

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

NORTH EAST DISTRICT COUNCIL (NOISE
AND NUISANCE) BYE-LAWS, 2010
(Published on 6th August, 2010)

ARRANGEMENT OF BYE-LAWS

BYE-LAW

1. Citation
2. Interpretation
3. Prohibition of noises and nuisances
4. Application for permit
5. Penalties
6. Revocation of S.I. No. 33 of 1998

FIRST SCHEDULE

SECOND SCHEDULE

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

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|--|-------------------------------------|
| <p>1. These Bye-Laws may be cited as the North East District Council (Noise and Nuisance) Bye-Laws, 2010.</p> | Citation |
| <p>2. In these Bye-Laws, unless the context otherwise requires —
“District Council” means the North East District Council.</p> | Interpretation |
| <p>3. A person shall not —</p> <p>(a) operate or cause to be operated any wireless, musical instrument, loudspeaker, record player, amplifier or similar device to the annoyance of the occupants of any premises in the neighbourhood;</p> <p>(b) continue to make any loud noise or disturbance either by shouting, screaming or yelling, or by blowing a horn or any device or by beating any drum or other device so as to annoy, disturb or interfere with the rest or peace of the inhabitants of the neighbourhood, after having been requested to desist by any member of the Botswana Police Service, any person authorised by the District Council or any person so annoyed, disturbed or inconvenienced;</p> <p>(c) continue to ring any bell or sound any horn or blow any whistle or use any noisy device or shout in any market square, street, park or public place for the purpose of attracting customers, or hawk, sell or distribute any article or thing whatsoever, to the annoyance, disturbance, or inconvenience of any person who uses such market square, street, park or public place, after having been requested to desist by any member of the Botswana Police Service, any person authorised by the District Council or any person so annoyed, disturbed or inconvenienced;</p> <p>(d) between the hours of 00:00 a.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 peace or tranquility of the inhabitants of the neighbourhood; or</p> | Prohibition of noises and nuisances |

(e) between the hours of 00:00 a.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 of the neighbourhood.

Application
for permit

4. (1) A person shall not operate or cause to be operated any wireless, musical instrument, loudspeaker, record player, amplifier or similar device for the purposes of —

(a) advertising in any street;

(b) carrying out any festival, talent show, concert; or

(c) carrying any business promotion within the council area,

unless such person is issued with a permit in terms of these Bye-Laws.

(2) A person who wishes to operate or cause to be operated any wireless, musical instrument, loudspeaker, record player, amplifier or similar device in accordance with sub-bye-law (1) shall make an application in Form 1 set out in the First Schedule.

(3) The District Council may, upon payment of a fee set out in the Second Schedule, subject to such conditions as it considers necessary, issue a permit in Form 2 set out in the First Schedule.

Penalties

5. A person who contravenes the provisions of these Bye-Laws commits an offence and is liable to a fine not exceeding P500, or to imprisonment for a term not exceeding one month and on a second or subsequent offence is liable to a fine not exceeding P1000, or to imprisonment for a term not exceeding two months.

Revocation
of S.I. No. 33
of 1998

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

FIRST SCHEDULE

(FORMS)

FORM 1

(bye-law 4 (2))

NORTH EAST DISTRICT COUNCIL (NOISE AND NUISANCE) BYE-LAWS, 2010

APPLICATION FOR A PERMIT

Applicant's Particulars

- 1. Name.....
- 2. Postal Address.....
.....
- 3. Physical Address.....
- 4. Telephone Numbers
- 5. Identity Number.....
- 6. Age.....

Details of the Activity

- 1. Type of Activity.....
- 2. Venue or Place of Activity.....
- 3. Date and Time of the Activity.....
- 4. Does the venue have adequate refuse storage or receptacles? YES/NO
- 5. Does the venue have sanitary facility? YES/NO

I, (Name of Applicant) declare that information given in this application form is true and correct.

.....
Signature of Applicant

Date.....

FOR OFFICIAL USE ONLY

Date of receipt of application.....

Received by.....

Signature.....

FORM 2
(bye-law 4 (3))

NORTH EAST DISTRICT COUNCIL (NOISE AND NUISANCE) BYE-LAWS, 2010

PERMIT TO OPERATE A

NOT TRANSFERABLE

Permit No. Issued under Bye-Law 4 (3)

To.....

Having considered your application, the North East District Council is satisfied that you have fulfilled the necessary requirements of the North East District Council (Noise and Nuisance) Bye-Laws, you are hereby granted a permit to operate a in the following area

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.....

This permit is subject to the following conditions:

1. The host shall be present at the place until the end of the activity.
2. The host shall be responsible for any trouble that may arise from the activity.
3. The host shall adhere to the time and date stipulated in the permit.
4. The host shall be required to stop any type of noise when requested by the neighbours if such noise is disturbing their peace.
5. There shall be no sale of alcohol without a temporary liquor licence.
6. The host shall provide adequate refuse bins for any type of litter that may be as a result of the activity.

This permit is valid until, 20.....

.....
Authorising Officer.

SECOND SCHEDULE

FEES
(bye-law 4 (3))

<i>Activity</i>	<i>Fee</i>
Festival	P100
Talent show	P20
Music or album promotion	P20
Concert	P10

MADE this 28th day of June, 2010.

PETROS MOSHOLOMBE,
Council Secretary.

APPROVED this 22nd day of July, 2010.

L.T. MOKALAKE,
Minister for Local Government.