

THE NYERI COUNTY ENVIRONMENT MANAGEMENT (NOISE AND EXCESSIVE VIBRATION POLLUTION CONTROL REGULATIONS, 2023)

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THE NYERI COUNTY ENVIRONMENT MANAGEMENT ACT, 2021

IN EXERCISE of the powers conferred by section 38 (1) of the Nyeri County Environment Management Act, 2021, the County Executive Committee Member for Water, Environment and Climate Change makes the following Regulations-

PART 1- PRELIMINARY	
Citation and commencement	1. These Regulations may be cited as the Nyeri County Environment Management (Noise and Excessive Vibration Pollution) (Control) Regulations, 2023.
Interpretation	2. In these Regulations, unless the context otherwise requires- “Act”- means the Nyeri County Environment Management Act, 2022 “action plan” means a plan designed for the purpose of managing noise or excessive vibrations and their effects, including reduction of noise or excessive vibrations; “commercial zone” means any place where goods and services are exchanged, bought or sold; “construction” includes erection, alteration, repair, dismantling, demolition, structural maintenance, painting, mowing, land-clearing, earth-moving, landscaping, grading, excavating, laying of pipes and conduits whether above or below ground level, road, railway and highway building, concreting, installation and alteration of equipment, and the structural installation of construction components and materials in any form or for any purpose that includes any work in connection with the construction; “dB(A)” means decibels of noise, measured with an A-weighted filter; “decibel” means a dimensionless unit used in comparison of the magnitude of sound pressure or power; “directorate” – means the Directorate established under Section 8 of the Act “environmental Inspector”- means an environmental inspector appointed under Section 117 of the Environment Management and Coordination Act, 1999 “Executive Committee Member”- has the meaning assigned to it under Section 2 of the Act

	“heavy industry” – means an industry that produces large industrial products, which requires large and heavy machinery and facilities and involves complex production processes. “intermittent noise” means a noise whose level suddenly drops to several times the level of the background noise; “intrusive noise” means external noise, or noise from another part of the building, which penetrates the structural defenses of a room or building; “lead agency” means any Government ministry, department, parastatal, state corporation or local Directorate, in which any law vests functions of control or management of any element of the environment or natural resources; “mapping” means the presentation of data on an existing or predicted noise or excessive vibration situation, indicating breaches of any relevant limit value in force, the number of people affected in a certain area or the number of dwellings exposed to certain values of noise or excessive vibration limit in a certain area; “mapping-body” means a noise-mapping or excessive vibration-mapping body as designated in Regulation 22 of these Regulations; “motor cycle” has the meaning assigned to it under Section 2 of the Traffic Act. “motor vehicle” has the meaning assigned to it under Section 2 of the Traffic Act. “noise” means any undesirable sound that is intrinsically objectionable or that may cause adverse effects on human health or the environment. “noise pollution” means the emission of uncontrolled noise that is likely to cause danger to human health or damage to the environment. “place of entertainment” means premises or any other place where activities including amusement, enjoyment, playing of music, dancing, performing of shows take place; “property boundary” means the surveyed line at ground
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	surface which separates the facility owned, rented or leased by one or more persons from any other such facilities. “residential area” – has the meaning assigned to it under the Physical Planning (Building and Development) (Control) Rules, 1998 “silent zone” means designated area that includes government offices, health facilities, educational and research institutions, courts, and any other area declared as such by the Directorate; “sound” means an oscillation in pressure, particle displacement, particle velocity or other physical parameter in a medium with internal forces that causes compression and rarefaction of that medium. “sound source” means any person or thing from which sound is emitted “vibration” means an oscillatory motion of solid bodies of deterministic or random nature described by displacement, velocity or acceleration with respect to a given reference point. (a) is of such intensity, duration, frequency or character as to annoy, disturb, or cause or tend to cause adverse psychological or physiological effects on persons, or to damages or tend to damage personal or real property; and, (b) exceeds 0.5 centimetres per second beyond any source property boundary or 30 metres from any moving source.
PART II- GENERAL PROHIBITIONS	
General prohibitions	3. (1) Except as otherwise provided in these Regulations, no person shall make or cause to be made any loud, unreasonable, unnecessary or unusual noise which annoys, disturbs, injures or endangers the comfort, repose, health or safety of others and the environment. (2) In determining whether noise is loud, unreasonable, unnecessary or unusual, the following factors may be considered- (a) time of the day; (b) proximity to residential area and silent zones; (c) whether the noise is recurrent, intermittent or constant (d) the level and intensity of the noise;

	(e) whether the noise has been enhanced in level or range by any type of electronic or mechanical means; and, (f) whether the noise can be controlled without much effort or expense to the person making the noise. (3) Any person who contravenes the provisions of this Regulation commits an offence.
Excessive vibrations.	4. (1) Except as otherwise provided in these Regulations, no person shall- a) make or cause to be made excessive vibrations which annoy, disturb, injure or endanger the comfort, repose, health or safety of others and the environment; or b) cause to be made excessive vibrations which exceed 0.5 centimetres per second beyond any source property boundary or 30 metres from any moving source; (2) Any person who contravenes the provisions of this Regulation commits an offence.
Permissible noise levels.	5. (1) No person shall make, continue or cause to be made or continued any noise in excess of the noise levels set in the First Schedule to these Regulations, unless such noise is reasonably necessary to the preservation of life, health, safety or property.
Measurement and control	6. (1) No person shall cause noise from any source which exceeds any sound level as set out in the applicable column in the First Schedule to these Regulations. (2) Measurements shall be taken by the relevant lead agency. (3) In any cases where there is no relevant lead agency to take the measurements, or where the lead agency has failed to take action after being given reasonable notice by the Directorate, the measurement shall be taken by a duly authorized officer. (4) The Directorate in consultation with the relevant lead agency may issue guidelines for the measurement of noise and excessive vibration. (5) Any person who makes noise in excess of the prescribed levels commits an offence.
Exemptions.	7. These Regulations shall not apply to:- a) the emission of noise for the purpose of alerting persons to the existence of an emergency;

	b) the emission of noise in the performance of emergency response; c) the emission of noise in connection with the protection of the health and safety of residents or their property during emergency conditions; d) warning devices necessary for the protection of public safety, such as police, fire and ambulance sirens, and train horns; or e) Parades and national celebrations.
PART III- PROVISIONS RELATING TO NOISE FROM CERTAIN SOURCES	
Radio,TV, other sound amplifying devices	8. (1) No person shall use or operate any radio or receiving set, musical instrument, phonograph, television set, any other machine or device for the producing or reproducing of sound or any other sound-amplifying equipment in a loud, annoying or offensive manner such that the, noise from the device- (a) interferes with the comfort, repose, health or safety of members of the public; (b) creates a risk thereof, within any building or, outside of a building, at a distance of 30 meters or more from the source of such sound; or (c) interferes with the conversation of members of the public who are 30 meters or more from the source of such sound. (2) Any person who contravenes the provisions of this Regulation commits an offence. (3) For the purposes of this Regulation, “person” includes - (a) in the case of an offence that occurs on any public property where permission was obtained to use that public property, the person or persons who obtained permission to utilize that property for that event. (b) in the case of an offence that occurs on private property, any adult person or persons who live in or on the property that is involved in the offence; and (c) in the case of an offence that occurs after granting of a license pursuant to this Regulation, the person or

	persons who are listed on the license.
Parties and social events	9. (1) Any person in charge of a party or other social event which occurs on any private or public property shall ensure that the party or event does not produce noise in a loud annoying or offensive manner such that noise from the party interferes with the comfort, repose, health or safety of members of the public within any building or, outside of a building, or recklessly creates the risk thereof, at a distance of 30meters or more from the source of such sound. (2) Any person who contravenes the provisions of this Regulation commits an offence. (3) For the purposes of this Regulation, a "person in charge of a party or other social event"- (a) that occurs on any public property shall include the person or persons who obtained permission to utilize that property for that event; (b) that occurs on private property shall include the person who owns the premises involved and any adult person who lives in or on the premises involved in such party or social event; (c) shall include the person who is listed on a permit issued by the Directorate with respect to such event.
Hawkers, peddlers, touts, street preachers.	10. (1) No person shall- a. preach, tout, advertise, promote or sell any goods; or b. engage in any commercial activity, in such manner as to emit noise by shouting within the Central Business District of any town, a residential area, a silent zone, or any other area declared as a silent zone. Provided that the provisions of this Regulation shall not be construed to prohibit the selling by shouting of merchandise, food and beverages at licensed sporting events, parades, fairs, circuses and other similar licensed public entertainment events. (2) Any person who contravenes the provisions this Regulation commits an offence.
Machinery.	11. (1) Any person wishing to- (a) operate or repair any machinery, motor vehicle,

	construction equipment or other equipment, pump, fan, air-conditioning apparatus or similar mechanical device; or (b) engage in any commercial or industrial activity, which is likely to emit noise or excessive vibrations shall carry out the activity or activities within the relevant levels prescribed in the First Schedule to these Regulations. (2) Any person who contravenes the provisions this Regulation commits an offence.
Noise from motor vehicles and motor cycles	12. (1) No person shall operate a motor vehicle and motor cycle which- a. produces any loud and unusual sound; and b. exceeds 84 dB(A) when accelerating. (2) No person shall at any time sound the horn or other warning device of a vehicle except when necessary to prevent an accident or an incident. (3) The provisions of the Traffic Rules shall apply to this Regulation. (4) Any person who contravenes the provisions of this Regulation commits an offence
Construction at night.	13. (1) Except for the purposes specified in sub-Regulation (2) hereunder, no person shall operate construction equipment (including but not limited to any pile driver, steam shovel, pneumatic hammer, derrick or steam or electric hoist) or perform any outside construction or repair work so as to emit noise in excess of the permissible levels as set out in the Second Schedule to these Regulations. (2) This Regulation shall not be deemed to prohibit- (a) any work of an emergency nature; (b) work of a domestic nature on buildings, structures or projects being undertaken by a person residing in such premises; or (c) public utility construction, or, with respect to construction of public works, projects exclusively relating to roads, bridges, airports, public schools and sidewalks:

	Provided that, if any domestic power tool, including but not limited to mechanically powered saws, sanders, grinders and lawn and garden tools used outdoors, is operated during the nighttime hours, no person shall operate such machinery so as to cause noise within a residential building or across a residential real property boundary where such noise interferes with the comfort, repose, health or safety of members of the public within any building or, outside of a building, at 30 meters or more from the source of the sound. (3) Any person who contravenes the provisions of this Regulation commits an offence.
Noise, excessive vibrations from construction, demolition, mining or quarrying sites.	14. (1) Where defined work of construction, demolition, mining or quarrying is to be carried out in an area, the Directorate may impose requirements on how the work is to be carried out including but not limited to requirements regarding- a) machinery that may be used, and b) the permitted levels of noise as stipulated in the Second and Third Schedules to these Regulations. (2) The relevant lead agency shall ensure that mines and quarries where explosives and machinery are used are located in designated areas and not less than two kilometers away from human settlements. (3) Any person carrying out construction, demolition, mining or quarrying work shall ensure that the vibration levels do not exceed 0.5 centimeters per second beyond any source property boundary or 30 meters from any moving source. (4) Any person who contravenes sub-regulations (1) and (3) of this Regulation commits an offence.
Environmental Impact Assessment.	15. Any person intending to carry out construction, demolition, mining or quarrying work shall, during the Environmental Impact Assessment studies- a) identify natural resources, land uses or activities which may be affected by noise or excessive vibrations from the construction, demolition, mining or quarrying; b) determine the measures which are needed in the plans and specifications to minimize or eliminate adverse construction, demolition, mining or quarrying noise or vibration impacts; and c) incorporate the needed abatement measures in the plans and specifications.
PART IV- PROVISIONS RELATING TO LICENSING PROCEDURES FOR CERTAIN ACTIVITIES	
License.	16. (1) Where a sound source is planned, installed or intended to

	be installed or modified by any person in such a manner that such source shall create or is likely to emit noise or excessive vibrations, or otherwise fail to comply with the provisions of these Regulations, such person shall apply for a license to the Directorate. (2) No person shall use any sound-amplifying equipment in such a way that such equipment is or is likely to be heard outside of any building between 9:00 p.m. of any day and 7:00 a.m. of the next day, without a valid license (3) Where any person uses or plans to use a public-address system which is likely to emit sound outside of a building, such person shall secure a license under these Regulations (4) An application for the license shall provide the following information (a) the reasons for such usage, including a demonstration as to why it is desirable or necessary that the sound source involved be authorized by a license pursuant to this Regulation; (b) plans and specifications of the use; (c) noise-abatement and control methods to be used with respect to the sound source involved; (d) the period of time during which the license shall apply. (e) the name of the person(s) who is responsible for ensuring that the activity complies with any license issued for it pursuant to this Regulation; and (f) evidence that notification of the application for the license has been given to each person reasonably expected to be affected by the noise, the content of such notification and the manner in which such notification has been given, if the event is not a community-wide or public event. Provided that the notification shall state that any person objecting to the granting of such a license may contact the appropriate office to whom the application is being made to express his/her opposition to the granting of the license. (5) Any license granted shall state that the license only applies to these Regulations.
Additional powers to the directorate and lead agencies.	17. In order to further the purpose of these Regulations and to facilitate compliance and enforcement, the directorate and relevant lead agencies shall have power to attach such other

	conditions in relation to these Regulations as they may deem necessary to a license or permit issued thereunder.
Application to be made to the Directorate	18. (1) An application for a license shall be made five (5) days prior to use, to the Directorate. (2) The application shall be in the form prescribed in the Fourth Schedule and shall be accompanied by proof of payment of the prescribed fee. (3) When determining if a license should be issued, the Directorate shall consider: a) the level of the noise or excessive vibrations; b) the proximity of the noise or excessive vibrations to accommodation or residential facilities and silent zones; c) the time of the day or night the noise or excessive vibrations occur; d) the time duration of the noise or excessive vibrations; e) the impact of the noise on persons living or working in different places or premises who are affected by the noise or excessive vibrations and; f) any other factor deemed necessary by the Directorate (4) The Directorate shall process the application for a license within four (4) working days from the date of receipt of the application. (5) Notwithstanding the provision of sub-regulation (1) herein above, the Directorate shall process an application of a license not made within the stipulated timeline PROVIDED THAT, in the opinion of the Directorate, the application is deemed urgent. (6) A license shall contain requirements relating to the manner in which the activities are to be carried out and may, in particular specify:- (a) the equipment or material to be used; (b) the hours during which the activities may be carried out; (c) the level of noise or vibrations which may be emitted in excess of the permissible levels; (d) the activities and the method by which they are to be carried out; and

	(e) the steps proposed to be taken to minimize noise or excessive vibrations resulting from the activities. (7) The Directorate shall issue a license in the form prescribed in the Fifth Schedule (8) A license issued under this Regulation shall be valid for the period indicated and on such terms and conditions as may be contained in the license.
Permits for blasting, fireworks, demolition, firing ranges and heavy industry	19. (1) No person shall carry out activities relating to fireworks, demolitions, firing ranges or heavy industry without a valid permit issued by the Directorate. (2) An application for a permit shall be made to the Directorate in the form prescribed in the Sixth Schedule and shall be accompanied by proof of payment of the prescribed fee. (3) The Directorate may, on receiving an application, issue the applicant with a permit to carry out fireworks, demolitions, firing ranges and heavy industrial work, in the form set out in the Seventh Schedule, and on such terms and conditions as may be contained in the permit. (4) A permit to carry out activities such as fireworks, demolitions, firing ranges and heavy industry shall be valid for a period not exceeding three months (5) Any person who contravenes the provisions of this Regulation commits an offence.
Noise from workplaces	20. The provisions of The Factories and Other Places of Work (Noise Prevention and Control) Rules, 2005 shall apply mutatis mutandis to these Regulations.
Appeals to the executive committee member.	21. An applicant who is aggrieved by the refusal of the Directorate to grant a license or a permit may appeal to the executive committee member, whose decision shall be final.
PART V-MAPPING OF NOISE AND EXCESSIVE VIBRATIONS	
Noise and excessive vibrations mapping bodies	22. For the purpose of making and approving strategic noise or vibration maps the Directorate may collaborate with: (a) the Directorate responsible for physical planning; (b) for mines and quarries, the Mines and Geology Department; (c) for railways, the Kenya Railways Corporation; (d) for airports, the Kenya Airports Authority; (e) for weather and instrumentation, the Meteorological

	Department; (f) the Kenya Bureau of Standards; and, (g) for major roads- (i) where such roads are classified as national roads in accordance with the Kenya Roads Act, 2021, Highway Act, the Kenya Roads Board; and (ii) for any other road, the relevant local Directorate; and (iii) such other body or institution as the CECM may deem appropriate.
Strategic noise and excessive vibrations maps.	23. (1) Each mapping body shall make a strategic noise or vibration map for its area. (2) Each mapping body shall review its strategic noise or vibration map every five years from the date on which the strategic noise or vibration map was made, or earlier where there is significant change in land use or noise or vibration level. (3) A strategic noise or excessive vibration map shall satisfy the minimum requirements set out in the Eighth schedule. (4) Every mapping body shall take immediate action to mitigate any significant noise or excessive vibration that may cause damage to the environment or human beings.
Action plans.	24. (1) Each mapping body shall prepare an action plan relevant to its area. (2) An action plan shall- (a) satisfy the minimum requirements set out in the Ninth Schedule to these regulations; and (b) aim to protect silent zones. (3) A mapping body shall ensure that- - the public is consulted on proposals for each action plan; - the public is given early and effective opportunities to participate and review action plans; - a time limit not exceeding twenty-one (21)

	days is given for the submission of written comments by the public; d. the results of public participation are taken into account in finalizing action plans or review of action plans; e. the public is informed of the decision taken in relation to action plans; f. reasonable time frames are adopted to allow sufficient time for each stage of public participation. (4)An action plan shall be reviewed every five years after the date on which it was made or last reviewed, provided that an action plan may be reviewed earlier in the event of a material change in land use or noise or vibration level in the area concerned.
Improvement notice.	25.(1) Where an Environmental Inspector has reasonable cause to believe that any person is emitting or is likely to emit noise or excessive vibration in any area in excess of the maximum permissible levels, or is causing or is likely to cause annoyance, the Environmental Inspector may, with the approval of the Director in consultation with the relevant lead agency, serve an improvement notice on that person in the form prescribed in the Tenth Schedule, directing all or any of the following:- a) The cessation of the noise or excessive vibration, or prevention or discontinuance of any annoyance, or prohibiting or restricting its occurrence or reoccurrence; - b)compliance with the permissible noise or excessive vibration levels; - c)the reduction of the level of noise or excessive vibration emanating from the premises to a level specified in the notice; - d)requiring the carrying out of an environmental audit; - e)compelling a lead agency to take measures to prevent, discontinue or stop the emission of the noise or excessive vibration; f) the prevention of any subsequent increase in the level of noise or excessive vibration emanating from the premises or area; - g)issue such directions intended to contribute to the reduction of emission of noise or excessive vibration from or within the vicinity of a specified area; - h)the execution of such works, and the taking of such steps, as may be specified in the notice; or i) carrying out of any other order as may be issued.

	(2) For purposes of this Regulation, an Environmental Inspector is an officer gazetted to perform such duties as provided under Section 117 of EMCA, 1999 (3) Any person who fails or refuses to comply with the conditions in an improvement notice commits an offence and is liable, upon conviction, to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding twenty four months, or to both.
Closure Notice.	26. Where there is continuous emission of noise or excessive vibration after the Environmental Inspector has issued an improvement notice, the Environmental Inspector may, with the approval of the Director, and in consultation with the relevant lead agencies, order the closure of an establishment or undertaking emitting such noise or excessive vibration.
Existing activities.	27. Any person carrying out activities that emit noise or excessive vibration immediately before the coming into force of these Regulations shall, within six months from the coming into force thereof, take all necessary measures to ensure full compliance with these Regulations.
General penalty.	28. Any person who contravenes any of the provisions of these Regulations, for which no penalty is stipulated, commits an offence and is liable, upon conviction, to a fine not exceeding three hundred and fifty thousand shillings or to imprisonment for a term not exceeding eighteen months or to both.

FIRST SCHEDULE

MAXIMUM PERMISSIBLE NOISE LEVELS

Zone		Sound Level Limits dB(A)		Noise Rating Level (NR)	
		(Leq,14 h)		(Leq,14 h)	
		Day	Night	Day	Night
A.	Silent Zone	40	35	30	25
B	Places of worship	40	35	30	25
C.	Residential : Indoor	45	35	35	25
	Outdoor	50	35	40	25
D.	Mixed residential (with some commercial and places of entertainment)	55	35	50	25
E.	Commercial	60	35	55	25

Time Frame

Day: 6.01a.m. –8.00p.m. (Leq,14h)

Night: 8.01 p.m. – 6.00 a.m. (Leq, 10h)

SECOND SCHEDULE

MAXIMUM PERMISSIBLE NOISE LEVELS FOR CONSTRUCTIONS SITES

(Measurement taken within the facility)

<i>Facility</i>		<i>Maximum Noise Level Permitted (Leq) in dB(A)</i>	
		Day	Night
(i)	Health facilities, educational institutions, homes for disabled etc.	60	35
(ii)	Residential	60	35
(iii)	Areas other than those prescribed in (i) and (ii)	75	65

Time Frame

Day: 6.01 a.m.–6.00 p.m. (Leq, 14 h)

Night: 6.01 p.m. – 6.00 a.m. (Leq, 14 h)

THIRD SCHEDULE

((R. 14(1) (b))

MAXIMUM PERMISSIBLE NOISE LEVELS FOR MINES AND QUARRIES

(Measurement taken within the facility)

<i>Facility</i>		<i>Limit Value in dB (C) Max</i>
1.	For any building used as a health facilities, educational institutions, convalescent home, old age home or residential building	109 dB (C)
2.	For any building in an areas used for residential and one or more of the following purposes: commerce, small-scale production, entertainment, or any residential apartment in an area that is used for purposes of industry, commerce or small-scale production.	114 dB (C)

FOURTH SCHEDULE

(R 18 (1))

APPLICATION FOR A LICENSE TO EMIT NOISE/ VIBRATIONS IN EXCESS OF PERMISSIBLE LEVELS

1. Name of Applicant:

Address:

ID No. / Passport No.....

Tel.:Mobile:

FaxE-mail:

2. Physical Address of Premises or facility where Noise/Excessive vibrations will be produced:

.....

(Sub-location, Location, Sub-county, County, Street, House Number)

3. Source of noise.....

Activity/Purpose.....

Predicted levels:

4. Describe the neighborhood within a radius of 2 kms (describe whether industrial, residential, commercial and whether it is near a school, hospital or residential area):

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5. State the measures intended to be used in controlling the noise/excessive vibrations (may attach separate sheet):

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.....

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6. Intended time of noise/ excessive vibrations emission (indicate time of day):

.....

.....Date:

Signature of Applicant:

FOR OFFICIAL USE ONLY

Date received

Fees paid

Approved / Not Approved

Comments

.....

.....

.....
.....Officer
.....
..... Sign Date
Countersigned Date

FIFTH SCHEDULE

LICENSE TO EMIT NOISE/ VIBRATIONS IN EXCESS OF PERMISSIBLE LEVELS

License No..... NEMA/LNC/ (NAME).....
of
(Address)

Is hereby licensed to cause emission or emit noise/excessive vibrations in excess of the
permissible noise levels at.....

(Location, Street, Sub-county)

Activity:

This License is valid from:/...../20 to...../...../20..... from the
hours of to..... of each day.

This License is granted subject to the following conditions:-

1.
2.
3.

Date:Signature:
(SEAL)

DIRECTOR, ENVIRONMENT
SIXTH SCHEDULE

APPLICATION FOR A PERMIT TO CARRY OUT ACTIVITIES

- ☐ FIREWORKS
☐ DEMOLITIONS
☐ FIRING RANGES
☐ HEAVY INDUSTRIES OTHER (SPECIFY)

1. Name of Applicant:

Address:

ID No. / Passport No......

Tel:**Mobile:**

Fax:.....**E-mail:**.....

Personal Identification No. (PIN):

2. Physical Address of Premises or facility where Noise will be produced:

.....
.....

(Sub-location, Location, Sub-county, County, Street, House Number)

3. Source of noise......

Activity/ Purpose

4. Describe the neighborhood within a radius of 2 kms (describe whether industrial, residential, commercial and whether it is near a school, hospital or residential area):

.....
.....
.....

5. State the measures intended to be used in controlling the noise (may attach separate sheet):

.....
.....
.....
.....

6. Intended time of noise emission (indicate time of day):

.....
.....

Date: **Signature of Applicant:**

FOR OFFICIAL USE ONLY

Date received......

Fees paid......

Approved/ Not Approved......

Comments

.....
.....
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.....
.....

Officer Sign Date

Countersigned.....Date

SEVENTH SCHEDULE

PERMIT TO EMIT NOISE IN EXCESS FOR THE FOLLOWING ACTIVITIES

- ☐ FIREWORKS
- ☐ DEMOLITIONS
- ☐ FIRING RANGES
- ☐ SPECIFIC HEAVY INDUSTRIES OTHER (SPECIFY).....

Permit No..... NEMA/PNC/ (NAME).....
of (Address)

Is hereby permitted to cause emission or emit noise in excess of the permissible noise levels
at.....

.....
(Location, Street, Sub-county)

Activity: Fireworks/ Demolition/ Firing range/ Heavy industry*(specify) This Permit is valid
from:/...../20.....to...../...../20.....from the hours of..... to
..... of each day.

This Permit is granted subject to the following conditions:-

1. This Permit shall be for the period provided in the validity clause above.
- 2.....
- 3.....

.....

Date.....Signature:

(SEAL)

.....

DIRECTOR, ENVIRONMENT

EIGHTH SCHEDULE

MINIMUM REQUIREMENTS FOR STRATEGIC NOISE AND EXCESSIVE VIBRATIONS MAPPING

1. A strategic noise or excessive vibration map is the presentation of data on the following
aspects-

(a) an existing, previous or predicted noise or excessive vibration situation in terms of a
noise or vibration level;

(b) the exceeding of a limit value;

(c) the estimated number of buildings, educational institutions and health facilities in a
certain area that are exposed to specific noise or excessive vibration levels;

- (d) the estimated number of people located in an area exposed to noise or excessive vibration.
- (e) The mitigation measures for minimizing the noise or excessive vibration.
- 2. strategic noise or excessive vibration maps may be presented to the public as-
 - (a) graphical plots
 - (b) numerical data in tables, or
 - (c) numerical data in electronic form

NINTH SCHEDULE

MINIMUM REQUIREMENTS FOR ACTION PLANS

- 1. An action plan shall indicate the following elements-
 - (a) A description of the local Directorate, the major road, the railway or airport and other noise or excessive vibrations sources taken into account;
 - (b) The responsible lead agency;
 - (c) The legal context;
 - (d) Any statutory limit values in place;
 - (e) a summary of the results of the noise or excessive vibration mapping
 - (f) a record of the public consultations organized
 - (g) any noise or excessive vibration reduction measures already in force and any projects in preparation;
 - (h) actions which the mapping body intends to take in the next five years, including any measures to preserve silent areas;
 - (i) long-term strategy
- 2. The actions which the mapping body intends to take in the field within its competence may include-
 - (a) traffic planning;
 - (b) land- use planning;
 - (c) technical measures at noise or excessive vibration sources;
 - (d) selection of quieter sources;
 - (e) reduction of sound transmission;

- (f) regulatory or economic measures or incentives;
- (g) Procedure for carrying out an activity.

TENTH SCHEDULE

IMPROVEMENT NOTICE

Form

To:
.....

TAKE NOTICE that on the of 20 .. an
Environmental Inspector carried out an inspection of your establishment/facility located in

.....
.....
..... (physical
address) where it was found that you or your agents were generating or producing noise/
excessive vibration in excess of the permissible levels in contravention of the Nyeri County
Environment Management Act (Noise and Excessive Vibration Pollution Control) Regulation,
2023.

The Environmental Inspector particularly found the following:

- 1.....
.....
- 2.....
.....
- 3.....
.....
- 4.....
.....

(attach more paper if necessary)

You ARE HEREBY DIRECTED to reduce the noise/ excessive vibration levels to the
permissible levels in the above mentioned facility/establishment within a period of
.....hours/ days from the date of this Notice.

You ARE NOTIFIED THAT in accordance with Section 27 of the Nyeri County Environment
Management Act, 2023, and Regulations 25 and 27, failure to comply with this Notice shall
result in criminal prosecution being instituted against you and/or your agent or both.

Name:

Signature:

ENVIRONMENTAL INSPECTOR

c.c.