

The Administrator has been pleased in terms of Section 270 of the Local Authorities Ordinance, 1974 (Ordinance N° 25 of 1974), to approve of the subjoined bylaws as made by the City Council of the City of Pietermaritzburg.

CITY OF PIETERMARITZBURG

**NOISE ABATEMENT BYLAWS**

1. Definitions

In these bylaws, unless the context otherwise indicates, the following words shall have the respective meanings assigned to them hereunder:

Ambient Sound Level -The reading on an integrating sound level meter measured at the measuring point at the end of a total period of at least 10 minutes after such integrating sound level meter has been put into operation, during which period a noise alleged to be a disturbing noise is absent.

Council -The City Council of Pietermaritzburg.

Disturbing Noise -A noise level which exceeds the ambient sound level by 7 dB(A) or more, and "disturbing" in relation to a noise shall have a corresponding meaning.

Integrating Sound Level Meter -A device integrating a function of sound pressure over a period of time and indicating the result in dB(A), which dB(A) indication is a function of both the sound level and the duration of exposure to the sound during the period of measurement.

Measuring Point -(a) In relation to a piece of land from which an offending noise is emitted, a point outside the property projection plane where in the opinion of the Medical Officer of Health, a disturbing noise should be measured in accordance with the provisions of Section 3; or (b) In relation to a multi-occupancy building, a point in such building where, in the opinion

of the Medical Officer of Health, a disturbing noise should be measured in accordance with the provisions of Section 3.

Medical Officer of Health -The person appointed by the Council to be the Medical Officer of Health or any person acting in his place.

Noise Level -The reading on an integrating sound level meter taken at the measuring point at the end of a reasonable period after the integrating sound meter has been put into operation during which period the noise alleged to be a disturbing noise is present, to which reading 5dB(A) is added if the disturbing noise contains a pure tone component or is of an impulsive nature.

Premises -Shall include any land or building whether occupied or not or any road, street or thoroughfare.

Property Projection Plane -A vertical plane on and including the boundary line of a piece of land which determines the boundaries in space of such piece of land.

## 2. Offences

- (1) No person shall on any premises or land make, produce, cause or permit to be made or produced by any person, machine, animal, device or apparatus or combination of these, a noise which is a disturbing noise.
- (2) Any person who contravenes subsection (1) shall be guilty of an offence.
- (3) Where a disturbing noise is made in terms of (1) hereof, it shall be presumed, unless the contrary is proved, that the person in effective control of the premises from which the disturbing noise emanates is causing or producing such noise or permitting such noise to be made or produced.

## 3. Measuring of Ambient Sound Level and Noise Level

- (1) When the ambient sound level or noise level is read in terms of

these bylaws, such measurement or reading shall be done in the case of -

(a) outdoor measurements on a piece of land with the microphone of the integrating sound level meter at least 1,2 metres but not more than 1,4 metres above the ground and at least 3,5 metres distant from walls, buildings or other sound-reflecting surfaces;

(b) indoor measurements in a room or a closed space with a microphone of the integrating sound level meter at least 1,2 metres but not more than 1,4 metres above the floor and at least 1,2 metres distant from any wall, with all the windows and outside doors of such room or enclosed space completely open.

(2) The microphone of an integrating sound level meter shall at all times be equipped with a windshield.

#### 4. Powers of the Medical Officer of Health

(1) If the Medical Officer of Health, as a result of a complaint lodged with him is satisfied that a noise emanating from any building, premises or street is a disturbing noise, he may, in a written notice, instruct the person causing or responsible for the disturbing noise or the owner of such building or premises on which the disturbing noise is caused or both of them, within a period specified in such notice immediately to stop such noise or have it stopped or take the necessary steps to reduce the disturbing noise level to a level which complies with the provisions of the bylaws: provided that if the Medical Officer of Health is satisfied that the disturbing noise is due to or caused by -

(a) the working of -

(i) a machine or apparatus which is necessary for the maintenance or repair of property, or the protection of life, property or public services;

(ii) garden equipment;

(iii) a machine or device, the noise level of which has in the opinion of the Medical Officer of Health, been reduced or muffled according to the best practicable methods and which continues to be disturbing;

(b) a sports meeting; or

(c) circumstances or activities beyond the control of the person responsible for causing the disturbing noise, he may, whether generally or specifically, after written representation to the Medical Officer of Health by the person who caused or who was responsible for the disturbing noise, permit the working of such machine or apparatus, or such sports meeting or circumstances or activities to continue, subject to such conditions as he deems fit.

(2) Any person who fails to comply with an instruction in terms of such subsection (1) shall be guilty of an offence.

#### 5. Right of Entry

Any duly authorised officer of the Council may, for any purpose connected with the enforcement of these bylaws and without previous notice, enter any premises and make such examination, enquiry and inspection thereon as he deems fit, and he or any person instructed by him may take such steps as may be necessary to silence any noises for the purposes of determining the ambient sound level.

#### 6. Penalties

Any person convicted of an offence in terms of the provisions of these bylaws shall be liable, upon conviction, to the penalties described in Section 266(7)(a) of the Local Authorities Ordinance, N° 25 of 1974.

10 August 2005

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