



City of Takoma Park Noise Control Board Hearing Fact Sheet

The City of Takoma Park Noise Control Ordinance (Takoma Park Code, Ch. 14.12) empowers the Noise Control Board to conduct hearings on noise disturbance complaints and to make findings of noise disturbance violations.

Who are the members of the Noise Control Board?

The Noise Control Board consists of up to 7 City residents who serve voluntarily. A panel of three Noise Control Board members normally conduct a hearing.

When does the Noise Control Board conduct hearings?

A Noise Control Board hearing is conducted after a written complaint of a noise disturbance is received from two or more City residents (who do not reside in the same household) within 10 days of the occurrence of the noise disturbance incident. Complaints must be in writing and filed with the City Clerk (City Clerk, City of Takoma Park, 7500 Maple Ave., Takoma Park, MD 20912, telephone (301) 891-7267). Two-Party Noise Disturbance Complaint Forms are available on the City website.

What is a Noise Disturbance?

A “noise disturbance” is defined by the City of Takoma Park Noise Control Ordinance as any steady-state or impulsive noise occurring on either a continuous or intermittent basis that is:

1. Unpleasant, annoying, offensive, loud, or obnoxious; or
2. Detrimental to the health, comfort, or safety of any individual or to the reasonable enjoyment of property or the lawful conduct of business because of the loudness, duration, or character of the noise.

A sound level meter measurement is not required to establish a noise disturbance.

What procedure does the Noise Control Board use in conducting hearings?

The hearings are open to the public. At a hearing, the complainant and the alleged violator may present testimony and evidence to substantiate any material point. All testimony must be given under oath or affirmation. Each party has the right to cross-examine opposing witnesses, to submit rebuttal evidence, and to present summation and argument. The Board panel also may ask questions of witnesses and enter its own evidence.

The Board panel may admit and consider evidence which would be commonly accepted by reasonable and prudent people as having a causal relationship to the matter before the Board panel. The Board panel may exclude from evidence irrelevant and repetitious testimony and documents.

The burden of proof of establishing a violation of the noise control ordinance will be on the party who filed the noise disturbance complaint and will be met by a preponderance of the evidence.

What Questions Can I Expect At A Noise Control Board Hearing?

This fact sheet outlines the factual issues most likely to be encountered. As a Complainant or a Respondent, you are encouraged to review and be prepared to present the following information to support or defend against a Noise Disturbance Complaint. All parties are asked to listen carefully and courteously to all testimony given at a hearing.

Complainant's Information Format

Be prepared to furnish the following information:

- Date of noise disturbance.
- Description of type of noise (*e.g.*, music).
- Time when noise started.
- Time when noise stopped.
- Your approximate distance from source of noise.
- How the noise affected or disturbed you, your family or guests.
- Describe any steps taken to address the source of noise.
- Whether you or your neighbors call for Police or Code Enforcement assistance.
- If so, time of officer arrival and identity of responding officer.
- Whether the officer resolved the problem?
- Whether you contacted neighbors or owners of the property from which noise originated during or after the incident.
- Results/comments by occupants or owner.

If other persons can confirm the factual details of any complaint, the Noise Control Board strongly encourages the attendance of such witnesses at the hearing.

Respondent's Information Format

Be prepared to furnish the following information.

- Your description of the noise disturbance incident and any factual differences concerning the type of noise, its duration and distance to complainant's property.
- Location of noise disturbance incident (*e.g.* inside or outside).
- Describe any steps taken to prevent or minimize the alleged noise disturbance.
- Whether Police or Code Enforcement Officers respond to noise.
- If so, time of officer arrival and result/comments by officers.
- Whether neighbors contacted you during or after the noise disturbance incident.
- Comments by neighbors.

If other persons can confirm the factual details of an incident, the Noise Control Board strongly encourages the attendance of such witness(es) at the hearing.

Do I Need an Attorney to Represent Me?

The Noise Control Board encourages direct participation by the parties in the development of the facts concerning a noise disturbance complaint. While you are permitted to have an attorney attend the Noise Control Board hearing to furnish you with legal advice and representation, an attorney is not required.

What Happens After the Noise Control Board Hearing?

After due consideration of the evidence and testimony presented at the hearing, the Board will issue its decision on the noise disturbance complaint and give notice of its decision to all parties to the case. The Board's decision may be announced orally, following the hearing, or the Board may take the case under advisement and issue a written decision on the noise disturbance complaint within a reasonable time following the hearing.

In the event that the Board finds in favor of the complainant on the noise disturbance complaint, the Board may order the violator to cease and desist from the conduct or activity which created the noise disturbance and/or to take other corrective action in order to abate or correct the violation of this chapter.

A violator who fails to comply with a Board decision on a noise disturbance complaint may be issued a municipal infraction citation for a Class A offense. In addition to any penalty provided herein, compliance with a Board decision may be enforced by any appropriate action, at law or equity, in any court of competent jurisdiction.

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