

MASTER'S THESIS

On

“How to Solve Noise Problem in Armenia”

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Transaction Description

Where any noise which is so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give reasonable cause for annoyance to a person in any premises in the neighborhood or to a person lawfully using any public place, a local authority, the Agency or any such person may complain to the District Court and the Court may order the person or body, making, causing or responsible for the noise to take the measures necessary to reduce the noise to a specified level or to take specified measures for the prevention or limitation of the noise and the person or body shall comply with such order.

The above provision in the Environmental Protection Agency Act, 1992, adopted by the Irish government expressly points out the right of an individual to be free from annoyance, otherwise called nuisance, caused by various sources of noise. This provision and similar provisions in some other environmental protection acts adopted by different countries have, as a matter of fact, been designed for assuring peaceful and harmonious coexistence of their citizens.

Why is the factor of noise given so much importance? What is *noise*?

In the Merriam-Webster's College Dictionary *noise* is defined as a sound that is unpleasant and unwanted. It goes without saying that sound is a feature of everyday life. Almost everything we do produces a certain kind of sound. But we all make sounds, whether deliberately or accidentally, that have negative impact on our neighbors. Playing the piano, running large or small businesses or keeping a dog that constantly barks may affect the quality of life in the neighborhood. Moreover, it is a proven fact that very loud noise can cause irreparable damage to hearing.

The problem of noise is typical in any country, in any type of society, and Armenia is not an exception. In Armenia the problem is topical especially in relation to night clubs and

discos located in the residential buildings, and outdoor cafes. Residents mainly complain of loud music, shouting, car noises and even the sound of gun shots.

The problem of noise coming from entertainment places is rooted in the early 1990s when Armenia gained independence and market relations were formed. Rich businessmen purchased the basements and ground floors of the residential houses located in the center of Yerevan and modified them into restaurants, casinos, night clubs, cafes and stores. But an important fact that those buildings had not been designed for these kinds of establishments was not taken into consideration. Therefore these establishments do not have the appropriate sound absorbing infrastructure and noise made in the basement of the ground floor is heard on the upper floors.

On the one side of the conflict are the businessmen (the owners of the places of entertainment) and on the other side are the residents of the buildings in which these leisure sites are located. The residents struggle to secure one of their vital needs – rest, especially rest at night. The businessmen struggle to maintain and develop their businesses – which by their nature produce noise. As a result we have the clash of the Social and the Economic. As it was mentioned above, noise can negatively affect the quality of life. There is no need to say that sleepless nights not only cause harm to health but also impact on the quality of work that is done during the day. What should do students preparing for an exam, or elderly people, or scholars working on a concentration consuming research when imposed to hear irritating sounds of music in different genres all day long? After all, if these people want to move to new apartments, isn't the proximity to such noisy establishments affecting the real price of the apartments in the neighborhood?

The purpose of this essay is to point out the problem that the residents and businesspersons have, to the government and urge it to take appropriate measures addressing

the noise regulation in Armenia and particularly in Yerevan; so that either of the conflicting parties feel their interests have been protected.

Armenian Legal framework

The law governing the noise issue in Armenia is the RoA Code of Administrative Offences.

Article 180. Chapter 13 RoA Code of Administrative Offences addresses night-time noise.

Administrative offences against public order. Breaking of silence in public places: breaking of silence at night (from 10:00pm to 6am) i.e. singing loudly, playing musical instruments, producing sound signals, or making use of loudly turned-on TVs, radios, tape-recorders and other devices in residential buildings, doorways, yards, streets and other public places, doing noisy work of no urgent necessity as well as other acts alike in and out of residential areas are subject to notice or fine of 20-30 fold of minimum wage in case of citizens and fine of 30-50 fold in case of officials.

By the same Code municipalities (Community Halls and City Hall of Yerevan) are assigned to address the problems.

Art.219.1, Chapter 17 RoA Code of Administrative Offences

Jurisdiction to deal with cases related to administrative offences. Area governing and local self-governing bodies.

Area governing and local self governing bodies also examine within their jurisdiction cases arising out of administrative offences stated by articles ..., 180 of this Code.

According to the same Article, heads of marzes (Mayor of Yerevan) in the name of area governing bodies and Community heads in the name of local self-governing bodies retain the right to examine the cases arising out of administrative offences and impose fines.

The local self-governing bodies are guided by work order designed for the staff of each Community Hall. Each community hall has its own work order for its staff.

What is the procedure at Self Governing bodies? This summary is based on description of Arabkir Community Hall employee.

Those who complain of a certain problem take their complaints to their Community hall. Here the principle of “one window” operates. What does this mean?

The complaint is admitted at the reception and the complainer has nothing else to do here. He/she is to wait for a reply to his letter-complaint. There is not a certain department that he can go and represent the issue.

The letter-complaint is sent to the community head. The latter reads it and assigns a department to deal with it. The departments addressing the issue of noise vary depending on different Community halls. Each Community hall has its own work order for its staff. Those departments involved in matters of maintenance of public order are assigned to find out or check the details of a certain case.

With regard to settling noise-related problems the staff members of the department that have been assigned to refer the problem take the necessary steps:

- If necessary go to observe the matters in place;
- Call specialists from sanitary station to take measurements on alleged noise coming from the facility;

If the measurements show that the permitted noise-level has been exceeded a decree of administrative offence is issued (Art 254 of RoA Code of Admin. Off.) and sent to the official authorized to deal with the decrees. The decision rests within the Head of Community.

As for the permitted noise level according to sanitary norms currently in force (Noise at work place, in residential and public buildings and in the residential construction sites # 2 –III-

11.3), noise during day hours may not exceed 40 decibels, while during night hours, 30 decibels.

However, there is another option for dealing with noise-related problem.

Residents may directly turn to Sanitary and Epidemic Station, which is within the Ministry of Health, with their complaints. The Station will pay unexpected visits to the sites and if the measurements show that the noise exceeds the admitted level of noise, it will order to turn it down and may even impose fines (the information is based on the interview with Ashot Mkrtchyan, head of the Sanitary and Epidemic Station).

Case Studies

Disputes arising out of the noise problem are very common in Yerevan especially in the Kentron district where most of entertainment places are located. A number of court cases involving noise problem have been issued and a number of disputes did not go to court because they were either negotiated without a court's interference or were abandoned due to the complexities and uncertainties of the public institutional processes available for addressing these problems.

In 2003 two trials involving noise issue took place in the first instance court of Kentron and Nork Marash communities. One was a suit brought by the residents of 59 Terian street vs. Omega nightclub and the second was a suit brought by residents of the building 13 of the first lane of Tumanian street vs. Yozhik night club. In both cases the issues were:

1. Very loud music coming out of the mentioned places especially at night;
2. Noise of indecent behavior of drunken customers and of their cars.

While according to residents of those buildings, the noise coming from “Omega” bothered only the residents of the same building; in case of “Yozhik” even the troubled residents of the building across the street were involved.

In both cases the ruling was in favor of the residents

Another similar dispute arose between the Disco-Bar “Heaven” located at 8 Moscovian st. and the residents of that building. As in the other two cases above the problem is the noise. According to Armen Ter-Hovhannisyian, one of the concerned residents of the building, who has sent numerous complaints to the Community Hall of Kentron, it is almost impossible to solve the problem with the help of government. Given the complexities and uncertainty of the mechanism regulating the problem the only way of settling the matter is the “street-level” dispute resolution.

Even if the problem is addressed to by the appropriate bodies what is the guarantee that it will be settled?

Let us see another case with similar fact pattern – the case of “2x2” complex in 31 Khanjian street. Here the problem of noise is coupled with the threat of collapse of the building. The building has been assessed having 3rd degree of a decrepit state. Normally in such cases the constructions norms require that residents be evacuated in order to reinforce the building because only then the building may be used further. As a result of the activity of 2x2 large cracks have appeared on the walls of the residents’ apartments.

Ruben Aghuzumtsyan is one of the residents of 2x2 complex who has suffered damages from the activity of the Disco/Karaoke/Bar/Restaurant/Brothel.

According to Mr. Aghuzumtsyan the residents have sent a number of letters to different instances, starting with the City Hall ending with President’s Office. The result was that in November 2001 with the City hall decision # 1479 it was ordered that the owner of the

complex assume the responsibility to do the required construction work to reinforce the basement of the building and recover the residents' damages.

But as a matter of fact nothing material has been offered to the residents. For example the owner of the complex has offered to "repair" the cracks with the help of special sticky tape. Most of the residents rejected the offer because they think it is ridiculous. One of the residents was "allured" with the easy way of getting rid of the cracks but shortly after the renovation the cracks reappeared. With another resident the case went to court. The case was decided in favor of the owner of the bar on the ground that the complex brings profit to the country.

As regards to the noise issue, although after all these complaints the music became lower one of the main disturbing issues – the noise of drunken customers and their cars – remained and continues to be a great concern of the residents who are "forced" to hear curses and see indecent behavior. As Mr. Aghuzumtsyan notes with bitter smile their children already know how much a certain sexual act costs.

Even though in the first two cases ("Yozhik" and "Omega") the ruling was in favor of the residents what did it give to them?

With regard to the suit against "Yozhik" night club, the ruling of the court ordered to turn off the music at 11pm which was equal to ordering to close down the establishment because these types of businesses mainly get their income at night. As a result the Disco closed down. Although this case could serve a good example for residents suffering from night clubs in fact "Omega" and "2x2" cases prove that it is not true. Even though the case ruling ordered that "Omega" turn down the music and insure sound absorbing, residents complain that almost nothing has changed. Evidently, no additional measures have been taken to ensure noise

absorption and in spite of this the night club continues to operate and disturb the residents' peace.

The same is in the case of "2x2". The complex continues to develop and extend its business while no attempt is made to address the complaints of the disturbed residents.

What is the reason that "Yozhik" was not deterrence for future cases?

In case of "2x2" the ruling of the court was in favor of the owner of the complex on the ground that it brings profit to the state. Didn't "Yozhik" bring profit to the state?

One of the reasons may be the number of the residents that complain against noise that comes out of the places mentioned. In case of "Yozhik" the number of the complaining residents was considerably larger than that in case of "2x2". But this supposition is baseless because in case of "2x2" besides the noise issue the serious problem of construction damages is present which kind of outweighs the fact that "Yozhik" involved more complaints.

Another reason of the ruling against "Yozhik's" may be that its profit to the state was not proportionate to the disturbance caused to the residents of the building. ("Yozhik" was a considerably smaller business than "2x2"). But again, "Omega" case involved lesser complaints and its profit to the state is not much lesser than that of "2x2" but still the ruling was in favor of the residents (though in fact nothing was done to comply with the court's decision).

Thus neither proportion of the profit to the state, nor the number of residents complaining against the activity of the entertainment center is a persuasive determining factor in deciding the similar cases.

This leaves one with the opinion that those businessmen who have good connections within the law enforcement agencies do not face either closing down or even minor harm to their businesses and vice versa - only those victims of business activities who have again good connections in appropriate bodies may succeed in their suits.

To justify the last statement it is worth mentioning that the owner of 2x2 complex Armen Purtoyan is a Member of Parliament, the owner of “Omega” is holding high position at Prosecutor’s Office.

The owner of “Yozhik” enjoyed no such privilege.

Most residents are sure that the case against “Yozhik” was a success mainly because the “leader” of the campaign against the disco was a prominent figure with “good” relations in Media and managed to make the residents’ voice be heard in appropriate instances.

This may be true because quite frequently the cases are abandoned just because the residents get disappointed in how the information is forged before reaching to the bodies it is addressed.

For example in case of the disco-bar “Heaven”, according to Armen Ter-Hovhannisyan, one of the residents of the building false information was represented by the sanitary station that had been called to take measurements to see whether the level of the noise exceeds the permitted limit. As Mr. Ter-Hovhannisyan says almost always when the sanitary station employees come to take the measurements the music goes down which means that the message of their arrival has been sent to the disco owner. Even when it is recorded by the sanitary station at the residents’ presence that the noise exceeds the permitted limit this record is somehow changed either in its way to Community Hall or in the Community Hall.

Taking into consideration all the above mentioned it can be concluded that there is hardly reliable case law with regard to regulation of noise issue in Armenia.

Summary of International Best Practice

The summary below is based on practices of some common law countries (Ireland and US in particular) and some civil law countries like France and Austria, highlights of Edward J Kionka in “In a Nutshell” addressing Torts, and nuisance more narrowly, as well as consultations with international mentors.

As almost all the countries take a nuisance-based approach to the regulation of noise issue it would be useful to mention what constitutes nuisance in international best practice and how much importance is given to noise in different countries’ legislations.

As Edward Kionka states private nuisance is a thing or activity which substantially and unreasonably interferes with the possessor’s use and enjoyment of his land or interest in land. There may be a physical effect upon the land itself, such as vibration objects hurled on it, destruction of crops, etc. Or it may consist of a disturbance of the comfort, convenience or health of the occupant, as by foul odors, smoke, dust, insects, noxious gases, excessive noise, excessive light or high temperatures, and even repeated phone calls. If the interference is with the use and enjoyment of the plaintiff’s land then it constitutes nuisance. There is no absolute nuisance. It is the interest of plaintiff which has been invaded, and not the conduct of defendant, which determines whether an action for nuisance will lie. For example the operating of nightclubs in residential areas may not be a nuisance *per se*. It is the manner of operating it. And if by its operation the nightclub causes substantial inconvenience to residents than a nuisance action may be brought against.

In different common law countries any source of noise regulation though with slight differences in the way of expression follows the same principle: noise at any time that unreasonably annoys or causes sufficient harm is unlawful and the producer of such noise is liable for that.

Code of Ordinances, City of Rockford, Illinois, Chapter 17 Noise, sec.10 Nuisance noises

(a) It shall be unlawful to cause or create any unnecessary or unusual noise at any time which annoys, injures, or endangers the comfort, repose, health or safety of others unless such noise is necessary for the protection or preservation of property or of the health, safety, or life of some person.

According to section 12 Penalties any person found guilty of violating or disobeying shall be punished by a fine of not less than \$15 nor more than \$300. A separate and distinct offence shall be regarded as committed each day on which such person shall continue or permit any such violation, or failure to comply as permitted to exist after notification thereof.

It shall be noted that nuisance is better is described in common law jurisdictions than in civil law ones. This is mostly because case law is given much more importance in common law.

The Irish noise control system is streamlined by the use of Section 108 of the Environmental Protection Agency Act 1992, which allows action to be taken by any aggrieved individual without any significant involvement from the authorities. This relieves the burden of dealing with neighbor noise from the local authority in many cases. Similarly, since the Environmental Protection Agency is the body responsible for noise control at a wide range of industrial premises, the range of noise complaints that the local authority is able to address is clearly defined. The principle weaknesses of the system relate to the problem of defining nuisance, the issue of under-resourcing and the absence of a national noise standard or limit for use in determining noise offences. However, despite these apparent weaknesses, the majority of noise complaints can be dealt with effectively without resorting to prosecution. There are no mediators or other watchdog organizations to monitor how noise complaints are dealt with. Both complainants and defendants may appeal to the Ombudsman and the District Court respectively, if either party is unhappy with a decision made by the local authority or

the court. The maximum fine for conviction on breach of noise regulations is 3,000 euro or 12 months in prison or both.

Now let us look at the noise regulation in some civil law country.

According to UK Department for Environment, Food and Rural Affairs (DEFRA) report on Neighbor and Neighborhood noise legislation conducted in March 2002 France has an efficient strategy to fight noise. A number of legislative instruments are used to control neighbor and neighborhood noise in France, covering all sources of noise, with the exception of noise from transport and ‘classified’ installations that require an operating permit. Complaints are dealt with by the Mairie (Town Hall) or the police, and in Strasbourg, ‘night correspondents’ have been established specifically to deal with neighbor conflicts, including noise. The Mairie is also responsible for ‘public tranquility’ and has the flexibility to develop regulations (or arrêtés) in response to specific noise issues. The French authorities provide informal mediation services when dealing with complaints to attempt to resolve neighbor noise issues amicably. Independent mediation services are also available and can be provided upon the request of the complainant. Mediators may also be appointed by the court following a prosecution. A proactive approach to education has also been established, including education documents for school children, national advertising and city exhibitions (e.g. in Strasbourg).

In another European civil law country – Austria – noise regulation is implemented differently but still much more efficiently than in Armenia. Based on introduction by an Austrian expert Vienna implements the following regulation on noise abatement. In this country noise abatement is shared between federal and regional authorities depending on the source of the noise. For example noise caused by industrial, mining, traffic is regulated by federal law whereas noise caused by spatial planning, construction works and by “leisure” (events, concerts, music, noise in apartments, are regionally or municipally regulated and enforced.

Among different laws regulating the various sources of law Viennese regional security law [Wiener Landessicherheitsgesetz]– [regulating noise in neighbourhood] is the general one, which is not only regulating punishments in case of “improper” noise, caused by Viennese citizen (§ 1 Abs 1. Z 2 WLSG) but also “misbehaviour” of the Viennese citizen. The question what “improper” means or which level of noise is allowing to be qualified as “improper” has been solved by administrative jurisdiction. According to the highest administrative court in Austria noise is improper (according to § 1 WSLG) the moment it is – due to its nature an intensity- capable of distracting/damaging/affecting the well being of an average sentient human being [VwGH 25.5.1983, Zl. 83/10/0078]. This regulation is an administrative penal regulation, which determines that in case of noise annoyance caused by Viennese citizen he/she will be punished with maximum fine of €700. In case this amount is irrecoverable he/she will alternatively be sentenced to imprisonment for a week. Responsible for the enforcement of this law is the Viennese federal police department. The whole procedure starts with a notice at the municipal police department. The police have also the competence to confiscate equipments, which are the source of the noise.

There are some other regional rules, which also have regulations on noise annoyance (Viennese law on prostitution, Viennese dancing school law, Viennese pet owner law, Viennese environmental law, etc.)

Thus we can see that most of the developed countries have at least appropriate legislation in place addressing the problem and though the authority appointed to regulate noise may vary from country to country citizens of most of those countries are much ahead of Armenia’ citizens in their right to be free from being exposed to noise and in their success in getting at least comparably fair solution to disputes arising from noise related issues. What is more important, in these countries proper importance is given to the negative effects of noise and value to peaceful and quiet and noise-free environment.

Evaluation of Noise Abatement procedure in Armenia

The basic law regulating noise in Armenia, as it has already been mentioned, is the RoA Code of Administrative Offences which Armenia has “inherited” from the USSR. Accordingly, the policy is designed to satisfy the needs of that regime. Apparently, that’s why it is more directed at maintaining public order than protecting individual private interests. However, it is possible that individual private interests might be protected by enforcing an efficient maintenance of public order but this would only address the problem partly: the Code is penal and no compensation is available to those affected by offences.

Another shortcoming of the law is that it regulates noise produced only at night. Daytime disturbance of neighborhood is not the subject of this article. Apparently the policy behind the rule is the assuring of the residents’ night-time rest. But the rule fails to refer to the interests of the same residents who need the minimal standard of noise-free environment for, first of all, health purposes.

The law is also inefficient because it leaves the concept of loudness vague: “...singing loudly, playing musical instruments, producing sound signals, or making use of loudly turned-on TVs, radios, tape-recorders and other devices...” Which level of noise is considered to be loud?

Although the issue of loudness is addressed by the City Hall of Yerevan (night-time noise should not exceed 30 dB) this again fails to protect the rights of citizens that are exposed to unreasonable noise because even low but repeated noise is unwanted and annoying and can cause serious harm.

Thus, as we see, the law is far from being perfect. What about its implementation?

The neighborhood noise that used to be dealt by police has recently been assigned to Communities and districts to deal with. This means that residents bothered with unreasonable noise should turn to their Community Halls or to the City Hall with their letter of complaint

and wait until the Head of Community replies to their letter. But the process here is far from being smooth.

First of all nowhere is there a basic comprehensible script of step by step procedural instructions for average intelligent person get information about where he needs to start and go in order to get the problem heard at the appropriate place. All he/she can find out is to go to the Community Hall. In the Community Hall you get no information other than “your letter will be read and answered”. There is no sample form based on which the letter of complaint may be written. You can get no information on when your letter will be considered, let alone when appropriate steps will be taken to settle the matter. Even if you are so lucky that your complaint is being considered the probability that fair solution will be provided is very low. This can be illustrated with the example of noise-level measurement takings. Whenever noise related complaints are issued the sanitary station is called to take measurements of the noise that is alleged to exceed the standard level.

The procedure of taking the measurements is the following:

The residents or the Community Hall send their complaints to the Sanitary and Epidemic Station of the appropriate communities of Yerevan, then the station personnel pays unexpected visits to those residential areas from which the complaints have been received to take measurements. The result data of measurements go to Community Hall for consideration (Sanitary and Epidemic Station of Kentron district of Yerevan).

While this seems to be a good mechanism, very frequently the measurement results are forged by the Sanitary and Epidemic Centre itself, or, according to complaints of residents, the station personnel’s unexpected visits are not *unexpected* at all because when the specialists come to make measurements very often the noise either disappears or is reduced, which means that the offenders have been informed of the visit.

Even if the measurement results are not changed in the sanitary station or in the Community Hall and the decision is made in favor of the “noise-victim”, as the case study shows, there are even cases when the offenders fail to comply with the decision of the Community or City Hall because corruption is so deeply rooted in Armenia.

The basic defect of the policy of noise regulation is that in Armenia noise is apparently not considered a serious evil to health as it is in done internationally. Surprisingly enough nor does Civil Code address noise which leaves open the issue of where a victim of noise is going to get compensation of damages borne.

Recommendation for Reform

Although there has been mention of international best practice of noise abatement and description of different mechanisms that effectively fight with unreasonable noise, reforms and improvements must be implemented taking into consideration the needs of the country at question, its cultural specifics and living standards of the population and of course the budget of the state.

In the case of a country like Armenia where the level of unemployment is so high a balanced approach to the noise issue is required that addresses both the interests of individual residents that have the right of enjoyment of their dwellings free from unreasonable annoyance; and the interests of the public in general with regard to employment and business development.

As the main focus of this essay has been the noise that is coming from leisure establishments the recommendations for reform will mainly concentrate on the abatement of this type of noise.

With regard to nightclubs or discos or other leisure establishments that are located either in the residential buildings or near them the most reasonable way out will be a ban on operating of such establishments in residential buildings or at such distance to them that affects the residents because as case studies have shown the peaceful coexistence of residents and a private noisy business is almost impossible in a residential building.

Meanwhile, taking into consideration the fact that closing down already operative businesses will cause a substantial harm to the economy of the country it would be reasonable to preserve those businesses the income of which to the state is much more sufficient as compared to other businesses and in order to avoid the ambiguity in the term “sufficient” it would be better to establish a fixed amount of income below which the operation of already existing businesses will be banned. This is with regard to already existing businesses. Permissions for new noisy businesses in residential buildings must be rejected by the local self governing bodies and the City Hall of Yerevan.

At the same time strict norms of sound absorption should be established for the existing leisure establishments and the compliance by the norms must be strictly observed.

There are numerous ways of reducing vibration and noise e.g. replacement of a very powerful music devices with several less powerful ones or assuring that there is an extra floor or 2 between the establishment and the residential houses or assuring that drunken customers do not “hang out” nearby and make noise, e.g. free transportation may be offered to them.

With regard to law regulating noise in Armenia which has proven inefficient, measures must be taken to either improve it or design a new one that will incorporate all the sources of noise and all the areas affected by noise. With this regard a separate Law on Noise may be enacted.

Furthermore, instead of permitting noise at night that does not exceed 30dB it would be better to prohibit it at all in residential areas because, as it has been mentioned, even very little but repeated noise may cause annoyance and even serious harm to health.

Proper importance should be given to daytime noise as well.

As for the procedure that is used for addressing the disputes, more simplicity needs to be added to the existing procedure.

First of all it would be more efficient that noise related disputes between neighbors involve immediate action of police and noise from neighborhood such as noise coming from clubs, discos etc, be addressed by local self governing bodies.

For the purpose of providing proper information regarding the procedure on making noise complaints in the local self governing bodies, brochures or other tools alike should be issued with step by step description of the procedure as well as the rights and responsibilities of the residents. A summary of all this information may be incorporated in a special form that should be designed for submitting the noise complaint at the Community Hall or at the Police Station.

The next important step will be the incorporation of the noise issue in the Civil Code under an appropriate Section which will allow the victims to recover damages (it may be a harm to health caused by noise, though it will be hard to prove, or damages to the apartment/house because of vibration) caused by the operation of noisy businesses.

It will also be effective to incorporate into the school curricula information about noise and its negative impact on the environment in order to foster in people from childhood the culture of being more provident towards the environment.

Also in order to raise public awareness regarding this issue, cartoon-like reels describing the harmfulness of noise on TV will be effective.

Reform Implementation

The implementation of the reforms recommended above will require the close cooperation of first of all residents, businessmen, Media, Ministry of Health, Local self governing bodies and Legislature.

The businessmen are required to respect the interests of their neighbor-residents and before starting a business thoroughly estimate the impact of the business on the environment in order to avoid later complications which may affect first of all their business and themselves.

Even if the businessmen are indifferent to the environment the local self governing bodies need to pay much more attention to granting a permit to businesses that may turn to be noisy in residential areas and even reject the permit.

If the local self governing bodies are reluctant to act in favor of the residents, the residents should try to make their voice heard by higher authorities. Here the Media may be of help through highlighting on the matter and attracting the attention of Legislature and Ministry of Health which will cooperate in drafting new noise norms appropriate to Armenia's needs which the Ministry of Justice will endorse and support the implementation through punishing infringements.

Conclusion

The efficient regulation of noise will first of all satisfy each individual's right to peaceful enjoyment of his property free from unreasonable disturbance and in case of disputes will ensure the protection of interests of both of the disputing parties.

With necessary law and efficient enforcement in place residents will be able to claim and achieve the protection of their basic right to minimum standard of noise-free environment that does not threaten to their health.

Sources Used for the Essay

1. “Entertainment as a serious factor in human rights violations” published by Helsinki Committee of Armenia
2. “In a Nutshell” by Edward J Kionka
3. DEFRA Report on Neighbor and Neighborhood Noise Legislation, March 2002
4. RoA Code on Administrative Violations
5. Interviews with residents
6. Consultation with international mentor (Alina Khachikyan, Austria)
7. Interviews with Community Hall and Epidemic and Sanitary Station employees
8. Web Page of government of Ireland: www.oasis.gov.ie

Appendix A

RoA Code of Administrative Offences

Đá131 180. ÈéáóĀŮ3Ý Ě3ĚiáóŮÁ Ć3Ě3ĥ3ĭ3Ý ĩ3Ůĥ»ĥáóŮ

ÈéáóĀŮ3Ý Ě3ĚiáóŮÁ .ÇĤ»ĥÁ (Ā3ŮÁ 22-Çó ÛÇÝĀ»ó 6-Á), 3ŮĕÇÝŮÝ ĩ3ŮŌĥ3Ō3ŮÝ »ĥ.»ÉÁ, »ĥ3ĀĤĭ3Ý .áĥiÇŮÝ»ĥÇ ĩĥ3 Ýĭ3.»ÉÁ, Ó3ŮÝ3ŮÇÝ 3½13ÝĤ3ÝÝ»ĥ ĩ3ÉÁ, ĩ3ŮŌĥ ÛÇ3óĥ3 Ć»éáóĕĭ3óáóŮóÇó, é3iÇáÁÝ1áóÝÇĀÇó, Û3.ÝÇiáýáÝÇó »ó 3ŮĒ 3áĥ3Ý»ĥÇó Ů.ĭi»ÉÁ ĩ3Ýi»ÉÇ Ĥ»ÝŮ»ĥÇ ĩ3Ýiĥ3ÝÝ»ĥáóŮ, ŮáóĭŮ»ĥáóŮ »ó ĩ3i»ĥáóŮ, ÷áŌáóÝ»ĥáóŮ »ó 3ŮĒ Ć3Ě3ĥ3ĭ3Ý ĩ3Ůĥ»ĥáóŮ, ĩ3Ýi»ÉÇ ĩ3ĥ3iáóĀŮáóÝÝ»ĥáóŮ »ó ĩ3ÝóÇó 1áóĥĕ 3ŮŮáóĭáí áóŌ»ĭóíáŌ 3ĤĚ3ÝŮÝ»ĥ ĩ3iĥ»ÉÁ, áĥáÝŮ ĩ3áĭ á»Ý 3ÝĆ»ĭ3Ō.»ÉÇ 3ÝĆĥ3Ā»ĤiáóĀŮ3Ý Ć»ĭ, ÇÝĀĀ»ĕ Ý3»ó ÝŮ3Ý ŮŮáóĕ .áĥiáŌáóĀŮáóÝÝ»ĥÁ`

3é3ç3óÝáóŮ »Ý Ý3Ě3½.áóĤ3óáóŮ ĩ3Ů ĩáó.3ÝŮÇ ÝĤ3ÝiáóŮ Ů3Ō3Ů3óÇÝ»ĥÇ Ýĭ3Ů3Ůĭ` ĕ3ŮŮ3Ýĭ3 Ýĭ3½3.áóŮÝ 3ĤĚ3ĭ3ĥŌÇ Ůĕ3Ý3á3iÇiÇó ÛÇÝĀ»ó »ĥ»ĕÝ3á3iÇiÇó á3÷áí »ó Ý3Ě3½.áóĤ3óáóŮ ĩ3Ů ĩáó.3ÝŮÇ ÝĤ3ÝiáóŮ á3ĤiáÝ3ĭĥ 3ÝŌ3Ýó Ýĭ3Ů3Ůĭ` ĕ3ŮŮ3Ýĭ3 Ýĭ3½3.áóŮÝ 3ĤĚ3ĭ3ĥŌÇ »ĥ»ĕÝ3á3iÇiÇó ÛÇÝĀ»ó ĆÇĕÝ3á3iÇiÇó á3÷áí:

Đá131 219.1. ĩ3ĥ3Ů3ŮÇÝ ĩ3é3ĭĥŮ3Ý Ů3ĥŮÇÝÝ»ĥÁ »ó ĭ»Ō3ĭ3 ÇÝŮÝ3é3ĭĥŮ3Ý Ů3ĥŮÇÝÝ»ĥÁ

ĭ3ĥ3Ů3ŮÇÝ ĩ3é3ĭĥŮ3Ý Ů3ĥŮÇÝÝ»ĥÁ ŮÝÝáóŮ »Ý éáóŮÝ Ůĥ»Ýĕ.ĥŮÇ 48-ĥ1 Ćá1ĭ3áí Ý3Ě3ĭ»ĕĭ3ĭ ĩ3ĥ3ĭ3Ý Çĥ3ĭ3Ě3ĚiáóŮÝ»ĥÇ ĭ»ĥ3ĭ»ĥŮ3Ě .áĥi»ĥÁ` Çĥ»Ýó ĩÝŮĥÇÝáóĀŮ3Ý ĭ3ĭ .ĭÝiáŌ ĆáŌ»ĥÇ Ů3éáí, ÇÝĀĀ»ĕ Ý3»ó éáóŮÝ Ůĥ»Ýĕ.ĥŮÇ 1521-ĥ1 Ćá1ĭ3iÇ 4-ĥ1 Ů3éáí Ý3Ě3ĭ»ĕĭ3ĭ Çĥ3ĭ3Ě3ĚiáóŮÝ»ĥÇ ĭ»ĥ3ĭ»ĥŮ3Ě .áĥi»ĥÁ:

ĭ»Ō3ĭ3Ý ÇÝŮÝ3é3ĭĥŮ3Ý Ů3ĥŮÇÝÝ»ĥÁ ŮÝÝáóŮ »Ý éáóŮÝ Ůĥ»Ýĕ.ĥŮÇ 48-ĥ1 Ćá1ĭ3áí Ý3Ě3ĭ»ĕĭ3ĭ ĩ3ĥ3ĭ3Ý Çĥ3ĭ3Ě3ĚiáóŮÝ»ĥÇ ĭ»ĥ3ĭ»ĥŮ3Ě .áĥi»ĥÁ` Çĥ»Ýó ĩÝŮĥÇÝáóĀŮ3Ý ĭ3ĭ .ĭÝiáŌ ĆáŌ»ĥÇ Ů3éáí, ÇÝĀĀ»ĕ Ý3»ó éáóŮÝ Ůĥ»Ýĕ.ĥŮÇ 1521-ĥ1 Ćá1ĭ3iÇ 3é3çÇÝÇó »ĥĥáĥ1 Ů3ĕ»ĥáí Ý3Ě3ĭ»ĕĭ3ĭ Çĥ3ĭ3Ě3ĚiáóŮÝ»ĥÇ ĭ»ĥ3ĭ»ĥŮ3Ě .áĥi»ĥÁ, »Ā` Çĥ3ĭ3Ě3ĚiáóŮÁ áÇ ĩ3iĥi»É Ć3Ů3ŮÝŮÇ Ō»ĭ3ĭĥÇ ĩ3Ů Ýĥ3 ÝĤ3Ýiáí á3ĭĕĚ3Ýiáó á3ĤiáÝ3ĭĥ 3ÝŌÇ ĩáŌŮÇó:

ĭ»Ō3ĭ3Ý ÇÝŮÝ3é3ĭĥŮ3Ý Ů3ĥŮÇÝÝ»ĥÁ ŮÝÝáóŮ »Ý éáóŮÝ Ůĥ»Ýĕ.ĥŮÇ 158 (ĭ3ó3éáóĀŮ3Ůĭ »ĥĭĥáĥ1 »ó »ĥĥáĥ1 Ů3ĕ»ĥÇ), 162 »ó 16916 Ćá1ĭ3Ý»ĥáí Ý3Ě3ĭ»ĕĭ3ĭ ĩ3ĥ3ĭ3Ý Çĥ3ĭ3Ě3ĚiáóŮÝ»ĥÇ ĭ»ĥ3ĭ»ĥŮ3Ě .áĥi»ĥÁ:

Ĕĥ. Đú-262-Ů« 28.12.05« ĐĐäĭ N 83 (455«« 30.12.05

ĭ3ĥ3Ů3ŮÇÝ ĩ3é3ĭĥŮ3Ý »ó ĭ»Ō3ĭ3Ý ÇÝŮÝ3é3ĭĥŮ3Ý Ů3ĥŮÇÝÝ»ĥÝ Çĥ»Ýó Çĥ3ĭ3éáóĀŮ3Ý ĕ3ŮŮ3ÝÝ»ĥáóŮ ŮÝÝáóŮ »Ý Ý3»ó éáóŮÝ Ůĥ»Ýĕ.ĥŮÇ 114-ĥ1, 154-ĥ1« 1541-ĥ1, 180-ĥ1, 1691-ĥ1 Ćá1ĭ3Ý»ĥáí Ý3Ě3ĭ»ĕĭ3ĭ ĩ3ĥ3ĭ3Ý Çĥ3ĭ3Ě3ĚiáóŮÝ»ĥÇ ĭ»ĥ3ĭ»ĥŮ3Ě .áĥi»ĥÁ:

Ĕĥ. Đú-168-Ů« 13.08.05« ĐĐäĭ N 54 (426«« 24.08.05

ĭ3ĥ3Ů3ŮÇÝ ĩ3é3ĭĥŮ3Ý Ů3ĥŮÇÝÝ»ĥÇ 3ÝáóÝÇó ĩ3ĥ3ĭ3Ý Çĥ3ĭ3Ě3ĚiáóŮÝ»ĥÇ ĭ»ĥ3ĭ»ĥŮ3Ě .áĥi»ĥĥ ŮÝÝ»Éáó »ó ĩ3ĥ3ĭ3Ý ĩáóŮÁ ÝĤ3Ýi»Éáó Çĥ3iáóŮŮ áóÝ»Ý Ů3ĥ½á»ĭÝ»ĥÁ (Ůĥ»Ō3ÝÇ Ů3Ō3Ůá»iÁ), Çĕĭ ĭ»Ō3ĭ3Ý ÇÝŮÝ3é3ĭĥŮ3Ý Ů3ĥŮÇÝÝ»ĥÇ 3ÝáóÝÇóĀ Ć3Ů3ŮÝŮÝ»ĥÇ Ō»ĭ3ĭĥÝ»ĥÁ:

Appendix B

Form of Making Compliant on Noise in Ireland

SCHEDULE.

ENVIRONMENTAL PROTECTION AGENCY ACT, 1992.

Notice pursuant to section 108 (3) of the Environmental Protection Agency Act, 1992 of intention to make a complaint to the District Court in relation to noise giving reasonable cause for annoyance.

Complainant
of¹
Defendant
of²

WHEREAS the above-named complainant alleges that the above-named defendant is the
*person *body³ making, causing or responsible for the following noise,
namely,⁴
.....at.....⁴ in District Court district
No.....and District Court area of.....⁴, which noise is so loud/so
continuous/so repeated/of such duration or pitch/occurring at such times⁵ as to give
reasonable cause for annoyance to

*the complainant,
*a person in any premises in the neighborhood,
*a person lawfully using a public place,³

NOTICE IS HEREBY GIVEN to the defendant that the complainant intends to make a
complaint pursuant to section 108 (1) of the above Act to a sitting of the District Court for the
said court area and district to be held

at.....on
the.....day of..... 19.....at.....a.m./p.m.⁶, being a date not earlier than 7 days from
the date of this notice, and to seek an order pursuant to that section in relation to the said
noise.

Dated this.....day of....., 19.....⁷.

Signed.....⁸

To.....

of.....²

The above-named defendant.

NOTES FOR COMPLETING THIS FORM

1. Insert name and address of person or local authority making complaint.

2. Insert name and address of person or body alleged to have made or have caused or have been responsible for the noise (see section 14 of the Act in regard to the service of notice).

3. *Delete as appropriate.

4. Insert details of the noise complained of — including location in the court area and district, nature, source, date, time, etc.

5. Delete whichever of these terms and conditions may not be appropriate in the case of the noise concerned.

6. Insert details of Court sitting concerned.

7. Insert date.

8. To be signed by the complainant, i.e. the local authority or person concerned.