

Draft Environmental Management and Coordination (Noise and Excessive Vibration Pollution) (Control) Regulations, 2023

ENVIRONMENTAL MANAGEMENT AND COORDINATION (NOISE AND EXCESSIVE VIBRATION POLLUTION) (CONTROL) REGULATIONS, 2023

ARRANGEMENT OF REGULATIONS

PART I – PRELIMINARY

Regulation

1. Citation.
2. Interpretation.

PART II – GENERAL PROHIBITIONS

3. General Prohibitions.
4. Excessive vibrations.
5. Permissible noise levels.
6. Measurement and control.
7. Exemptions.

PART III – PROVISIONS RELATING TO NOISE FROM CERTAIN SOURCES

8. Radio, TV, other sound amplifying devices.
9. Parties and social events.
10. Places of Worship
11. Hawkers, peddlers, touts, street preachers.
12. Machinery.
13. Noise from motor vehicles.
14. Construction at night.
15. Noise, excessive vibrations from construction, demolition, mining or quarrying sites.
16. Environmental Impact Assessment.

PART IV – PROVISIONS RELATING TO PERMIT PROCEDURES FOR CERTAIN ACTIVITIES

17. Noise pollution control permit.
18. Additional powers to the lead agencies.
19. Application to be made to the County government.
20. Permits for fireworks, demolition, firing ranges and specific heavy industries.
21. Noise from workplaces.
22. Appeals to the Tribunal.

PART V – NOISE AND EXCESSIVE VIBRATIONS MAPPING

23. Noise and excessive vibrations mapping bodies.
24. Strategic noise and excessive vibrations maps.
25. Action plans.
26. Improvement notice.

Draft Environmental Management and Coordination (Noise and Excessive Vibration Pollution) (Control) Regulations, 2023

27. Closure Notice.
28. General penalty.
29. Existing activities.

SCHEDULES

FIRST SCHEDULE —	MAXIMUM PERMISSIBLE INTRUSIVE NOISE LEVELS
SECOND SCHEDULE —	MAXIMUM PERMISSIBLE NOISE LEVELS FOR CONSTRUCTION SITES
THIRD SCHEDULE —	MAXIMUM PERMISSIBLE NOISE LEVELS FOR MINES AND QUARRIES
FOURTH SCHEDULE -	APPLICATION FOR PERMIT TO EMIT NOISE/VIBRATIONS IN EXCESS OF PERMISSIBLE LEVELS
FIFTH SCHEDULE	PERMIT TO EMIT NOISE/VIBRATIONS IN EXCESS OF PERMISSIBLE LEVELS
SIXTH SCHEDULE	APPLICATION FOR A PERMIT TO CARRY OUT ACTIVITIES
SEVENTH SCHEDULE	PERMIT TO EMIT NOISE IN EXCESS FOR CERTAIN ACTIVITIES
EIGHTH SCHEDULE	MINIMUM REQUIREMENTS FOR STRATEGIC NOISE AND EXCESSIVE VIBRATIONS MAPPING
NINTH SCHEDULE	MINIMUM REQUIREMENTS FOR ACTION PLANS
TENTH SCHEDULE	IMPROVEMENT NOTICE
ELEVENTH SCHEDULE	FEES

Draft Environmental Management and Coordination (Noise and Excessive Vibration Pollution) (Control) Regulations, 2023

ENVIRONMENTAL MANAGEMENT AND COORDINATION (NOISE AND EXCESSIVE VIBRATION POLLUTION) (CONTROL) REGULATIONS, 2023

[L.N. _____]

PART I – PRELIMINARY PROVISIONS

1. Citation

These Regulations may be cited as the Environmental Management and Coordination (Noise and Excessive Vibration Pollution) (Control) Regulations, 2023.

The County government is obligated to undertake all reasonable measures to effectively implement the provisions of these regulations.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“**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;

“**Authority**” means the National Environment Management Authority established under Section 7 of the Act;

“**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;

“**County government**” means the county government provided under Article 176 of the Constitution;

“**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;

“**excessive vibration**” means the presence of vibration which—

- (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.

“**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 defences of a room or building;

Draft Environmental Management and Coordination (Noise and Excessive Vibration Pollution) (Control) Regulations, 2023

“**lead agency**” means any Government ministry, department, parastatal, state corporation or local authority, 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;

“**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 surface which separates the facility owned, rented or leased by one or more persons from any other such facilities;

“**silent zone**” means designated area that includes health facilities, educational and research institutions, courts, and any other area declared as such by the County government;

“**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;

“**Tribunal**” means the National Environment Tribunal established under section 125 of the Act;

“**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;

PART II – GENERAL PROHIBITIONS

3. General Prohibitions

(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;

Draft Environmental Management and Coordination (Noise and Excessive Vibration Pollution) (Control) Regulations, 2023

- (b) proximity to residential area;
 - (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.

4. Excessive vibrations

- (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) In determining whether vibrations are excessive, the following factors may be considered-
- (a) time of the day;
 - (b) proximity to residential area;
 - (c) anticipated duration of work;
 - (d) type of machinery used; and
 - (e) potential combination of machinery used.
- (3) Any person in charge of an activity that is likely to produce excessive vibrations which annoy, disturb, injure or endanger the comfort, repose, health or safety of others and the environment shall adopt appropriate technology and measures to mitigate the vibrations.
- (4) Any person who contravenes the provisions of this Regulation commits an offence.

5. Permissible noise levels

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.

6. Measurement and control

(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 County government.

(3) In any cases where the relevant County government fails to take the measurements, or has failed to take action, the measurement shall be taken by a gazetted environmental inspector or a person, who is knowledgeable in the proper use of the measuring equipment.

***Draft Environmental Management and Coordination (Noise and Excessive Vibration
Pollution) (Control) Regulations, 2023***

(4) The County government in consultation with the Authority 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.

7. Exemptions

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

8. Radio, TV, other sound amplifying devices

(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 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.

9. Parties and social events

(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,

***Draft Environmental Management and Coordination (Noise and Excessive Vibration
Pollution) (Control) Regulations, 2023***

or recklessly creates the risk thereof, at a distance of 30 meters or more from the source of such sound.

(2) Any person who contravenes 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; and

(c) shall include the person who is listed on a permit issued by the Commissioner of Police, or County government with respect to such event.

(4) The County government shall in consultation with the relevant lead agency issued guidelines for event organizers.

10. Places of Worship

(1) Any person in charge of the operations in a place of worship shall ensure that the operations do not produce noise in a loud, annoying or offensive manner such that noise from the operations 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.

(2) Any person who contravenes this regulation commits an offence.

11. Hawkers, peddlers, touts, street preachers

(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 by the relevant County government,

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) The County government may in consultation with the relevant lead agencies by notice in the gazette declare any area or place within the County to be a silent zone.

(3) Any person who contravenes this Regulation commits an offence.

12. Machinery

(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;

Draft Environmental Management and Coordination (Noise and Excessive Vibration Pollution) (Control) Regulations, 2023

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 this Regulation commits an offence.

13. Noise from motor vehicles

(1) No person shall operate a motor vehicle 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 (Sub. Leg.) shall apply to this Regulation.

(4) Any person who contravenes the provisions of this Regulation commits an offence.

14. Construction at night

(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 construction or repair work so as to emit noise and vibrations 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 works in cases of emergencies;
- (b) domestic works 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 night time 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.

15. Noise, excessive vibrations from construction, demolition, mining or quarrying sites

(1) Where defined work of construction, demolition, mining or quarrying is to be carried out in an area, the relevant County government may impose requirements on how the work

***Draft Environmental Management and Coordination (Noise and Excessive Vibration
Pollution) (Control) Regulations, 2023***

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 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 centimetres per second beyond any source property boundary or 30 metres from any moving source.

(4) Any person who contravenes sub-regulations (1) and (3) of this Regulation commits an offence.

16. Environmental Impact Assessment

(1) Any activity likely to emit noise or excessive vibrations including but not limited to—

- (a) construction, mining or quarrying work;
- (b) night club establishments; and
- (c) places of worship

shall be subjected to an Environmental Impact Assessment as provided for in the Act.

(2) 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 PERMIT PROCEDURES FOR
CERTAIN ACTIVITIES**

17. Noise Pollution Control Permit

(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 noise pollution control permit to the relevant County government.

(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 without a valid noise pollution control permit.

(3) Where any person uses or plans to use a public-address system which is likely to emit

***Draft Environmental Management and Coordination (Noise and Excessive Vibration
Pollution) (Control) Regulations, 2023***

sound outside of a building, such person shall four days prior to the planned event secure a permit 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 licence 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 permit shall apply;
 - (e) the name of the person(s) who is responsible for ensuring that the activity complies with any permit issued for it pursuant to this Regulation; and
 - (f) evidence that public consultation in support of the application for the permit has been carried out amongst the persons reasonably expected to be affected by the noise, if the event is not a community-wide or public event:

Provided that the public participation tool shall state that any person objecting to the granting of such a permit may contact the appropriate office to whom the application is being made to express his/her opposition to the granting of the permit.

- (5) Any permit granted shall state that the permit only applies to these Regulations.

18. Additional powers to the lead agencies

In order to further the purposes of these Regulations and to facilitate compliance and enforcement, the relevant lead agencies shall have power to attach such other conditions in relation to these Regulations as they may deem necessary to permit issued thereunder.

19. Application to be made to the County government

(1) An application for a permit shall be made to the relevant County government in the form prescribed in the Fourth Schedule to these Regulations and shall be accompanied by the prescribed fee.

(2) When determining if a permit should be issued, the factors the County government shall consider shall include but shall not be limited to—

- (a) the level of the noise or excessive vibrations depending on whether the area of operation is residential or commercial;
- (b) the proximity of the noise or excessive vibrations to accommodation or residential facilities;
- (c) the time of the day or night the noise or excessive vibrations occur;
- (d) the time duration of the noise or excessive vibrations; and
- (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.

- (3) The County government shall process the application for a permit within two (2) days

Draft Environmental Management and Coordination (Noise and Excessive Vibration Pollution) (Control) Regulations, 2023

from the date of receipt of the application, failure to which the applicant shall be free to proceed with the activity in respect of which the application is made.

(4) A permit 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.

(5) The county government shall issue a permit in the form prescribed in the Fifth Schedule to these Regulations.

(6) A permit issued under this Regulation shall be valid for a period not exceeding seven (7) days.

20. Permits for fireworks, demolition, firing ranges and specific heavy duty industry

(1) No person shall carry out activities relating to fireworks, demolitions, firing ranges or specific heavy industry without a valid permit issued by the County government.

(2) An application for a permit shall be made to the County government in the form prescribed in the Sixth Schedule to these Regulations and shall be accompanied by the prescribed fee.

(3) The County government may, on receiving an application, issue the applicant with a permit to carry out fireworks, demolitions, firing ranges and specific heavy industrial work, in the form set out in the Seventh Schedule to these Regulations, on such terms and conditions as maybe contained in the permit.

(4) A permit to carry out activities such as fireworks, demolitions, firing ranges and specific 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.

21. Noise from workplaces

The provisions of The Factories and Other Places of Work (Noise Prevention and Control) Rules, 2005 (L.N. 24/2005) shall apply *mutatis mutandis* to these Regulations.

22. Appeals to the Tribunal

(1) Any applicant who is aggrieved by the issuance or the refusal of the Authority to grant a license - may appeal to the Tribunal.

(2) Any person who is aggrieved by the refusal of the County to grant a permit may appeal to the XXXXXXXXXXXXXXXXXX

PART V – MAPPING OF NOISE AND EXCESSIVE VIBRATIONS

23. Noise and excessive vibrations mapping bodies

The following shall be the designated mapping bodies for the purpose of making and approving strategic noise or vibration maps—

- (a) the Ministry responsible for physical planning;
- (b) county governments;
- (c) for railways, the Kenya Railways Corporation;
- (d) for airports, the Kenya Airports Authority;
- (e) for mines and quarries, the Mines and Geology Department;
- (f) for weather and instrumentation, the Meteorological Department;
- (g) the Kenya Bureau of Standards; and
- (h) for major roads—
 - (i) where such roads are classified as national roads in accordance with the Kenya Roads Act, 2007, Highway Act, the Kenya Roads Board; and
 - (ii) for any other road, the relevant County government; and
 - (iii) such other body or institution as the Cabinet Secretary may deem appropriate.

24. Strategic noise and excessive vibrations maps

- (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 to these Regulations.
- (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.

25. Action plans

- (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—
 - (a) the public is consulted on proposals for each action plan;
 - (b) the public is given early and effective opportunities to participate and review action plans;
 - (c) a time limit not exceeding sixty (60) days is given for the submission of written comments by the public;

Draft Environmental Management and Coordination (Noise and Excessive Vibration Pollution) (Control) Regulations, 2023

- (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; and
- (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.

26. Improvement notice

(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, 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 or all 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) person who fails or refuses to not 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 more than twenty-four months, or to both.

27. Closure Notice

Where there is continuous emission of noise or excessive vibration after the Environmental Inspector has issued an improvement notice, the Environmental Inspector

***Draft Environmental Management and Coordination (Noise and Excessive Vibration
Pollution) (Control) Regulations, 2023***

may, with the approval of the County governor or Director General, and in consultation with the relevant lead agency, order the closure of an establishment or undertaking emitting such noise or excessive vibration.

28. Existing activities

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, these Regulations, take all necessary measures to ensure full compliance with these Regulations.

29. General penalty

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 more than two million shillings or to imprisonment for a term not exceeding four years or to both.

FIRST SCHEDULE

[Regulation 5,6,12]

MAXIMUM PERMISSIBLE NOISE LEVELS

Zone		Sound Level Limits dB(A) (Leq, 14 h)		Noise Rating Level (NR) (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: 6.01 a.m- 8.00 p.m (Leq,14 h)

Night: 8.01 p.m – 6.00 am (Leq, 10h)

SECOND SCHEDULE

[Regulation 14 (1), 15 (1) (b).]

Draft Environmental Management and Coordination (Noise and Excessive Vibration Pollution) (Control) Regulations, 2023

MAXIMUM PERMISSIBLE NOISE LEVELS FOR CONSTRUCTION SITES

(Measurements taken within the facility)

Facility		Maximum Noise Level Permitted (Leq) in dB (A)	
		Day	Night
(i)	Health facilities, educational institutions, homes for disable 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- 8.00 p.m (Leq,14 h)

Night: 8.01 p.m – 6.00 am (Leq, 10h)

THIRD SCHEDULE

[Regulation 15 (1) (b).]

MAXIMUM PERMISSIBLE NOISE LEVELS FOR MINES AND QUARRIES

(Measurements taken within the facility)

Facility		Limit Value in dB (C) Max
1.	For any building used as a health facility, educational institution, convalescent home, old age home or residential building	109 dB (C)
2.	For any building in ana area 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

Draft Environmental Management and Coordination (Noise and Excessive Vibration Pollution) (Control) Regulations, 2023

[Regulation 19(1).]

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

1. Name of Applicant:
Address:
ID No./Passport No:
Tel: Mobile:
Fax: E-mail:
 2. Physical Address of premises or facility where Noise/Excessive vibrations will be produced
.....
.....
(Sub-location, Location, Division, District, Street, House Number)
 3. Source of noise
Activity/Purpose
Predicted levels:
 4. Describe the neighbourhood within a radius of 2kms (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/excessive vibrations (may attach separate sheet):
.....
.....
.....
 6. Intended time of noise/excessive vibrations (indicate time of day):
.....
.....
- Date: Signature of Applicant:

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Date received

Fees paid

Approved/Not Approved

Comments

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

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

Countersigned..... Date.....

FIFTH SCHEDULE

[Regulation 19(5).]

PERMIT 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, District)

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:

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1.
.....
2.
.....
3.
.....

Date: Signature:

(Seal)

.....
.....
Director General
National Environment Management Authority

SIXTH SCHEDULE

[Regulation 20(2).]

APPLICATION FOR A PERMIT TO CARRY OUT ACTIVITIES

FIREWORKS

DEMOLITIONS

FIRING RANGES

SPECIFIC 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:

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.....
.....

(Sub-location, Location, Division, District, Street, House Number)

3. Source of noise

Activity/Purpose

Predicted levels:

4. Describe the neighbourhood with 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:

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

Countersigned..... Date.....

Draft Environmental Management and Coordination (Noise and Excessive Vibration Pollution) (Control) Regulations, 2023

SEVENTH SCHEDULE

[Regulation 20(3).]

PERMIT TO EMIT NOISE IN EXCESS FOR THE FOLLOWING ACTIVITIES

FIREWORKS

DEMOLITIONS

FIRING RANGES

SPECIFIC HEAVY INDUSTRIES

OTHER (SPECIFY)

Permit No. NEMA/PNS/ (NAME)

of.....

(Address)

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

(Location, Street, District)

Activity: Fireworks/Demolition/Firing range/Heavy Industry* (specify)

This permit is valid from: / /20.....to

..... / /20 from the hours ofto

.....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 General
National Environment Management Authority

Draft Environmental Management and Coordination (Noise and Excessive Vibration Pollution) (Control) Regulations, 2023

EIGHTH SCHEDULE

[Regulation 24(3).]

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; or
 - (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

[Regulation 25(2)(a).]

MINIMUM REQUIREMENTS FOR ACTION PLANS

- 1. An action plan shall indicate the following elements—**
 - (a) a description of the local authority, 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; or
 - (i) long-term strategy.
- 2. The actions which the mapping body intends to take in the field within its competence may include—**

Draft Environmental Management and Coordination (Noise and Excessive Vibration Pollution) (Control) Regulations, 2023

- (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; or
- (g) Procedure for carrying out an activity.

TENTH SCHEDULE

[Regulation 25(1).]

IMPROVEMENT NOTICE

FORM NEMA/NC

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 Environmental Management and Co-ordination (Noise and Excessive Vibration Pollution Control) Regulation,2008.

The Environmental inspector particularly found the following:

1.
.....

2.
.....

3.
.....

4.
.....

Draft Environmental Management and Coordination (Noise and Excessive Vibration Pollution) (Control) Regulations, 2023

(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 ofhours/days form the date of this notice.

You **ARE NOTIFIED THAT** in accordance with sections 137 and 140 of the Environmental Management and Coordination Act, 1999, 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

ELEVENTH SCHEDULE

[Regulation 19(1), 20(2).]

FEES

		Kshs
1.	Application for Noise Pollution control permit	
2.	Application for permit for fireworks, demolitions, firing ranges and specific heavy duty industry	