

VERORDENINGE: POLOKWANE MUNISIPALITEIT

BY-LAWS: POLOKWANE MUNICIPALITY

Provincial Gazette:
18 January 1989, as amended

**PIETERSBURG MUNICIPALITY: NOISE
ABATEMENT BY-LAWS**

The Town Clerk of Pietersburg hereby, in terms of section 101 of the Local Government Ordinance, 17 of 1939, publishes the by-laws set forth hereinafter, which have been adopted by the Council in terms of section 96 of the said Ordinance.

Definitions

1. *For the purposes of these by-laws, unless the context otherwise indicates-*

“ambient sound level”

Means the reading of an integrating sound level meter measured at the measuring point at the end of a total period of at least 10 minutes after such integration sound level meter has been put into operation, during which period a noise alleged to be a disturbing noise is absent;

“Council”

Means the Town Council of Pietersburg and includes the management committee and any officer of the Council acting by virtue of any power vested in the Council by these by-laws and delegated to such committee or officer in terms of section 58 of the Local Government (Administration and Elections) Ordinance, 1960;

Provinsiale Koerant:
18 Januarie 1989, soos gewysig

**MUNISIPALITEIT PIETERSBURG:
GERAASBESTRYDINGSVERORDENINGE**

Die Stadsklerk van Pietersburg publiseer hierby ingevolge die bepalings van artikel 101 van die Ordonnansie op Plaaslike Bestuur, 1939, die verordinge hierna uiteengesit, wat deur die Raad ingevolge artikel 96 van genoemde Ordonnansie opgestel is.

Woordomskrywing

1. Vir die toepassing van hierdie verordeninge, tensy dit uit die sinsverband anders blyk, beteken-

“geraaspeil”-

Die aflesing op 'n integrerende klankpeilmeter wat by die meetpunt is aan die einde van 'n redelike tydperk nadat die integrerende klankpeilmeter in werking gestel is, gedurende welke tydperk die geraas wat na bewering 'n steurende geraas is, teenwoordig is, by welke aflesing 5dB(A) gevoeg word indien die steurende geraas 'n suiwertoonkomponent bevat of impulsief van aard is;

“integrerende klankpeilmeter”

'n Toestel wat 'n funksie van klankdruk oor 'n tydperk integreer en die resultaat in dB(A) aandui, welke dB(A)-aanduiding 'n funksie is van beide die klankpeil en die duur van die blootstelling aan die klank gedurende die meettydperk;

“disturbing noise”

Means a noise level which exceeds the ambient sound level by 7dB(A) or more, and “disturbing” in relation to a noise shall have a corresponding meaning;

“integrating sound level meter”

Means 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” means-

- (a) *in relation to a piece of land from which a disturbing noise is emitted, a point beyond the vertical boundaries of the land concerned where, in the opinion of the Chief Health officer, 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 Chief Health Officer, a disturbing noise should be measured in accordance with the provisions of section 3*

“Hoof Gesondheidsbeampte”

Die Hoof Gesondheidsbeampte van die Raad of iemand wat deur die Raad gemagtig is om namens hom op te tree of iemand deur die Raad aangestel om uitvoering aan die bepalings van hierdie verordeninge te gee;

“meetpunt”-

- (a) met betrekking tot ‘n stuk grond waarvandaan ‘n steurende geraas afkomstig is, ‘n punt anderkant die vertikale grense van die betrokke grond waar daar na die oordeel van die Hoof Gesondheidsbeampte, ‘n steurende geraas ooreenkomstig die bepalings van artikel 3 gemeet behoort te word; of
- (b) met betrekking tot ‘n gebou met meer as een okkupant, ‘n punt in sodanige gebou waar ‘n steurende geraas, na die mening van die Hoof Gesondheidsbeampte, ooreenkomstig die bepalings van artikel 3 gemeet behoort te word;

“omgewingsklankpeil”

Die aflesing op ‘n integrerende klankpeilmeter wat by die meetpunt geneem is, aan die einde van ‘n totale tydperk van minstens 10 minute nadat sodanige integrerende klankpeilmeter in werking gestel is, gedurende welke tydperk ‘n geraas wat na bewering ‘n steurende geraas is, afwesig is;

“Chief Health Officer”

Means the Chief Health Officer of the Council or any person authorized by the Council to act on his behalf or any person appointed by the Council to give effect to the provisions of these by-laws;

“noise level”

Means the reading on an integrating sound level meter taken at the measuring point at the end of a reasonable period after the integrating sound level 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.

Offences

- 2(1) *No person shall make, produce, cause or permit to be made or produced by any person, machine, animal, bird, device or apparatus or any combination of these, a noise which is a disturbing noise.*
- (2) *Any person who contravenes subsection (1) shall be guilty of an offence.*

Measuring of Ambient Sound level and Noise Level

- 3(1) *When the ambient sound level or noise level is measured and read in terms of these by-laws, such measurement and reading shall be done in the case of-*

“Raad”

Die Stadsraad van Pietersburg en omvat die Bestuurskomitee van daardie Raad of enige beampte deur die Raad in diens geneem, handelende uit hoofde van enige bevoegdheid wat in verband met hierdie verordeninge aan die Raad verleen is en wat ingevolge artikel 58 van die Ordonnansie op Plaaslike Bestuur (Administrasie en Verkiegings), 1960 (Ordonnansie 40 van 1960), aan hom gedelegeer is;

“steurende geraas”

‘n geraaspeil wat die omgewingsklankpeil met 7dB(A) of meer oorskry, en “steurend” het, met betrekking tot ‘n geraas, ooreenstemmende betekenis.

Oortredings

- 2(1) Niemand mag ‘n geraas wat ‘n steurende geraas is, maak, voortbring, veroorsaak of toelaat dat dit gemaak of voortgebring word deur ‘n persoon, masjien, dier, voël, toestel of apparaat of enige kombinasie hiervan nie.
- (2) Iemand wat die bepalings van subartikel (1) oortree, is skuldig aan ‘n misdryf.

Meting van omgewingsklankpeil en Geraaspeil

- 3(1) Wanneer die omgewingsklankpeil of geraaspeil ingevolge hierdie verordeninge gemeet en afgelees word, word sodanige meting en aflesing gedoen in die geval van-

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| <p>(a) <i>outdoor measurements on a piece of land with the microphone of the integrating sound level meter at least 1,2m but no more than 1,4m above the ground and at least 3,5m distant from walls, buildings, or other sound-reflecting surfaces.</i></p> <p>(b) <i>indoor measurements in a room or enclosed space with the microphone of the integrating sound level meter at least 1,2m but no more than 1,4m above the floor and at least 1,2m distant from any wall, with all the windows and outside doors of such room or enclosed space completely open.</i></p> <p>(2) <i>The microphone of an integrating sound level meter shall at all times be equipped with a wind shield.</i></p> | <p>(a) buitenshuse meetings op 'n stuk grond met die mikrofoon van die integrerende klankpeilmeter minstens 1,2m maar hoogstens 1,4m bokant die grond en minstens 3,5m weg van mure, geboue of ander klankweerkaatsende oppervlakte af;</p> <p>(b) binnenshuse metings in 'n vertrek of ingeslote ruimte met die mikrofoon van die integrerende klankpeilmeter minstens 1,2m maar hoogstens 1,4m bokant die vloer en minstens 1,2m weg van enige muur of ingeslote ruimte heeltemal oop.</p> <p>(2) Die mikrofoon van 'n integrerende klankpeilmeter word te alle tye van 'n windskerm voorsien</p> |
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Powers of the Chief Health Officer

**Bevoegdheid van die Hoof
Gesondheidsbeampte**

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| <p>4(1) <i>If the medical officer of health, as the result of a complain 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 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 these by-laws: Provided that if the Chief Health Officer is satisfied that the disturbing noise is due to or caused by-</i></p> | <p>4(1) Indien die Hoof Gesondheidsbeampte as gevolg van 'n klag wat by hom ingedien is, daarvan oortuig is dat 'n geraas wat vanuit 'n gebou of 'n perseel of vanaf 'n straat afkomstig is 'n steurende geraas is, kan hy die persoon wat sodanige geraas veroorsaak of daarvoor verantwoordelik is, of die eienaar van sodanige gebou of perseel waaruit of waarvandaan sodanige geraas afkomstig, of beide, skriftelik gelas om binne 'n tydperk wat in sodanige lasgewing vermeld is sodanige geraas te staak of te laat staak of die nodige stappe te doen om die peil van die steurende geraas te verlaag tot 'n peil wat aan die bepalings van hierdie verordeninge voldoen: Met dien verstande dat, indien die Hoof Gesondheidsbeampte daarvan oortuig is dat die steurende geraas te wyte is aan, of veroorsaak word deur-</p> |
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- (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) *circumstance 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 Chief Health Officer by the person who caused or was responsible for the disturbing noise, permit the working of such machine, apparatus or device, 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 subsection (1) shall be guilty of an offence.*

Noise Disturbance

5. *Notwithstanding the foregoing provisions of these by-laws, no person shall-*
- (a) *in any street or public place or in or on any premises between 22h00 and 06h00 shout, sing or otherwise make any loud noise;*

- (a) die werking van-
- (i) 'n masjien of apparaat wat nodig is vir die instandhouding of herstel van eiendom of die beskerming van lewe, eiendom of openbare dienste;
- (ii) tuintoerusting;
- (iii) 'n masjien of toestel waarvan die geraaspeil na die mediese gesondheidsbeampte se mening volgens die bes uitvoerbare metodes verlaag of gedemp is en wat dan nog steurend is;
- (b) 'n sportbyeenkoms; of
- (c) omstandighede of aktiwiteite buite die beheer van die persoon wat verantwoordelik is vir die veroorsaking van die steurende geraas,

hy, nadat die persoon wat sodanige geraas veroorsaak het of daarvoor verantwoordelik is skriftelik verhoë tot die Hoof Gesondheidsbeampte gerig het, oor die algemeen of in die besonder kan toelaat dat die werking van sodanige masjien, apparaat of toestel of sodanige sportbyeenkoms, omstandighede of aktiwiteit voorgesit word, onderworpe aan die voorwaardes wat hy dienstig ag.

- (2) Iemand wat versuim om aan 'n lasgewing ingevolge subartikel (1) te voldoen, is skuldig aan 'n misdryf

Geraassteurnis

5. Ondanks die voorafgaande bepalings van hierdie Verordeninge, mag niemand-
- (a) in enige straat of openbare plek of in of op enige perseel tussen 22h00 en 6h00 skreeu, sing of andersins enige harde geraas maak;

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| <p>(b) <i>operate, play or sanction the operation or playing of any radio, television set, phonograph, drum, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound;</i></p> | <p>(b) enige radio, televisiestel, fonogram, trom, musiekinstrument, klankversterker of soortgelyke toestel wat klank voortbring, weergee of versterk, bedien, bespeel of die bediening of bespeeling daarvan magtig;</p> |
| <p>(c) <i>operate or sanction the operation of any warning device, siren, hooter, or any similar device, other than in an emergency or when required by law;</i></p> | <p>© enige waarskuwingstoestel, sirene, toeter of enige soortgelyke toestel gebruik of die gebruik daarvan magtig behalwe in 'n noodgeval of wanneer dit regtens vereis word;</p> |
| <p>(d) <i>sanction or passively allow any burglar device to sound either continuously or intermittently for more than 20 minutes after it has begun sounding;</i></p> | <p>(d) magtiging verleen of passief toelaat dat enige diefalarmtoestel of aanhoudend of met tussenposes langer as 20 minute lui nadat dit begin lui het;</p> |
| <p>(e) <i>keep, possess or harbour in or on any premises any animal or bird, or sanction the keeping, possession or harbouring in or on any premises of any animal or bird: or</i></p> | <p>(e) in of op enige perseel enige dier of voël aanhou, besit, skulling gee, of toelaat dat enige dier of voël in of op enige perseel aangehou;</p> |
| <p>(f) <i>operate or sanction the operation of any lawnmower, other garden machinery or power operated tool between 14h00 and 16h00 on a Sunday;</i></p> | <p>(f) enige grassnyer, ander tuinmasjinerie of kraggereedskap tussen 14h00 en 16h00 op 'n Sondag gebruik of magtig dat dit gebruik word;</p> |

Which may in whatever manner disturb or hinder the comfort, convenience, peace or quiet of the public.

wat op enige manier die gemak, gerief, rus of stilte van die publiek kan versteur of belemmer nie.

Right of Entry

Reg van Toegang

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| <p>6. <i>Any authorized officer of the Council may, for any purpose connected with the enforcement of these by-laws, and without previous notice, enter any property 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 noise for the purpose of determining the ambient sound level.</i></p> | <p>6. Enige gemagtigde beampte van die Raad kan vir enige doel wat verband hou met die toepassing van hierdie verordeninge, sonder om vooraf kennis te gee, enige eiendom betree en sodanige ondersoek, navraag en inspeksie daarop doen wat hy dienstig ag, en hy, of 'n persoon aan wie hy opdrag gegee het, kan sodanige stappe doen as wat nodig is om die geraas stil te maak vir die doel om die ongewingsklankpeil te bepaal.</p> |
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Obstruction

7. *Any person who fails or refuses to give access to any officer of the Council authorized by the Chief Health Officer or by the Council to enter upon and inspect any property, or obstructs or hinders such officer in the execution of his duties under these by-laws, or who fails or refuses to give information which he may lawfully be required to give, or gives to such officer false or misleading information knowing it to be false or misleading, commits an offence.*

Offences and Penalties

8. *Any person who-*
- (a) *contravenes or fails to comply with any provisions of these by-laws; or*
- (b) *fails to comply with an instruction given or condition imposed in terms of section 4,*

Shall be guilty of an offence and shall upon conviction be liable to a fine not exceeding R300 or to imprisonment for a period not exceeding 12 months, or both such fine and imprisonment, and in the case of a continued offence, to a fine not exceeding R50 for each day on which such offence continues.

Dwarsboming

7. Iemand wat versuim of weier om toegang te verleen aan 'n beampte van die Raad wat deur die Hoof Gesondheidsbeampte of deur die Raad gemagtig is om 'n eiendom te betree en te inspekteer of sodanige beampte dwarsboom of verhoed in die uitvoering van sy pligte kragtens hierdie verordeninge, of wat in gebreke bly of weier om inligting wat regtens van hom vereis kan word, te verstrek of wat valse of misleidende inligting aan sodanige beampte verstrek met die wete dat dit vals of misleitend is, is skuldig aan 'n misdryf..

Misdrywe en Strawwe

8. Enige persoon wat-
- (a) enige bepaling van hierdie verordeninge oortree of versuim om daaraan te voldoen; of
- (b) versuim om te voldoen aan 'n opdrag wat gegee word of 'n voorwaarde wat gestel word ingevolge artikel 4;

is skuldig aan 'n misdryf en is by skuldigbevinding strafbaar met 'n boete van hoogstens R300 of met gevangenisstraf vir 'n tydperk van hoogstens 12 maande of met beide sodanige boete en gevangenisstraf, en in die geval van 'n voortgesette oortreding, aan 'n boete van hoogstens R50 vir elke dag waarop sodanige oortreding voortduur.