

PROVINCIAL NOTICE 51 OF 2019

COLLINS CHABANE LOCAL MUNICIPALITY

**COLLINS CHABANE
LOCAL MUNICIPALITY**
Since 2016



NOISE CONTROL BY-LAW, 2019

COLLINS CHABANE LOCAL MUNICIPALITY

NOISE CONTROL BY-LAW, 2019

The Municipal Manager of Collins Chabane Local Municipality hereby in terms of section 13(a) of the Local Government: Municipal Systems Act, 32 of 2000, read with section 162(2) of the Constitution, 1996, publishes the Noise Control By-law for Collins Chabane Local Municipality as approved by its Council which will come into operation on the date of promulgation of this notice.

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PART 1: INTERPRETATION AND OBJECTIVES

1. DEFINITIONS

In these By-laws, unless the context otherwise indicates –

“**act**” means the Environment Conservation Act, 1989 (Act No. 73 of 1989);

“ambient sound level” means the reading on an integrating impulse sound level meter taken at a measuring point, in the absence of any alleged disturbing noise, at the end of a total period of at least 10 minutes after such meter was put into operation;

“animal” also includes birds and poultry in group or single;

“authorised official” means any official of the Municipality who has been authorised by the Municipality to implement and enforce the provisions of these By-laws;

“controlled area” means a piece of land designed by a municipality where, in the case of-

- (a) road traffic noise in the vicinity of a road –
 - (i) the reading on an integrating impulse sound level meter, taken outdoors at the end of a period of 24 hours while such meter was in operation, exceeds 65 dBA; or
 - (ii) the outdoor equivalent continuous “A” – weighed sound pressure level at a height of at least 1.2 metres, but not more than 1.4 metres, above the ground for a period of 24 hours as calculated in accordance with SANS 0210, and projected for a period of 15 years following the date on which the municipality has made such designation, exceeds 65 dBA.
- (b) air traffic noise in the vicinity of an airfield, the calculated noisiness index, projected for a period of 15 years following the date on which the municipality made such designation, exceeds 65 dBA;
- (c) industrial noise in the vicinity of an industry –
 - (i) the reading on an integrating sound level meter, set on impulse or faster acquisition rate, taken outdoors at the end of a period of 24 hours while such meter was in operation, exceeds 61 dBA; or
 - (ii) the calculated outdoor equivalent continuous “A”-weighted sound pressure level at a height of at least 1.2m, but not more than 1.4m, above the ground for a period of 24 hours, exceeds 61 dBA, or
- (d) noise from any other source in the vicinity of that source-
 - (i) the reading on an integrating sound level meter, set on impulse or faster acquisition rate, taken outdoors at the end of a period extending from the time when such source of noise became active until the time when it was no longer active, while such meter was in operation, exceeds 65 dBA; or
 - (ii) the outdoor continuous “A”-weighted sound pressure level at a height of at least 1.2m, but not more than 1.4m, above the ground, as calculated in accordance with acceptable mathematical/acoustic methods for a period extending from the time when the source of noise became active until the time when it was no longer active, and projected for a period of 15 years following the date on which the municipality made such designation, exceeds 65 dBA: Provided that methods of calculation as described in SABS ARP 020 may be used for the calculation.

“dBA” means the value of the sound pressure level in decibels, determined using a frequency weighting network A, and derived from the following equation:

$$LPA = 10 \log^{10} [PA/P^0]^2$$

Where –

PA = the “A”-weighted sound pressure; and

P⁰) = the reference sound pressure

(P⁰ + 20uPa):

“disturbing noise” means a noise level which exceeds the zone sound level or, if no zone sound level has been designated, a noise level which exceeds the ambient sound level at the same measuring point by 7 dBA or more;

“erect” also means alter, convert, extend or re-erect;

“exempted vehicle” means a vehicle listed in Annexure A to SANS 10281;

“functions in residential area” means any private function in a residential area such as weddings, funerals, unveiling of tombstones ceremonies, birthdays etc, including music festivals in residential areas

“integrating impulse sound level meter” means an integrating sound level meter set on “I”-time weighting or at a sampling rate greater than “I” weighting and integrated to provide the result in dBA;

“integrating sound level meter” means a device that integrates a function of the root mean square value of sound pressure over a period of time and indicates the result in dBA;

“measuring point” relating to a piece of land from which an alleged disturbing noise emanates, means –

- (a) a point outside the property projection plane where an alleged disturbing noise shall be measured;
- (b) a building with more than one occupant, means a point in or outside the building where an alleged disturbing noise shall be; and
- (c) a stationary vehicle, means a point as described in SANS 10181 where a measuring microphone shall be placed;

“municipality” means the Municipality of Collins Chabane or its successor in title as envisaged in section 155(1) of the Constitution, established by Notice No 308 and Notice No 397 of 2000 in terms of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) and for the purposes of this By-law includes an employee or official acting in terms of a delegation issued under section 59 of the Municipal Systems Act;

“Municipal Manager” means the person appointed as the Collins Chabane Local Municipality Municipal Manager in terms of section 54A of the Municipal Systems Act and includes any person acting in that position or to whom authority has been delegated;

“Municipal Systems Act” means the Local Government: Municipal Systems Act, 2000 (Act, No. 32 of 2000) and any regulations made thereunder;

“music festivals, also open-air music festivals and similar gatherings” means an event including, but not necessarily limited to:

- (a) any sporting, recreational or entertainment event, including live acts and music of any kind;
- (b) Any music festival;
- (c) Any educational, cultural or religious event where religious event also includes gospel music festivals;
- (d) Any business event including marketing, public relations and promotional or exhibition events;
- (e) Any charitable event, including any conference, organizational or community event, or any similar activity hosted at stadium, public or private open space or any venue or along a route or its precinct, which event is planned, has a clear programme, control and accountability, but excludes an event hosted by a private person held in his or her private capacity at any venue, or filming staged in terms of the By-law relating thereto;

“National Environmental Management Act” means the National Environmental Management Act, 1998 (Act No. 107 of 1998) and any regulations made there under;

“noise level” means the reading on an integrating impulse sound level meter taken at a measuring point in the presence of any alleged disturbing noise at the end of a total period of at least 10 minutes after such meter was put into operation, and, if the alleged disturbing noise has a clearly discernible pitch, for example a whistle, buzz, drone or music to which 5 dBA is added;

“noise nuisance” means any sound which disturbs or impairs or may disturb or impair the convenience or peace of any person;

“noisiness index” means a number expressed in dBA as defined in SANS 10117;

“non-exempted vehicle” means a vehicle not listed in Annexure A to SANS 10281;

“**plant**” means a refrigeration machine, air conditioners, fan system, compressor, power generator or pump or mechanical driven device;

“**property projection plane**” means a vertical plane on, and including the boundary line of a piece of land defining the boundaries of such piece of land in space;

“**recreational vehicle**” means-

- (a) an off-road vehicle, scrambler, dune buggy or ultra-light aircraft;
- (b) a model aircraft, vessel or vehicle;
- (c) any aircraft or helicopter used for sport or recreational purposes;
- (d) a vessel used on water; or
- (e) any other vessel or model which is used for sport or recreational purposes;

“**SANS 10103**” means South African Bureau of Standards publication No. 10103 entitled: “The measurement and rating of environmental noise with respect to annoyance and to speech communication” published under Government Notice No. 718 in Government Gazette No. 18022 of 30 May 1997, as amended from time to time or its corresponding replacement;

“**SANS 10117**” means South African Bureau of Standards publication No. 0117 – 1974 titled: “Code of Practice for the determination and limitation of disturbance around an aerodrome due to noise from aeroplanes” published under Government Notice No. 151 of 01 February 1985, as amended from time to time or its corresponding replacement;

“**SANS 10181**” means South African Bureau of Standards publication No. 0181 – 1981, titled: “Code of Practice for the measurement of noise emitted by road vehicles when stationary” published under General Notice No. 463 of 09 July 1982, as amended from time to time or its corresponding replacement;

“**SANS 0210**” means South African Bureau of Standards publication No. 0210 – 1986 titled: “Code of Practice for calculating and predicting road traffic noise” published under Government Notice No. 358 of 20 February 1987, as amended from time to time or its corresponding replacement;

“**SANS 10281**” means South African Bureau of Standards publication No. 0281 – 1997 titled: “Engine speed (S values), reference sound levels and permissible sound levels for stationary road vehicles” published under Government Notices 761, 762 and 763 in Government Gazette No. 18040 of 06 June 1997, as amended from time to time or its corresponding replacement;

“**sound level**” means the reading on a sound level meter taken at a measuring point at the end of the measuring period;

“**sound level meter**” means a device measuring sound pressure while it is set on “F”-time weighting or at a sampling rate greater than “I” weighting and integrated to provide the result in dBA; and

“**zone sound level**” means a derived dBA value determined indirectly by means of a series of measurements, calculations or table readings and designated by a municipality for an area.

2. PURPOSE OF THIS BY-LAW

Purpose of this By-law is to assist Collins Chabane Local Municipality to exercise its powers under these By-laws to _

- (1) Control noise levels within the municipality
- (2) Provide for measures for preventing, minimizing or managing noise nuisances;
- (3) Prohibit noise nuisance activities in public places;
- (4) Introduce a system of designating no noise zones within the municipality;
- (5) Provide measures to be used by the municipality to determine noise levels

PART 2: NOISE POLLUTION MANAGEMENT

3. PROHIBITION OF DISTURBING NOISE

No person may make, produce or cause a disturbing noise, or allow it to be made, produced or caused by any person, animal, machine, device or apparatus or any combination thereof.

4. PROHIBITION OF NOISE NUISANCE

No person may-

- (a) operate or play, or allow to be operated or played, a radio, television set, drum, musical instrument, sound amplifier, loudspeaker system or similar device producing, reproducing or amplifying sound so as to cause a noise nuisance;
- (b) offer any article for sale by shouting, ringing a bell or making other sounds or by allowing it to be done in a manner which causes a noise nuisance;
- (c) allow an animal owned or controlled by him or her to cause a noise nuisance;
- (d) allow an activity to cause a noise nuisance, except for functions, churches and funerals or allow it to be take place during the following hours:
 - (i) after 21h00 every day; or
 - (ii) where consultation with neighbors is done 48 hours prior such an activity.
- (e) build, make, construct, repair, rebuild, modify, operate or test a vehicle, vessel, aircraft or object on or near residential premises, or allow such actions if it causes a noise nuisance;
- (f) use or discharge any explosive, firearm or similar device that emits sounds and may cause, or allow such actions, except with the prior consent in writing of the municipality concerned and subject to such condition as the municipality may deem necessary;
- (g) on a piece of land or in water or in airspace above that piece of land designated by a municipality by means of a notice in the press –
 - (iii) move about on or in a recreational vehicle; or
 - (iv) exercise control over a recreational vehicle; or
 - (v) as the owner or person in control of the piece of land, water or airspace, allow such activity to take place, if this causes a noise nuisance;
- (h) except in an emergency, emit a sound, or allow a sound to be emitted, by means of a bell, carillon, siren, hooter, static alarm, whistle, loudspeaker or similar device, if it causes a noise nuisance;
- (i) operate any machinery, saw, sander, drill, grinder, lawnmower, power tool or similar device or allow it to be operated in a residential area during the following hours:
 - (i) Before 06h00 and after 18h00 from Monday to Saturday; and
 - (ii) Before 8h00 and after 14h00 on a Sunday; or if it causes a noise nuisance or noise disturbance.
- (j) load, unload, open, shut or in any other way handle a crate, box, container, building material, rubbish container or any other article, or allow such actions, if it causes a noise nuisance;
- (k) use any power tool or power equipment for construction work, drilling work or demolition work, or allow it to be used in or near a residential area during the following hours:
 - (i) Before 06h00 and after 18h00 from Monday to Saturday; and
 - (ii) Before 8h00 and after 14h00 on a Sunday; or if it causes a noise nuisance or noise disturbance.

5. LAND USE

(1) No person may-

- (a) establish any zone unless a Noise Impact Assessment has been undertaken in accordance with SANS 10328. The assessment must indicate that either the outdoor equivalent continuous day/night rating level (LR,dn), the outdoor equivalent continuous day-time rating level (LR,d) or the outdoor continuous equivalent night-time rating level (LR,n) appropriate for the particular district will not be exceeded at any position within the boundaries of the proposed zone;
- (b) construct or erect any building or make changes to existing facilities on a premise which will house an activity which does not conform with the dominant land use specified in the applicable zoning scheme;
- (c) construct or erect any building or make changes to existing facilities on premises which will house an activity which produces more noise with respect to that of the dominant land use specified in the applicable zoning scheme or will create a disturbing noise unless it has been proven that precautionary measures will be implemented. Such measures must be to the satisfaction of the municipality in that the premises, after being erected or developed or changes made, will be adequately insulated against the transmission of sound to the outside, so that either the outdoor equivalent day/night rating level (LR,dn), the outdoor equivalent continuous day-time rating level (LR,d) and/or the outdoor equivalent continuous night-time rating level (LR,n), will not exceed the appropriate rating level for outdoor noise specified in SANS 10103 at any position on the property projection plane of the premises; or(d) undertake any activity which constitutes a noise source referred to in SANS 10328 and any of the listed activities requiring an EIA in terms of the NEMA Regulations, , which are considered to have a potential noise impact unless a Noise Impact Assessment has been undertaken in accordance with SANS 10328.

(2) The municipality may-

- (a) before changes are made to existing facilities or existing uses of land or buildings or before new buildings are erected, in writing require that Noise Impact Assessments or tests be conducted to the satisfaction of the municipality by the owner, developer, tenant or occupant of the facilities, land or buildings concerned. Such reports or certificates must be submitted by such owner, developer, tenant or occupier to the municipality. The report should prove that either the outdoor equivalent continuous day/night rating level (LR,dn), the outdoor equivalent continuous day-time rating level (LR,d) and the outdoor equivalent continuous night-time rating level (LR,n) at any position on or outside the property projection plane of the existing facility, use of land or building will not exceed values for the appropriate level given in SANS 10103. The Noise Impact Assessment, if required shall be conducted in accordance with SANS 10328 or other applicable documentation and the tests, if required, must be conducted in accordance with SANS 10103 or other applicable documentation; or
- (b) if excavation work, earthmoving work, pumping work, drilling work, construction work, or demolition work or any similar activity, power generation or music causes or may cause a noise nuisance or a disturbing noise, instruct in writing that such work, activity, generation or music be forthwith discontinued until such conditions as the municipality may deem necessary have been complied with;
- (c) set conditions relating to noise control to be included in the conditions of establishment of a new township, in order to achieve the objectives of the Act.

6. DESIGNATION OF CONTROLLED AREAS

- (1) The municipality may by notice in the Provincial Gazette –
 - (a) designate a controlled area in its area of jurisdiction or amend or cancel an existing controlled area; and
 - (b) designate zone sound levels for specific areas and for specific times in its area of jurisdiction or amend or cancel such designation;
- (2) No person may-
 - (a) erect educational, residential, flat, hospital, church or office buildings in an existing township in a controlled area or area for which a zone sound level has been designated in terms of subsection (1)(b), unless acoustic screening measures have been provided in the building to limit the reading on an integrating impulse sound level meter, measured inside the building after completion, to 40 dBA or such level as may be determined in accordance with subsection (1)(b): Provided that any air-conditioning or ventilating systems shall be switched off during the course of such noise measurements;
 - (b) locate educational, residential, hospital or church erven within a controlled area in a new township or an area that has been rezoned:

Provided that such situation may be allowed by the municipality in accordance with the acoustic screening measures mentioned by that municipality in the approved building plans.

7. MOTOR VEHICLES

- (1) No person may drive a vehicle, or allow it to be driven, on a public road, if the sound level at the measuring point measured in accordance with the procedure prescribed in SANS 10181 exceeds:
 - (a) in the case of a non-exempted vehicle, the sound level specified in Table 1 of SANS 10281 for that type of vehicle; or
 - (b) in the case of an exempted vehicle, the applicable sound level indicated in the tables of Annexure A to SANS 10281, for that type of vehicle by more than 5 dBA;
- (2) The municipality may in order to determine whether a vehicle being used on any road in the area of jurisdiction of that municipality, including a private, provincial or national road crossing its area of jurisdiction, complies with the provisions of these regulations, instruct the owner or person in control of the vehicle-
 - (a) to have an inspection or test conducted on the vehicle as the municipality may deem necessary, on a date and at a time and place determined by the municipality in writing; and
 - (b) to stop the vehicle or cause it to be stopped;
- (3) A vehicle attached under subsection (2)(b) must be kept in safe custody by the municipality;
- (4) The municipality may lift the attachment contemplated in subsection (2)(b) if the owner or person in control of the vehicle concerned has been instructed in writing by such authority-
 - (a) to repair or to modify the vehicle concerned or to cause it to be repaired or to be modified; and
 - (b) to have any inspection or test, as the municipality may deem necessary, conducted on the vehicle on a date and a time and place mentioned in the instruction.

8. MUSIC, OPEN-AIR MUSIC FESTIVALS AND SIMILAR GATHERINGS

- (1) Subject to the provisions of sections 5 and 6(a), no person may operate or play a radio, television set, gramophone, recording device, drum, musical instrument, sound

- amplifier or similar device producing, reproducing or amplifying sound, or allow it to be operated or played, in a public place, if the noise level measured at any point which may be occupied by a member of the public or at one meter from the source of the sound, exceeds 95 dBA, unless permission has been obtained from the municipality.
- (2) No person may stage an open-air music festival or similar gathering without the prior written consent of the municipality and the municipality may impose such conditions as it may deem fit.
 - (3) It is a requirement that the event manager must obtain, and submit proof to the effect to the satisfaction of the Environmental Health Practitioner, the advice of a qualified sound engineer with regard to the set-up of the speakers and other precautions to limit a disturbing noise or noise nuisance to the surrounding environment.
 - (4) If any music causes or may cause a noise nuisance or a disturbing noise, the municipality may instruct in writing that such music be forthwith discontinued until such conditions as the municipality may deem necessary have been complied with.
 - (5) Subject to the provisions of subsections (5) and (6) and the applicable provisions of any other law, the municipality may attach any instrument used to generate music if the sound level of such instrument exceeds the sound level referred to in subsection (1) and no permission has been obtained from the municipality.
 - (6) An instrument attached under subsection (4) shall be kept in safe custody by a municipality.
 - (7) The municipality may lift the attachment contemplated in subsection (4) if the owner or person in control of the instrument has applied for permission in terms of subsection (1).

9. FUNCTIONS IN RESIDENTIAL AREA

- (1) No person may stage a function in a residential area or similar gathering without the prior written consent of the municipality and the municipality may impose such conditions as it may deem fit.
- (2) Notwithstanding section 11(1) above, functions in residential areas shall not in whatever manner, disturb or hinder the comfort, convenience, or peace of any person and shall end at 24h00.

PART 3: GENERAL PROVISIONS

10. GENERAL POWERS OF THE MUNICIPALITY

The municipality may-

- (a) for the purpose of applying these by-laws, at any reasonable time enter a premise (s)-
 - (i) to conduct any examination, inquiry or inspection thereon as it may deem expedient; and
 - (ii) to take any steps it may deem necessary;
- (b) if a noise emanating from a building premises, vehicle, recreational vehicle or street is a disturbing noise or noise nuisance, instruct in writing the person causing such noise or who is responsible therefore, or the owner or occupant of such building, premises, vehicle, recreational vehicle or street or all such persons, to discontinue or cause to be discontinued such noise or to take steps to lower the level of such noise to a level conforming to the requirements of these regulations within the period stipulated in the instruction: Provided that the provisions of the paragraph shall not apply in respect of a disturbing noise or noise nuisance caused by rail vehicles or air traffic or by vehicles that are not used as recreational vehicles on a public road;

- (c) if the owner or person in charge of an animal fails to comply with an instruction referred to in subsection (b), subject to the applicable provisions of any other law, impound or cause to be impounded such animal;
- (d) impose such conditions as it deems fit when granting any permission or exemption in terms of these regulations, including the specification of times and days when activities that may cause noise are permitted or prohibited;
- (e) subject to the applicable provisions of any other law, place or cause to be placed measuring instruments or similar devices, road traffic signs or notices at any place within its area of jurisdiction for the enforcement of the provisions of these by-laws: Provided that road traffic signs and notices shall be placed on private property only with the permission of the owner.

11. GENERAL PROHIBITION

No person may-

- (a) fail to comply with a written condition, instruction, notice, requirement or demand issued by a municipality in terms of these regulations;
- (b) tamper with, remove, put out of action, damage or impair the functioning of a noise monitoring system, noise limiter, noise measuring instrument, acoustic device, road traffic sign or notice placed in a position by or on behalf of the municipality;
- (c) for the purposes of these regulations, in respect of a duly authorised employee of the municipality-
 - (i) fail or refuse to grant admission to such employee to enter and to inspect a premise;
 - (ii) fail or refuse to give information which may lawfully be required of him or her to such employee;
 - (iii) hinder or obstruct such employee in the execution of his or her duties; or
 - (iv) give false or misleading information to such employee knowing that it is false or misleading.

12. USE OF MEASURING INSTRUMENTS

- (1) Any person taking a reading must ensure that-
 - (a) the acoustic sensitivity of sound level meters is checked before and after every series of measurements by using a sound calibrator, verified every two years by an accredited calibration laboratory for compliance with the specifications for accuracy of national codes of practice for acoustics, to comply with the Measuring Units and National Measuring Standards Act 2006 (Act No. 18 of 2006);
 - (b) the microphones of sound measuring instruments are at all times provided with a windshield; and
 - (c) the sound measuring instruments are operated strictly in accordance with the manufacturer's instructions.
- (2) The measuring of dBA values in respect of controlled areas, ambient sound levels or noise levels in terms of these regulations shall be done as follows:
 - (a) outdoor measurements on a piece of land: By placing the microphone of an integrating impulse sound level meter at least 1,2 meters, but not more than 1,4 meters, above the ground and at least 3,5 meters away from walls, buildings or other sound reflecting surfaces; and
 - (b) indoor measurements in a room or enclosed space which is not ventilated mechanically: By placing the microphone of an integrating impulse sound level meter at least 1,2 meters but not more than 1,4 meters, above the floor and at least 1,2 meters away from the wall, with all the windows and outer doors of the room

or enclosed space entirely open: Provided that windows and doors are closed for indoor measurements in rooms or enclosed spaces which are mechanically ventilated.

- (3) Any deviation from heights and distances referred to in subsection (2) shall be reported with the furnishing of a reason.

13. EXEMPTIONS

- (1) The provision of this By-Law shall not apply, if-
- (a) the emission of sound is necessary for the purpose of warning people of a dangerous situation; or
 - (b) the emission of sound takes place during an emergency.
- (2) Any person may by means of a written application apply to the municipality concerned for exemption from any provision of this By-Law.
- (3) The municipality may-
- (a) grant an exemption in writing and the conditions in terms of which, if any, and the period for which such exemption is granted shall be stipulated therein;
 - (b) alter or cancel any exemption or condition in an exemption;
 - (c) refuse to grant an exemption.
- (4) An exemption shall not take effect before the applicant has undertaken in writing to comply with all conditions imposed by a municipality under subsection (3): Provided that if activities are commenced before such undertaking has been submitted to the municipality, the exemption shall lapse.
- (5) If any condition of exemption is not complied with, the exemption may be withdrawn by the Municipality after notice to show cause against the proposed withdrawal has been given, and the representations, if any, resulting therefrom have been considered.

14. OFFENCES AND PENALTIES

- (1) Any person who –
- (a) contravenes or fails to comply with any provisions of these By-laws;
 - (b) Refuses or fails to comply with any notice served on him or her in terms of or for the purposes of this By-law;
 - (c) Refuses or fails to comply with the terms or conditions of any approval issued in terms of this By-law;
 - (d) obstructs, hinders or interferes with an authorised official or other official of the Council acting under power delegated to him or her, in the exercise of any power or the performance of any duty under this By-law;
 - (e) fails or refuses to furnish to an authorised official or other official of the Council acting under power delegated to him or her, with any documentation or information required for the purposes of this Bylaw or furnishes a false or misleading document or false or misleading information;
 - (f) fails or refuses to comply with any instruction given in terms of or for the purposes of this By-law; or
 - (g) pretends to be an authorised official or other official of the Municipality acting under power delegated to him or her, shall be guilty of an offence and –
 - (i) upon conviction, be liable to a fine or imprisonment or to both a fine and such imprisonment. The fine shall be calculated in terms of the Municipal Tariff Structure and
 - (ii) a person convicted of an offence under this By-law who, after conviction, continues with the action in respect of which he or she was so convicted, is guilty of a continuing offence and liable to a fine, or upon conviction, to

- imprisonment or to both such fine and imprisonment, in respect of each day on which he or she so continues or has continued with that act or omission.
- (2) Nothing in subsection (1) above shall be construed to prevent the Municipality from imposing, in addition to the civil and criminal options available, a rates penalty as per the Municipality's approved Rates Policy against an owner of a property who is in contravention of any provision of this By-law.

15. REPEAL OF BY-LAWS

By-laws on Noise Control previously made by the Thulamela and Makhado Local Municipal Councils or their constituents Predecessors in respect of any portion of the area of the Collins Chabane Municipality, are hereby repealed in so far as they are inconsistent with the provisions of these By-laws.

16. SHORT TITLE

This By-law is referred to as the Collins Chabane Local Municipality Noise Control By-law and will come into operation on date of promulgation of the By-law in the Provincial Gazette.

SCHEDULE 1



COLLINS CHABANE LOCAL MUNICIPALITY DEVELOPEMNT PLANNING DEPARTMENT

NOISE EXEMPTION APPLICATION FORM			
IN TERMS OF REGULATION 12 OF THE NOISE CONTROL REGULATIONS P.N. 200/2013 MADE UNDER SECTION 25 OF THE ENVIRONMENT CONSERVATION ACT, 1989 (ACT 73 OF 1989).			
1.	Name of owner/manager of the business/premises:		
2.	Name of Company or Organisation (if applicable):		
3.	Applicant:	Phone no:	
		Fax no:	
		Email:	
4.	Name of Event		
	Event location:		
5.	Date of event: _____	Time of event: _____	
		Start:	End:
6.	Sound checks (if any): _____		
	Start and end times:	Start:	End:
7.	Responsible Person:		
	Name: _____	Cellphone no: _____	
8.	Noise source (e.g. live band, D.J., microphone, construction equipment, etc.):		
9.	Is the event:	Indoor <input type="checkbox"/>	Outdoor <input type="checkbox"/> Number of guests <input type="text"/>
10.	Existing and/or proposed measures in place or to be adopted to limit the noise at source.		

Signature of Applicant: _____

Date: _____

Signature of Applicant

Date

The following documentation must be submitted with this application:

1. A site plan indicating the following
 - 1.1. Surrounding residential premises,
 - 1.2. The position of the possible noise sources
 - 1.3. The direction of the possible noise sources
 - 1.4. Distances from noise sources to surrounding residential premises.
 - 1.5. Positions of possible standby generators
2. A letter of consent from the owner/body corporate and that he/she/they are aware of the proposal.
3. Written comments from the Local Ward Councillor regarding the noise exemption being issued.
4. Written comment from the Local Rate Payers Association regarding the noise exemption being issued.

The Environmental Health Practitioner for that specific area reserves the right to ask for further requirements before issuing a Noise Exemption.

An application would be considered incomplete if any of the above requirements are not completed or attached to the application and will **not** be processed.

A fully completed application must be submitted to Council at least 15 (fifteen) working days prior to the commencement of the event. Failing this, the application shall not be processed.

It must be noted that the exemption shall not take effect before the applicant has undertaken in writing to comply with all conditions imposed by the Municipality. If activities commence before the undertaking has been submitted to the Municipality, the exemption shall lapse.

The Events Office must receive the signed Noise Exemption at least 3 (three) working days prior to the event. Failing this the exemption shall lapse.

Penalties

In addition, it must be noted that any person who contravenes or fails to comply with a provision of these By-Laws shall be guilty of an offence and liable on conviction to a fine or imprisonment for a period not exceeding two years, or to both such fine and such imprisonment.

SCHEDULE 2

HEAD-OFFICE: OLD DCO BUILDING, 225 HOSPITAL ROAD, MALAMULELE 0982.

TEL: 015-851-0110. FAX: 015-851-0097



REF:

DATE: / /

TIME: _____

To owner/occupier

Sir/Madam

Applicable legislation: e.g. Noise Control By-Laws, Regulations, National Health Act etc. This correspondence serves to inform you regarding understated information:

1. Type of transgression or non-compliance:

2. Recommendations

3. Compliance period

Your cooperation will be appreciated.

Yours faithfully

Name:
Compliance Officer
Collins Chabane Local Municipality