



**NOISE REGULATIONS BYLAW
NO. 01-2023**

This bylaw is printed under and by
authority of the Tatu City Management
Company SEZ Limited

The purpose of this Policy is to establish noise zones within Tatu City within which certain noise levels may not be exceeded at certain times.

Contents

PART 1 – INTRODUCTION

- 1 Title
- 2 Interpretation of technical standards
- 3 Definitions
- 4 Determining presence of tonal sound

PART 2 – NOISE LEVELS

- 5 Quiet Precinct permitted noise levels
- 6 Intermediate Precinct permitted noise levels
- 7 Activity Precinct permitted noise levels
- 8 Summary of Precincts' permitted noise levels
- 9 Correction factors for sound levels

PART 3 – TYPES OF NOISE

- 10 Noise disturbing neighborhood
- 11 Prohibited types of noise
- 12 Exemptions specified
- 13 Advertising
- 14 Commercial premises
- 15 Power equipment
- 16 Leaf blowers
- 17 Chainsaws
- 18 Construction

PART 4 – GENERAL

- 19 Exemptions by permission
- 20 Objectionable noises
- 21 Severability
- 22 Offences and penalties

Schedule A – Noise Precinct Table

PART 1 – INTRODUCTION

Title

- 1 This Policy may be cited as the Tatu City “NOISE REGULATION”.

Interpretation of technical standards

- 2 Where an abbreviation or technical standard is used in this Policy but is not defined specifically or by context, it should be interpreted by reference to the definitions and technical standards published by Environmental Management and Coordination (Noise and Excessive Vibration Pollution) (Control) Regulations, the International Organization for Standardization (ISO) or the International Electro-Technical Commission (IEC), as applicable and, unless the context otherwise requires.

Definitions

- 3 In this Policy,

“Activity Precinct”

means those areas so described in this Policy and within areas earmarked for commercial activities;

“approved sound meter”

means an instrument which is capable of measuring levels of sound pressure in accordance with the minimum requirements for either Type 1 (precision) or Type 2 (general purpose) sound level meters as specified in ANSI S1.4 [1983], IEC 651 [1979] and IEC 804 [1984] standards;

“A-weighted sound level”

means the sound pressure level measured (in units of A-weighted decibels, or dBA) using the “A” weighting network of an approved sound meter;

“construction”

includes

- (a) the erection, alteration, repair, relocation, dismantling, demolition and removal of a building;

- (b) structural maintenance, power-washing, painting, land clearing, earth moving, grading, excavating, the laying of pipe and conduit (whether above or below ground), street or road building and repair, concrete placement, and the installation, or removal of construction equipment, components, and materials in any form or for any purpose;
- (c) any work being done in connection with any of the work listed in paragraphs (a) or (b);

“commercial premises”

means premises used to sell, or offer for sale, goods or services;

“C-weighted sound level”

means the sound pressure level measured (in units of C-weighted decibels, or dBC) using the “C” weighting network of an approved sound meter;

“daytime”

means

- (a) from 7:00 a.m. to 10:00 p.m. on a weekday or Saturday;
- (b) from 10:00 a.m. to 10:00 p.m. on a Sunday or holiday;

“equivalent sound level or L_{eq} ”

means that constant or steady A-weighted sound level which, in a given situation and time period, conveys the same sound energy as does the actual time-varying A-weighted sound level, where L_{eq} is measured using an integrating approved sound meter meeting ANSI S1.4 [1983], IEC 651 [1979] and IEC 804 [1984] specifications;

“fast response”

means the predetermined meter response setting of an approved sound meter having a 0.125 second time constant and meeting the specifications of ANSI S1.4 [1983] or IEC 651 [1979];

“frequency analysis”

means the separation of sound into its various frequency components using an instrument such as a real-time analyzer;

“holiday”

means any day gazetted by the Kenyan government as a national holiday to be observed across the country

“impulsive sound”

means any sound that has the following defining characteristics:

- (a) the onset is abrupt and the decay rapid, and
- (b) the duration of individual impulses is
 - (i) less than one second, and
 - (ii) brief compared to the occurrence rate;

“Intermediate Precinct”

means those areas in the industrial, religious and institutional precincts;

“intermittent sound”

means any sound or noise which is subject to rapid fluctuations in level of 5 dBA or more with the fluctuations occurring with a degree of regularity or repetitiveness at intervals of from 3 minutes to 5 minutes;

“leaf blower”

means a portable machine, used for blowing or sucking up leaves, grass or debris including backpack, handheld or rolling units and those that accept vacuum attachments, but excluding vehicle-mounted units;

“motorcycle”

means a motorized vehicle mounted on two or three wheels and, without restricting the generality of the foregoing, includes those motor vehicles commonly known as motorcycles, scooters and power bicycles;

“motor vehicle”

means a vehicle propelled by any power other than muscular power except motorcycles, aircraft or motor vehicles that run only upon rails;

“nighttime”

means any time not included within the definition of daytime under this Policy;

“point of reception”

means a position that

- (a) is within the property line of the real property occupied by the recipient of a noise or sound,
- (b) is located at least 1.2 m above the surface of the ground, and
- (c) best represents the location at which the noise or sound, emanating from another property, is received and the resulting disturbance experienced;

“power equipment”

means any equipment or machinery used in lawn and garden care or in building and property maintenance, including but not limited to leaf blowers, edge trimmers, rototillers, lawn mowers, pressure washers, carpet cleaning equipment and hand-operated power tools;

“premises”

- (a) means the area contained within the boundaries of a legal parcel of land and any building situated within those boundaries, and
- (b) means that each unit, the common areas of the building, and the land within the apparent boundaries of the lot are each separate premises where a building contains more than one unit of commercial, industrial or residential occupancy;

“Quiet Precinct”

means those areas so described in this Policy and within precincts earmarked for residential areas and hospitals;

“representative time period” and “RTP”

means the noise measurement period over which a sample of the level or character of the sound under consideration will be taken for the purposes of sections 5 to 8, according to the following categories of sound:

- (a) for constant sounds, such as, without limitation, those sounds produced by fixed-speed fans, heat pumps, pool pumps or other steadily-operating machinery, the RTP is 1 minute;

- (b) for sounds that fluctuate in level or character in a repeatable fashion over periods of from three seconds to one minute, such as, without limitation, those sounds produced by industrial or manufacturing processes, the RTP is 5 minutes;
- (c) for sounds that fluctuate in level or character in a repeatable fashion over periods of from 1 to 5 minutes, such as, without limitation, sounds produced by an air compressor or other cyclical noise sources, the RTP is 15 minutes;
- (d) for sounds that fluctuate in level and/or character in a repeatable fashion over periods of between 5 and 10 minutes, the RTP is 30 minutes;
- (e) where several noise sources operate simultaneously, each with its own patterns of operation and or movement, such as, without limitation, in a shipyard or a recycling/materials-handling operation, the RTP is 30 minutes;
- (f) for a noise source that exhibits significant variations in output over a time period of one hour or more, the RTP is the period known to, or expected to, generate the maximum overall noise levels at the point of reception;

“residential premises”

means any parcel of real property utilized primarily for residential accommodation, and includes low density residential, medium density residential, high density residential, hotels and motels;

“tonal sound”

means any sound which contains one or more pure tone components including without limitation the “hum” or a fan or heat pump or the “whine” of a hydraulic pump or power saw.

Determining presence of tonal sound

4 For the purposes of the administration and enforcement of this Policy, the presence of tonal sound may be determined by conducting a one-third octave band frequency analysis of the noise (from 31.5 Hz. to 16 kHz.) and applying the following criteria if tonal sound is suspected but is not obvious:

- (a) the level of the one-third octave band under consideration, or, in the case of a pair of bands, the arithmetic average of the levels of these two bands, is more than 1 dB higher than the level of each of the adjacent bands on either side of the band, or pair of bands, under consideration, and
- (b) the difference between the level of the one-third octave band under consideration, or, in the case of a pair of bands, the arithmetic average of the levels of the two bands, and the arithmetic average of the two adjacent bands on either side of the band or pair of bands under consideration, is 3 dB or more.

PART 2 – NOISE LEVELS

Quiet Precinct permitted noise levels

- 5 In a Quiet Precinct a person must not make, cause or permit to be made or caused, any sound or noise that, when measured with an approved sound meter over a representative time period, has an equivalent sound level, or L_{eq} , which
- (a) during the daytime exceeds
 - (i) 35 dBA when received at a point of reception in a Quiet Precinct;
 - (ii) 40 dBA when received at a point of reception in an Intermediate Precinct;
 - (iii) 55 dBA when received at a point of reception in an Activity Precinct, or
 - (b) during the nighttime exceeds
 - (i) 25 dBA when received at a point of reception in a Quiet Precinct;
 - (ii) 30 dBA when received at a point of reception in an Intermediate Precinct;
 - (iii) 35 dBA when received at a point of reception in an Activity Precinct.

Summary of Precincts' permitted noise levels

- 6 For convenience, the noise limits set out in sections 5 are summarized in Schedule A.

Correction factors for sound levels

- 7 For all purposes under this Policy, when assessing a sound relative to the limits set out in sections 5 to 8 and summarized in Schedule B, the following correction factors must be applied to the measured equivalent sound level whenever the sound has, as a defining characteristic, impulsiveness, tonality, or persistent intermittency:

Impulsiveness

- (a) a +5 dB correction if the sound under consideration is impulsive in character;

Tonality

- (b) a +5 dB correction if the sound under consideration is tonal (i.e., it contains one or more pure tone components);
- (c) in order for the tonality correction to apply if measurement is required to determine the presence of tonality, the level in the one-third octave band containing the tone, or the arithmetic average of the levels in a pair of bands containing the tone, must exceed the arithmetic average of the two adjacent bands
 - (i) by 3 dB or more for tones in the 500 Hz. to 16 kHz. bands,
 - (ii) by 5 dB or more for tones in the 160 to 400 Hz. bands,
 - (iii) and by 10 dB or more for tones in the 31.5 to 125 Hz. bands;

Intermittency

- (d) a +5 dB correction if the sound under consideration is persistently intermittent;

Multiple Corrections

- (e) a correction equal to the sum of the corrections applicable under paragraphs (a) to (d) for each of the characteristics, described in those paragraphs, that the sound possesses to a maximum of 10 dB.

PART 3 – TYPES OF NOISE

Noise disturbing neighborhood

- 8 (1) Subject to the other provisions of this Policy,
- (a) a person must not make or cause a noise or sound in a street, park, plaza or similar public place which disturbs or tends to disturb the quiet, peace rest, enjoyment, comfort or convenience of persons in the neighborhood or vicinity;
 - (b) a person who is the owner or occupier of, or is in possession or control of, real property must not make, suffer, or permit any other person to make, a noise or sound, on that real property, which can be easily heard by a person not on the same premises and which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of persons in the neighborhood or vicinity.
- (2) Subsection (1) does not apply to a person who makes, causes, or permits to be made or caused, a sound or noise in compliance with the provisions of section 5 unless the noise or sound is clearly audible at a point of reception in a residential area between the hours of 8:00 p.m. one day and 7:00 a.m. the following day.

Prohibited types of noise

- 9 (1) Without limiting the generality of section 10, the following conduct is specifically prohibited:
- (a) shouting, using a megaphone or sound amplification device or making other noise in, at or on streets, parks, bus stations or other public places;
 - (b) the playing of any radio, phonograph, cassette or CD player, television, musical instrument, or sound amplification device whether in or upon a private premises or in any public place at such a volume (loudness) as to disturb or tend to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public;
 - (c) within a Quiet Precinct, the keeping or harboring of any dog, bird or other animal, which barks or emits cries or other noises in a persistent manner that may easily be heard by a person not on the same premises and which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public;
 - (d) the operation of any automobile, truck, motorcycle, bus or other motorized vehicle which by reason of disrepair, the use of a muffler that fails to cool and expel exhaust gases from the engine without excessive noise, mode of operation of the vehicle (squealing of tires except during emergency braking to avoid accidents, over-revving of engine or excessive acceleration of vehicle) or any other cause, creates noise or sound which

disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public;

- (e) the production of amplified sound from a radio, cassette tape or CD player or other playback device or amplification equipment, or the sound of a musical instrument, that emanates from a motor vehicle and can easily be heard by a person of normal hearing acuity at a distance of 5 m or more from the vehicle;
- (2) Subsection (1) does not apply to a person who makes, causes, or permits to be made or caused, a sound or noise in compliance with the provisions of section 5 unless the noise or sound is clearly audible at a point of reception in a residential area between the hours of 10:00 p.m. one day and 7:00 a.m. the following day.

Exemptions specified

10 This Policy does not apply to:

- (a) a vehicle of Tatu City Response team, the Kenyan Police or Fire Department of the City, or an ambulance or emergency vehicle while engaged in a service of the Tatu City public convenience or necessity;
- (b) the sounding of a horn or other signaling device upon any vehicle, boat or train where such sounding is properly and necessarily used as a danger or warning signal;
- (c) the use, in a reasonable manner, of an apparatus or mechanism for the amplification of the human voice or music in a Tatu City public park, public facility or square in connection with a public meeting, public celebration, athletic or sports event or other public gathering, if
 - (i) that gathering is held under a permit issued under the authority of the Tatu City Management Company SEZ Limited, or
 - (ii) if the noise produced by that gathering does not exceed 90 dB when received at a Point of Reception or such other lower sound level specified in the permit or approval.
- (d) the use of bells or chimes by churches, and the use of carillons where such carillons have been lawfully erected;
- (e) a parade, procession, performance, concert, ceremony, event, gathering or meeting in or on a street or public space, if that is permitted in the City;
- (f) a sound or noise resulting from the use, in a reasonable manner, of the premises of a Community Care Facility duly licensed by the Tatu City Management Company SEZ Limited;

- (g) a garbage collection service
 - (i) between 6:00 a.m. and 8:00 p.m. within an Activity Precinct;
 - (ii) between 6:30 a.m. and 8:00 p.m. on a weekday;
 - (iii) between 10:00 a.m. and 8:00 p.m. on a Saturday, Sunday or holiday;
- (h) Tatu City works including, but not limited to, the construction and repair of streets, sewers and other underground services;
- (i) the Tatu City Management Company maintenance work between 7:00 a.m. and 5:00 p.m. on any day;
- (j) the nightly cleaning of streets and sidewalks and the collection of garbage from sidewalk refuse bins within the City by the Tatu City Management Company SEZ Limited;
- (k) emergency repairs to buildings which cannot reasonably be delayed until normal working hours.

Advertising

- 11 A person who is the owner, occupier or in possession of any real property must not cause or permit audio advertising which
- (a) is directed at pedestrians or motorists on any street or sidewalk, or
 - (b) can be heard on any street or sidewalk.

Commercial premises

- 12 Despite any other provision in this policy, in commercial premises a person must not make, cause, or permit to be made or caused, noise or sound from a radio, television, tape or CD player or other sound playback device, public address system, or any other music or voice amplification equipment, musical instrument, whether recorded or live, whether amplified or not, the C-weighted equivalent sound level of which exceeds the following limits when measured at a point of reception:
- (a) 65 dBC during the daytime;
 - (b) 60 dBC during the nighttime.

Power equipment

- 13 Despite any other provision of this Policy, but subject to sections, a person may, when using or operating power equipment between 8:00 a.m. and 8:00 p.m., make or cause a sound or noise that exceeds the sound level limits set out in sections 5 if the equivalent sound level does not exceed 60 dBA on an approved sound meter when received at the greater of the following distances from that power equipment:

- (a) at the point of reception;
- (b) 15.0 m.

Leaf blowers

- 14 Despite any other provision of this Policy, a person may operate a leaf blower in or adjacent to a residential area, or a mixed residential and commercial area, if
- (a) the equivalent sound level does not exceed 60 dBA on an approved sound meter when received at the greater of the following distances from that leaf blower:
 - (i) the point of reception;
 - (ii) 15.0 m; and
 - (b) the person operates the leaf blower
 - (i) between 7:00 a.m. and 8:00 p.m. on a weekday, or
 - (ii) between 9:00 a.m. and 5:00 p.m. on a Saturday, Sunday or holiday.

Chainsaws

- 15 Despite any other provision of this Policy
- (a) subject to subsection (b), a person may operate a chainsaw in or adjacent to a residential area or mixed residential and commercial area only
 - (i) between 8:00 a.m. and 8:00 p.m. on a weekday;
 - (ii) between 9:00 a.m. and 5:00 p.m. on a Saturday, Sunday or holiday;
 - (b) a person must not at any time operate a chainsaw the equivalent sound level of which exceeds 65 dBA on an approved sound meter when measured at the greater of the following distances from that chainsaw:
 - (i) at the point of reception;
 - (ii) 15.0 m

Construction

- 16 (1) A person must not at any time, in or adjacent to residential premises, make or cause sound or noise resulting from construction, the equivalent sound level of which exceeds 70 dBA on an approved sound meter when measured at the greater of the following distances from that source of sound or noise:
- (a) at the point of reception;
 - (b) 15.0 m

- (2) Subject to subsection (1), unless approved by the DCC, a person may carry out any construction that disturbs the quiet, peace, rest or enjoyment of the public, only
 - (a) between 7:00 a.m. and 7:00 p.m. on a weekday that is not a holiday;
 - (b) between 10:00 a.m. and 7:00 p.m. on a Saturday that is not a holiday.

PART 4 – GENERAL

Exemptions by permission

- 17 (1) A person may apply for an exemption from the provisions of this Policy to the Tatu City Management Company SEZ Limited regarding construction issues if it is impossible or impractical to comply with section 16 or
- (2) The Tatu City Management Company SEZ Limited may
 - (a) exempt construction work from the provisions of section 16, and
 - (b) determine the terms of an exemption under this subsection.
- (3) An application for an exemption must be in writing and must contain all the following:
 - (a) the name, address and telephone number of the applicant;
 - (b) the address and location of the works or events;
 - (c) the building permit number;
 - (d) the reasons for the requested exemption;

- (e) a description of the source of noise in respect of which the exemption is sought;
 - (f) the exact period for which the exemption is requested;
 - (g) a statement of the measures planned or presently being taken to minimize the sound or noise created;
 - (h) a non-refundable application fee of KES. 45,000.
- (4) An application for an exemption must be submitted to the Tatu City Management Company Limited SEZ within the following time limits for the following work or event for which the exemption is requested:
- (a) at least 14 business days before construction work;
 - (b) at least 4 weeks before an outdoor special event that does not require street closures;
 - (c) at least 2 months before an outdoor special event, at which more than 1,000 individuals are expected to attend, that requires street closures.
- (5) The Tatu City management Company SEZ Limited may reduce the time limit within which an application is required to be made under subsection (4) in the event of an emergency or other unforeseen circumstance.
- (6) The decision by the Tatu City Management Company SEZ Limited regarding the requested exemption will be final.

Objectionable noises

- 18 The noises and sounds prohibited by Sections above in this Policy are considered by the Tatu City Management Company SEZ Limited to be objectionable and liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public.

Severability

19 No provision of this Policy depends for its validity on the validity of any other provision.

Offences and penalties

- 20 (1) A person commits a violation and is subject to the penalties imposed by this Policy if that person:
- (a) contravenes a provision of this Policy;
 - (b) consents to, allows, or permits an act or thing to be done contrary to this Policy; or
 - (c) neglects or refrains from doing anything required by a provision of this Policy.
- (2) The minimum penalty for a contravention of a provision of this Policy is a fine of KES. 80,000.
- (3) Each day that a contravention of a provision of this Policy occurs or continues shall constitute a separate offence.

SCHEDULE A : PRECINCT NOISE TABLE

Zone		Sound Level Limits dB(A)		Noise Rating Level (NR)	
		Day	Night	Day	Night
A	Quiet Precincts- Health facilities, educational institutions, homes for disabled etc.	30	25	25	20
B	Quiet Precincts-Residential Indoor	30	25	30	20
	Quiet Precincts-Residential Outdoor	35	30	35	20
C	Intermediate Precincts- Places of worship	40	30	25	20
D	Activity Precincts- Mixed-use (residential with commercial and entertainment places)	45	30	40	20
E	Activity Precincts- Commercial- indoor	50	30	40	20
E	Activity Precincts- Commercial- outdoor	55	35	40	20