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CONTENTS

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LOCAL AUTHORITY

Overstrand Municipality: Events By-Law 2

TABLE OF CONTENTS

PURPOSE AND OBJECTIVE

CHAPTER 1

1. Definitions and Application
2. Application of this By-law

CHAPTER 2

APPLICATION PROCESS, REQUIREMENTS, DECISIONS AND ENFORCEMENT

3. Submission of applications for approval to hold or stage events
4. Requirements and conditions
5. Decisions on events
6. Criteria
7. Holding of an event
8. Compliance notice
9. Inspections and right of access
10. Suspension and revocation of permit
11. General provisions
12. Delegations
13. Right to appeal
14. Indemnity
15. Offences and penalties
16. Schedules
17. Short title

SCHEDULE 1

Schedule of events application timeframes

SCHEDULE 2

Events requirements listing

OVERSTRAND MUNICIPALITY: EVENTS BY-LAW

PURPOSE AND OBJECTIVE

WHEREAS the Overstrand Municipality recognizes that the hosting of events is a significant part of its competitive strategy and acknowledges that events have an important role to play in enhancing cultural and social cohesion in communities, supporting urban rejuvenation and economic growth;

AND WHEREAS the Overstrand Municipality recognizes the importance of environmental protected areas within its area of jurisdiction, and will give due regard to these areas when considering event applications;

AND WHEREAS the Overstrand Municipality aims to regulate the holding of events in a manner that ensures the proper management thereof;

AND WHEREAS the Overstrand Municipality wishes to support the coordination and collaboration between all role players, including rate payer's associations, local tourism, and other external bodies, to promote partnerships and to enhance the effect of events within the area of jurisdiction of the Municipality, including environmental sensitive areas;

AND WHEREAS the Overstrand Municipality wants to ensure that events take place safely and securely in a coordinated manner through a clear collaboration between Law Enforcement, Fire Services, the South African Police Services, Disaster Management, Traffic Services and any other relevant emergency and safety organization;

AND NOW THEREFORE, BE IT ENACTED by the Overstrand Municipality, as follows:—

CHAPTER 1

DEFINITIONS AND APPLICATION

1. Definitions

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

“authorized official” means any peace officer authorized in terms of section 334 of the Criminal Procedures Act, 1977 (Act 51 of 1977), as amended, or any employee of the Municipality, authorized to enforce to provisions of this By-law;

“Municipality” means the Overstrand Municipality and includes reference to any duly delegated and / or appointed officials and / or service providers in terms of service level agreements with the Municipality;

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

“Event Coordinator” is the area manager for the area in which the event will be held, and who will be responsible for the facilitation, coordination and approval or rejection of event applications;

“council” means the council of the Overstrand Municipality or any political structure, political office bearer, councilor or any staff member acting under council’s delegated or sub-delegated authority;

“Event”—

- a sporting, recreational or entertainment event, including live acts, held outside the venue or building, or which by their nature, size or impact are considered outside the normal use parameters for the venue;
- an educational, cultural or religious event;
- a business event including marketing, public relations and promotional, or exhibition events;
- a charitable event, including any conference, organisational or community event;
- filming which is of such a nature that it may have an impact on vehicular or pedestrian traffic or may attract crowds, or;
- any similar event;
- hosted at a stadium, venue or along a route or within their respective precincts.

But excludes:

- actions regulated in terms of the provisions of the Regulation of Gatherings Act (Act 205 of 1993) as amended, for which a system of approval is already in place, funerals and funeral processions;
- events held at purpose built venues or the grounds of any school, playgrounds, places of worship, hotels conference centres, stadiums, athletic fields, arenas, auditoriums or similar permanent places of assembly when used for events normally held in such venue;
- events regulated by the Safety at Sport and Recreation Events Act, 2010 (Act 2 of 2010);
- A private event hosted by a natural person, including family and community events held at private property or purpose built venues, subject to any other legislation;
- events of fewer than 50 persons where there is no amplified sound or no temporary structures to be used;
- Weddings held at wedding venues established for purposes of weddings or at a community hall or similar entertainment facilities, and wedding processions, which fall outside the boundaries of an environmentally protected area;
- Cultural rituals held by cultural groups and families in the community;
- Funerals and funeral processions.

“Events Committee” A committee represented by officials from affected municipal departments who meet on an ad hoc basis to consider event applications and ultimately make recommendations to the Event Coordinator;

“Event Organiser(s)” An event organiser, in relation to an event, is any person or legal entity who plans, is in charge of, manages, supervises, holds an event and / or sponsorship rights to or in any manner controls or has a material interest in the hosting of an event and includes any person who holds himself / herself out to be and / or conducts himself / herself in a manner which may be reasonably equated to the activities of an event organiser, provided that such person shall be at least 18 years of age, and possess the necessary capacity, resources and events related experience to organize and host an event;

“Events Policy” means the Events Policy of the Overstrand Municipality;

“Law Enforcement Officer” includes officials of the Municipality involved in law enforcement and traffic services;

“Permit” means a permit issued by the Events Coordinator for the holding of events;

“Public place” means—

- any public land, square, public swimming pool, 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, lake, dam, or river;
- 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 Municipality and to which the general public has access, whether on payment of admission fees or not;
- Subject to the provisions of any National or Provincial Environmental law including any ordinances or parts thereof not repealed; the National Environment Management Act (NEMA); The National Environmental Biodiversity Act (NEM:BA); National Environmental Protected Areas Act (NEM:PAA) including any promulgated Rules, Regulations, Norms and Standards; any amendment thereto published in the Government Gazette; including the constitution of the designated Authority in respect of the protected area and the recommendations of the officially appointed Advisory Board; a nature conservation area including — (i) nature reserves; (ii) protected natural areas; (iii) nature conservation worthy areas; (iv) natural open spaces;"

“Purpose-built venue”, means a building, structure, or premises, specifically built, zoned and suitably equipped as a venue 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 Schedules hereto;

“Venue” means any open space, enclosed or semi-enclosed temporary or permanent structure zoned and constructed in terms of the Municipalities zoning scheme regulations and any other applicable legislation—

- within which a temporary or permanent structure may be erected where an event is to be hosted; and,
- which, for 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;

“Ward committee” means the ward committees as established by Overstrand Municipality from time to time and chaired by the respective appointed ward councilors.

2. Application of this By-law

- (a) This By-law applies to any event held within the area of jurisdiction of Overstrand Municipality, including events held both on 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 Overstrand Municipality and the surrounding community.
- (b) This By-law does not apply to:
 - (i) actions falling under the provisions of the Regulation of Gatherings Act (Act 205 of 1993) as amended, for which a system of approval is already in place, funerals and funeral processions;
 - (ii) events held at purpose built venues or the grounds of any school, playgrounds, places of worship, hotels conference centres, stadiums, athletic fields, arenas, auditoriums or similar permanent places of assembly when used for events normally held in or at such venues;
 - (iii) Events regulated by the Safety at Sport and Recreation Events Act, 2010 (Act 2 of 2010).
 - (iv) A private event hosted by a natural person, including family and community events held in or on or at private property or purpose built venues, subject to any other legislation;
 - (v) events of fewer than 50 persons where there is no amplified sound or no temporary structures are to be used;

- (vi) Weddings held at wedding venues established for purposes of weddings or at a community hall or similar entertainment facility, and wedding processions, which fall outside the boundaries of an environmentally protected area;
 - (vii) Cultural rituals held by the cultural groups and families in the community;
 - (viii) Funerals and funeral processions.
- (c) Notwithstanding the provisions of subsection (2), the Events Coordinator or Law Enforcement Officer may:
- (i) when the Law Enforcement Officer or Events Coordinator finds that this by-law is, or is likely to be, contravened by an event organizer; or,
 - (ii) when a stakeholder affected by the impact and risk attached to an event files a complaint with the law enforcement officer, issue a compliance notice to the event organizer in terms of section 8 and act in terms of this by-law.
- (d) Purpose-built venues are excluded from the provisions of this by-law in respect of events normally held in such venues, provided that—
- (i) 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,
 - (ii) owners or managers of purpose-built venues submit their applications to the events permit office for approval of their events programmes which shall be valid for one year;
 - (iii) The Event Coordinator may, from time to time, issue directives regarding specific or special application processes for any specific or special event which may vary in respect of the criteria referred to in section 6.

CHAPTER 2

APPLICATION PROCESS, REQUIREMENTS, DECISIONS AND ENFORCEMENT

3. Submission of applications for approval to hold or stage events

- (a) A formal application to stage an event must be prepared by the Event Organizer and submitted to the Events Coordinator:
 - (i) by a person that is at least 18 years old or older;
 - (ii) in a form and manner prescribed by the Events Coordinator;
 - (iii) by or on behalf of a person with the necessary means and resources;
 - (iv) within the time frames prescribed in Schedule 1 of this by-law.
- (b) The application must contain all the information required on the application form and any additional information required by the Municipality. Failure to provide the necessary required information may result in an application not being considered by the municipality.

4. Requirements and conditions

- (a) No person may hold or stage any event without obtaining a permit referred to in section 5(c) save as provided herein;
- (b) An application for an event must comply with the provisions of this by-law and contain such information as indicated in the prescribed application form as set out in Schedule 2;
- (c) The Event Organizer may not advertise the planned event before an application has been submitted to the Municipality, and the Event Coordinator informed the Event Organizer that the application has been approved in terms of section 5(a);
- (d) The Event Coordinator must, in terms of the Event Policy and depending on the nature of the event, ensure that consultation takes place with the Events Committee, which will include an official from the municipality's environmental services department, and with any other relevant stakeholder, including the relevant ward councilor;
- (e) The Event Coordinator must satisfy him or herself by written documentation that relevant land use zoning regulations, environmental legislation and all health and safety regulations are complied with; that adequate public liability insurance cover and appropriate indemnity cover is obtained for an event by the Event Organizer. Similarly where an activity which may put the public at risk will be triggered, proof of appropriate specialized risk insurance, blanket liability or work cover must be provided to the Events Coordinator by the Event Organizer;
- (f) The Council must, as part of its budgeting process in terms of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003), determine tariffs and deposit payable for events;
- (g) The Municipality 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 Organizer; or
 - (b) costs incurred by an Event Organizer or any third party;
- (h) The Event Organizer, or the Venue Owner shall be liable for the costs of any service provided by the Municipality for or in respect of an event.

5. Decisions on events

- (a) The Events Coordinator must either approve or decline an application for an event in terms of this by-law on receipt of the recommendation from the Events Committee;
- (b) Once a decision has been taken in terms of subsection (a) the applicant must be informed thereof in writing by the events coordinator.
- (c) Where an application for an event has been approved, the Events Coordinator must issue a permit, specifying the conditions applicable to the event;
- (d) Where an application for an event has been declined, reasons for the decision must be communicated to the applicant in writing, and the applicant informed of his / her right to appeal the decision in terms of section 62 of the Municipal Systems Act.

- (e) 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, and that any additional licenses, including liquor licenses be clearly displayed in public, on a waterproof board, at the venue, throughout the event, indicating the type of license utilized for the event.

6. **Criteria**

- (a) The Event Coordinator must ensure that applications for staging events are considered in accordance with the following criteria, where applicable:
 - (i) the type and size of an event;
 - (ii) impact of the event in terms of the strategic fit to the Events policy;
 - (iii) impact of the event on municipal services including services relating to noise control, traffic, parking, local amenities, public places, health and all incidental services affected by the holding of the event, logistical aspects, as well as marketing, economic, social and environmental objectives;
 - (iv) that the proposed use of the land complies with the applicable zoning scheme and any conditions applicable in terms thereof. This will include a proper investigation of the land use zones in any area where the proposed event is to be held;
 - (v) that 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 are in place. This risk management assessment will include, but not be limited to, obtaining details of the evacuation routes, emergency plans, site plans of access, and the inference of public open spaces;
 - (vi) the return on investment of the event, in cases where the event is sponsored fully or partly by the Overstrand Municipality; and
 - (vii) that the event complies with all applicable legislation;
 - (viii) the impact of the event on environmental protected areas.

- (b) The Events Coordinator may impose reasonable conditions to the permit to protect the environment and the health, safety, and welfare of the public pertaining to:
 - (i) Location, and hours during which the event may be held;
 - (ii) Sanitation, ablution facilities and availability of water;
 - (iii) Security and crowd management;
 - (iv) Parking and traffic issues;
 - (v) Emergency and medical services;
 - (vi) Cleaning-up of premises and surrounding area and waste disposal;
 - (vii) Insurance;
 - (viii) Lighting;
 - (ix) Fire Services and safety;
 - (x) Temporary construction, barricades and fencing;
 - (xi) Removal of advertising and promotional materials after the event;
 - (xii) Noise levels;
 - (xiii) Any other conditions pertaining to the Event;
 - (xiv) The environmental impact.

7. Holding of an Event

- (a) Event Organizers whose applications have been approved in terms of this by-law are responsible for the event and must ensure that—
 - (i) the event is held in compliance with the provisions of this By-law, the conditions imposed by the Events Coordinator and does not contravene any law, including environmental legislation;
 - (ii) the conduct of persons attending an event and the activities undertaken or carried out at the event do not negatively impact on affected communities, and the environment during such event;
 - (iii) any compliance notice issued by the Events Coordinator in terms of section 8 is complied with.

8. Compliance notice

- (a) When the Events Coordinator or a law enforcement officer finds that a provision of this by-law is being or has been 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:
 - (i) may issue a compliance notice to the Event Organizer; or,
 - (ii) may, on receipt of information from an authorised official relating to the contravention of this by-law or any other law in respect of the holding or staging of an event, issue a compliance notice to the Event Organizer.
- (b) A notice issued in terms of subsection (1) must state—
 - (i) the provision of the by-law that is being contravened or will be contravened if the transgression is allowed to continue;
 - (ii) the measures that must be taken to rectify the contravention; and,
 - (iii) the time period in which the notice must be complied with.
- (c) If a person on whom a compliance notice was served in terms of subsection 8(a)(i) fails to comply with the requirements of the notice, the Events Coordinator, a law enforcement Officer or an authorised official may, for the purposes of this by-law, take such steps as may be necessary to rectify the contravention at the cost of the Event Organiser.
- (d) A person who fails to comply with a compliance notice issued in terms of subsection 8(a)(i) commits an offence.
- (e) The Municipality shall, in respect of a person who fails to comply with a compliance notice in respect of one or more events keep a record of non-compliance, consider any appropriate action as may be required, and require an increased deposit from the person for future events to be held or staged by such person.

9. Inspections and right of access

- (a) The Events Coordinator, an authorised official or a law enforcement officer must conduct an inspection of a venue after the submission of an application, as well as during and after the staging or holding of an event to determine compliance with this by-law and the conditions made, subject to the approval of an event application.

- (b) The Events Coordinator or a law enforcement officer has a right of access to or over any venue for the purposes of—
 - (i) doing anything authorised or required to be done by the Overstrand Municipality under this by-law;
 - (ii) ascertaining whether there is or has been a contravention of the provisions of this by-law, and the conditions made subject to the approval of the event application;
 - (iii) enforcing compliance with the provisions of this by-law.
- (c) An Event Coordinator, an authorized official, or a law enforcement officer must, 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 purposes referred to in subsection 9(b)(i)-(iii).

10. Suspension and revocation of permit

- (a) The Events Coordinator may, where the Event Organizer fails to comply with a compliance notice issued in terms section 8, by notice in writing to the Event Organizer—
 - (i) suspend the permit immediately until the Event Organizer has complied with the compliance notice;
 - (ii) revoke the permit and take such steps as may be necessary in terms of this By-law, and the Event Organizer shall be liable for any costs incurred thereby; or
 - (iii) on receipt of information from a Law Enforcement Officer or an authorized official relating to failure to comply with a compliance notice, suspend or revoke the permit of an Event Organizer.
- (b) The Municipality may, where the Event Coordinator has acted in terms subsection (a), withhold the deposit paid by the Event Organizer for an event as security for the payment of such costs.

CHAPTER 3

11. General Provisions

Agreements and Partnerships

- (a) The Municipality may enter into such agreements and partnerships with Event Organizers as may be necessary for the holding and managing of events in terms of this By-law;
- (b) The Municipality may, under an agreement or partnership contemplated in subsection (a) provide support either logistically, financially, or both, to specific events which are aligned to the strategic objectives of the Municipality;
- (c) The agreements contemplated in subsection (a) must make provision for service levels which have to be met in order to ensure compliance with this By-law and the Municipal Finance Management Act, 2003 (Act 56 of 2003).

12. Delegations

- (a) The Events Coordinator may delegate any powers conferred on him or her either in whole or in part under this By-law to any other competent official of the Municipality;
- (b) The Municipal Manager may appoint competent officials in the employ of the Municipality as authorized officials to enforce the provisions of this By-law.

13. Right of Appeal

- (a) 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 subsections (b) and (c);
- (b) The Event Organizer may appeal against a decision where his or her application to hold an event has been declined;
- (c) An appeal may be lodged in writing with the Municipal Manager in terms of section 62 of the Municipal Systems Act;
- (d) The application which is the subject of an appeal must be decided in terms of sections 5 (a) and (b), and the applicant notified of the reasons for the decision, before lodging an appeal within the time frame set out in section 62 of the Municipal Systems Act.

14. Indemnity

- (a) The Event Organizer must provide—
 - (i) evidence, to the satisfaction of the Event Coordinator, of appropriate indemnity cover; and,
 - (ii) where an activity which may put the public at risk will be involved, evidence to the satisfaction of the Events Coordinator of appropriate specialized risk insurance, blanket liability or work cover must be provided.
- (d) The Municipality 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

- (a) Any person who—
 - (i) holds an event without a permit in contravention of section 4(a);
 - (ii) is an Event Organizer and whose application to hold an event has been approved, fails to comply with any provision of this by-law; any condition made subject to the approval of the event application; or contravenes a provision of any other law for which the Municipality is responsible for implementation and enforcement, in contravention of section 7(a)(i);

- (iii) fails to ensure that the conduct of persons attending an event and the activities undertaken or carried out at an event do not disturb the neighboring community, residents, or the environment in contravention of section 7(a)(ii);
 - (iv) fails to comply with a compliance notice issued by the Events Coordinator or a Law Enforcement Officer in terms of section 8(a)(i) or (ii), in contravention of section 7(a)(iii), shall be guilty of an offence.
- (b) A person who commits an offence in terms of this by-law shall, on conviction, be liable—
- (i) in the case of an offence referred to in subsection 15(a)(i) or (ii), to a fine as the court may deem fit to impose or to imprisonment for a period not exceeding twelve months, or to both such fine and such imprisonment;
 - (ii) in the case of an offence referred to in subsection 15(a)(iii), to such fine as the court may deem fit to impose or to imprisonment for a period not exceeding five years, or to both such fine and such imprisonment;
 - (iii) in the case of an offence referred to in subsection 15(a)(iv), to such fine as the court may deem fit to impose or to imprisonment for a period not exceeding 10 years, or to both such fine and imprisonment.

Schedules

The Schedules form part of this by-law through incorporation by reference.

Short Title

This By-law is called the Overstrand Municipality: Events By-law, and will take effect on the date of publication hereof.

Schedule 1

Schedule of events application timeframes

Subject to applicable criteria, the following timeframes below will apply:

Crowd Size / No of Participants	Minimum time for submission of an application by the Event Organizer before the date of the Event	Minimum Time for the Municipality to respond to an application for staging an event
Small: 50 to 500	1 month	10 working days
Medium: 501 to 2000	2 months	15 working days
Large: 2001 to 5000	3 months	30 working days
Very large: 5001 above	6 months	60 working days

NOTE

- (1) The timeframes do not include event applications where a land use planning approval is required i.e. where an event is to be held on land which is not appropriately zoned. In such instances, the time frames for a very large event will apply;
- (2) All food vendors irrespective of the size of the event are compelled to comply with all applicable laws, including the provision of licenses and certificates of applicability;
- (3) Any event which involves an application for a temporary land use departure and where the departure has not been granted must follow the appeal process as outlined in the Municipality's Land Use Management By-law;
- (4) Adherence to the minimum submission time frames by the Event Organizer, merely relates to the submission of the application, and does not have a bearing on the assessment of the application.

Schedule 2

Event requirements listing

The requirement listing will depend on the size and risk profile of the event. The Municipality may request additional information as determined by the type, and profile of the event.

- (1) Description of event: including type, date, venue, locality, number and profile of participants.
- (2) Event Programme: full details and times, plus contact details of the person responsible for each aspect of the / an event.
- (3) Layout of event: including stages, marquees, catering, venue operations centre etc.
- (4) Zoning confirmation of the permitted land use or land use planning approval where necessary.
- (5) Transport and Traffic Management Plans, which may include, where applicable, proposed road closures, route plan, parking, optimal public transport utilization, and emergency access routes. The format of the Transport and Traffic Management Plans will be as prescribed by the Municipality.
- (6) Crowd Management Plan.
- (7) Emergency and Contingency Plans: including medical, security, emergency and facility evacuation.
- (8) Event Communication Plan: including ticket sales strategy and accreditation.
- (9) Community Participation Plan: including but not limited to contact with Councilor's; Community / Residents Organizations / Associations and Business Associations, advisory bodies, other organs of state, societies, and Overstrand Tourism. The level of engagement in terms of this plan will be dependent on the type, size, risk and locality of the event.
- (10) Environmental Management Plan, including a rehabilitation plan, financial guarantee, or any applicable environmental or heritage permission.
- (11) Integrated Waste Management Plan (including immediate precinct).
- (12) Vendors / Caterers: list of details, and use of liquid petroleum gas.
- (13) Health requirements including: certificates of acceptability, vendor licenses, ablution facilities or mobile toilets.
- (14) Completed application forms for: noise exemption and amplified sound (including public participation) and erection of stages / marquees.

- (15) Sound Engineer's Report.
- (16) Proof of submission of an application for a liquor licence's, fireworks application, and / or civil aviation application as per the specifics of the type of event.
- (17) Overstrand Municipality's services requirements: including electricity, water, waste management plan (during and after the event), transport, roads and storm water.
- (18) Indemnity forms and public liability insurance confirmation.
- (19) Written approval from venue owner / venue manager to the applicant authorizing the event organizer to the use of the facility / venue to host the event.
- (20) An assessment by the Fire Chief relating to the fire risks associated with the event.