



REPUBLIC OF KENYA

NAIROBI CITY COUNTY ASSEMBLY

THIRD ASSEMBLY – (SECOND SESSION)

ORDERS OF THE DAY

TUESDAY, FEBRUARY 28, 2023 AT 2.30 P.M.

ORDER OF BUSINESS

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion
7. Statement

8. *MOTION – HON. DAVIDSON DNG NGIBUINI, MCA

Subject: *Control of Noise Pollution from Bars, Nightclubs and Religious Buildings*

THAT, aware that paragraph 3 of Part Two of the Fourth Schedule of the Constitution of Kenya, 2010 provides for the functions and powers of County Government on control of air pollution, noise pollution, and other public nuisances; **further aware** that the County Assembly passed the Nairobi City County Public Nuisance Act, 2021 which provides for the control of public nuisance within the County, Section 20 of the Act provides that *a person shall not upon other premises play, operate, cause or allow to be played or operated, any musical instrument, wireless, gramophone, amplifier or similar instrument thereby making, causing or authorizing noise to be made which is loud and continuous or repeated as to constitute a nuisance to the occupants or dwellers of any premises in the neighborhood or to passersby on the street*; **concerned that** in recent years there has been an upsurge in noise pollution especially from bars, nightclubs and religious buildings near residential areas which has caused discomfort and lack of peace among residents; **further concerned** that such noise has health effects which include but are not limited to impairing cognitive functioning in children, affecting people's sleep and

concentration levels, as well as biological stress among others; **acknowledging that** the National Environment Management Authority developed the Environment Management and Coordination (Noise and Excessive Vibration Pollution Control) Regulations, 2009 that prohibit the production of loud, unreasonable, unnecessary or unusual noise which annoys, disturbs, injures or endangers the comfort, repose, health or safety of others and the environment; **further acknowledging** that Paragraph 10 of Part Two of the Fourth Schedule of the Constitution requires the County to implement specific national government policies on environmental conservation, this Assembly resolves that the County Executive to:-

1. Implement all the legislations both at the County and National Levels on noise pollution to control all forms of public nuisance which has resulted in public outcry;
2. Develop regulations on noise mitigating measures pursuant to provisions of Section 35 of the Nairobi City County Public Nuisance Act, 2021 to curb all forms of noise pollution in residential areas in the County; and
3. Mandate proprietors to effect and install noise reduction and containment measures such as soundproofing, cut-offs, installing glass shields, repositioning of speakers and internal self-regulation mechanisms to minimize noise within the County.

NOTICES

I. The Assembly resolved on Tuesday, 21st February, 2023 as follows: -

- a) **THAT**, pursuant to the provisions of Standing Order 106(1), this Assembly **orders** that, each speech in a debate on any **Motion**, including a Special motion be limited in the following manner:-A maximum of three hours with not more than twenty (20) minutes for the Mover and ten (10) minutes for each other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each, and that ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply; and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Sectoral Committee, in that Order.

* Denotes Orders of the Day*
