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**From:** Stephanie A. Mencimer [mailto:smencimer@earthlink.net]
**Sent:** Monday, August 25, 2003 4:19 PM
**To:** denzil.noble@dc.gov
**Cc:** DGROOMES@mpdc.org; WFITZGER@mpdc.org; psa309lt@hotmail.com; fitz503@yahoo.com; clark.ray@dc.gov; Lewis, Theresa (DCRA)
**Subject:** Police response to Wagtime dog noise

Dear Mr. Noble,

As you know, we on Q Street have been having some trouble with a recent arrival to our block, Wagtime, a dog day care and boarding operation at 1412 Q Street NW. I live directly next door to the business. Yesterday, the noise from the dogs there was frankly unbearable. Every time I went out in my yard to sweep up leaves or even to eat lunch on the patio, my husband and I were beseiged with a new round of barking.

The extremely loud noise continued throughout the day and well into the night, as Wagtime employees closed up shop and left the dogs unattended. The dogs barked, inside the building, loudly enough to be heard in my dining room, for two solid hours, until we'd finally had enough and at 9 p.m., called the police non-emergency number to report the problem.

Officer R.W. Kennedy came to our door sometime later, while the dogs were still barking and asked what the problem was. When we explained that a number of dogs had been barking very loudly for hours, Kennedy said, "What do you want me to do about it?"

Of course, we hoped he'd issue some kind of noise citation as an inducement to get Wagtime to address the problem. But Kennedy, after determining that there were no Wagtime employees in the building, told us there was nothing he could do and that this was a regulatory matter we needed to take up with DCRA.

Clearly, this breakdown in responsibility is a problem for us, as the police don't seem willing, able, or even aware of the need to enforce the city noise ordinances when it comes to Wagtime, and DCRA has claimed not to responsible for it either. We already know from Wagtime's own sound engineers that the noise of their operation inside a building exceeds 100 dBa (see attached letter), a figure that is higher than most nightclub levels. (You may recall that Wagtime was evicted from its previous location because of exactly this noise problem.)

Q Street residents would like to hear hear from you what we should do about this situation, one which severely affects our quality of life here. Wagtime has clearly been in violation of the law—not just the noise ordinance, but also the nuisance statute regarding dogs, which are considered under the DC code a de facto nusiance when they're barking regardless of how loudly.

Now that your office has said that this business has a matter of right to be in our residential neighborhood, I think neighbors have a matter of right to see all the appropriate laws enforced to regulate Wagtime's existence here. I hope you will give us some guidance as how best to ensure that this enforcement takes place. Thank you for your consideration.

Sincerely,

Stephanie Mencimer

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Stephanie Mencimer
1414 Q St. NW
Washington DC 20009
(202)332-7025
smencimer@earthlink.net

BZA
Case No. 17092
Exhibit No. 87

Board of Zoning Adjustment
District of Columbia
CASE NO. 17092
EXHIBIT NO. 87