

LOCAL GOVERNMENT ACT
(Cap. 40:01)

**KWENENG DISTRICT COUNCIL (NOISE AND
NUISANCE) BYE-LAWS, 2017**
(Published on 21st July, 2017)

ARRANGEMENT OF BYE-LAWS

BYE-LAW

1. Citation
2. Interpretation
3. Noises and nuisances prohibited
4. Cultural activities, performing arts and religious activities
5. Penalties

SCHEDULES

IN EXERCISE of the powers conferred by section 44 as read with section 45 of the Local Government Act, and with the approval of the Minister of Local Government and Rural Development, the Kweneng District Council hereby makes the following Bye-laws —

Citation

1. These Bye-laws may be cited as the Kweneng District Council (Noise and Nuisance) Bye-Laws, 2017.

Interpretation

2. In these Bye-laws, unless the context otherwise requires —

“Council” means the Kweneng District Council; and

“musical instrument” includes a wireless, loudspeaker, record player, amplifier or any similar device.

Noises and
nuisances
prohibited

3. A person shall not —

- (a) operate, cause or permit to be operated any musical instrument to the annoyance of the inhabitants of any premises in the neighbourhood;
- (b) operate, cause or permit to be operated any musical instrument for the purpose of advertising on or adjacent to any street without the prior consent of the Council;
- (c) after being requested to stop by a police officer, a bye-law enforcement officer, a person authorised by the Council or a person so annoyed, disturbed or inconvenienced, continue to make any loud or unseemingly noise or disturbance either by shouting, screaming or yelling, or by blowing a horn or a similar device or by beating a drum or other instrument so as to annoy, disturb or interfere with the rest, peace or tranquility of the inhabitants of the neighbourhood;
- (d) after having been requested to stop by a police officer, a bye-law enforcement officer, a person authorised by the Council or a person so annoyed, disturbed or inconvenienced continue to ring a bell or sound a horn or blow a whistle, use a noisy instrument or shout in a market place, street, park or public place for the purpose of attracting customers, hawking, selling or distributing any article or thing whatsoever to the annoyance, disturbance, or inconvenience of a person who uses such a market square, street, park or public place;

- (e) between the hours of 10 p.m. and 7.30 a.m. carry on any business, trade or industry involving the use of machinery which by reason of the noise created by it is offensive or constitutes a nuisance or which disturbs the comfort or peace of the inhabitants of the neighbourhood, nor shall any person use any such machinery on Sundays or public holidays; or
- (f) between the hours of 10 p.m. and 7.30 a.m. sing in any public place, or on any property in such manner as to be heard outside the confines of such property, and thereby disturb the peace or tranquility of the inhabitants of the neighbourhood.

4. (1) A person may, subject to the approval of the Council, engage in the following activities at any time of the day —

- (a) cultural activities which are perceived to be community building including *dikhwaere*, traditional dance and cultural nights;
- (b) entertainment through performing arts, including drama activities, traditional music and traditional dance concerts; and
- (c) religious activities including all night prayer and church conventions.

(2) A person who wishes to engage in any activity under subbye-law (1) shall —

- (a) apply in a manner set out in Schedule I, for a permit to engage in such activity; and
- (b) pay an application fee as set out in Schedule II.

(3) The Council may, upon receipt of an application under subbye-law (2), issue a permit on such conditions as may be provided in the permit or reject the application.

5. A person who contravenes any provision of these Bye-laws commits an offence and is liable —

- (a) to a fine not exceeding P1 000 or in default of payment thereof, to imprisonment for a term not exceeding 14 days; and
- (b) on a second or subsequent conviction to a fine not exceeding P2 000 or in default of payment thereof, to imprisonment for a term not exceeding two months.

Cultural activities,
performing arts
and religious
activities

Penalties

SCHEDULE I
(Bye-law 4 (2) (a))
APPLICATION FOR A PERMIT

KWENENG DISTRICT COUNCIL (NOISE AND NUISANCE) BYE-LAWS



BYE-LAW ENFORCEMENT UNIT

NOISE AND NUISANCE PERMIT APPLICATION FORM

Company Individual NGO

Name of the Applicant: _____

Place of Operation: _____

Activity to be undertaken:

Cultural Activities Performing Arts Religious Activities

Explain: _____

Type of musical instrument (s) to be used:

Date(s) applied for: _____

Venue: _____

PAYMENT CERTIFICATE

Amount Paid: P_____Accounts Stamp and Signature : _____

CONDITIONS OF PERMIT:

The applicant shall —

- (a) produce a written consent from the *Kgosi* or *Kgosana* of the area within which the activities are planned, stating that he or she has no objections to such activities being held within his or her ward at the stipulated hours;

- (b) produce a consent letter from the Chairperson of the Village Development Committee of the ward where the activities are planned, stating that he or she has no objections to the planned activities being held within the stipulated hours;
- (c) ensure that there shall be no sale of alcohol or alcohol drinking at these activities; and
- (d) provide a list of security personnel for activities to be held at night.

AUTHORITY

Council Secretary Signature: _____

Approved Not Approved

Comments: _____

SCHEDULE II
FEEES
(Bye-law 4 (2) (b))

**KWENENG DISTRICT COUNCIL (NOISE AND
NUISANCE) BYE-LAWS**

<i>Activity</i>	<i>Fee (per day)</i>
Cultural activity	P500
Performing arts	P500
Religious activities	P50

MADE this 4th day of July, 2017.

*Council Secretary,
Kweneng District Council.*

APPROVED this 10th day of July, 2017.

SLUMBER TSOGWANE,
*Minister of Local Government and
Rural Development.*