

NEW ZEALAND STANDARD

Model general bylaws

CHAPTER 20

CONTROL OF NOISE

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COMMITTEE REPRESENTATION

This chapter of the model general bylaws was prepared under the supervision of the Local Government Sectional Committee (92) for the Standards Council established under the Standards Act 1965. The committee consisted of representatives of the following:

- *Department of Health
- *Department of Internal Affairs
- Fire Service Council
- Municipal Association of New Zealand
- New Zealand Counties Association
- *New Zealand Institute of County Clerks
- New Zealand Institute of County Engineers
- *New Zealand Institute of Town Clerks and Municipal Treasurers
- New Zealand Institution of Engineers (Municipal Division)

The Noise Bylaw Committee (92/2) was responsible for drafting this chapter, and consisted of representatives of the New Zealand Institute of Health Inspectors and of the organizations marked with an asterisk (*) in the foregoing list.

FOREWORD

Noise has been described as sound that is not wanted by those who hear it. It may have an adverse effect on people's health if it is loud, disturbing and unnecessary.

Local authorities and central Government have become increasingly aware in this technological age of the problems arising from unwanted sound. What was considered acceptable just a few short years ago is now regarded as a nuisance, and the need for a model bylaw has some urgency.

This standard deals with aspects of noise in the community. Other aspects which could be reviewed later are those dealing with industrial noise, land use, and so on. At this stage, however, the committee responsible for drafting the bylaw felt that those aspects of noise could more appropriately be dealt with in the Ordinances to Local Authority District Planning Schemes under the Town and Country Planning Legislation.

The committee reviewed the recommendations of the Noise Committee contained in the Report on Noise—Board of Health Report Series No. 21, published 1974. It noted "inter alia" that it was a recommendation (No. 3) to set up a small advisory committee on noise with certain functions. The bylaw committee expects that the bylaw eventually may require amending to incorporate recommended guidelines and standards if these are found to be desirable.

On the feasibility of referring complaints under the bylaw to the Police Department the committee noted the comments of that department to the Board of Health Committee, and in particular the view that noisy parties would be best handled by local authority officers, though the Police would, on request, accompany the local body officer to the premises in a merely peace-keeping role.

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2001 Noise restrictions

2001.1 No person shall on any public place or on any privately owned premises create or cause or allow to be created a noise that is loud, disturbing and unnecessary, and any person creating such a noise shall commit an offence against this bylaw if that person persists in so acting after being requested to desist by the Health Inspector or other officer of the Council, following a complaint by three persons not being members of the same family, who reside or are employed or engaged in any occupation or business in the vicinity, and who claim to be injuriously affected thereby.

2001.2 No person shall on any premises which are used for public meetings or as assembly rooms, or as a theatre or music hall or dancing hall, or as a stand on any racecourse, sports ground or show ground or for any public performances or public amusements whatever whether a charge is made for admission thereto or not, create or cause or allow to be created a noise that is loud, disturbing and unnecessary, and any such person shall commit an offence against this bylaw if he persists in so acting after having been requested to desist by the Health Inspector, or other officer of the Council.

2001.3 Notwithstanding the above provisions of this bylaw the Council may from time to time grant permission to persons or organizations to create noise within the district subject to such conditions (if any) as the Council may impose. Any permission so granted shall exempt the holder of the permit from action under the provisions of this bylaw.

2002 Specific noises

2002.1 Without in any way limiting the generality of the foregoing provisions of this bylaw it is hereby declared that the following activities may create noise that is loud, disturbing and unnecessary and which may injuriously affect the persons in the vicinity thereof:

- (a) The sounding of any horn or signal device on any motor vehicle, whether stationary or in motion, except as a danger signal to warn other traffic of a situation that is or that may be a source of danger.

- (b) The use or playing of any electronic or musical instrument or device amplified or otherwise, in such a manner or with any such loudness and particularly between the hours of 11 p.m. and 7 a.m. as to annoy or disturb the quiet, comfort or repose of persons living in the vicinity.
- (c) Shouting or singing, particularly between the hours of 11 p.m. and 7 a.m., so as to annoy or disturb the comfort or repose of persons living in the vicinity.
- (d) The use on any premises of any vehicle, or of any power driven mower, chainsaw, or other power operated equipment that is in such a condition or is so designed that having regard to the time of its use, it causes loud and disturbing noise.
- (e) The use of hand tools and of power driven equipment in panelbeating, boat building, carpentry and engineering and constructional work that having regard to the time of its use causes loud disturbing noise to persons living in the vicinity.
- (f) The keeping of any animal or bird which by frequent or long continued noise shall disturb the comfort or repose of persons living in the vicinity.

2003 Penalty

2003.1 Every person guilty of a breach of any of the provisions of this bylaw shall be liable to a penalty not exceeding one hundred dollars (\$100.00) or, where the breach is a continuing one, then to a penalty not exceeding ten dollars (\$10.00) for every day or part of a day during which such breach continues.