



District of Columbia Government
Advisory Neighborhood Commission 6A-02
815 F Street, NE
Washington, DC 20002



December 15, 2005

Councilmember Sharon Ambrose
1350 Pennsylvania Ave., NW, #102
Washington, DC 20004

Councilmember Jim Graham, Chair
Committee on Consumer and Regulatory Affairs
1350 Pennsylvania Avenue, NW, Suite 105
Washington, DC 20004

Councilmember Ambrose and Chairman Graham:

On behalf of the residents in my single member district, I request your immediate assistance to amend the "Georgetown Project and Noise Control Amendment Act of 2004" in order to modify an exception currently contained in the noise ordinance that permits amplified free speech on our public streets.

Currently, members of the Israelite Church of God and Jesus Christ, Inc. gather on Saturdays at the corner of Eighth and H Streets, NE to exercise their right of free speech. This group often uses an amplifier to deliver their religious message. The use of the amplifier projects the sound to the surrounding streets in all directions disturbing the peace, order and quiet of our neighborhood. We have no objection to the group or their religious speech. Our objection is the use of the powered amplifier. Over the last nine months, I have been working with the residents, Metropolitan Police Department, Department of Consumer and Regulatory Affairs and the Office of the Attorney General to try to resolve this issue. Unfortunately, the basis of my argument – that amplified sound that exceeds the noise ordinance restrictions is illegal – was incorrect.

The attached letter from the Office of the Attorney General clearly states that the now amended Noise Control Act of 1977 exempts the following: "A sound shall not be considered a noise disturbance if made during noncommercial public speaking during the daytime." This allows the use of an amplifier on any residential street in our city. Accordingly, I propose a clarifying amendment that inserts the following: "without the use of an amplifier device and..." Accordingly, the section would then read: "A sound shall not be considered a noise disturbance if made without the use of an amplifier device and during noncommercial public speaking during the daytime."

In close, there may be a more technically sound amendment that better captures the intent of the proposed change. I strongly encourage that in the consideration of the change, the Office of the Attorney General is included in the drafting process to ensure the outcome provides an enforceable ordinance.

Looking forward to your response and support,

Joseph Fengler,
ANC Commissioner, 6A-02

cc: Councilmember Kwame R. Brown, Committee on Consumer and Regulatory Affairs Member
Councilmember David Catania, Committee on Consumer and Regulatory Affairs Member
Councilmember Adrian Fenty, Committee on Consumer and Regulatory Affairs Member
ANC Commissioner Rivera (ANC 6C),
ANC Commissioner Sherman (ANC 6C),
Mr. David Klavitter
Mr. David M. Rubenstein, Deputy Attorney General, Office of the Attorney General

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