

Noise and neighbours: What are my rights and duties?

Given the hectic nature of our daily life, we all need peace and quiet at home. This is why unwanted noise may be perceived as a serious invasion of privacy. Disputes in this regard can be very damaging for relations between neighbours. Once a complaint has been lodged, it sets off a process fraught with difficulties and, whatever the outcome may be, the quality of life suffers for all concerned. Yet this does not have to happen and a little give-and-take may be enough to resolve the issue. Whatever the rights and wrongs of the individual case, the information contained in this document can help you to avoid the ordeal of a formal procedure. It's better to talk!

What does the law have to say?

Contrary to widespread belief, **noise pollution is not permitted any more by day than by night**, as there is an obligation to avoid any excessive noise, irrespective of the time or level. This principle simply has to be followed more strictly at night so that people's sleep is not disturbed.

The law of Geneva¹ recalls that excessive noise is prohibited at all times. This rule must be obeyed more strictly between 21:00 and 07:00 because "excessive" noise is all the more apparent at night². As the Swiss Civil Code³ also points out, excessive noise is no more permissible within our own four walls than outside. We must all take the necessary steps to ensure that peace is not disturbed on the public highway or in the neighbourhood⁴. Finally, with regard to rented accommodation, the provisions of the lease stress that the tenant must show due respect for his neighbours⁵ and that includes not disturbing the peace and quiet of the building.

What levels of noise are permitted?

The law does not lay down any particular threshold to define excessive noise. Noise is deemed to be excessive if it arises from the behaviour of someone failing to abide by generally accepted practice. In other words, it is not necessary to have recourse to scientific measurement. On the other hand, situations in which noise is unavoidable are permitted. The examples given below should help to clarify the distinction the two.

Admissible noise	Excessive noise
A baby crying	Children jumping up and down on the floor
Moving house, assembling furniture occasionally between 07:00 and 21:00 on working days	Moving furniture persistently without taking any precautions to avoid noise
Using a vacuum cleaner during the daytime	Doing housework during the night
Having a music lesson for non-professional purposes during the day	Playing amplified music that passes through partition walls
Doing DIY jobs occasionally between 07:00 and 21:00 on working days	Doing noisy DIY jobs, even occasionally, between 21:00 and 07:00 or on Sundays and public holidays
Inevitable noises in the pipes during the day	Taking baths at night
Mowing the lawn between 08:00 and 20:00 on working days	Mowing the lawn between 20:00 and 08:00 on Sundays and public holidays

Inadequate sound-proofing

Apartments built after 1 January 1985 are required to comply with minimum sound-proofing standards. A tenant can call on the landlord or the property management company to make a building comply with these standards⁶ if an expert's report shows that it does not. However, in the event of a dispute between neighbours, **inadequate sound-proofing cannot be raised as a defence to justify noise nuisance**. If noise is capable of being controlled by our own behaviour, it is always up to the person causing the noise to take such precautions as are appropriate in the circumstances to avoid inconveniencing the neighbours.

¹ Art. 1 Regulations concerning public peace and the exercise of public freedoms (F 3 10.03) (hereinafter referred to as "The Regulations")

² Art. 3 of the Regulations

³ Art. 684, Swiss Civil Code (RS 210) "The following in particular are prohibited: (...) noises (...) which have a damaging effect and which exceed the limits of tolerance that should be shown between neighbours, having regard to local custom, the situation and the nature of the building."

⁴ Art 1 para. 3 of the Regulations

⁵ Art 257f of the Swiss Code of Obligations (RS 220)

⁶ Art. 32 of the Noise Protection Order (RS 814.41 OPB) and standard SIA 181 (of the Swiss Society of Engineers and Architects)



A few practical tips on avoiding conflict

Occasional noise or regular noise

If you are going to have a party or celebration, a **prior agreement** with neighbours will help to gain acceptance for situations that must in any case remain the exception.

Children

A baby's crying cannot be considered excessive noise. On the other hand, children jumping up and down, roller skating or bouncing balls are examples of **activities that are not appropriate** in an apartment.

Music

Make sure to reduce the **bass settings**. These are sounds that travel more easily through walls and can be very disagreeable for your neighbours.

Wearing **earphones** allows you to enjoy optimum sound quality without creating any nuisance.

Ultra-powerful **loudspeakers** are generally useless and may well produce poor quality sound. When buying equipment, make sure that the power output does not exceed 1 watt per square metre of room space. The speakers should never be placed in direct contact with the walls or floor. Installing a layer of soundproofing not only reduces noise transmission but also improves sound quality. However, even this precaution will not be enough to protect your neighbours if you play music at a high volume.

An apartment is not a rehearsal room and you **must not use it to play loud or amplified instruments**. Musicians can minimise the sound made by their instruments through the use of appropriate techniques. However, as a musical

instrument can usually be heard by neighbours in any case, a prior agreement is always desirable.

Sound transmitted through the floor

Chairs, tables and other pieces of furniture make a noise if they are moved on an uncarpeted floor. Fitting felt pads under the legs is a cheap, simple and effective way of eliminating this noise altogether.

Rugs and carpets absorb part of the sound transmitted through the floor but wooden floors often remain noisy. Bear in mind that the heels of your shoes can greatly accentuate the noise of walking on a bare floor.

The creaking of old **parquet floors** can be reduced by spreading a little talcum powder and working it carefully into the joints. Remove any excess to prevent the floor from becoming slippery.

Household appliances

When purchasing appliances you can take precautions to reduce this source of noise. For example, before buying a vacuum cleaner, ask to hear it in operation and select a quiet model, thus avoiding causing a nuisance for yourself and your neighbours.

The vibration of **washing machines, driers and dishwashers** can be amplified by the floor. Here, a simple and effective solution is to fit anti-vibration mountings between the appliance and the floor or wall. Make sure that the appliance is not in contact with a wall or radiator.

When you are hoovering, you do not notice the noise of the furniture being moved because of the noise of the vacuum cleaner. However, remember that

it can still be heard by your downstairs neighbour.

Pets

The law requires **dog**-owners to take all necessary steps to ensure that their animals do not disturb the neighbours and there are strict regulations concerning barking dogs⁷. Dogs must not be encouraged to bark and, where necessary, appropriate training may be required. It is also possible for owners to obtain anti-barking collars from the chemist (that produce a jet of air or water) which are harmless.

Doors

Doors and shutters should be fitted with a device to ensure that they close slowly and do not **bang**. Rubber stops screwed to the floor or glued to the point of contact serve to absorb impact noise.

Hinges should be lubricated with fluid or graphite powder to prevent them from squeaking.

Owners

Owners are better placed than tenants to implement noise reduction measures. Indeed, irrespective of neighbour problems, they are under an obligation to do so if the building concerned has been built or has undergone major renovation since 1 January 1985 and it fails to meet certain minimum sound-proofing standards⁸.

Construction

The best time to make adaptations is during the **construction** phase. Bear in mind that, although the standards lay down the minimum requirements for architects⁹, a buyer may still ask for additional measures to reduce any subsequent nuisance.

Specialist sound-proofing

If regular noise is predictable and inevitable for some compelling reason, then specialist **sound-proofing** is strongly recommended. Indeed, the simplest solutions are in tackling the surroundings of the source of the noise in the walls, floors, ceilings and lateral supporting walls that transmit the sound. The work has to be carried out by professionals and is costly. Moreover, it is not always possible to find a satisfactory technical solution. Whatever the case may be, sound-proofing cannot be invoked to justify the existence of noise.

Transmission through the floor

The transmission of sound through the floor can be minimised by having a layer of fibre or rubber installed by specialists under a parquet or tile surface.

⁷ In the event of repeat offences, the animal may be impounded or put down. (Art 4 of the Regulation)



⁸ Art. 32 OPB and standard SIA 181

⁹ Art. 32 OPB and standard SIA 181

What do I do if there is a noise problem?

As noise problems between neighbours can arise out of misunderstandings or lack of awareness, the first step should always be to open a dialogue in order to draw attention to the nuisance. The present document can be used to show the objective rights and duties of each party with a view to finding ways of reducing the problem.

However, this procedure is not always sufficient to reach a solution and, in such an eventuality, it is necessary to turn to the gendarmerie, whose task it is to control excessive noise connected with behaviour. Whether the disturbance is by day or night, you must contact the district gendarmerie post¹⁰: If a noise nuisance is confirmed, those responsible will be liable to a fine of between CHF 100 and CHF 10'000 per offence.

If trouble persists with a tenant, the neighbours can call on the landlord to take action, the latter being able to take steps going all the way up to termination of the lease of a tenant who fails to comply with his obligations¹¹. If no improvement can be obtained despite justified complaints, the tenants suffering the nuisance can demand a proportional reduction in their rent, provided that a certain number of conditions are met¹².

Mutual respect

Respect for peace and quiet is a principle laid down by law and by the rules of tenancy agreements. Moreover, living together requires us to take into consideration the reasonable expectations of our neighbours in a spirit of mutual respect and, from time to time, readiness to compromise. It is true that sensitivity to noise varies from one individual to another but, when a complaint is lodged, it usually reflects a genuine problem. With a bit of good will, it is possible to avoid conflicts that permanently poison the atmosphere, leaving a situation in which there are no winners and only losers.

¹⁰ If the post is closed at night, the call will be redirected to the police (022 427 811 11)

¹¹ Art. 257f.3 of the Code of Obligations

¹² Art. 259d of the Code of Obligations

For further information

For any question connected with noise

Service de protection contre le bruit et les rayonnement non ionisants
(Department of the territory/Office for Protection against Noise and Non-Ionising Radiation)

www.ge.ch/bruit

Info-service

E-mail : info-service-dim@etat.ge.ch

Telephone : 022 546 76 00

For information concerning noise nuisance connected with behaviour

District police stations

www.ge.ch/police

Telephone (if the district police station is closed at night) : 022 427 81 11

