

LOCAL GOVERNMENT ACT
(Cap. 40:01)

**KGALAGADI DISTRICT COUNCIL (NOISE AND
NUISANCE CONTROL) BYE-LAWS, 2017**
(Published on 13th April, 2017)

ARRANGEMENT OF BYE-LAWS

BYE-LAW

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SCHEDULE

IN EXERCISE of the powers conferred by section 44 and 45 of the Local Government Act, 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 Kgalagadi District Council hereby makes the following Bye-laws —

- Citation 1. These Bye-laws may be cited as the Kgalagadi District Council (Noise and Nuisance Control) Bye-laws, 2016.
- Interpretation 2. In these Bye-laws, unless the context otherwise requires —
- “abatement notice” means a written communication to a violator requiring the stoppage of a nuisance with immediate effect or placing restrictions on when and how long an activity can occur or place other restrictions as necessary;
- “anti-social” means material that is obscene and harmful to existing social norms or annoying to other people;
- “Council” means the Kgalagadi District Council;
- “designated area” means an area designated by the Council as an area where the issue of a noise licence is likely to cause disturbance or nuisance to the premises in the neighbourhood;
- “musical instrument” includes a wireless radio, loudspeaker, record player, amplifier or any similar device; and
- “nuisance” means any disturbance that materially interferes with another person’s enjoyment of his or her own home or habitation.

3. (1) A person shall not make, cause or allow to be made any disturbance which causes interference and annoyance in the enjoyment of another's premises or neighbourhood.

Nuisance prohibited

(2) In determining whether an activity causes nuisance the following factors may be considered —

- (a)** the time of day;
- (b)** duration;
- (c)** location;
- (d)** frequency;
- (e)** loudness; and
- (f)** type of noise or disturbance.

(3) The following activities may constitute a nuisance —

- (a)** noise;
- (b)** odour;
- (c)** smoke from bonfires; or
- (d)** any other activity which may be deemed by the Council to be falling within subbye-law (1).

4. 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; or
- (b)** operate, cause or permit use of any musical instrument for the purpose of advertising in public,

without the approval of the Council or any authority delegated so by the Council for the purpose.

Restriction on operating sound systems

5. A person who has not been issued a licence shall not —

- (a)** operate or cause or permit the continuous hooting of a vehicle horn, or the use of a siren from the person's vehicle or his or her visitor vehicle parked next to their premises to the annoyance of other occupants;
- (b)** after being requested to stop the noise by a law enforcement officer by a way of an abatement notice, or by a police officer or by an inhabitant of the neighbourhood so annoyed or whose rest, peace or tranquillity has been disturbed or interfered with, continue to make any loud or unseemly noise or disturbance by —

Restriction on certain loud noise, disturbances and other activities

- (i)** shouting, screaming or yelling, or
 - (ii)** blowing upon a musical instrument or beating upon any drum, so as to annoy or disturb or interfere with the rest, peace and tranquillity of the inhabitants of the neighbourhood;

(c) in a street or other public place -

- (i)** continue to ring any bell, sound any horn, blow any whistle, use any noisy instrument, shout, or play loud music in his or her motor vehicle, or
 - (ii)** continue to hawk, sell or distribute any anti-social material, article or thing,

to the disturbance or inconvenience of any person using the street or other public place after having been requested to desist by a law enforcement officer by way of abatement notice, or by a police officer or by the person so annoyed, disturbed or inconvenienced; or

Application for licence	<p>(d) for the purpose of carrying on any business, trade or industry involving the use of machinery, use such machinery in a manner that constitutes a nuisance or disturbs the rest, peace and tranquillity of the inhabitants or a section of the inhabitants of the township between the hours of 6pm and 8am, or on a Sunday or on any public holiday.</p> <p>6. (1) Subject to subbye-law (2), a person who wishes to engage in any activity under bye-laws 3, 4 or 5 shall make an application to the Council for a licence, seeking authorisation to carry out the activity.</p> <p>(2) The Council may where it considers expedient, necessary and not against public interest, issue the applicant with a licence.</p> <p>(3) An application under subbye-law (1) shall be made in Form A set out in the Schedule 1 accompanied by fees specified in Form B.</p> <p>(4) The Council may, upon receipt of an application under subbye-law (1)—</p> <p>(a) issue a licence on such conditions as may be provided in the licence; or</p> <p>(b) reject an application.</p> <p>(5) The Council may reject an application where it is satisfied that —</p> <p>(a) the applicant has been convicted of an offence under these Bye-laws;</p> <p>(b) the issue of a licence is likely to cause nuisance; or</p> <p>(c) the information provided in the application form is insufficient.</p> <p>(6) A person who intends to make or cause the making of noise in a designated area shall not be issued with a licence.</p> <p>(7) Any person who violates the conditions of a licence, shall not be eligible for issuance of a subsequent licence within 72 hours.</p>
Issue of licence	<p>7. (1) The Council shall, upon approval of an application made under bye-law 6 issue a licence in Form C set out in the Schedule.</p> <p>(2) The hours of operation for a licence issued under this subbye-law shall be stated in the licence.</p> <p>(3) The Council may upon application by the licence holder extend hours of operation for a licence issued under subbye-law (2) by two hours.</p>
Suspension or revocation of licence	<p>8. The Council may suspend or revoke a licence issued under bye-law 7 where the licence holder —</p> <p>(a) fails to comply with the conditions of the licence; or</p> <p>(b) operates outside the stipulated time on the licence.</p>
Odour and smoke control	<p>9. (1) A person shall not —</p> <p>(a) operate, cause or harbour any material substance or waste that emits a foul, strong or noxious odour; or</p> <p>(b) allow smoke from a bonfire in his or her premises to disturb inhabitants of the neighbourhood.</p> <p>(2) Any person who contravenes this bye-law shall be issued with an abatement notice by a bye-law enforcement officer and required to remove the material, substance or waste complained of or to stop the smoke.</p> <p>(3) The abatement notice shall specify the period within which such smoke should be stopped, or material substance, or waste emitting the odour should be removed.</p> <p>(4) A person who contravenes the provisions of this bye-law commits an offence and is liable to a fine not exceeding P300.</p>
Abatement notice	<p>10. (1) A law enforcement officer shall issue an abatement notice for an violation or offence under these Bye-laws which shall specify —</p> <p>(a) the violator's full names and address;</p>

- (b) the nature of the offence and time of the occurrence of the offence;
- (c) corrective steps or instructions; or
- (d) any restrictions.

(2) Any person who contravenes an abatement notice commits an offence and is liable to a fine not exceeding P1 000.

11. A police officer or a bye-law enforcement officer may confiscate any musical instrument used, and anti-social material, article or thing used in contravening the provisions of these Bye-Laws.

Power to
confiscate

12. Any person aggrieved by any decision of the Council under these Bye-Laws may appeal in writing to the Minister within 14 days of notification of the decision.

Appeals

13. A person who contravenes or does not comply with any of the provisions of these Bye-Laws shall be liable to a fine not exceeding P 500 or to imprisonment for a term not exceeding three months, or to both and for a second or subsequent offence, to a fine not exceeding P 1000 or to imprisonment for a term not exceeding six months or to both.

Offences and
penalties

14. The Kgalagadi District Council (Noise and Nuisance) Bye-Laws, are hereby revoked.

Revocation of
S.J No. 41 of
1995

SCHEDULE 1

FORM A

APPLICATION FOR NOISE LICENCE

(bye-law 6 (3))



KGALAGADI DISTRICT COUNCIL (NOISE AND NUISANCE CONTROL) BYE-LAWS

Particulars

1. Name of the company/applicant
2. Age.....
3. Postal Address.....
4. Physical Address.....
5. Telephone Numbers (Work)
..... (Home)
..... (Cell)
6. Identity Number..... Passport Number

Details of Activity

1. Type of Activity
2. Venue or place of activity
3. Date: from..... to.....
4. Time: from..... to.....

I..... (Name of Applicant), certify that the information given in this application form is true to the best of my knowledge and belief.

.....
Signature of Applicant Date

FORM B

PERMIT FEES

(bye-law 6 (3))



Item	Fee
1. Non charitable fund raising activities.....	P5/per day
2. Beauty contest.....	P10/flat rate
3. Church service.....	P10/flat rate
4. Disco.....	P20/flat rate
5. Picnic.....	P20/per day
6. Music festivals.....	P50/flat rate

FORM C
NOISE LICENCE

(bye-law 7)



KGALAGADI DISTRICT COUNCIL (NOISE AND NUISANCE CONTROL) BYE-LAWS

(Ref. Application No. Dated.....20.....)

The applicant:(Full Names) is hereby issued with a Noise
Licence to engage in
..... (Description of Activity)

Venue or place of activity.....

Times Approved (Start)
..... (End)

Conditions (if any) applicable
.....
.....
.....
.....
.....
.....

(Filled in by Bye-Law Enforcement Officer)

Council Stamp.....

Date of issuance.....

Bye-Law Enforcement Officer.....

MADE this 13th day of February, 2017.

B. C. PHOTLOKWE,
Council Secretary,
Kgalagadi District Council.

APPROVED this 6th day of March, 2017.

SLUMBER TSOGWANE,
Minister of Local Government and Rural
Development.