

PROPOSED BY-LAW RELATING TO EVENTS

1. Purpose

The purpose of this by-law is to regulate the holding or hosting of events within the area of jurisdiction of the City of Mangaung in a manner that is properly co-ordinated, safe and secure, and matters incidental thereto.

2. Definitions

In this By-law, unless the context otherwise indicates —

“Authorized Official” means an official of the Municipality/City authorized to implement or enforce the provisions of this by-law;

“Municipality/City” means Mangaung Metropolitan Municipality established by the Provincial Notice No. 261 of 28 March 2011, issued in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

“Municipal Manager/City Manager” means the person appointed by the Council of the City as Municipal Manager/ City Manager in terms of section 54A of the Local Government Municipal Systems Act, 2000, as amended by Local Government: Municipal Systems Amendment Act, 2011 (Act No. 7 of 2011) and shall include any person acting in that position or to whom authority is delegated.

“Council” means the Council of the Mangaung Metropolitan Municipality or any political structure, political office bearer, councillor or any staff member acting under council's delegated or sub-delegated power;

“Event” means —

(a) any sporting, recreational or entertainment event, including live acts;

(b) any educational, cultural or religious event;

(c) any business event including marketing, public relations and promotional, or exhibition events; or

(d) any charitable event, including any conference, organizational or community event, or any similar activity hosted at a stadium, venue or along a route or its precinct, that is planned, has a clear programme, control and accountability, but excludes an event hosted by a private

person held in his or her private capacity at any venue; or filming staged in terms of the By-law relating to filming.

“Event Organiser” means a person who lodges an application to hold an event whether he or she submits the application for himself or herself or on behalf of another natural person or juristic person;

“Event Permit Officer” means an officer of the City authorized by either the City Manager or Head of Department to issue an event permit.

“Law Enforcement Officer” includes members of the City’s Law Enforcement Unit and South African Police Services;

“Permit” means a permit issued for the holding of an event in terms of this by-law;

“Public Place” means—

- (a) any public land, square, public swimming bath, public resort, public recreation site, zoological, botanical or other public garden, park or hiking trail, including any portion thereof and any facility or apparatus therein or thereon, as well as any public open space, public road, road reserve, reserve street, lake, dam, or river;
- (b) any public building, structure, hall, room or office including any part thereof and any facility or apparatus therein, which is the property of, or possessed, controlled or leased by the City and to which the general public has access, whether on payment of admission fees or not;
- (c) any nature conservation area including —
 - (i) nature reserves;
 - (ii) protected natural areas;
 - (iii) nature conservation worthy areas; and
 - (iv) natural open spaces;

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

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

“This By-law” includes the **Schedule 1** which is Schedule of Offences and Penalties to this By-law;

“Venue” means any open space, enclosed or semi-enclosed temporary structure or permanent structure zoned in terms of the applicable legislation –

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

“Venue Owner” means any person or legal entity that, now or in the future, will directly or indirectly own, lease, rent, acquire or exercise the powers of an owner or occupier of a venue used for events.

3. Scope of Application

3.1 This By-law applies to any event held within the area of jurisdiction of the City, including events held on both private land and public places, provided that where an event is held on private land, subject to any other applicable legislation, it has an impact on the resources of the City and the surrounding community.

3.2 This By-Law does not apply to –

- (a) events of fewer than 50 persons where there is no amplified sound or no temporary structures to be used; and
- (b) small events such as family or community events held on private property or purpose built venues, subject to any other legislation.

3.3 Notwithstanding sub-clause 3.2, the Events Permit Officer or a Law Enforcement Officer may —

- (a) when the Events Permit Officer or a Law Enforcement Officer finds that the provision(s) of this By-law is or are likely to be contravened by an event organizer; or
- (b) when a stakeholder affected by the impact and risk attached to an event lodges a complaint with the Event Permit Officer or a Law Enforcement Officer, issue a compliance notice to the event organizer in terms of clause 9 and act in terms of this By-law.

3.4 Purpose-built venues are excluded from this By-law in respect of events normally held in such venue, provided that –

- (a) 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
- (b) owners or managers of purpose-built venues must submit an application to the events permit office for approval of their events programmes which shall be valid for one year.

3.5 The Events Permit Officer may, from time to time, issue directives regarding specific or special application process for any specific or special event which may vary in respect of the criteria referred to in clause 7.

3.6 In the event of a conflict between this By-law and any other by-law of the City this By-law shall prevail regarding the regulation of the holding of events.

4. Application Procedure

4.1 The application to hold an event in terms of this by-law should meet the following requirements-

- (a) by a person who is at least 18 years old or above;
- (b) in a form as prescribed by the Events Permit Officer;
- (c) within the prescribed time frames; and
- (d) by a person or on behalf of a person who possesses the necessary capacity and resources to the events permit office.

4.2 The application must include all information required as indicated in the prescribed form and any additional information as may be requested by the City.

4.3 In the event of failure to submit the information referred to in sub-clause 4.2 an application may not be considered by the City.

5. Terms and Conditions

5.1 No person may hold any event without first obtaining an event permit from Event Permit Officer.

5.2 An application for an event should comply with the provisions of this By-law and contain such information as indicated in the prescribed application form.

- 5.3 The event organiser may not advertise the planned event before an application is submitted to the City and the Event Permit Officer has informed the event organiser that the application has been approved.
- 5.4 The Events Permit Officer should , depending on the nature of the event, ensure that consultation with relevant stakeholders identified by the City is undertaken by the event organizer.
- 5.5 The Council must, as part of its budgeting process, determine tariffs and deposit payable for events.
- 5.6 The City shall not, in respect of any planning for an event, application, approval or permit issued for an event in terms of this By-law, be held liable for any –
- (a) damage to or loss of any property of the event organiser; or
 - (b) costs incurred by an event organiser or any third party.
- 5.7 The event organiser, or the venue owner in the case of a small event referred to in sub-clause 3(2)(b), shall be liable for the cost of any service provided by the City for or in respect of an event.

6. Decisions on Applications

- 6.1 The City may approve or decline an application for an event in terms of this By-Law.
- 6.2 Once a decision has been taken in terms of sub-clause 6.1 the applicant must be informed accordingly in writing.
- 6.3 Where an application for an event has been approved, the Events Permit Officer must issue a permit with conditions.
- 6.4 Where an application for an event has been declined, reasons for the decision must be communicated to the applicant in writing.
- 6.5 The event organizer must make sure that the permit is available at the venue for inspection at all stages and at all times of the event.

7. Criteria for Application Consideration

- 7.1 The Events Permit Officer must ensure that applications for holding an event are considered in accordance with the following criteria, where applicable:
- (a) the type and size of an event;

- (b) impact of the event in respect of noise and amplified sound, traffic and logistical aspects, as well as marketing, economic, social and environmental objectives;
- (c) the proposed use of the land complies with the applicable zoning scheme and any conditions applicable thereunder;
- (d) the safety and security risk management of the event in respect of the event plan, logistics, location, site design and other activities taking place near or at the event venue and other threats to the event;
- (e) return on investment of the event, in cases where the event is sponsored fully or partly by the City; and
- (f) the event complies with all applicable legislation.

8. Responsibilities of Organisers

8.1 Event organisers whose applications have been approved in terms of this By-law are responsible for the event and must ensure that —

- (a) the event is held in compliance with the provisions of this By-law and does not contravene any other law;
- (b) 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;
- (c) any compliance notice issued by the Events Permit Officer or a Law Enforcement Officer in terms of clause 9 is complied with.

9. Issuing of Compliance Notice

9.1 When the Events Permit Officer or a Law Enforcement Officer 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, he or she —

- (a) may issue a compliance notice to the event organizer; or
- (b) may, on receipt of information from an authorized official relating to the contravention of this By-law or any other law in respect of the holding of an event, issue a compliance notice to the event organiser.

9.2 A notice issued in terms of sub-clause 9.1 must state —

- (a) the provision of the By-law 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 in which the notice must be complied with.

9.3 If a person on whom notice was served in terms of sub-clause 9.1, fails to comply with the requirements of the notice, the Event Permit Officer, a Law Enforcement Officer or an authorized official may, for the purposes of this By-law, take such steps as may be necessary to rectify the condition at the cost of the event organizer.

9.4 A person who fails to comply with a compliance notice issued in terms of Sub-clause 9.1 commits an offence.

9.5 The City shall, in respect of a person who fails to comply with a compliance notice in respect of one or more events –

- (a) keep a record of non-compliance and consider any appropriate action as may be required; and
- (b) require an increased deposit from the person for future events to be held or staged by such person.

10. Right of Access and Inspections to Event Venue

10.1 The Events Permit Officer, an authorized official or a law enforcement officer may conduct inspections of a venue after the submission of an application, during or after the holding of an event to determine compliance with this By-law.

10.2 The Events Permit Officer or a law enforcement officer has a right of access to or over any venue for the purposes of —

- (a) doing anything authorised or required to be done by the City under this By-law;
- (b) ascertaining whether there is or has been a contravention of the provisions of this By-law; and
- (c) enforcing compliance with the provisions of this By-law.

10.3 An Events Permit Officer, an authorized official, or a law enforcement officer may, by notice in writing served on the owner or occupier of any property, require such owner or occupier to provide, on the day and at the hour

specified in such notice, access to such property to a person and for a purpose referred to in sub-clause 10.2.

11. Suspension or Revocation of Permit

11.1 The Event Permit Officer, may, where the event organizer fails to comply with a compliance notice issued in terms section 8, by notice in writing to the event organiser —

- (a) suspend the permit immediately until the event organiser has complied with the compliance notice;
- (b) revoke the permit and take such steps as may be necessary in terms of this By-law, and the event organiser shall be liable for any costs incurred thereby; or
- (c) on receipt of information from a Law Enforcement Officer or an authorised official relating to failure to comply with a compliance notice, suspend or revoke the permit of an event organizer.

11.2 The City may, where the Event Permit Officer has acted in terms sub-clause 11.1, withhold the deposit paid by the event organizer for an event as security for the payment of such costs.

12. Co-Hosting by Agreement

12.1 The City may enter into such agreements and partnerships with event organizers as may be necessary for the holding and management of events in terms of this By-Law.

12.2 The City may, under an agreement or partnership contemplated in sub-clause 12.1, provide support either logistically, financially or both to specific events which are aligned to the strategic objectives of the City.

12.3 The agreements and partnerships contemplated in sub-clause 12.1 must provide for service levels which must be met by the parties in order to ensure compliance with this By-law and any applicable legislation.

12.4 Notwithstanding the provisions of this By-law relating to offences and penalties, an agreement concluded in terms of this clause may provide for penalties for which an event organizer may be liable in the event of non-compliance therewith.

13. Right of Appeal

- 13.1 Parties to a dispute arising from a conflict in terms of this By-Law must attempt to resolve such conflict before exercising the right of appeal contemplated in sub-clause 13.3.
- 13.2. The event organizer may appeal against a decision where his or her application to hold an event has been declined.
- 13.3 An appeal may be lodged in writing with the City Manager within a period of five (5) working days after the receipt of the application outcome.
- 13.4 The application which is a subject of appeal must be decided in terms of clause 6 before the appellant may lodge an appeal within the applicable time-frames set out in sub-clause 13.3.
- 13.5 An appeal lodged in terms of this clause must be considered and decided within a period of seven (7) working days after the receipt of the appeal documents.
- 13.6 The City Manager may delegate any official of the City to consider and decide on appeals referred to in sub-clause 13.3.

14. Indemnity against Damage or Loss

- 14.1 The event organizer must provide —
- (a) evidence, to the satisfaction of the City Manager, of an appropriate indemnity cover; and
 - (b) where an activity which may put the public at risk will be involved, further evidence to the satisfaction of the Events Permit Officer of an appropriate specialized risk insurance, blanket liability or work cover.
- 14.2 The City shall not be liable for any costs, including any damage or loss, incurred or suffered as a result of an event held without an approval in terms of this By-law.

15. Offences and Penalties

- 15.1 Failure to comply with any provision of this By-Law constitutes an offence.
- 15.2 A person who commits an offence in terms of this By-Law shall, on conviction, be liable for a fine not exceeding five thousand rand (R5 000, 00) or a term of imprisonment not exceeding five (5) months, or both such fine and such imprisonment.
- 15.3 Schedule 1(Offences and Penalties) to this By-laws forms part of this

clause.

16. Repeal

Any by-laws relating to events adopted by the Council or any municipality now comprising part of the City is repealed from the date of promulgation of these by-laws

17. Conflicting Laws

If there is any conflict between a provision in this By-law and a provision of any other by-law of the Municipality, the provisions of this By-law prevail.

18. Short title and Commencement

This By-law is called **Mangaung, Events By-law** and comes into operation on the date of promulgation thereof in the Provincial Gazette.

Schedule 1

SCHEDULE OF OFFENCES AND PENALTIES

(Notwithstanding any other penalty which might be imposed in terms of any other law, these penalties may be imposed for contraventions of the Mangaung, Events By-laws and may be additional to such penalties)

CLAUSE	OFFENCE	PENALTY	PENALTIES FOR REPEAT OFFENDERS
5(1)	Holding an event without a permit	R2 000, 00	R1 000, 00
8(b)	Failure to ensure that the conduct of persons attending an event and the activities undertaken or carried out do not disturb or harm the neighbouring communities or residents.	R3 000, 00	R2 000, 00
8(c) & 9(1)	Failure to ensure that a compliance notice issued by the Events Permit Officer or Law Enforcement is complied with.	R2 000, 00	R1 000, 00

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