

LOCAL GOVERNMENT (DISTRICT COUNCILS) ACT
(Cap. 40:01)

CENTRAL DISTRICT COUNCIL
(NOISE AND NUISANCE) BYE-LAWS, 2010
(Published on 17th September, 2010)

ARRANGEMENT OF BYE-LAWS

BYE-LAW

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SCHEDULE

IN EXERCISE of the powers conferred on the Central District Council by section 33 of the Local Government (District Councils) Act, and with the approval of the Minister of Local Government, the following Bye-Laws are hereby made —

- | | |
|---------------------------------|--|
| Citation | 1. These Bye-Laws may be cited as the Central District Council (Noise and Nuisance) Bye-Laws, 2010. |
| Interpretation | 2. In these Bye-Laws, unless the context otherwise requires —
“Council” means the Central District Council;
“musical instrument” includes a wireless, loudspeaker, record player, amplifier or any similar device. |
| Noises and nuisances prohibited | 3. (1) A person shall not —
(a) operate, cause or permit to be operated in any area or place, any musical instrument to the annoyance of the inhabitants of the neighbourhood;
(b) operate, cause or permit to be operated any musical instrument, for the purpose of advertising in any street, place, premises or in an area where consumption of liquor is prohibited under the Liquor Act without the prior consent of the Council; |
| Cap. 43:11 | (c) after being requested to stop by a police officer, a bye-law enforcement officer, a person authorised by the Council or a person affected by the act, continue to make any loud or unseemly noise or disturbance, by —
(i) shouting, screaming or yelling, or
(ii) blowing a horn or any similar device, so as to annoy, disturb or interfere with the rest, peace or tranquility of the inhabitants of the neighbourhood;
(d) after being requested to stop by a police officer, a bye-law enforcement officer, a person authorised by the Council or a person affected by the act, continue to ring a bell, sound a horn, blow a whistle, shout or use any similar device in a market square, street, park, public place or any area where consumption of liquor is prohibited under the Liquor Act for the purpose of hawking, selling, distributing or attracting customers to buy any article, thing or goods; |

- (e) 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 peace or tranquility of the inhabitants of the neighbourhood between the hours of 00:00 a.m and 7:30 a.m.; or
- (f) 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 between the hours of 00:00 a.m. and 7:30 a.m.

(2) Notwithstanding the provisions of sub-bye-law (1) (a), (b) and (f), the Council may, upon application in Form A as set out in the Schedule, exempt any person from the provisions of these bye-laws where a musical instrument is played within the scope of official government or political functions.

(3) A fee shall not be payable in respect of an application for an exemption under sub-law (2)

4. (1) Where it is deemed expedient, necessary and not against the public interest, a person may on application to the Council and upon payment of the prescribed fee, be issued with a permit authorising activities that would otherwise be an offence under bye-law 3 (1) (c), (d) or (e).

Application
for permit

(2) A person who wishes to engage in an activity under sub-bye-law 3 (c), (d) or (e) shall —

- (a) apply in Form A as set out in the Schedule for a permit to engage in such activity; and
- (b) pay an application fee of P10.

(3) The Council may, upon receipt of an application under sub-bye-law (1) —

- (a) issue a permit on such conditions as may be provided in the permit; or
- (b) reject the application.

(4) The permit issued by the Council under sub bye-law (1) shall be in Form B as set out in the Schedule and shall be issued upon payment of a fee of P40.

Appeal

5. Any person who is aggrieved by the decision of the Council under bye-law 4 may appeal to the Minister within 30 days of receipt of communication of the decision.

6. A person who contravenes the provisions of these Bye-laws commits an offence and is liable for a first offence to a fine not exceeding P2000 or to imprisonment for a term not exceeding 2 months, or to both and for a second or subsequent offence to a fine not exceeding P5000 or to imprisonment for a term not exceeding 2 years.

Penalties

7. The Noise and Nuisance (Model) Bye-Laws (Adoption) Order is hereby revoked.

Revocation of
S.I. No. 11 of
1977

SCHEDULE

FORM A
(bye-law 4 (1))

Central District Council

APPLICATION FOR NOISE AND NUISANCE PERMIT

Particulars:

Name of the company/applicant.....

Omang No. Passport.....

Postal address.....

Tel:.....Cell.....

Type of activity to be held.....

Place.....

Date: from.....to.....

Time: from.....to.....

I certify that the information supplied in my application is true to the best of my knowledge and belief.

Signature of applicant.....Date:.....

For official use only

Application No.received by:.....

Recommendation-: approve/ reject/ exempt (tick as appropriate)

Reasons.....

Date:signature.....

Decision.....to pay.....

Date:

.....
For Council Secretary.

FORM B
(bye-law 4 (3))

Central District Council

APPLICATION FOR NOISE AND NUISANCE PERMIT

(Ref. application No.Dated.....20.....)

Name of company/applicant

Postal address.....

Tel.....Cell.....

Permission is hereby granted to.....

At (venue)

Date: from.....to.....

Between the hours of.....to.....unless renewed

Endorsements.....

Paid.....Receipt No.

.....
For Council Secretary.

MADE this 3rd day of August, 2010.

S.G. DIPHOLO,
Council Secretary,
Central District Council.

APPROVED this 30th day of August, 2010.

L.T. MOKALAKE,
Minister for Local Government.

AGC 5/2/3/10 I (39)