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OVERSTRAND MUNICIPALITY: EVENTS BY – LAW

PURPOSE AND OBJECTIVE

WHEREAS the Overstrand Municipality recognizes that the hosing 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, support urban rejuvenation and economic growth;

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

WHEREAS the Overstrand Municipality wishes to support the coordination and collaboration between all role players, to promote partnerships and to enhance the effect of events of events in the Municipality;

AND WHEREAS the Overstrand Municipality wants to ensure that events happen safely and securely in a coordinated manner in the Municipalities jurisdiction;

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, who is 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, and coordination of the application to host an event.

"council" means the council of the Overstrand Municipality or any political structure, political office bearer, councillor or any staff member acting under council's delegated or sub-delegated authority;

"Event" -

- (a) 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 ;
- (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;
- (g) Hosted at a stadium, venue or along a route or within their respective precincts

But exclude

- a) marches 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 and 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;
- c) Events regulated by the Safety at Sport and Recreation Events Act, 2010 (Act 2 of 2010).
- d) A private event hosted by a private natural individual at a venue;
- e) events of fewer than 50 persons where there is no amplified sound or no temporary structures to be used;
- f) funerals and funeral processions;
- g) Weddings held at a wedding venue established for the purpose of weddings or at a community hall or similar entertainment facility, and wedding processions;
- h) Cultural rituals held by the various cultural groups and families in the community.

"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 themselves out to be and / or conduct themselves in a manner which one would reasonably equate to that of the activities of an event organiser, provided that such person shall be at least 18 years of age, and possess the necessary capacity, resourcing and events related experience to organise the event

"Events Policy" means the event 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 local area manager for the holding of events;

"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 Municipality 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; (iv) natural open spaces;"

"Purpose-built venue", means a building, structure, or premises, specifically built and suitable equipped as a venue, for the holding of specific events, on a premises zoned specifically to be used as venue for 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 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.

2. **Application of this By – law**

- (1) 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.
- (2) The events coordinator may —
 - (a) when the law Enforcement officer finds that this By-law is, or likely to be, contravened by an event organizer; or
 - (b) 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.
- (3) 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.
- (5) The event coordinator 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 section 6.
- (6) In the event of a conflict between this by-law and any other by-law or policy this by-law shall prevail regarding the management and holding of public events.

CHAPTER 2

APPLICATION PROCESS, REQUIREMENTS, DECISIONS AND ENFORCEMENT

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

- (1) A formal application to stage an event must be prepared by the event organizer and submitted to the Municipality:
 - (a) by a person that is at least 18 years old or older;
 - (b) on the prescribed form;
 - (c) by or on behalf of a person with the necessary means and resources;
 - (d) Within the prescribed time frames;
- (2) The application must contain all the information required on the application form and the municipality may require additional information. Failure to comply with these requirements may result in an application not being considered by the municipality.

4. Requirements and conditions

- (1) No person may hold or stage any event without obtaining a permit referred to in section 5(3).

- (2) 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.
- (3) The event organizer may not advertise the planned event before an application is submitted to the Municipality, and the event coordinator informed the event organizer that the application has been approved in terms of section 5(1).
- (4) The events coordinator must, in terms of the Events policy depending on the nature of the event, ensure that consultation take place with the Events Committee and with any other relevant stakeholders depending on the size, risk and impact of the event;
- (5) 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;
- (6) 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.
- (7) The event organiser, or the venue owner in the case of a small event referred to in section 2(2)(b), shall be liable for the cost of any service provided by the Municipality for or in respect of an event.

5. Decisions on events

- (1) The events committee must approve or decline an application for an event in terms of this by law, within a time period applicable to an event as set out in Schedule 1.

- (2) Once a decision has been taken in terms of subsection (1) the applicant must be informed thereof in writing by the events coordinator.
- (3) Where an application for an event has been approved, the events coordinator must issue a permit with conditions.
- (4) 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 right to appeal the decision in terms of section 62 of the Municipal Systems Act.
- (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.

6. Criteria

The area manager of the area in which the event takes place must ensure that applications for staging an event are considered in accordance with the following criteria, where applicable:

- (1) the type and size of an event;
- (2) impact of the event in terms of the strategic fit to the Events policy;
- (3) impact of the event in respect of noise and amplified sound, traffic and logistical aspects, as well as marketing, economic, social and environmental objectives;
- (4) the proposed use of the land complies with the applicable zoning scheme and any conditions applicable there under;
- (5) 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;
- (6) return on investment of the event, in cases where the event is sponsored fully or partly by the Overstrand Municipality; and
- (7) the event complies with all applicable legislation.

7. Holding of an event

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 coordinator in terms of section 8 is complied with.

8. Compliance notice

- (1) When the local area manager or a law enforcement Officer finds that a provision of this by-law is contravened by an event organiser 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 organiser;
 - (b) or 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.
- (2) A notice issued in terms of subsection (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.
- (3) If a person on whom notice was served in terms of subsection (1), fails to comply with the requirements of the notice, the local area manager, 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 condition at the cost of the event organiser.

- (4) A person who fails to comply with a compliance notice issued in terms of subsection (1) commits an offence.
- (5) The Municipality 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.

9. Inspections and right of access

- (1) The local area manager, an authorised official or a law enforcement officer 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 local area manager 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 Overstrand Municipality 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.
- (3) A local area manager, 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 subsection (2).

10. Suspension and revocation of permit

The local area manager may, where the event organiser fails to comply with a compliance notice issued in terms section 8, by notice in writing to the event organizer —

- 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 organizer shall be liable for any costs incurred thereby; or
 - c) 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 organiser.
- (2) The Municipality may, where the local area manager has acted in terms subsection (1), withhold the deposit paid by the event organizer for an event as security for the payment of such costs.

11. Right of Appeal

- (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 subsection
- (2) The event organizer may appeal against a decision where his or her application to hold an event has been declined.
- (3) An appeal may be lodged in writing with the Municipal Manager in terms of section 62 of the Municipal Systems Act.
- (4) The application which is a subject of appeal must be decided in terms of section 5, and the applicant notified of the reasons of the decision, before lodging an appeal within the time frame set out in section 62 of the Municipal Systems Act.

12. Indemnity

- (1) The event organiser must 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 Events Permit Officer of appropriate specialized risk insurance, blanket liability or work cover.
- (2) 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.

13. Offences and penalties

- (1) Any person who –
 - (a) holds an event without a permit, in contravention of section 4(1);
 - (b) is an event organizer and whose application to hold an event has been approved, fails to comply with any provision of this by-law or contravenes a provision of any other law relating to events for which the Municipality is responsible for implementation and enforcement, in contravention of section 7(a);
 - (c) 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 and the residents, in contravention of section 7(b);
 - (d) fails to ensure compliance with a notice issued by the local area manager or a Law Enforcement Officer in terms of section 8(1), in contravention of section 7(c), shall be guilty of an offence.
- (2) A person who commits an offence in terms of this by-law shall, on conviction, be liable –
 - (a) in the case of an offence referred to in subsection (1) (a) or (b), 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;

- (a) in the case of an offence referred to in subsection (1) (c), 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
- (b) in the case of an offence referred to in subsection (1)(d), 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.

14. Schedules

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

15. 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 organiser 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 events 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) If a small event includes food vendors, a minimum of 30 working days will be required if food vendors need to apply for licenses and certificates of acceptability.
- (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 Municipalities Land Use Management by – law.

Schedule 2

Events requirements listing

The requirement listing will be dependent 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 and number and profile of participants.
2. Event Programme: full details and times, plus contact details for person responsible for each aspect of event.
3. Layout of event: including stages, marquees, catering, venue operation 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, 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, facility, evacuation.
8. Event Communication Plan: including ticket selling strategy, accreditation.
9. Community Participation Plan: including but not limited to contact with Councilors/s; Community/ Residents organizations / Associations and Business Association.
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 Engineers Report
16. Proof of submission of an application for liquor licence/s, fireworks application, civil aviation application as per the specific of the type of event;
17. Overstrand Municipalities 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.