

J&G

A BILL FOR AN ACT

To amend the Kosrae State Code by inserting a new SubChapter A and inserting there under Sections 13.563 to 13.567 under Chapter 5 of Title 13 concerning noise cessation; and for other purposes.

BE IT ENACTED BY THE KOSRAE STATE LEGISLATURE

1 Section 1. Purpose. The purpose of this Act is to amend the Kosrae State Code by  
2 inserting a new SubChapter A and inserting there under Sections 13.563 to 13.567 under  
3 Chapter 5 of Title 13 to provide for noise cessation directions, penalty and evidentiary  
4 provisions; and for other purposes.

5 Section 2. Amendment. Title 13, Chapter 5 of the Kosrae State Code is hereby  
6 amended by adding SubChapter A and inserting there under Sections 13.563 to 13.567 to  
7 read as follows:

8 “ SubChapter A: Noise Cessation Act

9 Section 13.563 This Act shall be known as the Noise Cessation Act 2020

10 Section: 13.564 Issue of Noise Cessation Directions

11 If it appears to an authorized person that offensive noise is being, or has at any  
12 time within the past 7 days been, emitted from any premises or motor vehicle , a  
13 police officer may:

14 (a) direct the person whom the authorised person believes to be the  
15 occupier of the premises or the owner or driver of the motor vehicle  
16 to cause the emission of the offensive noise to cease, or

1 (b) direct any person whom the authorised person believes to be making or  
2 contributing to the making of the noise to cease making or contributing to  
3 the making of offensive noise,  
4 or both

5 Section 13.565 Infringement of Noise Abatement Directions

6 (1) A person to whom a noise abatement direction has been given under Section  
7 13.564 (a) must not, without reasonable excuse, while the direction remains in  
8 force--

9 (a) fail to cause the emission of the offensive noise from the premises to  
10 cease promptly, or

11 (b) at any time within 28 days following the time at which the direction  
12 was given (or such shorter period as is specified in the direction), cause or  
13 permit offensive noise to be emitted from the premises.

14 (2) A person to whom a noise abatement direction has been given  
15 under Section 13.564 (b) must not, without reasonable excuse, while the  
16 direction remains in force

17 (a) fail to promptly cease making or contributing to the making of the  
18 offensive noise, or

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1 (b) at any time within 28 days following the time at which the direction  
2 was given (or such shorter period as is specified in the direction), make or  
3 contribute to the making of offensive noise that is emitted from the  
4 premises.

5 (3) A noise cessation direction does not prevent the emission of noise that is not  
6 offensive noise.

7 (4) A person who infringes this section is guilty of an offense.

8 An infringement of a direction given under either Section 13.564 (a) or Section  
9 13.564(b) is a category three misdemeanor

10 Section 13.566. Evidentiary matters.

11 (1) In any proceedings under this Act, no proof is required (until evidence is  
12 given to the contrary) of the fact that a person is, or at any relevant time was,  
13 the occupier of any premises or the owner or driver of a motor vehicle to  
14 which the proceedings relate.

15 (2) In any proceedings under this Act, the occupant, lessee or owner in respect of  
16 any premises at a particular time or period is taken to be the occupier of the  
17 premises at that time or during that period.

18 (3) In any proceedings under this Act the person in possession of a motor vehicle  
19 or the owner of a motor vehicle in respect of any motor vehicle at a particular

1 time or period is taken to be the driver or the owner of the motor vehicle at  
2 that time or during that period.

3 (4) In any proceedings under this Act, the onus of proving that a person had a  
4 reasonable excuse or lawful excuse (as referred to in any provision of this Act  
5 or the regulations) lies with the defendant

6 (5) The Court has under this Act a discretion to relax the rules of evidence where  
7 the interests of justice so require.

8 Section 13.567 Definitions


9 (1) Offensive noise is noise which causes someone annoyance, discomfort or to  
10 become upset.”

11 Section 3. Effective Date. This act takes effect upon the approval of the Governor  
12 or upon its becoming law without such approval.

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15 Date: 11/05/20

Introduced by: 

Andy J. Andrew