

Enforcement of the DC Noise Ordinance To Control Nightclub Noise

I. Introduction

For years, residents in the Dupont Circle area (as well as other parts of the city) have complained about the high noise levels of amplified music emanating from nearby nightclubs. Using a DCRA noise meter, a group of residents recently documented decibel readings in excess of 93 dB outside the nightclubs – louder than a passing metro train.

Local nightclub owners and their representatives have for years ignored the Noise Control Act (the “Act”), which limits the sound emanating from their clubs to a fairly quiet 60 decibels. Yet repeated calls to the Alcoholic Beverage Regulation Administration (ABRA) and the Metropolitan Police Department (MPD) from distressed residents have failed to provide relief, even when it is obvious where the blaring music is coming from. In public hearings, ANC commissioners express more concern about protecting the interests of the nightclub owners than the interests of their residential constituents.

The MPD does not seem to realize that the police are expressly authorized to enforce the Act. The procedures of the Department of Consumer and Regulatory Affairs (DCRA) governing the use of noise meters are unnecessarily complicated, and interfere with enforcement. ABRA officials insist on monitoring noise from the inside of residents apartments (which is like trying to put out a fire from a block away), rather than going straight to the offending club and ordering it to turn down the volume.

The following are key provisions of the Noise Control Act:

- The Noise Control Act prohibits nightclubs from exceeding the maximum limit of 60dB within a meter of their exterior walls. This limitation applies to night clubs located in commercial zones, including in Dupont Circle, without exception.
- Both MPD officers and ABRA inspectors are authorized to go straight to the source of the sound to investigate. These officials are authorized to order sound to be lowered, or to issue warnings or citations if, in their judgment, a club is producing noise that exceeds the maximum limit or that constitutes a noise disturbance.

Effective enforcement of the Act does not require a choice between the interests of business and residents. The interests of both groups can easily co-exist. The Mayor must act *now* to enforce the Act to preserve the unique Dupont Circle community and protect the legitimate property interests of its residents. Our recommendations to Mayor Gray:

- Declare support for the Noise Control Act and demand compliance by nightclubs.
- Appoint an Ombudsman to work with residents affected by nightclub noise and advise the Mayor on ways to improve enforcement.
- Improve the enforcement by directing (1) DCRA to revise regulations to simplify and improve enforcement of club noise, (2) ABRA to revise procedures to focus on enforcement at the source of the noise, and (3) police officials to enforce the Act.

- Revise applicable regulations to ban amplified music in summer gardens and outdoor spaces in commercial establishments adjacent to residential areas.

II. Statement of Facts

A. The Noise from Dupont Circle Night Clubs is Excessive

At 1 a.m. on November 22, 2013, a group of residents from the Palladium Condominiums – accompanied by two ANC commissioners and a lobbyist for the nightclub industry – used a DCRA noise meter to measure the decibel levels in front of, inside, and behind clubs located on or near Connecticut Avenue in Dupont Circle (“Club Central”): Dirty Martini, Midtown, Rosebar, Public Bar, Ozio, and 18th Street Lounge.

The decibel reading inside the clubs ranged from 94-104 dB, and 70 to 100+ dB outside the clubs. (Tab A, sound chart). The highest exterior sound levels were recorded adjacent to “summer gardens,” i.e., outdoor spaces or roof decks open to the elements. Although the businesses use some roofing, walling, and plastic sheeting to protect customers from the elements, as roof decks they do not contain sound in the way a normal building does.

To appreciate the magnitude of these measurements, a quiet conversation is around 60 dB, a car alarm is 77 dB, and a garbage truck is 100 dB. (See Tab B) Health regulations require employers to take protective measures if the eight-hour average noise levels are above 90 dB. Decibel levels are logarithmic, meaning that the sound level doubles every 3.3 dB.

Police officers on the Club Central beat say that noise levels have gotten so high they must wear special headphones to hear their radio calls. The group took one of these officers, Police Lt. Naus, to the alley behind Rosebar on November 22 at approximately 2:30 a.m. He witnessed the readings in excess of 93 dB and agreed the noise was coming from Rosebar. But he believed he did not have authority to issue a citation for excess noise.

The number of night clubs in the area has impacted the safety of area. Within the past six months there have been several incidents of murder and a violent rape in and near the clubs.

These clubs are located within blocks of the White House and the homes of diplomats, professionals, retirees and families. Dupont Circle is a historic area where home values range into the millions. These residences are located in SP-1 zone, not a commercial zone.

B. Residents Are Denied the Quiet Enjoyment of Their Homes

For years, residents living near Club Central have complained of noise that disrupts their sleep and adversely impacts their property values. The following excerpt from a letter written by a resident of the Palladium describes the distress caused by the noise:

Purchasing a condo at the Palladium was an exciting event in my life (first home!). When I first moved into my condo in March 2008, I loved spending time in my home and inviting friends over on the weekends for dinner or to socialize.

However, in the last couple of years, the sound of club music has become intolerable. I no longer want to spend time in my home on the weekends, much less invite friends into my space. I am ALWAYS kept awake from Thursday - Sunday by the loud pounding

music coming from the nearby rooftop clubs. The noise is so loud that I often tell friends that it is as though Rhianna performs in my living room every single weekend. I can hear - very distinctly - every word of whatever song is being played, and precisely whatever the DJ shouts over the microphone.

This level of noise pollution cannot be legal and I am frustrated by the lack of response our community has received in trying to address this issue. I used to call 911 quite often, but have never noticed any appreciable reduction in noise following my calls, so I've stopped trying. I now sleep with a floor fan blowing at hurricane forces in a futile effort to drown out the pounding bass music. Ear plugs have also failed to mitigate the effects of this noise pollution or to improve my ability to sleep through the loud music on the weekends. This is unacceptable. I believe I have a right to live in my home without the constant intrusion of loud, pounding bass music.

I do not believe that it is unreasonable to expect one's home to be a private space, free from outside intrusions like pounding dance music at 2:00am.

I work incredibly long hours and when I am able to be home, I simply want to relax. This is no longer possible. I have started traveling out of town as often as possible so that I don't have to deal with the noise. When I am home, I am deeply distressed both by the noise, as well as by how helpless we are to reduce the noise.

C. DC Authorities Seem Unable (or Unwilling) to Solve the Problem

Resident concerns about the problem of excess club noise is well-known to the Advisory Neighborhood Commission 2B, club owners, police, DCRA, and ABRA. Yet after years of complaints from residents, the authorities responsible for regulating nightclub noise – DRCA, the police, and ABRA – have failed to enforce the law.

DCRA has two noise meters, but the DCRA inspectors who are trained to use them work only during the day. The police believe they do not have authority to enforce the DC noise ordinance, and claim to have no noise meters. They refer late-night callers to ABRA. ABRA also claims to have no noise meters – indeed, in a recent public meeting ABRA Director Fred Moosally said he does not want them.

When a resident calls ABRA to complain about club noise, an ABRA inspector goes to the resident's home to determine whether music is audible *inside the home*, rather than to the nearby club to determine whether music is audible *outside the club*. At the resident's home, if the ABRA inspector can hear music, he or she tries to determine its source (through the walls). In the noisy Club Central environment where two people cannot converse on the street without shouting, the inspectors say they are unable to determine the source of the sound and therefore cannot issue a citation.

Residents say they have stopped calling ABRA because they do not get any relief.

New York City enforces its noise ordinance for night clubs: if a police officer can hear music standing 15 feet away from the club, he/she issues a citation. A noise meter is not required in New York to enforce the law, only common sense. During our meeting with DCRA inspectors, we learned that DC's noise ordinance could be enforced the same way. According

to the DCRA expert, at 60 dB (the maximum level permitted in DC), the music should be almost inaudible outside a club.

It is worth noting that during the week when the bars are open, music noise levels generally are not a problem (so they clearly *can* be contained). However, on weekends when crowds gather, the DJ's crank up the level of music after midnight. The deafening noise pours into the surrounding neighborhood from roof decks and open doors, and wakens residents.

Finally, it is worth noting that residents are routinely protected from construction and trash-pick-up noise (Tab B shows that these noises are similar in intensity to the night club noise). The same responsiveness is required to enforce the noise coming from night clubs.

III. Issues to Be Resolved

After years of inaction from the authorities, residents are distressed. The answer is not to ask them to install double-glazed windows, buy space-age ear-plugs, summon ABRA investigators into their home every Saturday night at 2:00 am, or sell their homes and move to Virginia or Maryland. The answer is enforce the Noise Control Act. But there seems to be confusion about how to interpret the law.

This white paper therefore addresses the following issues:

1. What is the relevant law regulating night club noise?
2. Which authorities are responsible for enforcing the law, and what are they authorized to do? How are violations of the relevant law determined?

IV. Applicable Law

The applicable provisions of DC law are Title 20 Chapters 27-28 of the District of Columbia Municipal Regulations ("The Noise Control Act of 1977," or the "Act"), and D.C. Code §25-725, as amended, which relates to noise from the premises of ABRA licensees. The Delegated Agency Duties Under the Noise Control Act of 1977 (as Amended) and Mayor's Order 97-60 ("The Delegated Duties Memo"), is also instructive. These documents comprise the DCRA's 2011 "Noise Handbook," (Tab C). These documents are available online at: dc.gov/DC/DCRA/Publication%20Files/DCRA/Noise/Noise_handbook_2011_DCRA.pdf.

According to the Noise Control Act and applicable regulations:

Residents are entitled to the right of quiet enjoyment of property:

- §2700.1 of the Act states generally that it is "the declared public policy of the District that every person is entitled to ambient noise levels that are not detrimental to life, health, and enjoyment of his or her property..." §2700.2 states that the Act should be construed "liberally" to carry out its general purpose.

Maximum noise levels are limited to 60 dB at night in a commercial zone:

- §2701.1 states that no person shall permit any sound under his or her control to exceed the maximum permissible sound levels listed in a table in that section. The table (below) sets the maximum nighttime noise level in a commercial zone at 60 dB. In a residential zone, the maximum level at night is set at 55 dB.

<u>ZONE</u>	<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)

- Pursuant to §2701.2, the sound level shall be measured at the property line of the place where the noise source is located. However, §2700.3 states that “specific limitations” apply to the use of musical instruments and amplifiers, as set forth in Ch. 28 §2800 et seq. Pursuant to §§2800.1-4, incorporated by reference into Chapter 27, noise resulting from musical instruments, amplifiers, and unamplified voices shall not “project outside of a place of business at a level that exceeds 60 dB *at a distance of not less than one meter.*” (Emphasis added).

These noise limits apply to ABC licensed establishments:

- D.C. Code §25-725, as amended, states that a licensee may not produce any sound, noise, or music that can be heard in any other premises with three exceptions: (1) in the building where the licensed business is located, (2) in an business owned by the licensee in an abutting building, or (3) in a premises located in a commercial zone.
- Further, D.C. Code §25-725, states that a licensee must comply with Title 20 Chapter 27. As noted above, §2701.1 limits nighttime noise, and in particular noise from musical instruments and amplifiers, to 60 dB in a commercial zone.
- Note that the Delegated Duties Memo interprets §25-725(a) this way: “an on-premises retailer shall not produce any sound, amplified noise, or music that can be heard *outside* the establishment.” (Emphasis added.)
- Pursuant to §2701.1, if a sound can be measured in a contiguous noise zone that has a more restrictive noise limitation (such as a residential zone), the sound level at the zone line cannot exceed the level for the more restrictive zone.

There is overlapping authority for enforcement:

- DCRA is responsible for administering the Act, and can take noise level measurements.
- The Delegated Duties Memo explains that the Metropolitan Police Department (MPD) and the DCRA have concurrent responsibility or ordering the immediate cessation of

actions by a person causing a sound level that is injurious to the public welfare or that interferes with the reasonable enjoyment of life or property.

- Pursuant to §§2713.1-3, aggrieved persons may complain to the MPD. Prior to issuing a citation, the MPD may give a verbal warning to allow reasonable time to comply with the Act. Violations can result in fines starting at \$300, imprisonment, or both.
- Further, pursuant to D.C. Code §25-801, ABRA investigators and the MPD are charged with enforcing Title 25, and “shall issue citations” for civil violations set forth in the schedule established under §25-830. The first violation of a “second-tier offense” – such as violation of the noise limits set forth in §25-725 – is \$250.

Violations may be determined in several ways:

- DCRA has developed procedures for measuring sound levels using noise meters. §2700.7, and §2900 et seq. §2900.5 requires the noise to represent an increase of total noise from the measurement point by at least 4 dB. As noted above, measurements involving amplified music must be taken at a distance of one meter. §2904.1(b)
- The Act also recognizes enforcement without the use of a noise meter. Pursuant to §2700.11, “a sound that constitutes a noise disturbance shall be considered a violation of the Act.” §2799.1 define a noise disturbance *and expressly states that the use of a noise meter is not required to find a violation of the Act:*

Noise disturbance - any sound which is loud and raucous ... and unreasonably disturbs the peace and quiet of a reasonable person of ordinary sensibilities in the vicinity thereof. ... In making a determination of a noise disturbance, the Mayor shall consider the location, the time of day when the noise is occurring ..., the duration of the noise. In addition, the Mayor may consider ...other factors as are reasonably related to the impact of the noise on the health, safety, welfare, peace, and quiet of the community. ... *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.* (Emphasis added).

- The DCRA Noise Handbook confirms: “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.”

V. Analysis

A. What is the relevant law regulating night club noise?

Night club noise is governed by the Noise Control Act and Title 25, which regulates establishments that sell alcohol. Ch. 27 §§2701.1, §2700.3, §2800.1-4; and D.C. Code §25-725.

Pursuant to the law, the night clubs located in “Club Central” are expressly prohibited from producing any noise, including music or amplified sound (which would include non-musical sound, such as televised sports broadcasts) that exceeds 60 dB at night, as measured one meter from the exterior of the club. DCRA takes the position that the sound should be

measured from the property line. However, §2800 states that a club cannot project music “outside of a place of business at a level that exceeds 60 dB *at a distance of not less than one meter.*” (Emphasis added). In the case of music in outdoor spaces, the measurement should be taken one meter from the source of the sound. §2904.1(b)

Moreover, D.C. Code §25-725, which prohibits clubs from producing noise that can be heard in other premises, does *not* operate to permit a higher maximum noise level than the 60 dB limit. Rather, §25-725 expressly requires compliance with the maximum 60 dB limit *and also* prohibits noise that can be heard inside other premises (so long as the other premises are not in an adjacent building or also in a commercial zone). *Id.*

The law expressly applies to night clubs operating in a commercial zone. §2701.1. There is no exception to the maximum decibel limit for club noise, short of obtaining a variance or temporary exemption pursuant to §2706.

B. Which authorities are responsible for enforcing the law, and what are they authorized to do? How are violations of the relevant law determined?

MPD, DCRA, and ABRA officials are all expressly authorized to reduce club noise. MPD and the DCRA can order the immediate cessation of actions by a person causing a sound level that is injurious to the public welfare or that interferes with the reasonable enjoyment of life or property. MPD and ABRA can issue warnings or citations for violations of the Act or §25-725. See Delegated Duties Memo, §§2713.1-3, §25-830.

Noise Meters

Noise meters may be useful tools for monitoring capital projects or airport noise – which are unavoidable noise sources in an urban setting – but the current regulatory framework makes it nearly impossible to use noise meters to monitor night club noise: the complex regulations are difficult to administer, and trained DCRA officials do not work at night. Police and ABRA officials do not have (and admit they do not want) noise meters. **As a result, although the noise emanating from the night clubs obviously exceeds the legal limit by many multiples, see Tab A, the responsible authorities have failed to enforce the law.**

Enforcement without noise meters

The Act states generally that every person in the District is entitled to ambient noise levels that are not detrimental to life, health, and enjoyment of his or her property, and that the Act should be construed “liberally” to carry out its general purpose. §§2700.1-2.

According to the Delegated Duties Memo, the Act is violated when the night club “produces any sound, amplified noise, or music that can be heard *outside* the establishment.” Based on a liberal reading of the law, if a MPD or ABRA official can clearly hear the music standing within a meter of the club, then the club, and possibly all nearby clubs, is violating the Act and §25-725. No noise meter or special training is required to determine that the noise exceeds 60dB, which is the sound of a normal conversation. (This is essentially the enforcement approach in New York, where a police officer may issue a citation if he/she can hear music emanating from a club standing fifteen feet away.)

Nothing in 25-725 requires ABRA inspectors to enter a residence to determine whether there is a violation of the Act (although the Act *is* expressly violated if music is audible inside a residence.) As noted above, 25-725 requires night clubs to comply with the Act. Therefore, if possible, ABRA officials can and should go to the source of the noise to investigate, rather than the residence of the complainant, and order immediate remedial action (e.g., turn down music, close windows and doors) if it appears to the inspector that the noise exceeds 60 dB.

Moreover, the Act expressly prohibits “noise disturbances,” which is any amplified sound from a club that can be heard inside a home, or that is obviously loud and raucous. MPD officers and ABRA inspectors are authorized to order immediate cessation, and to issue warnings or citations – even without a noise measurement -- in such cases. Pursuant to the express language of the Act and the regulations promulgated by DCRA: “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.”

When music registers over 93d(B)A outside of a club at 1:30 am and can be heard blocks away, as residents documented with a DCRA noise meter outside of Rosebar on November 22, it is clearly a “disturbance of health, safety, welfare, peace, and quiet of the community” and therefore a noise disturbance. The police official who witnessed this violation of the Act (which was not a one-time infraction but an ongoing business activity) should have issued a citation for violating §2799.1 of the Act.

The noise emanating every weekend from the night clubs in Dupont Circle meets the definition of a noise disturbance. When a local resident is “ALWAYS kept awake from Thursday - Sunday by the loud pounding music coming from the nearby rooftop clubs,” and claims she “used to call 911 quite often, but [has] never noticed any appreciable reduction in noise following [her] calls,” and is “deeply distressed both by the noise, as well as by how helpless we are to reduce the noise,” then it is clear that it is time for the MPD, The DCRA, and ABRA to enforce the Act’s prohibition against noise disturbances.

Amplified Music Outside is a De Facto Violation of the Act

A final word about the primary source of this night club noise: amplified music in outside spaces (e.g., Rosebar’s “summer garden”). Such noise is a *de facto* violation of the Act, as there are no (or insufficient) walls or roof to keep the noise within statutory limits. MPD officers and ABRA inspectors should focus on preventing the use of amplified sound in outdoor spaces. An agreement by club owners to halt amplified sound in all outdoor spaces would have an immediate, and very welcome, effect on the surrounding community. (Please see Tab D for suggested text for a settlement agreement that would reduce nightclub noise.)

For more information, please contact Sarah Peck: hurlbut2003@yahoo.com.

Tab A

Chart of Night Club Noise

Club	Baseline 1 Time and Date (Quiet baseline)	Baseline 2 Time and Date (With traffic, before music begins)	Night Club Music Time and Date	Difference between Baseline 2 and Music (+4 dB equals violation)
Rosebar (front)	53-56 11/29:1600	67-75 11/22: 2200	75-81 11/23:0145	7-14 dB (alleged violation)
Rosebar (alley)	71-73 11/29: 1600	60 11/22: 2200	92-96 11/23: 0145	32-36 dB (alleged violation)
Dirty Martini (front)	53-56 11/29: 1600	66-76 11/22:2200	76-82 11/23:0145	10-16 dB (alleged violation)
Midtown (front)	53-56 11/29: 1600	69-74 11/22: 2200	76-83 11/23: 0120	7-14 dB (alleged violation)
Ozio (alley)		71-76 11/22:2220	73-77 11/23 : 0210	2-6 dB (alleged violation)
Public Bar (front)	51-53 11/29: 1600	73-77 11/22:2205	75-86 11/24: 0210	1-13 dB (alleged violation)
18 th Street Lounge (front)	51-53 11/29: 1600	69-74 11/22: 2205	75-83 11/24: 0210	6-14 dB (alleged violation)
18 th Street Lounge (alley)	73-75 11/29 : 1600	73-78 11/22: 2205	74-83 11/24: 0210	1-10 dB (alleged violation)
N street at alley opening	67-69 11/23 : 1600	53-60 11/22: 2200	77-85 11/23 : 0230	25-30 dB (this noise adversely impacts local residents)

All measurements taken with DCRA noise meter at a distance of one meter or more from exterior walls.

Tab B

National Institute of Health Decibel Readings for Common Sounds

(https://www.nidcd.nih.gov/health/education/decibel/pages/decibel_text.aspx)

Decibel level	What we hear
10 dB	Normal breathing
20 dB	Rustling leaves, mosquito
30 dB	Whisper
40 dB	Stream, refrigerator humming
50-60 dB	Quiet office
50-65 dB	Normal conversation
60-65 dB	Laughter
70 dB	Vacuum cleaner, hair dryer
75 dB	Dishwasher
78 dB	Washing machine
80 dB	Garbage disposal, city traffic noise

Prolonged exposure to any noise above 85 dB can cause gradual hearing loss.

84 dB	Diesel truck
70-90 dB	Recreational vehicle
88 dB	Subway, motorcycle
85-90 dB	Lawnmower
100 dB	Train, garbage truck
97 dB	Newspaper press
98 dB	Farm tractor

Regular exposure of more than 1 minute risks permanent hearing loss.

103 dB	Jet flyover at 100 feet
105 dB	Snowmobile
110 dB	Jackhammer, power saw, symphony orchestra
120 dB	Thunderclap, discotheque/boom box
110-125 dB	Stereo

110-140 dB	Rock concerts
130 dB	Jet takeoff, shotgun firing
145 dB	Boom cars

For more information about noise-induced hearing loss, contact:

*NIDCD Information Clearinghouse
1 Communication Avenue
Bethesda, MD 20892-3456
Phone: 1-800-241-1044
TTY: 1-800-241-1055*

Tab C

DCRA Noise Handbook

dc.gov/DC/DCRA/Publication%20Files/DCRA/Noise/Noise_handbook_2011_DCRA.pdf

Tab D

PROPOSED AMENDMENT TO VOLUNTARY AGREEMENT

Agreement made this ___ day of _____, 2014

[Refer to existing Voluntary Agreement, if any.]

WHEREAS, Licensee acknowledges familiarity with, and will comply with, noise-control provisions of District of Columbia law and regulations at section 25-275 and all amendments to all laws;

WHEREAS, Licensee recognizes that abating noise emanating from the Establishment and its outdoor space is of paramount importance to local residents;

NOW, THEREFORE, the parties agree as follows:

1. Noise abatement: Licensee agrees to calibrate its internal sound levels, and employ all necessary noise abatement measures, to ensure that noise levels caused by musical instruments, loudspeakers, and amplifiers do not exceed 60 dB(A) when measured one meter of the exterior of the club, as required by law.
2. Doors and windows: Licensee acknowledges that noise emanating from windows and doors is disturbing to local residents. Therefore, Licensee agrees that it will keep doors and windows closed, and use necessary abatement measures to prevent noise from escaping from doors when patrons enter and leave.
3. Outdoor spaces: Licensee acknowledges that noise emanating from outdoor spaces (e.g., summer gardens, roof decks, terraces, and covered exterior spaces) is disturbing to local residents. Therefore, Licensee agrees that it will not employ or permit amplified sound in any outdoor space.
4. Entertainment. Licensee agrees that there shall be no entertainment provided by either the Licensee or its patrons on any outdoor space, including (a) music, amplified or not, (b) televisions with sound, or (c) radios.
5. Monitoring: Licensee shall monitor outdoor spaces during hours of operation to ensure occupancy is not exceeded and that noise levels remain at normal, quiet conversation level.
6. Outdoor noise mitigation: To minimize sound escaping from outdoor spaces, at a minimum, the Licensee will build a sound attenuation wall to the total height of 7 feet above the floor of the space, and will place sound deadening panels attached to adjacent property walls, and install a sound attenuating roof/tent structure over the

outdoor space to absorb and/or reflect the sound down and away from the adjacent buildings and that could protect the roof deck from in climate weather.

7. Continuing cooperation: Licensee to provide a representative who can be contacted by residents who are concerned about noise levels. Licensee agrees to take all necessary remedial actions at its own expense to ensure that the noise, music, and vibrations emanating from the establishment cannot be heard within any residence and are not disruptive to residents' use and enjoyment of their internal and outdoor areas of their property. Licensee also agrees to meet upon the request with community representatives to discuss noise and measures taken to reduce sound.