

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

GHANZI DISTRICT COUNCIL (NOISE AND NUISANCE) BYE-LAWS, 2002
(Published on 16th August, 2002)

ARRANGEMENT OF BYE-LAWS

BYE-LAW

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IN EXERCISE of the powers conferred by section 34 of the Local Government (District Councils) Act, and with the approval of the Minister of Local Government, the Ghanzi District Council hereby adopts the Noise and Nuisance (Model) Bye-laws with variations as set out below—

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| 1. These Bye-laws may be cited as the Ghanzi District Council (Noise and Nuisance) Bye-Laws, 2002. | Citation |
| 2. In these Bye-laws "Council" means the Ghanzi District Council. | Interpretation |
| 3. No person shall— | |
| (a) operate or cause to be operated any wireless, loudspeaker, record player, amplifier or similar instrument to the annoyance of the occupants or inmates of any premises in the neighbourhood; | Noises and nuisances prohibited |
| (b) operate any wireless, musical instrument, loudspeaker or other similar device for the purposes of advertising on, or adjacent to, any street without the prior consent of the District Council; | |
| (c) continue to make any loud or unseemly noise or disturbance either by shouting, screaming or yelling, or by blowing upon any horn or any instrument or by beating upon any drum or other instrument so as to annoy, disturb or interfere with the rest, peace or tranquillity of the inhabitants of the neighbourhood, after having been requested to desist by any member of the Police Force, any person authorised by the Council or any person so annoyed, disturbed or inconvenienced; | |
| (d) continue to ring any bell or sound any horn or blow any whistle or use any noisy instrument or shout in any market square, street, park or public place, after having been requested to desist by any member of the Police Force, any person authorised by the Council or any person so annoyed, disturbed or inconvenienced; | |

- (e) between the hours of 12 midnight 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 comfort or peace of the inhabitants of the neighbourhood;
- (f) between the hours of 10 p.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 or tranquillity of the neighbourhood;
- (g) make or cause to be made any noise by any instrument before 4 p.m. on Mondays to Fridays and before 12 noon during weekends and public holidays, and thereby disturb the peace or tranquillity of the neighbourhood:

Provided that a person may make or cause to be made any noise by any instrument before 4 p.m. on Mondays to Fridays and before 12 noon during weekends and public holidays, if such noise is made for the purposes of announcing to the public; or

- (h) between the hours of 12 midnight and 6 a.m. make any noise by any instrument in a place designated as a picnic area or entertainment area unless such person had upon written application been granted permission by the council.

Penalties

4. Any person who fails to comply with these Bye-laws shall be guilty of an offence and on conviction be liable to a fine not exceeding P100 or, in default thereof, to imprisonment for a term not exceeding 14 days, and on a second or subsequent conviction, to a fine not exceeding P200 or, in default thereof, to imprisonment for a term not exceeding two months.

Power to
confiscate

5. Upon any subsequent convictions under these Bye-laws, a magistrate may, in addition to any penalties imposed by him and on application by the Prosecutor, by warrant authorize any police officer of the rank of inspector or above to confiscate and dispose of any instrument, bell, horn, record player, amplifier or similar device used in the commission of the subsequent offence.

Repeal of
S.I. No. 114
of 1992

6. The Ghanzi District Council (Noise and Nuisance) Bye-Laws, 1992, are hereby repealed.

MADE this 5th day of July, 2002.

R. IPOTSENG,
Council Secretary,
Ghanzi District Council.

APPROVED this 23rd day of July, 2002.

M. NASHA,
Minister of Local Government.

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