excluding leaf blowers devices, and other powered equipment for minor repairs or minor improvements of real or personal residential property shall be exempt on weekdays (excluding Saturdays) during the daytime and from 9:00 a.m. to 9:00 p.m. on Saturdays, Sundays, and legal holidays.

2704.7 Motor vehicles and motorcycles shall be exempt at all times. They shall be properly maintained and operated so as to comply with the noise limits established in Chapter 28 of this subtitle.

2704.8 The unamplified voice shall be exempt at all times.

- 2704.9 Noise resulting from the use of bull-horn amplifiers, permanently installed public address systems, whistles, or other devices, by personnel of the District government, the U.S. government, or other public agencies acting in their official capacities shall be exempt.
- 2704.10 Church bells or music connected with worship or official church ceremonies shall be exempt.
- 2704.11 Noise emanating from solid waste compactors shall be exempt at all times until standards are developed and promulgated by the administering agency pursuant to §2704.13.
- 2704.12 After giving a thirty (30) day notice, and within six (6) months after federal regulations for solid waste compactors are made final, the administering agency shall develop and promulgate standards for solid waste compactors. In developing the standards, the agency shall use the federal regulations for solid waste compactors as a guideline.

SOURCE: Section 5 of the District of Columbia Noise Control Act of 1977, D.C. Law 2-53, 24 DCR 5293. 5306 (December 30, 1977); as amended by §2 of the District of Columbia Noise Control Amendment Act of 1977, D.C. Law 9-135, 39 DCR 4079 (June 12, 1992).

2705 VARIANCES AND TEMPORARY EXEMPTIONS

- 2705.1 The Mayor, upon application by a person, may grant a variance or a temporary exemption from the maximum permissible noise levels or time limitations established in the Act when strict compliance with these provisions would impose an undue hardship on the applicant, on the community, or on other persons. The decision of the Mayor shall be in writing and shall include a statement of the reasons for the action taken.
- 2705.2 In determining whether or not strict compliance with these provisions would impose an undue hardship, the Mayor shall balance the degree of hardship against the harm that would be caused by the granting of a variance or a temporary exemption. In making this determination, the Mayor shall consider the following:
- (a) The location;
 - (b) The time of day when the noise will occur;
 - (c) The duration of the noise, its magnitude relative to the maximum permissible noise levels permitted under the Act;
 - (d) The possible obstruction or interference with vehicular or pedestrian traffic;
 - (e) The feasibility of bringing the noise into conformity with this act, including economic factors related to the age and useful life of the equipment;
 - (f) The number of people that would be affected by the granting of a variance or temporary exemption;
 - (g) The degree of hardship involved if the variance of temporary exemption is not granted: and

(h) Any other factors as are reasonably related to the impact of the noise on the health, safety, welfare, peace, and quiet of the community.

2705.3 A variance or temporary exemption shall be granted only to the extent necessary to ameliorate the undue hardship, consistent with the purpose and intent of this Act.

2705.4 Nothing in this section shall be construed to permit any operation in violation of the Act during the pendency of a request for a variance or a temporary exemption.

2705.5 Nothing in this section and no variance or temporary exemption shall be construed to prevent or limit the application of the emergency procedures established under §2711. of this chapter.

SOURCE: Section 7 of the District of Columbia Noise Control Act of 1977, D.C. Law 2-53, 24 OCR 5293. 5319 (December 30, 1977); as amended by §2 of the Noise Control Amendment Act of 1998, D.C. Law 11.181, 43 DCR 3727, 3729 (July 19, 1998).

2706 VARIANCE PROCEDURES

2706.1 Any person seeking a variance shall do so by filing with the Mayor a petition for a variance which shall be accompanied by plans, specifications, and other pertinent data as the Mayor may require, sufficient in scope to allow determination of the noise pollution impact that may result from granting the variance and the hardship involved if it is not granted.

2706.2 If the applicant is required to obtain a building permit (or some other type of permit) from the District government, he or she may include the request for a variance with the application for that permit.

2706.3 The Mayor may, at any time after an applicant files an original application, and before its expiration, require further statements in order to determine the disposition of the petition.

2706.4 Within three (3) months of May 15, 1978, the Mayor shall make available a list of the information to be required under this section.

2706.5 Notice of the variance application shall be given at least thirty (30) days before the . Mayor rules on the request, unless a lesser time is justified for good cause.

2706.6 Notice of the variance application shall be given as follows:

- (a) The Mayor shall publish the notice in the D.C. Register;
- (b) The applicant shall mail the notice to the owners of all property abutting the property involved in the application; and
- (c) The applicant shall mail the notice to the occupants of property situated within two hundred feet (200 ft.) of the property involved in the application.

2706.7 The notice of the variance application shall show the nature of the variance requested and the location for filing an appeal.

2706.8 Within five (5) days after the notice appears in the D.C. Register, the applicant shall file with the Mayor a sworn affidavit demonstrating compliance with this section.

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- 2706.9 Any person may submit comments on the application for a variance within twenty-five (25) days of the published notice, or within the time specified in the notice.
- 2706.10 The Mayor shall adopt and publish in the *D. C. Register* any additional procedures with regard to Requests for variances.
- 2706.11 The Mayor may, in his or her discretion, hold a hearing; Provided, that a hearing shall be held if any person who may be adversely affected by the grant or denial of a variance, including the applicant, files a written request for a hearing within ten (10) days of the notice appearing in the *D.C. Register*.
- 2706.12 The hearing held pursuant to §2706.11 shall be held in accordance with the contested case provisions of the D.C. Administrative Procedure Act, approved October 21, 1968 (82 *Stat.* 1208; D.C. Code 1-1509 (1991 Repl. Vol.)
- 2706.13 In granting or denying a variance, the Mayor shall file a written opinion stating the facts and reasons . the final decision.
- 2706.14 The Mayor may condition the variance and the terms of the variance on factors that he or she deems appropriate, including a schedule of compliance specifying a definite time period within which full compliance with Chapters 27 and 28 of this subtitle and the rules and regulations adopted under the Act shall be achieved.
- 2706.15 In issuing a variance for construction work, the Mayor may prescribe the conditions, working times, types of construction equipment to be used, and permissible noise emissions as the Mayor considers to be required in the public interest.
- 2706.16 No variance issued pursuant to this section shall be adopted for a period to exceed One (1) year; Provided, that a renewal may be obtained for additional periods not to exceed two (2) years if the Mayor finds that the variance is justifiable and that the intent and purpose of the Act is not impaired.
- 2706.17 No renewal shall be granted except pursuant to the filing of an application.
- 2706.18 An application for the renewal of a variance shall be made at least sixty (60) days prior to the expiration of the variance.
- 2706.19 Notice and hearing requirements for the renewal of variances shall be the same ' as those applying to

SOURCE: Section 8 of the Distract of Columbia Noise Control Act of 1977, D.C. Law 2-53, 24 DCR 5293, 5320 (December 30, 1977).

2707 TEMPORARY EXEMPTION PROCEDURES

- 2707.1 A person may apply to the Mayor for a temporary exemption from the maximum permissible noise levels or the time limits established by the Act.
- 2707.2 If the applicant is required to obtain a building permit from the District government, he or she may include the request for a temporary exemption with the application for that permit.
- 2707.3 The decision of the Mayor shall be in writing and shall include a statement of the reasons for the action taken.
- 2707.4 If a temporary exemption is granted, the decision shall include the following information:

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- (a) The name of the applicant;
- (b) The noise level to be permitted;
- (c) The period of time during which the exemption shall be in effect: and
- (d) Any other conditions or qualifications necessary for the protection of the public under the standards applicable to the granting of a temporary exemption.

- 2707.5 A temporary exemption shall be granted for as long as is necessary, but shall not exceed forty-five (45) days.
- 2707.6 A notice of the issuance of a temporary exemption shall be published to the D.C. *Register* and shall be posted by the applicant in a conspicuous spot at the location involved for a period of our (4) consecutive days following- the date of issuance.
- 2707.7 Any person adversely affected by the issuance or denial of a temporary exemption may, within ten (10) days of the decision, request a hearing on the matter.
- 2707.8 If the Mayor finds that a sufficient *bona fide* controversy exists regarding the issuance or denial of a temporary exemption, the Mayor may, in his or her discretion, hold a hearing on the matter.
- 2707.9 The hearing shall be held as soon as practicable.
- 2707.10 A decision by the Mayor after a hearing shall be final, subject to a *de novo* review by a court of competent jurisdiction.
- 2707.11 Unless the Mayor orders otherwise, the filing of a request for a hearing shall not affect the issuance of a temporary exemption.

SOURCE: Section 2 of the Noise Control Amendment Act of 1996, D.C. Law 11-161, 43 DCR 3727, 3730 (July 19, 1996).

2708 - 2709 [RESERVED]

2710 NOTICE OF VIOLATIONS

- 2710.1 Whenever the Mayor has reason to believe that a violation of any provision of the Act has occurred, he or she may, in lieu of or in addition to any other enforcement procedure, give notice of the alleged violation to the person or persons responsible, and order the persons to-take corrective measures as are deemed necessary.
- 2710.2 The notice of an alleged violation shall meet the following requirements:
- (a) It shall be in writing;
 - (b) It shall indicate the section or subsections of Chapters 27 and 28 of this subtitle that have been violated; and
 - (c) It shall state the nature of the violation (including, if applicable, any dB(A) readings, the date, and the approximate time and place of their recording).
- 2710.3 The notice of an alleged violation may allow reasonable time for the performance of any act required by the notice.

- 2710.4 The notice of an alleged violation shall be deemed properly served upon the alleged violator when it is served by one (1) of the following methods:
- (a) A copy of the notice is served personally upon the alleged violator, or is left either at the alleged violator's usual place of business or at his or her usual residence with a person over the age of sixteen (16) years who is employed or who resides at that place;
 - (b) A copy of the notice is left with any agent of the person to be notified, or is left at the office of the agent or with any person employed at the office, if the alleged violator's residence or place of business cannot be found in the District by reasonable search;
 - (c) A copy is mailed postage prepaid to the last known address of the person to be notified and is not returned by the Postal Service authorities; or
 - (d) The notice is published on three (3) consecutive days in a daily newspaper published in the District, when one (1) of the following circumstances exists:
 - (1) No address of the person to be served is known or can, with reasonable diligence, be ascertained; or
 - (2) Any notice mailed in accordance with §2710.4(c) is returned undelivered by the Postal Service authorities.
- 2710.5 A notice issued pursuant to this section shall be final unless the person adversely affected requests a hearing within the period specified in the notice of violation, or within fifteen (15) days after the date of service of the notice, whichever is less.
- 2710.6 Upon receipt of a request for a hearing, the Mayor shall provide the petitioner with an opportunity for a hearing in accordance with the contested case provisions of the D.C. Administrative Procedure Act, approved October 21, 1968 (82 Star. 1208; D. C. Code §1-1509 (1981)).
- 2710:7 A decision sustaining, modifying, or vacating a notice shall be final.
- 2710.8 If any person fails to comply with a final notice issued pursuant to this section. the Mayor shall institute action as may be necessary to terminate the violation.
- 2710.9 Any person's failure to comply with a final notice issued pursuant to this section shall constitute a separate violation of the Act.
- 2710.10 Nothing in this section shall be construed to preclude enforcement of the provisions of the Act by recovery of a penalty pursuant to §2713 of this chapter, injunctive relief, or other appropriate remedy.

SOURCE: Section 10 of the District of Columbia Non Control Act of 1977, r.C. Law 2-53. 2< OCR 5293, 5326 (December 30, 1977).

2711 EMERGENCY PROCEDURES

- 2711.1 If the Mayor finds that any person is acting in a manner that constitutes a violation of the Act, the Mayor may order the person to cease and desist.

- 2711.2 Failure to comply with the order shall be a violation of the Act; Provided, that failure to comply with a cease and desist order shall not be an independent violation if a court of competent jurisdiction finds that no violation of the Act had occurred.
- 2711.3 Any person aggrieved by an emergency order of the Mayor may, within forty-eight (48) hours of the order, request a hearing by the Mayor.
- 2711.4 Upon receiving a request for a hearing from any person aggrieved by an emergency order, the Mayor shall hold the hearing as soon as is reasonably practical.
- 2711.5 The hearing regarding an emergency order shall be conducted in accordance with the contested case provisions of the D.C. Administrative Procedure Act (D.C. Code §1-1509 (1991 Repl. Vol.)).
- 2711.6 A request for a hearing on an emergency order shall not be grounds for noncompliance with any order issued pursuant to this section.
- 2711.7 After the conclusion of the hearing held pursuant to §§2711.4 and 2711.5, the person shall be notified by the Mayor of the Mayor's decision. This action shall be final; Provided, that an appeal from the action shall not be grounds for noncompliance with any order issued pursuant to this section.
- 2711.8 Nothing contained in this section shall preclude the Mayor from initiating appropriate action for the recovery of a penalty as is provided in Chapters 27 and 28 of this subtitle, nor shall it preclude the Mayor from seeking any other relief or remedy as is provided by law.

SOURCE: Section 11 of the District of Columbia Noise Control Act of 1977, D.C. Law 2-53, 24 DCR 5293, 5328 (December 30, 1977); as amended by §2 of the Noise Control Amendment Act of 1996, D.C. Law 11-161, 43 DCR 3727, 3730 (July 19, 1998).

2712 INTERFERENCE WITH MEASUREMENT

- 2712.1 It shall be unlawful for any person to refuse, prevent, or interfere with any lawful physical determination or measurement authorized by the Act; Provided, that the provisions of §2712.2 are complied with.
- 2712.2 No District government officer or employee shall enter any privately owned premise for the purpose of making a lawful, physical determination or measurement authorized by the Act without permission of the resident or a person in the premise, or without a valid search warrant.

SOURCE: Section 12 of the District of Columbia Noise Control Act of 1977, D.C. Law 2-53, 24 DCR 5293, 5330 (December 30, 1977).

2713 ENFORCEMENT: PENALTIES

- 2713.1 Any person who is aggrieved by a violation of any provision of the Act may complain to the Metropolitan Police Department which shall enforce the provisions of this Act.
- 2713.2 Prior to issuing a citation or notice of infraction, the Metropolitan Police Officer or other District government official may give a verbal warning to the violator and allow the violator a reasonable time to cease violating the Act.

- 2713.3 Any person who violates any provision of the Act shall be punished by a fine not to exceed three hundred dollars (\$300) or imprisonment not to exceed ten (10) days, or both. In the event of any violation of or failure to comply with the Act or any section of the Act, each and every day of such violation or failure shall constitute a separate offense, and the penalties described in the Act shall be applicable to each such separate offense.
- 2713.4 Officers of the Metropolitan Police Department are authorized to enforce the provisions of the Act by issuing a notice of civil infraction for a violation of the Act that constitutes a noise disturbance pursuant to the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42, D.C. Code §6-2701 *et seq.*).
- 2713.5 Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the provisions of Chapter 27 or 28, pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985. Adjudication of any infraction of Chapter 27 or 28 shall be pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985.

SOURCE: Section 485 of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985 Technical and Clarifying Amendments Act of 1990, D.C. Law 8-237, 38 DCR 314,318 (January 11, 1991); Section 2 of the Noise Control Amendment Act of 1996, D.C. Law 11-181, 43 DCR 3727, 3731 (July 19, 1996).

2714 - CIVIL ENFORCEMENT

- 2714.1 Any person may commence a civil action in a court of competent jurisdiction on his or her own behalf for injunctive relief, to enforce a requirement, or to order the Mayor to perform a non-discretionary act against any person (including the District government to the extent permitted by the Eleventh Amendment of the U.S. Constitution) who is alleged to be the following:
- (a) In violation of any requirement of the Act;
 - (b) In violation of any order issued by the Mayor with respect to any requirement of the Act; or
 - (c) Engaged in any act prohibited by the Act.
- 2714.2 No action shall be taken under the provisions of this section prior to ten (10) days after the plaintiff has given notice of the violation to the Mayor, and to any alleged violator of the requirements.
- 2714.3 No action shall be taken under the provisions of this section if the Mayor has commenced and is diligently prosecuting a civil action in a court of competent jurisdiction in the District of Columbia to require compliance with the Act.

SOURCE: Section 14 of the District of Columbia Noise Control Act of 1977, D.C. Law 2-53, 24 DCR 5293, 5330 (December 30, 1977); as amended by §2 of the Noise Control Amendment Act of 1996, D.C. Law 11-161, 43 DCR 3727, 3731 (July 19, 1996).

2799 DEFINITIONS

- 2799.1 When used in Chapters 27 through 29 of this subtitle, the following words or abbreviations shall have the meaning ascribed unless the context indicates a different meaning. Where technical words are not defined, or where questions of interpretation arise regarding acoustical terminology, the American National Standard Institute (ANSI) definitions shall be used as a guide.

ANSI - the American National Standard Institute or its successor bodies.

Construction - any site preparation, excavation, assembly, erection, substantial repair, alteration, or similar action (excluding demolition) of public or private rights-of-way, structures, utilities, or similar property.

Daytime - the hours from 7:00 a.m. to 9:00 p.m.

dB(A) - (A-weighted sound level) - a measure of sound pressure level, in decibels, obtained from a sound-level meter using the A-weighting network or filter as specified in ANSI S1.4-1971 or the latest approved revision of that standard.

Decibel - (1/10 of a bel) - a unit (abbreviated "dB") for measuring the magnitude of sound equal to twenty (20) times the logarithm, to the base ten (10), of the ratio of the sound pressure being measured to a reference sound pressure of twenty (20) micropascals.

Emergency work - the work necessary to restore property to a safe condition following a public calamity or act of God, or the work required to protect the health and safety of persons.

Leaf blowers - any portable device or machine that is gasoline or electric powered and which is designed or intended, by generating a concentrated stream of air to blow, dispel, or make airborne, leaves, grass cuttings, paper, trash, or any other type of unattached debris or material. The term includes those devices or machines that accept vacuum attachments. (*D.C. Law 9-135*)

Leg - (Equivalent A-Weighted Sound Level) - the constant sound level that, in a given time period, would convey the same sound energy as the actual, time varying, A-weighted sound. The number in parenthesis immediately following the term "Leg" shall denote the time period in hours.

Maximum sound level - the highest level observed on a sound level meter.

Mayor - the Mayor of the District of Columbia or his or her designated agent.

Motorcycle - any motor vehicle other than a motorized bicycle having either a tandem arrangement of two (2) wheels or a tricycle arrangement of three (3) wheels, and having a seat or saddle for the use of the operator.

Motor vehicle - any vehicle propelled either by an internal combustion engine or by electricity or steam. This term does not include motor boats and traction engines used exclusively for drawing vehicles in fields, road rollers, and vehicles propelled only upon rails and tracks.

Motorized bicycle - any motor vehicle having the following:

(a) Either a tandem arrangement of two (Z) wheels equipped with tires that are sixteen inches (16 in.) or more in diameter, or having a tricycle arrangement of three (3) wheels equipped with tires that are sixteen inches (16 in.) or more in diameter, weighing not more than one hundred and twenty (120) pounds;

(b) An automatic transmission; and

A motor or engine that produces not more than one and five-tenths (1.5) brake horsepower (as rated by the Society of Automatic Engineers), with a piston displacement of not more than fifty (50) cubic centimeters, and that is capable of moving the vehicle at a speed of no more than twenty-five miles per hour (25 mph) on level ground when propelled exclusively by the motor or engine.

Nighttime - the hours from 9:00 p.m. to 7:00 a.m.

Noise - this term shall have the same definition as "sound," in the Act.

Noise disturbance - any sound which is loud and raucous or loud and unseemly and unreasonably disturbs the peace and quiet of a reasonable person of ordinary sensibilities in the vicinity thereof, unless the making and continuing of the noise is necessary for the protection or preservation of the health, safety, life, or limb or some person. In making a determination of a noise disturbance, the Mayor shall consider the location, the time of day when the noise is occurring or will occur, the duration of the noise, its magnitude relative to the maximum permissible noise levels permitted under the Act, the possible obstruction or interference with vehicular or pedestrian traffic, the number of people that are or would be affected, and such other factors as are reasonably related to the impact of the noise on the health, safety, welfare, peace, and quiet of the community. A sound shall not be considered a noise disturbance if during noncommercial public speaking in the Central Employment Area (10 DCMR §1107.2 as shown on Comprehensive Plan Map 2, District of Columbia Generalized Land Use Policies Map) or in an area zoned manufacturing or industrial during the daytime, the sound made by the participants engaging in such activity does not exceed eighty (80) dB(A) when measured inside any nearby occupied building or outside fifty feet (50 ft.) from the source of the sound. (*D.C. Law-161*)

Noise level - this term shall have the same definition as "sound level."

Noise zones - shall be defined according to the following three (3) categories, as shown, defined, and bounded on the zoning map:

(a) Residential, special purpose, or waterfront zone - any district listed under chapters 4, 5, and 9 of the D.C. Zoning Regulations. effective May 12, 1958, as amended;

Commercial or commercial-light manufacturing zone - any district listed under chapter 7 of the D.C. Zoning Regulations, effective May 12, 1958, or classified as a "C-M Commercial-light manufacturing" district under Chapter 8 of the Zoning Regulations; and

(c) General industrial zone - any district classified under Chapter 8 of the Zoning Regulations, effective May 12, 1958, but not classified as a "C-M Commercial-light manufacturing" district.

Person - an individual, partnership, corporation, trust, association, firm, organization, government, or other entity.

Pre-existing source - any noise source either established and in operation or under construction prior to May 15, 1978.

Real property boundary - an imaginary line along the ground surface and its vertical extension, which separates the real property owned by one (1) person from that owned by another.

Sound - an oscillation in pressure, particle displacement, particle velocity, or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of the sound, including duration, intensity, and frequency.

Sound level - the weighted sound pressure level obtained by the use of a sound level meter and frequency weighing network, such as A, B, or C as specified in the ANSI specifications for sound level meters (ANSI S1.4-1971. or the latest approved revision of ANSI S1.4 standard). If the frequency weighing employed is not indicated, the A-weighting shall apply.

Sound-level meter - an instrument to measure the sound pressure level meeting at least either the Type II requirements of the ANSI S 1.4-1971 standard or the latest approved version of the ANSI S1.4 standard. .

Street or highway - any road, street, alley, or way in the District of Columbia, open to the use of the public, as a matter of right, for the purposes of vehicular traffic.

Weekday - any day except Sunday or a legal holiday.

Zoning regulations - the D.C. Zoning Regulations, effective May 12, 1958, as amended (DCMR Title 11).

SOURCE: Section 2 of the District of Columbia Noise Control Act of 1977, D.C. *Law* 2-53, 24 OCR 5293, 5295 (December 30, 1977); so amended by §2 of the District of Columbia Noise Control Amendment Act of 1977, D.C. *Law* 9-135, 39 OCR 4079 (June 12, 1992), and by §2 of the Noise Amendment Act of 1996, D.C. *Law* 11-161, 43 DCR 3727 (July 19, 1996).

CHAPTER 28 MAXIMUM NOISE LEVELS

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| 2800 | Musical Instruments, Loudspeakers, Amplifiers, and Unamplified Voices |
| 2801 | Mechanical Equipment |
| 2802 | Construction |
| 2803 | Construction in Residential Zones |
| 2804 | Explosives |
| 2805 | Hawkers, Peddlers, and Vendors |
| 2808 | Trash Collection in and Adjacent to Residential Zones |
| 2807 | Vehicle-Mounted Loud Speakers |
| 2808 | Leaf Blowers |
| 2809 | (Reserved) |
| 2810 | New Motor Vehicles |
| 2811 | Operational Limits for Motor Vehicles |
| 2812 | Alteration of Motor Vehicle Exhaust System |
| 2813 | Motor Vehicle inspection |
| 2899 | Definitions |

2800 MUSICAL INSTRUMENTS, LOUDSPEAKERS, AMPLIFIERS, AND UNAMPLIFIED VOICES

- 2800.1 Noise resulting from the musical instruments, loudspeakers, amplifiers, and unamplified voices shall not exceed the maximum noise levels contained in this section.
- 2800 .2 It shall be unlawful for any person to make, continue, or cause to be made or continued any noise disturbance by the operation, use, or playing of any musical instrument or device, loud speaker, sound amplifier, or other similar device, unamplified voice, for the production or reproduction of sound on private property or public space.
- 2800.32 Parades and public gatherings conducted pursuant to a permit issued by the Metropolitan Police Department (as provided for in 24 DCMR, Chapter 7) shall be exempt from the noise disturbance limitation.
- 2800.4 Sounds shall not project outside a place of business at a level that exceeds sixty (60) dB(A) at a distance of not less than one (1) meter from outside the business establishment. Nothing in the Act shall be construed to prohibit the use of musical instruments, amplifiers, or stereo equipment for the sole enjoyment of the listener; Provided, that the sound does not exceed sixty (60) dB(A) or the applicable noise level for the zone from which the sound emanates at a distance of one (1) meter from the source.
- 2800.5 It shall be unlawful for any person to make, continue or cause to be made Orr continued any noise disturbance as that term is defined in 20 DCMR §2799 created by the operation or use of aloud speaker, sound amplifier, radio, or

musical instrument on public streets, alleys, or thoroughfares in the District of Columbia. Public assembly activities provided for in 20 DCMR §2800.3 and non-commercial public speaking are exempt from the limitations set forth in this section. .

AUTHORITY: Unless otherwise noted, the authority for this chapter is an Act approved January 26, 1887. 24 Slat 368, ch. 49, as amended; D.C. Code §1-315 (1992 (Repl. Vol.): the §§422(6) and 422(11) of the District of Columbia SsN-0overnment and Governmental Reorganization Act; the District of Columbia Noise Control Act of 1977. D.C. Law 2-53, as amended; Mayor's Order 79-28 dated February 5, 1979.

SOURCE: Section 5 of the District of Columbia Noise Control Act of 1977, D.C. Law 2-53, 24 OCR 5293, 5308 (December 30, 1977); as amended by §4 of the D.C. Noise Control Act of 1977 Amendment Act of 1986. D.C. Law 8-180, 33 DCR 7660, 7861 (December 21, 1986); and by §2 of the Noise Control Amendment Act of 1996, D.C. Law 11-161 (43 OCR 3727, 3729 (July 19, 1996).

EDITOR'S NOTE: Chapter 31 Maximum Noise Levels was renumbered Chapter 26.

2801 MECHANICAL EQUIPMENT

2801.1 Noise resulting from mechanical equipment shall not exceed the maximum noise levels contained in this section.

2801.2 Noise resulting from the use or operation of any air-conditioning, refrigerator, heat pump, fan, swimming pool equipment, or other mechanical equipment, regardless of location, shall be prohibited in excess of sixty (60) dB(A) when measured at the property line or as close to the property line as practical if there is an obstruction.

SOURCE: Section 5 of the District of Columbia Nose Control Act of 1977, D.C. Law 2-53. 24 DCR 5293, 5309 (December 30, 1977).

2802 CONSTRUCTION

2802.1 From 7:00 a.m. to 7:00 p.m. on any weekday, noise levels resulting from construction or demolition (excluding pile driver devices) shall not exceed a L(1) of eighty (80) dB(A) unless granted a variance under §2705 of Chapter 27 of this subtitle.

2802.2 From 7:00 p.m. to 7:00 a.m. the maximum noise levels prescribed in §2701 of Chapter 27 of this title shall apply.

2802.3 In cases involving noise from construction or demolition, measurements shall be made twenty-five feet (25 ft.) from the outermost limits of the construction site.

2802.4 No permit for building construction or demolition shall be issued until the permit applicant has assured in writing that the noise emanating from the planned construction will comply with the limitations established by this section.

SOURCE: Section 5 of the District of Columbia Nose Control Act of 1977, D.C. Law 2-53, 24 DCR 5293, 5308 (December 30, 1977).

2803 CONSTRUCTION IN RESIDENTIAL ZONES

- 2803.1 Noise emanating from construction in residential zones shall be prohibited during the hours specified in this section irrespective of its compliance with §2701 of Chapter 27 of this subtitle.;
- 2803.2 No noise from construction, excluding minor home repairs, shall be permitted within a residential, special purpose, or waterfront zone on any Sunday or legal holiday, or after 7:00 p.m. and before 7:00 a.m. on any weekday.
- 2803.3 The limitation of §2803.2 shall not apply to the following:
- (a) Portable power tools used for minor improvement of real and personal residential property otherwise allowable under this section;
 - (b) Work performed by public utilities as defined in the Act approved March 4, 1913 (37 Stat. 974; D.C. Code §43-103 (1990 Repl. Vol.));
 - (c) Work performed by the Washington Metropolitan Area Transit Authority as defined in D.C. Code §§1-1410 *et seq.* (1992 Repl. Vol.); or
 - (d) Work performed by the subcontractors of public utilities and the Washington Metropolitan Area Transit Authority as provided in §§2803.3(b) and 2803.3(c).
- 2803.4 Noise emanating from the sources exempted in §2803.3 shall comply with the maximum noise levels prescribed in §2701 of Chapter 27 of this subtitle.

SOURCE: Section 5 of the District of Columbia Noise Control Act of 1977, D.C. Law 2-53, 24 OCR 5293, 5209 (December 30, 1977).

2804 . EXPLOSIVES

- 2804.1 Noise emanating from explosives shall be prohibited during the hours specified in this section irrespective of its compliance with §2701 of Chapter 27 of this subtitle.
- 2804.2 No blasting with explosives shall be performed on any Sunday or legal holiday or at nighttime on weekdays, except by special permit as provided in § 1301 of the Second Amendment to the 1972 Building Code of the District of Columbia (Title 12 DCMR).

SOURCE: Section 5 of the District of Columbia Noise Control Act of 1977, D.C. Law 2-53, 24 DCR 5293, 5310 (December 30, 1977).

EDITOR'S NOTE: The Building Code referred to in this title has been superseded by D.C. Law 8-216, Construction Codes Approval and Amendments Act of 1986, effective March 21, 1987. The construction regulations existing prior to March 21, 1987, remain in effect for projects having reached specified stages of completion. D.C. Law 6-216 adopted the 1984 National BOCA Codes, and the 1985 D.C. Supplement to the National BOCA Codes. Effective November 27, 1992 (39 OCR 9665), the 1984 BOCA Codes, and the 1985 D.C. Supplement to the National BOCA Codes were superseded by the adoption of the 1990 BOCA Codes, and the 1992 D.C. Supplement to the BOCA Codes.

2805 HAWKERS, PEDDLERS, AND VENDORS

- 2805.1 The shouting and crying of hawkers, peddlers, and vendors shall be prohibited at nighttime on any day of the week, irrespective of its compliance with §2701 of Chapter 27 of this subtitle.
- 2805.2 The limitation of §2805.1 shall not be construed to prohibit selling by outcry of merchandise, food, and beverages at licensed sporting events, parades, fairs, circuses, or other similar licensed entertainment events.

SOURCE: Section 5 of the District of Columbia Noise Control Act of 1977, D.C. Law 2-53. 24 DCR 5293, 5309 (December 30, 1977).

2806 TRASH COLLECTION IN AND ADJACENT TO RESIDENTIAL ZONES

- 2806..1 Noise emanating from trash collection in any residential, special purpose, or waterfront zone shall be prohibited during the hours specified in this section
.....
.....
irrespective of its compliance with §2701 of this subtitle.
- 2806.2 No person shall operate or permit the operation of any refuse collection vehicle in or within three hundred feet (300 ft.) of any residential, special purpose, or waterfront zone at nighttime on any day of the week. This prohibition shall not apply to vehicles owned by the District government employed for emptying litter receptacles.

SOURCE: Section 5 of the District of Columbia Noise Control Act of 1977, D.C. Law 2-53, 24 OCR 5293, 5311 (December 30, 1977); as amended by §2 of the Noise Control Amendment Regulation Act of 185, D.C. Law 6-93. 33 DCR 314 (January 17, 1986).

2808. VEHICLE-MOUNTED LOUD SPEAKERS

- 2807.1 Noise emanating from vehicle-mounted sound amplifying equipment, instruments, and transmitting devices shall be prohibited during the hours specified in this section irrespective of its compliance with §2701 of Chapter 27 of this subtitle.
- 2807.2 Vehicle-mounted sound amplifying equipment, instruments, and transmitting devices shall be prohibited in streets or on highways after 9:00 a.m., and between 4:00 p.m. and 6:30 p.m.
- 2807.3 Vehicle-mounted sound amplifying equipment, instruments, and transmitting devices shall be prohibited in streets or on highways after 9:00 p.m. and before 9:30 a.m. During all other hours their use shall be subject to the limitations of the noise disturbance standards, and the following conditions:
- (a) The vehicles are required, where traffic conditions permit, to move at least five miles per hour (5 mph);
 - (b) When the vehicles are stopped for any cause, no sound shall be amplified or transmitted for more than one (1) minute, so long as the vehicle remains stationary;
 - © Operators of the vehicles shall not hold sound amplifying equipment, instruments, or transmitting devices by hand while the vehicles are in operation; and

- (d) When vehicles are parked in legal off-street locations, the conditions set forth in Sec. 2807 of this chapter shall not apply.

SOURCE: Section 5 of the District of Columbia Noise Control Act of 1977, D.C. Law 2-53, 24 DCR 5293, 5311 (December 30, 1977); as amended by sec. 2 of the Noise Control Amendment Act of 1996, D.C. Law 11-161, 42 DCR 3727, 3729 (July 19, 1996).

2808 LEAF BLOWERS

- 2808.1 Except as provided under sec. 2808.2, no person shall sell, offer for sale, or use, at any time, a leaf blower in the District of Columbia that has an average sound level exceeding seventy (70) dB(A) at a distance of fifty feet (50 ft.) from the leaf blower as measured in accordance with 2808.5 of this section. A leaf blower shall not be used at nighttime, between the hours of 8:30 p.m. and 8:00 a.m. in the District of Columbia.
- 2808.2 Upon the effective date of the District of Columbia Noise Control Amendment Act of 1992 (“1992 Act”), a person who sells, at retail, a leaf blower in the District of Columbia that exceeds the maximum sound level established in 2808.1 of this section must provide conspicuous notice to the consumer that the leaf blower may not be used in the District.
- 2808.3 A person who purchased a leaf blower prior to the effective date of the 1992 Act, or who can demonstrate that the leaf blower was manufactured prior to the effective date of the 1992 Act, may use that leaf blower for the next five (5) years, even though its average sound level exceeds the standard established in 2808.1 of this section, if its use is otherwise permitted by the Act.
- 2808.4 In addition to any other enforcement measure authorized under this act, the Mayor may inspect and, upon request, require a person to produce any leaf blower that is sold, offered for sale, or used, in order to determine compliance with this act. The Mayor shall use, to the extent possible, a manufacturer’s written sound level representations, design and use specifications, and approximate manufacture date, as appropriate, as aids to determine compliance. A person who in good faith relies on a manufacturer’s written sound level representation is not subject to penalties under 13 for violation of the Act.
- 2808.5 Compliance with sound level requirements of this Act shall be determined in accordance with a sound measurement testing standard for leaf blowers that has been deemed by the Mayor to be acceptable and adopted by regulation.

SOURCE: Section 2 of the District of Columbia Noise Control Amendment Act of 1992, D.C. Law 9-135, 39 DCR 4079 (June 12, 1992)

2809 (RESERVED)

2810 NEW MOTOR VEHICLES

- 2810.1 No person shall either sell or offer for sale a new motor vehicle or motorcycle that is to be registered for use upon the public highway that exceeds the maximum noise limits designated in the table of §2810.2 when measured at a distance of fifty feet (50 ft.) from the center line of travel in accordance with test procedures (as may be appropriate for the vehicle being tested) as prescribed in this subsection:
- (a) Those described by the Society of Automotive Engineers, Inc. (SAE), including SAE Standard J986(a) (for vehicles ten thousand (10,000) GVWR and under), SAE Standard J3 (for motorcycles), and SAE Standard J 184 (for vehicles over ten thousand (10,000) GVWR):

- (b) Those recommended by Practice J 184 (for qualifying a sound data acquisition system), and subsequent revisions of the standard: or
- (c) A nationally recognized test procedure, such as those promulgated by the EPA. as the administering agency may prescribe in accordance with §§2700.7 through 2700.9 of Chapter 27 of this subtitle.

2810 .2 Each manufacturer, distributor, or importer, or his or her designated agent, shall certify in writing to the Mayor that all motor vehicles or motorcycles sold by him or her in the District comply with the provisions of the following table:

| <u>TYPE OF VEHICLE AND DATE OF MANUFACTURE</u> | <u>MAXIMUM NOISE LEVEL</u> |
|--|--------------------------------|
| Any motorcycle, other than a motorized bicycle, manufactured after 1976 | 8:3 dB(A)- |
| Any motor vehicle with a gross vehicle rating of more than ten thousand pounds (10.000 lbs.) manufactured on or after January 1. 1978 | 8:3 dB(A) |
| Any motor vehicle with a gross vehicle weight rating of more than ten thousand pounds (10.000 lbs.) manufactured on or after January 1, 1982 | 80 dB (A) |
| Any other motor vehicle weighing ten thousand pounds (10.000 lbs.) or less manufactured on or after January 1, 1976 | 83 dB(A) - |
| Any other motor vehicle weighing ten thousand pounds (10,000 lbs.) or less manufactured after January 1. 1978 | 80 dB(A) |

SOURCE: Section 6 of the District of Columbia Noise Control Act of 1977, D.C. Law 2-53, 24 OCR 5293, 5312, (December 30, 1977).

2811 OPERATIONAL LIMITS FOR MOTOR VEHICLES

2811.1 No person shall operate a motorcycle motor vehicle, or combination of motor vehicles of a type subject to registration under D.C. Code X40-103 (1990 Repl. Vol.) at any time, or under any condition of grade, load, acceleration, or deceleration in a manner that exceeds the maximum noise limits designated in the table of this subsection for the specified speed limits, measured at a distance of fifty feet (50 ft.) from the center line of travel by a sound level meter switched to the A-weighting network, in accordance with such nationally recognized test procedures as the administering agency may prescribe in accordance with §§2700.7 through 2700.9 of Chapter 27 of this subtitle.

| | <u>TYPE OF VEHICLE</u> | <u>NOISE LIMIT</u> | | |
|--------|--|--------------------------|------------------------|------------------------------|
| | | <u>35MPH or less</u> | <u>Over 35 MPH</u> | <u>Stationary Run-up</u> |
| | Any motor vehicle with a manufacturer's gross vehicle weight rating of ten thousand pounds (10,000 lbs.) or more, and any combination of vehicles towed by that motor vehicle | 86 dB (A) | 90 dB(A) | 88 dB(a) |
| | Any motorcycle | 82 dB(A) | 86 dB(A) | |
| | Any other motor vehicle and any combination of vehicles towed by a motor vehicle with a manufacture's gross weight rating of ten thousand pounds (10,000 lbs.) or more | 76 dB(A) | 8'2 d(B)(A) | |
| 2811.2 | Where a test procedure is used for which the noise levels prescribed in the table in §281 1.1 would not be appropriate. the administering agency may establish and publish a table with the appropriate levels which are substantially equivalent to those established in that table. | | | |
| 2811.3 | The public shall be provided with at least thirty (30) days to comment on all new standards and procedures before the standards are made final. | | | |
| 2811.4 | For the purposes of this section, a motor truck, truck tractor, or bus that is not equipped with an identification plate or marking that bears the manufacturer's gross vehicle weight shall be considered as having a rating of ten thousand pounds (10,000 lbs.) or more if the unladen weight is more than nine thousand pounds (9,000 lbs.). | | | |
| 2811.5 | No person shall operate a motor vehicle equipped with an engine speed governor that generates a sound level in excess of eighty-eight (88) dB(A) measured on an open site with a fast meter response at fifty feet (50 ft.) from the longitudinal center line of the vehicle when its engine is accelerated from idle to a wide-open throttle governed speed with the vehicle stationary, transmission in neutral, and clutch engaged. | | | |
| 2811.5 | The administering agency may by regulation prescribe correctional factors to the limits prescribed in the table of §2811.1 of this section when measurements are made at a site that contains large reflecting surfaces in cle 3e proximity to the vehicle or noise measuring microphone. | | | |
| 2811.7 | A violation of the adjusted levels as provided in \$2811.6 shall constitute a violation of this section. | | | |
| 2811.8 | In the event that it is impractical to obtain a measurement fifty fret (50 ft.) from the center line of travel, the actual distance shall be measured and one (1) of the correctional factors -in the following table shall be applied to the maximum permissible sound levels prescribed in the table of &2811.1 of this section - | | | |

DISTANCE

CORRECTION

Soft site

Hard site

| | | |
|-----------------------|----------|----------|
| 35 - less than 39 ft. | +3 dB(A) | +5 dB(A) |
| 39 - less than 43 ft. | +2 dB(A) | +4 dB(A) |
| 43 - less than 48 ft. | +1 dB(A) | +3 dB(A) |
| 48 - less than 58 ft. | 0 dB(A) | +2 dB(A) |
| 58 -less than 70 ft. | -1 dB(A) | -1 dB(A) |
| 70 - less than 83 ft. | -1 dB(A) | 0 dB(A) |

2811.9 For the purposes of this section, "soft test site" shall mean any test site having the ground surface covered with grass, another ground cover, or a similar absorption material for one-half (1/2) or more of the distance between the microphone target point and the microphone location point_

2811.10 For the purposes of this section, "hard test site" means any test site having the ground surface covered with concrete, asphalt, packed dirt, gravel, or similar reflective material for more than one-half (1/2) the distance between the microphone target point and the microphone location point.

SOURCE: Section 6 of the Distract of Columbia Noise Control Act of 1977. D.C. Law 2-53. 24 DCR 5293 5313 (December 30. 1977).

2812 ALTERATION OF MOTOR VEHICLE EXHAUST SYSTEM

2812.1 No person shall modify or alter the exhaust system of a motor vehicle or motorcycle in a manner that will amplify or increase the noise emitted by the vehicle above the level permitted under 2811 of this chapter.

2812 .2 No person shall use or operate a motor vehicle or a motorcycle having an exhaust system that has been modified or altered in a manner that will amplify or increase the noise emitted by the vehicle above the level permitted under 2811 of this chapter.

SOURCE- Section 6 of the District of Columbia Nose Control Act of 1977. D.C- Law 2-53 24 DCR 5293 5317 (December 30. 1977)

2813 MOTOR VEHICLE INSPECTION

2813.1 The Mayor shall conduct a study to determine the advantages and feasibility of requiring a noise inspection as a part of the annual motor vehicle inspection program-

2813.2. The study required by §2813.1 shall be submitted to the Council of the District of Columbia not later than six months (6 mps.) after May 15, 1978, and shall include the following:

- (a) An estimate of the cost to the District of requiring a motor vehicle inspection program for noise (computing separately the cost for District-owned motor vehicles in contrast to the cost of all vehicles);
- (b) An estimate of the length of time that would be required per vehicle for the test, and the impact this would have on the total inspection program;
- (c) The test procedures that would be used;

- (d) An estimate of the number of cars that would fail the test, and the appropriate cost to each registrant to bring a car into compliance;
- (e) The impact of the program on the repair stations in the District; and
- (f) The impact of the program on noise levels in the District.

SOURCE: Section 6 of the District of Columbia Noise Control Act of 1977, D.C. Law 2-53. 24 DCR 5293, 5318 (December 30, 1977).

2899 DEFINITIONS

2899 .1 The meanings ascribed to the definitions appearing in §2 799.1 of Chapter 27 of this subtitle shall apply to the terms in this chapter.

CHAPTER 29 NOISE MEASURING TEST PROCEDURES

secs.

| | |
|-------------|--------------------------------------|
| 2900 | General Provisions |
| 2901 | Equipment |
| 2902 | Sound Level Meter Calibration |
| 2909 | Equipment Settings |
| 2904 | Measurement Locations |
| 2905 | Measurement Procedures |
| 2906 | Data and Reports |
| 2999 | Definitions |

2900 GENERAL PROVISIONS

- 2900.1 The purpose of this chapter is to establish standard testing procedures for measuring noise levels as prescribed under the provisions of Chapters 27 and 28 of this subtitle, the D.C. Noise Control Act of 1977 (D.C. Law 2-53, March 23, 1978).
- 2900.2 The intent of this chapter shall be to do the following:
- (a) Specify straight-forward procedures that are applicable to the large majority of expected situations; and
 - (b) Specify the limits of applicability of those procedures such as situations in which acoustical specialists or specialized equipment may be required to supplement the procedures.
- 2900.3 The measurement procedures provided in this chapter shall be reviewed periodically with reference to changes in the practice of noise measurement, instrumentation, District code, and legal precedent.
- 2900.4 The measurement of noise produced by motor vehicles in transit shall be prescribed by District and federal laws. Enforcement by police officers shall be provided by District law.
- 2900.5 Any situation in which the noise source cannot be demonstrated to increase the total noise at the measurement point by at least four (4) dB(A) over the ambient level shall be considered unmeasurable by the techniques described in this chapter.
- 2900.6 Any situation in which readings exceed the statutory limits, but are less than the statutory limit plus the grace limit, the noise shall be measured with more specialized or more accurate equipment prior to deciding whether the source is in compliance with the Act.
- 2900.7 When readings exceed the statutory limits, but are less than the statutory limit plus the grace limit, consultation with qualified professional personnel shall be required.

AUTHORITY: Unless otherwise noted, the authority for this chapter is An Act approved January 26, 1887, 24 Stat 368, ch. 49, as amended; D.C. Code §1315 (1992 (Rapt. Vol.)); the §§422(6) and 422(11) of the District of Columbia Self-Government and Governmental Reorganization Act; the District of Columbia Noise Control Act of 1977, D.C. Law 2-53; as amended; Mayors Order 79-28 dated February 5, 1979:

SOURCE: Final Rulemaking published at 26 DCR 1499, 1501, 1505 (September 28, 1979).

EDITOR'S NOTE: Chapter 32, Noise Measuring Test Procedures was renumbered Chapter 29.

2901 . EQUIPMENT

- 2901.1 Sound-level meters and microphones shall meet Type 11 specifications per ANSI S 1.4-1971.
- 2901.2 Each sound-level meter shall be qualified annually.
- 2901.3 Each sound-level meter and microphone device shall meet the following specifications:
- (a) External calibration devices with a known sound pressure level output at a single known frequency between two hundred (200) Hz and one thousand (1,000) Hz, as specified by the manufacturer;
 - (b) Windscreen with insertion loss less than five tenths (0.5) dB(A) below eight (8) kHz;
 - (c) Stopwatch, capable of cumulative operation and accurate to two percent (2%) or better;
 - (d) Wind speed indicator with at least twenty percent (20%) accuracy at twelve miles per hour (12 mph):
and
 - (e) Earphones with impedance meeting the sound level meter manufacturer's specifications.

SOURCE: Final Rulemaking published at 26 DCR 1499, 1501 (September 28, 1979).

2902 SOUND LEVEL METER CALIBRATION

- 2902.1 A battery check shall be performed immediately before and after a series of measurements at each test site.
- 2902.2 An external calibration shall be made immediately before a series of measurements at each test site and, if necessary, the meter shall be adjusted to read within two tenths (0.2) dB(A) of the level specified by the calibration unit.
- 2902.3 Measurements may be assumed to be valid if a calibration check after a series of measurements agrees to within five tenths (0.5) dB(A), otherwise measurements shall not be used.
- 2902.4 Calibration checks also may be made immediately after the series of measurements and at least one (1) time per hour during the measurement series to ensure continuing accuracy of the equipment.

SOURCE: Final Rulemaking published at 26 OCR 1499, 1501 (September 28, 1979).

2903 EQUIPMENT SETTINGS

- 2903.1 In measuring impulsive or rapidly fluctuating noise, the following procedures shall be followed:
- (a) A windscreen shall be used for all outdoor measurement,,
 - (b) The "C" scale shall be used on the sound level meter;
 - (c) The attenuator shall be set so that the measured levels fall between the zero mark and the full scale mark on the meter scale; and
 - (d) The fast meter response shall be used on the sound level meter.

- 2903.2 In measuring steady (including intermittent, slowly fluctuating, or quasi-steady) noise, the following procedures shall be followed:
- (a) A windscreen shall be used for all outdoor measurements;
 - (b) The " A" scale shall be used on the sound level meter;
 - (c) The attenuator shall be set so that the measured levels fall between the zero mark and the full scale mark on the meter scale. At least five (5) seconds shall elapse after the attenuator is changed before measurements are taken; and
 - (d) The slow meter response shall be used on the sound level meter.

SOURCE: Final Rulemaking published at 26 OCR 1499, 1502 (September 28, 1979).

2904 MEASUREMENT LOCATIONS

- 2904.1 Measurements shall be taken at the following locations:
- (a) At the property line of the property on which the noise source is located, or as close as practicable if there is an obstruction;
 - (b) At a distance of one (1) meter from any musical instrument or device, or loud speaker, sound amplifier, or other similar machine or device for the production or reproduction of sound, with exceptions as designated in the Act;
 - (c) At a distance of twenty five feet (25 ft.) from the outermost limits of a construction site; and
 - (d) At a distance of fifty feet (50 ft.) from the center line of traffic for motor vehicles.
- 2904.2 The microphone shall be at least three feet (3 ft.) above the surface while measurements are being taken, except for motor vehicle stationary tests which shall be determined.
- 2904.3 The microphone orientation shall be as specified by the manufacturer.
- 2904.4 Measurements conducted on private property shall be taken with the permission of the owner or the owner's representative, or under the authority of a search warrant or a court order.
- 2904.5 Outdoor measurements shall not be conducted in the presence of wind speeds greater than twelve miles per hour (12 mph), nor in the presence of precipitation or fog.

SOURCE: Final Rulemaking published at 26 DCR 1499, 1502 (September 28, 1979).

2905 MEASUREMENT PROCEDURES

- 2905.1 Unless impracticable, earphones shall be used occasionally while noise measurements are being taken as a periodic check to ensure that the meter is responding properly to the noise source being monitored.
- 2905.2 In the case of steady (including intermittent, slowly fluctuating, or quasi-steady) noise, a measurement of the ambient noise level shall be required.

- 2905.3 If the ambient noise level of steady noise is within ten (10) dB(A) of the source sound level, the corrections specified in the table of §2905.7 of this section shall be applied to determine the noise level due solely to the source being investigated, and the source shall be interpolated as necessary.
- 2905.4 If the ambient level of steady noise is less than three (3) dB(A) from the noise source, no correction may be made and measurements cannot indicate true source noise level.
- 2905.5 Before citing a violation of a noise limit which may not be exceeded regardless of duration, a two and five tenths (2.5) dB(A) grace shall be allowed to account for all possible meter inaccuracies.
- 2905.6 Several measurements showing a violation shall be taken with at least twenty (ZO) seconds between each measurement.
- 2905.7 The following table shall be used for making corrections to measured ambient sound pressure levels:

| Difference (In decibels) between sound pressure level measured with sound source operating and ambient sound pressure level along dB(A) | Correction (in decibels) to be subtracted from sound pressure level measured with sound source operating to obtain sound pressure level due to sound source along dB(A) |
|---|---|
| Less than 4 | Measurement can not be made |
| 4 | 2.2 |
| 5 | 1.7 |
| 6 | 1.3 |
| 7 | 1.0 |
| 8 | 0-8 |
| 9 | 0.6 |
| 10 | 0.4 |
| more than 10 | 0 |

SOURCE: Final Rulemaking published at 26 OCR 1499, 1504 (September 26, 1979).

2906 DATA AND REPORTS

- 2906.1 The operator shall be required to fill out all pertinent information on the noise data form for field measurements.
- 2906.2 For each set of readings, the following information shall be required;
 - (a) Date, time, location, operator's name;
 - (b) Wind speed and direction;
 - (c) All instrumentation models and identifying numbers;
 - (d) A sketch of the site, including measurements points, noise sources, buildings, etc.;
 - (e) Measurement of noise peaks and steady levels to the nearest decibel, and durations;
 - (f) A description of special techniques employed;

- (g) A description of the noise, noting especially if there is an apparent pure tone or impulsive content;
- (h) The meter damping used (fast or slow); and
- (i) Measurement of ambient and description of ambient if obvious (highway, dogs, etc.).

2906.3 If the ambient level is four to ten (4-10) dB(A) below the level found with the source operating, corrections shall be made to obtain the source noise level. The corrections shall be shown .

SOURCE: Final Rulemaking published at 26 OCR 1499, 1504 (September 28, 1979).

2999 DEFINITIONS

2999.1 The meanings ascribed to the definitions appearing in §2799.1 of Chapter 27 of this subtitle shall apply to the terms in this chapter.

2999.2 In addition to the definitions cited in Chapter 27, the following words shall have the meaning ascribed:

Ambient - the noise remaining when the source being measured is turned off.

Calibration, external - the testing under controlled conditions of the sound level monitoring system, by use of a calibration device, whose input sound pressure level and frequency are accurately known, for the purpose of ascertaining the accuracy of the system at the input level and frequency within the meaning of the Act. The system includes a microphone, microphone cable, and sound level meter and its internal components.

Descriptors, acoustical - the following descriptors are often used:

dB(A) - A-weighted sound level measured in decibels; ,

L_d - daytime equivalent A-weighted sound level between the hours of 0700 and 2100;

L_{dn} - day-night average sound level; the twenty-four hour (24) weighted equivalent sound level, with a ten (10) decibel penalty applied to nighttime levels;

L_{eq}- equivalent A-weighted sound level over a given period of time;

L_{eq}(1) - the L_{eq}(1) is used in measuring construction noise and is the value of a steady state sound which has the same A-weighted average sound energy as that contained in a time varying sound. In this case, it is the equivalent sound level measured over a one (1) hour period. It is measured best with a statistical noise analyzer;

L_n - nighttime equivalent A-weighted sound level between the hours of 0700 and 2100;

L_{max}- maximum A-weighted sound level for a given time interval or event; and

L_x - x percent sound level, the A-weighted sound level equaled or exceeded x% of time. For example: L₁₀: sound level exceeded ten (10%) percent of time (usually the loudest level): L₅₀:

sound level exceeded fifty percent (50%) of time; and L₉₀: sound level exceeded ninety percent (90%) of the time (usually the quietest level).

External Calibration -the testing under controlled conditions of the sound level monitoring system, by use of a calibration device, whose input sound pressure level and frequency are accurately known for the purpose of ascertaining the accuracy of the system at the input level and frequency within the meaning of the Act. The system includes a microphone, microphone cable, sound level meter and its internal components. '

Intermittent noise - a noise that goes on and off but that is steady while it is on.

Large reflecting surface - a surface that may, cause an interference with the noise measurements being taken (a wall, for example).

Pure tone - a single frequency that predominates to the extent that it is audible. Pure tones are characterized by the following: a hum, moan, howl, whine, or whistle, depending on their frequency.

Qualified - calibrated by an authorized acoustical standards laboratory or an authorized factory representative.

Quasi-steady noise - a rapid series of impulses that has the same effect on the sound level meter as a steady noise.

Qualification - a comprehensive series of tests (including calibration using the full frequency response of a microphone, plus meter, plus A-weighted network) demonstrating compliance with ANSI specifications in addition to, but not required, calibration within the meaning of the Act.

Rapidly fluctuating - continuous noise whose level varies rapidly over a range greater than three (3) dB(A) read on the fast scale during the course of the measurements.

Slowly fluctuating - continuous noise whose level varies slowly over a range greater than three (3) dB(A) read on the slow scale during the course of the measurements.

Steady noise - a noise whose level varies less than three (3) dB(A) read on the slow scale during the course of the measurements.

Source of violation - consists of a single source, or of several distinct sources if all are being operated on the property from which the noise originates.

SOURCE: Final Rulemaking published at 26 OCR 1499 (September 28, 1979)