



MUNICIPALITY BEAUFORT WEST

Notice No. 03/2014



The Council of the Municipality of Beaufort West published the subjoined by-law, for general notice.

BY-LAW RELATING TO THE HOLDING OF EVENTS

Whereas the Municipality of Beaufort West is vested with Legislative Authority in terms of the Constitution of the Republic of South Africa (Act 108 of 1996),

AND WHEREAS the Municipality has the right to determine its own by-laws relating to the holding of events;

Under the provisions of section 156 of the Constitution of the Republic of South Africa, 1996 the Beaufort West Municipality, enacts as follows:-

APPENDIX

CONTENTS

TABLE OF CONTENTS

CHAPTER 1: DEFINITIONS AND APPLICATION

1. Definitions
2. Application of this by-law

CHAPTER 2: PERMIT APPLICATION PROCESS, REQUIREMENTS AND ENFORCEMENT

3. Permit required
4. Application for permit to hold event
5. Criteria and conditions
6. Requirements and conditions
7. Holding of an event
8. Compliance notice
9. Inspections and right of access
10. Suspension and revocation of permit
11. Exemptions to the permit

CHAPTER 3: GENERAL PROVISIONS

12. Agreements and partnerships
13. Delegations and appointment of authorized officials
14. Offences and Penalties
15. Repeal
16. Short title and commencement

CHAPTER 1:

DEFINITIONS AND APPLICATION

1. **Definitions**

In this by-law, unless inconsistent with the context:-

“authorized official” means any employee authorized by the municipality to put into effect any of the provisions of this by-law and in possession of an appointment card issued by the municipality attesting thereto and it includes any member of the municipal law enforcement service or any peace officer;

“Council” means the municipal council of the municipality;

“event” means any public gathering of at least 30 members of the public in streets or at a public place or venue and include –

- (a) a sporting, recreational or entertainment event, including live acts;
- (b) an educational, cultural or religious event;
- (c) a business event including marketing, public relations and promotional, or exhibition events;
- (d) a charitable event, including any conference, organisational or community event;
- (e) filming which is of such a nature that it may have an impact on vehicular or pedestrian traffic or may attract crowds, or;
- (f) any similar event;

“event organizer” means a person who submits an application to hold an event in terms of this by-law whether in a personal capacity or on behalf of another person, body or organization;

“fees” means the fees determined in terms of the tariff policy by-law promulgated by the Council in terms of section 75 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), or pending such promulgation, a decision by the Council in terms of section 75A of that Act to levy and recover fees, charges or tariffs;

“municipal manager” means the person appointed as municipal manager for the municipality in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

“municipality” means the Beaufort West Municipality established in terms of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), and any employee of the municipality acting in terms of delegated or sub delegated authority thereof;

“permit” means a permit issued by the municipal manager for the holding of an event;

“public place” means any land, building or facility or any portion thereof, including any apparatus therein or thereon, owned or controlled by the municipality to which the public has access, whether on payment of admission fees or not;

“purpose-built venue” means a venue correctly zoned, built and suitable for the holding of specific events;

“SANS” means the South African National Standards contemplated in section 2 of the Standards Act, 1993 (Act No. 29 of 1993), and SANS followed by any number

means a reference to a SANS code of practice, specification or standard of the corresponding number;

“stakeholder” includes any person, organization or body who is affected by or has a role to play in the management or holding of an event;

“venue” means any open space, enclosed or semi-enclosed temporary structure or permanent structure to which the public has access –

- (a) within which a temporary or permanent structure may be erected, where an event is to be hosted; and
- (b) which, may consist of –
 - (i) seating for spectators, attendees or an audience; or
 - (ii) a playing field or a permanent or temporary podium or other area within a venue, reserved for the purposes of hosting an event; and

“venue owner” means any person or legal entity that, directly or indirectly, owns, leases, rents, acquires or exercises the powers of an owner or occupier of a venue used for events.

2. Application of this by-law

- (1) This by-law applies to any event held within the area of jurisdiction of the municipality.
- (2) In the event of a conflict between this by-law and any other by-law of the municipality, this by-law shall prevail regarding the management and holding of events.
- (3) In the event of any conflict between the English and Afrikaans text of this By-law or the text thereof in another language, the Afrikaans text prevails.

CHAPTER 2:

PERMIT APPLICATION PROCESS, REQUIREMENTS AND ENFORCEMENT

3. Permit required

Subject to section 11, no person may hold an event unless a permit has been issued for the event upon written application made to the municipal manager.

4. Application for permit to hold event

- (1) An event organizer must apply to the municipal manager for a permit to hold an event –
 - (a) at least thirty days before the event is to take place, or
 - (b) in cases where municipal services are required, roads or venues are to be closed or any other measures are required to be taken by the municipality, within a time frame determined by the municipal manager.
- (2) The application must be accompanied by the fees applicable, a deposit, if required, and include the following information –

- (a) the name of an individual to be responsible as the event organizer;
 - (b) the proposed venue for the event;
 - (c) the proposed days and hours of operation for the event;
 - (d) if a sub-contractor will be involved with the event, a copy of the contract with the sub-contractor;
 - (e) the maximum number of proposed attendees, including staff, to be allowed at the event;
 - (f) the proposed security plans for the event including the number of personnel and their qualifications;
 - (g) the proposed medical and safety plans for the event including the number of personnel and their qualifications;
 - (i) the proposed parking and traffic plans for the event;
 - (j) any other information as may be requested by the municipal manager.
- (3) Before a permit for an event is considered, the event's organizer must also provide –
- (a) evidence, to the satisfaction of the municipal manager, of appropriate indemnity cover, and
 - (b) where an activity which may put the public at risk will be involved, evidence to the satisfaction of the municipal manager of appropriate specialized risk insurance, blanket liability or work cover which list the municipality as a named insured and provide for provisions to defend, indemnify and hold the municipality and any of its employees harmless from any claims arising from the event.
- (4) In the event of failure to submit the information and fees referred to in subsections (2) and (3), an application will not be considered by the municipal manager.
- (5) The municipal manager must approve or decline an application for a permit to hold an event within a reasonable time period.
- (6) Where an application for a permit has been approved, the municipal manager must issue a permit.
- (7) In a case where the municipal manager has declined an application, full written reasons for such decision must be provided to the applicant.
- (8) The issuing of a permit does not alleviate any person of the obligation to comply with any other by-law, Act or regulation.

5. Criteria and conditions

- (1) The municipal manager must consider an application for a permit to hold an event in accordance with the following criteria, where applicable:
- (a) the type and size of an event;
 - (b) the impact of the event on municipal services including services relating to noise control, traffic, parking, local amenities, public places, health and the environment;
 - (c) whether the proposed use of the land complies with the applicable zoning scheme and any conditions applicable thereunder;
 - (d) any other criteria that the municipal manager may determine.
- (2) The municipal manager may impose reasonable conditions to the permit to protect the health, safety and welfare of the public and such conditions may pertain to any of the following:

- (a) Location and hours during which the event may be held;
- (b) Sanitation and availability of potable water;
- (c) Security and crowd management;
- (d) Parking and traffic issues;
- (e) Emergency and medical services;
- (f) Clean-up of premises and surrounding area and trash disposal;
- (g) Insurance;
- (h) Lighting;
- (i) Fire services and safety;
- (j) Temporary construction, barricades and fencing;
- (k) Removal of advertising and promotional materials;
- (l) Noise levels.

6. Requirements and conditions

- (1) An event organizer may not advertise an event before an application is submitted to the municipal manager and the event organizer has been informed by the municipal manager that the application has been approved and that a permit has been issued.
- (2) The municipality is not liable, in respect of any planning for an event, application, approval or permit issued for an event in terms of this by-law, for any –
 - (a) damage to or loss of any property of the event organizer; or
 - (b) costs incurred by an event organizer or any third party.
- (3) The event organizer must ensure that the permit is available at the venue for inspection at all stages and at all times of the event.

7. Holding of an event

An event organizer whose application have been approved in terms of this by-law is responsible for the event and must ensure –

- (a) that the event is held in compliance with the provisions of this by-law, the conditions imposed by the municipal manager and that no other law is contravened;
- (b) that the event complies with the requirements of SANS 10366: 2006 insofar as it relates to the requirements for health and safety at live events;
- (c) that the conduct of persons attending an event and the activities undertaken or carried out at the event do not negatively impact on affected communities during such event; and
- (d) compliance with any compliance notice issued by the municipal manager or an authorized official in terms of section 8 or a notice in terms of section 10.

8. Compliance notice

- (1) When the municipal manager or an authorized official finds that a provision of this by-law is contravened by an event organizer or that a condition has arisen that has the potential to lead to a contravention of this by-law or any other law, a compliance notice may be issued to the event's organizer.
- (2) A notice issued in terms of subsection (1) must state –

- (a) the provision of this by-law, the provisions of any other legislation, or the condition of the permit that is being contravened or will be contravened if the condition is allowed to continue;
 - (b) the measures that must be taken to rectify the condition; and
 - (c) the time period for compliance with the notice.
- (3) If a person, on whom notice was served in terms of subsection (1), fails to comply with the requirements of the notice, the municipal manager or an authorized official may take such steps as may be necessary to rectify the condition at the cost of the event organizer.

9. Inspections and right of access

- (1) The municipal manager or an authorized official may conduct inspections of a venue after the submission of an application, during or after the staging or holding of an event to determine compliance with this by-law.
- (2) The municipal manager or an authorized official has a right of access to or over any venue for the purposes of –
- (a) ascertaining whether there is or has been a contravention of the provisions of this by-law, and
 - (b) enforcing compliance with the provisions of this by-law.
- (3) The municipal manager or an authorized official may, by notice in writing served on the owner or occupier of any venue, require such owner or occupier to provide, at any reasonable date or time, access to such property to a person and for a purpose referred to in subsection (2).

10. Suspension and revocation of permit

- (1) The municipal manager may, where the event organizer fails to comply with a compliance notice issued in terms section 8, notice in writing to the event organizer –
- (a) suspend the permit immediately until the event organizer has complied with the compliance notice;
 - (b) revoke the permit and take such steps as may be necessary, and the event organizer is liable for any costs incurred thereby; or
 - (c) on receipt of information from an authorized official relating to failure to comply with a compliance notice, suspend or revoke the permit of an event organizer.
- (2) The municipal manager may, where action has been taken in terms of subsection (1), withhold the deposit paid by the event organizer for an event as security for the payment of such costs.

11. Exemptions to the permit

The permit requirement contained in this chapter does not apply to the following:

- (a) funerals and funeral processions;
- (b) events held at a purpose built venue or the grounds of any school, playground, place of worship, hotel conference centre, stadium, athletic field,

- arena, auditorium or similar permanent place of assembly when used for events normally held in such venue, provided that this exclusion does not apply to events or parts of events held outside the venue or building, or which by their nature, size or impact are considered outside the normal use parameters for the venue; and
- (c) events regulated by the Safety at Sport and Recreation Events Act, 2010 (Act 2 of 2010) and the Regulation of Gatherings Act, 1993 (Act 205 of 1993).

CHAPTER 3:

GENERAL PROVISIONS

12. Agreements and partnerships

The council may, subject to the provisions of any law, enter into such agreements and partnerships with event organizers as may be necessary for the holding and management of events.

13. Delegation and appointment of authorized officials

- (1) The municipal manager may, in whole or in part, delegate the power to issue a permit and the imposition of conditions, or the taking of any actions in respect of any provision of this by-law to officials of the municipality.
- (2) The municipal manager may appoint officials in the employ of the municipality as authorized officials to enforce the provisions of this by-law.

14. Offences and Penalties

A person who fails to comply with –

- (a) section 3;
- (b) section 6(1);
- (c) section 7(b);
- (d) a condition to a permit; or
- (e) a notice issued in terms of section 8 or 10,

commits an offence and is on conviction liable for the payment of a fine or a term of imprisonment.

15. Repeal

The provisions of any by-laws previously promulgated by the municipality or by any of the disestablished municipalities now incorporated in the municipality are hereby repealed as far as they relate to matters provided for in this by-law.

16. Short title and commencement

This By-law is called the By-law relating to the Holding of Events and will commence upon publication in the Provincial Gazette.

112 Donkin Street
Beaufort West
6970

Municipal Manager

[1/1/5/1; 1/1/5/3] – 17.01.2014