



## Draft Legislation

The *Turn It Down* coalition is solely interested in an enforceable ordinance that will ensure excessive sound levels are reduced. Other cities have successfully addressed this issue with various approaches including permitting, limiting the number of buskers, designating specific locations, proscribing maximum decibel levels, and “plainly audible” at a specific distance, among others. After careful review of these various approaches, we believe the simplest, least expensive and burdensome, but enforceable approach is plainly audible.

The proposed legislation imposes no restrictions on where and what buskers play and their ability to accept donations. It would limit the sound level of buskers so that it is not “*plainly audible to an individual of normal hearing at a vertical, horizontal, or diagonal distance of 100 feet or more from the sound source.*” No one is making a donation from 100 feet away so this approach, which is similar to how other cities have resolved the issue, shouldn’t have an impact on buskers' donations. If warnings to comply are ignored, the penalty is a fine, no jail.

The proposed legislation clarifies the definition of a noise disturbance by making reference to all residentially zoned districts. It exempts parades, public gatherings, and demonstrations that are issued a permit and prohibits the use of gas generators in the public space subject to certain exceptions.

*Turn It Down* is open to alternative approaches to reduce excessive sound levels, provided they are clear and enforceable. Again, the goal is simply to reduce excessive sound levels and there’s no interest or intent in prohibiting busking or restricting in any manner the buskers’ ability to play what and where they want and to collect donations.

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4 A BILL  
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10 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
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15 To amend Title 20 of the District of Columbia Municipal Regulations to regulate  
16 excessive sound levels in the public space pursuant to an enforcement standard of plainly  
17 audible at a distance of 100 feet or more and to specify a penalty for continuing or  
18 resuming a violation of that standard following an official warning, to clarify the  
19 definition of a noise disturbance by making reference to all residentially zoned districts,  
20 to clarify that a person participating in a parade, public gathering, or demonstration is  
21 exempt from the noise disturbance standard and other noise limitations; and to prohibit  
22 the use of gas generators in the public space subject to certain exceptions.  
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24 BE IT ENACTED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this  
25 act may be cited as the “Excessive Sound Levels Amendment Act of 2018”.

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

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

29 (1) Section 2713.3 (20 DCMR § 2713.3) is amended by striking the phrase “any  
30 provision of the Act” and inserting the phrase “any provision of the Act other than 20 DCMR §  
31 2800” in its place.

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

33 “2713.3A Any person who violates 20 DCMR § 2800 and continues or resumes the  
34 violation after receiving a verbal warning from a Metropolitan Police Officer, a Metro Transit

35 Police Officer, or a National Park Service Officer or other government officials designated by  
36 the mayor shall be punished by a fine not to exceed three hundred dollars (\$300).

37 (3) Section 2799 (20 DCMR § 2799) is amended by striking the phrase “does not  
38 exceed 80 decibels inside the nearest occupied residence in districts zoned R1-A, R-1B, R-2, R-  
39 3, or R-4” and inserting the phrase “does not exceed 80 decibels inside the nearest occupied  
40 residence in a residentially zoned district, as those terms are used in 11-A DCMR § 101.9” in its  
41 place.

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

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

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

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

49 “2800.3 A person participating in a parade, public gathering, or demonstration conducted  
50 pursuant to a permit issued by the Metropolitan Police Department (as provided for in 24 DCMR,  
51 Chapter 7), if required, is exempt from the noise disturbance standard and the requirements of this  
52 section.

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

54 (1) Construction purposes;

55 (2) Special events; or

56 (3) Licensed or permitted activities.

57 Sec. 4. Fiscal impact statement.

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

61           Sec. 5. Effective date.

62           This act shall take effect following approval by the Mayor (or in the event of veto by the  
63 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than  
64 90 days, as provided for emergency acts of the Council of the District of Columbia in section  
65 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;  
66 D.C. Official Code § 1-204.12(a)).

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