

LOCAL GOVERNMENT ACT  
(Act No. 18 of 2012)

**SOUTHERN DISTRICT COUNCIL (NOISE AND NUISANCE)  
BYE-LAWS, 2014**  
(Published on 31st October, 2014)

ARRANGEMENT OF BYE-LAWS

BYE-LAW

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IN EXERCISE of the powers conferred by sections 44 and 45 of the Local Government Act, 2012 and after consultation with the community living within the council area, and with the approval of the Minister of Local Government and Rural Development, the Southern District Council hereby makes the following Bye-laws —

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| Citation  | <b>1.</b> These Bye-laws may be cited as the Southern District Council (Noise and Nuisance) Bye-laws, 2014.   |
| Interpretation  | <b>2.</b> In these Bye-laws, unless the context otherwise requires —<br>“Council” means the Southern District Council; and<br>“musical instrument” includes a wireless, loudspeaker, record player, amplifier or any similar device.  |
| Restriction on operating sound systems                                | <b>3.</b> A person shall not —<br>(a) operate, cause or permit to be operated, any musical instrument to the annoyance of the inhabitants of any premises in the neighbourhood; or<br>(b) operate, cause or permit any musical instrument for the purpose of advertising on or adjacent to any street, without the consent in writing of the Council or of any authority so delegated by the Council for the purpose.   |
| Restriction on certain loud noises, disturbances and other activities | <b>4.</b> A person shall not —<br>(a) make or continue to make any loud or unseemly noise or disturbance by —<br>(i) shouting, screaming or yelling,<br>(ii) blowing upon any horn or any similar device, or<br>(iii) beating upon any drum or any similar device so as to annoy, or to disturb or interfere with the rest, peace or tranquillity of the inhabitants of the neighbourhood, after having been required to desist by a police officer, law enforcement officer or by any person so annoyed, disturbed or inconvenienced; or |

- (b) in any market place, street, park or public place continue to hawk, sell or distribute any article or thing whatsoever, to the annoyance, disturbance or inconvenience of any person using such market place, street, park or public place, after having been required to desist from doing so by a police officer, a law enforcement officer or by any person so annoyed, disturbed or inconvenienced:

Provided that this sub bye-law shall not apply in respect of a person acting under and in accordance with a written permit issued to him or her by the Council for the purposes of this sub bye-law.

5. A person shall not —

- (a) play any musical instrument which, by reason of the noise created thereby, is offensive or constitutes a nuisance, or disturbs the peace or tranquillity of the inhabitants of the neighbourhood at any time before 8:00am or after 10:00pm on any day of the week; or
- (b) sing in a public place or on property in such a manner to be heard outside the confines of such property, and thereby disturb the peace and tranquillity of the neighbourhood between the hours of 4:00pm and 8:00am on the following day.

Playing of instruments or singing at certain times

6. A police officer or a law enforcement officer may confiscate any musical instrument or similar device used in contravention of the provisions of these Bye-laws.

Power to confiscate

7. Any person who contravenes the provisions of these Bye-laws commits an offence and is liable —

Offences and penalties

- (a) to a fine not exceeding P100.00 or in default of payment thereof, to imprisonment for a term not exceeding 21 days, or to both; and
- (b) on a second or subsequent conviction to a fine not exceeding P200.00 or in default of payment thereof to imprisonment for a term not exceeding two months, or to both.

MADE this 16th day of October, 2014.

MOMPATI SELEKA,  
*Council Secretary,*  
*Southern District Council.*

APPROVED this 20th day of October, 2014.

PETER LETLHOGONOLO SIELE,  
*Minister of Local Government and*  
*Rural Development.*