

How to proceed with a complaint for excessive noise?

By Municipal Agreement 141 of September 23, 2014, the Municipality of Panama prohibits the use of audio players, sound amplifiers, similar devices, or other means or systems that exceed the noise levels permitted by law. In addition, it prohibits the use of streets and public spaces, patios, lots and open spaces for the exhibition and making audio and sound equipment competitions that disturb the tranquility, well-being, health or environment of the community.

Our laws state that the maximum allowable noise level for industrial and commercial residential areas is 55 decibels on the A scale from 6:00 am to 9:59 pm and 50 decibels on the A scale from 10:00 pm to 5:59 am. In office work environments and similar, the maximum sound level is up to 60 decibels on the A scale.

The Municipality of Panama prohibits any temporary activity of a commercial, social or recreational nature that takes place in a business or commercial establishment, sports complex, parking lot, street or public space, which includes sound and audio equipment, without prior authorization from the competent authority.

In Panama City specifically, there are two official bodies before which an individual may file a complaint for excessive noise, which are (i) the House of Justice of Peace; and (ii) the Legal and Judicial Directorate of the Municipality of Panama.

In accordance with the provisions of Agreement 141 above, and in the event that a citizen is considered to be affected by excessive noise, he or she can go to the House of Justice of Peace, located in the municipality where the disturbance has occurred, or to the Directorate of Legal and Justice of the Municipality of Panama.

It is worth mentioning that usually, citizens go to the House of Justice of Peace to file complaints for excessive noise, an entity referred to in this letter. In this case, if it is commercial or construction work, the Justice of Peace will proceed to request an inspection by the municipal officials, through which measurements of the decibels produced will be taken; if it does not comply with the provisions of Agreement 141, the judge will proceed to impose the appropriate sanctions. For its part, in the case of excessive noise in residential areas caused by an inhabitant, the magistrate will summon the person accused of causing excessive noise in order to first inform



him/ her of the complaint against him/ her and to take his statement; then the magistrate will set a date for a hearing in which he/ she will mediate in order for the parties to reach an agreement and avoid influencing each other; if the mediation between the parties is not achieved, the magistrate will rule on the application and may impose sanctions and measures on whomever he/ she deems appropriate.

In both cases, among the sanctions that can be imposed by the Justice of Peace, we have (i) a verbal warning; (ii) community service; (iii) a bond of peace and good conduct; (iv) a fine; (v) repair of the damage caused or compensation; and (vi) temporary or permanent closure (in the case of commercial premises).

It should be noted that Municipal Agreement 141, which we have referred to in this text, is only applicable in the Capital District of Panama and its municipalities, so other districts of the country may have different regulations based on their local municipal legislation.

The information provided herein is of a general nature and should not be considered as a substitute for obtaining complete advice on the subject matter of this article, which can be provided by our firm, ALEMÁN, CORDERO, GALINDO & LEE (ALCOGAL).