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CONTENTS

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	Page
Local Authority	
Theewaterskloof Municipality: By-law Relating to the Holding of Events	2

As 'n Nuusblad by die Poskantoor Geregistreer

INHOUD

(*Afskrifte is verkrygbaar by Kamer M21, Provinsiale Wetgewer-gebou, Waalstraat 7, Kaapstad 8001.)

	Bladsy
Plaaslike Owerheid	
Theewaterskloof Munisipaliteit: Verordening Insake die Hou van Geleenthede	16

NOTICE BY LOCAL AUTHORITY**THEEWATERSKLOOF MUNICIPALITY****BY-LAW RELATING TO THE HOLDING OF EVENTS**

Under the provisions of section 156 of the Constitution of the Republic of South Africa, 1996 the Municipal Council of the Theewaterskloof Municipality, hereby enacts as follows:

TABLE OF CONTENTS**CHAPTER 1: INTERPRETATION AND APPLICATION**

1. Interpretation
2. Application of by-law

CHAPTER 2: PERMIT APPLICATION PROCESS, REQUIREMENTS AND ENFORCEMENT

3. Permits required
4. Application to hold an event
5. Criteria and conditions for approval
6. Requirements for approval
7. Holding of an event
8. Compliance notices
9. Inspections and the right of access
10. Suspension of approvals and cancellation of permits
11. Cancellation by Event Organizer
12. Exemptions

CHAPTER 3: GENERAL PROVISIONS

13. Agreements and service level agreements
14. Delegations and appointment of authorized officials
15. Appeals
16. Offences and Penalties
17. Serving of notices and other documents
18. Conflict between legislation
19. Repeal of by-laws
20. Short title
21. Operative date

CHAPTER 1 INTERPRETATION AND APPLICATION

1. INTERPRETATION

In this by-law, the English text prevail in the event of any conflict with the Afrikaans text, and unless the context indicates otherwise -

“authorized official”, means any peace officer authorized in terms of section 334 of the Criminal Procedures Act, 1977 (Act No 51 of 1977), as amended, or any employee of the Theewaterskloof Municipality, who is authorized by the Theewaterskloof Municipality to enforce the provision of this by-law;

“Court”, means a Magistrates Court, as referred to in section 166(d) of the Constitution of the Republic of South Africa, 1996, whose area of jurisdiction the transgression occurred in.

“dBA”, means the sound pressure level measured in decibels, which is A-weighted to approximate the response of the human ear;

“event”, means any gathering of more than thirty (30) members of the general public or an organized group of people on a public road or a public place or at a venue on private property and include—

- (a) sporting, recreational, or entertainment events, including live performances by artists;
- (b) any educational, cultural or religious event;
- (c) any business event including marketing, public relations, promotional, or exhibition events;
- (d) any charitable event, including any conference, organisational or community event;
- (e) any political rallies, meetings and demonstrations;
- (f) any organized community gathering or organized public gathering or demonstration;
- (g) commercial filming projects for educational, artistic and entertainment purpose, which is of such a nature, that it may have an impact on vehicular or pedestrian traffic or may attract crowds, or;
- (h) any similar event;

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

“events coordinator”, means a person designated by the Municipal Manager who will facilitate and coordinate the application and approval/rejection process for the staging of events;

“**events policy**”, means the events policy of the Theewaterskloof Municipality

“**fees**”, means the fees determined in terms of the Tariff By-law of the Theewaterskloof Municipality;

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

“**Municipal Systems Act**”, means the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000), as amended;

“**permit**”, means a permit issued by the Municipality for the holding of an event;

“**person**”, means and includes for purpose of this by-law, a natural person, a juristic person, any industrial or commercial undertaking and an organ of state;

“**public place**”, means any premises or property or land, under the control of the Theewaterskloof Municipality, to which the public have access, and includes, but are not restricted to: any square; building; park; recreational area; sports grounds; open space; nature reserve; dam, municipal street, alley or road reserve; public road; parking area, municipal commonage; unused, used, build-up or vacant municipal land; or a cemetery;

“**public road**”, means any public road as referred to in section 1 of the National Road Traffic Act, 1996 (Act No 93 of 1996), as amended, and includes any municipal road, alley or road reserve;

“**private property**”, means—

- (a) immovable property registered in the name of a person, including in the case of a sectional title scheme, a sectional title unit registered in the name of a person;
- (b) a right registered against immovable property in the name of a person, excluding a mortgage bond registered against the property; and
- (c) a land tenure right registered in the name of a person or granted to a person in terms of legislation.

“**purpose-built venue**”, means a building, structure or premises, specifically built and suitably equipped as a venue, for the holding of specific events, on a premises zoned specifically to be used as venue for events;

“**rating level**”, means the applicable outdoor equivalent continuous rating level indicated in Table 2 of SANS 10103;

“**SANS code**”, means a South African National Standard as contemplated in section 2 of the Standards Act, 2008 (Act No 8 of 2008), as amended, and the use of the abbreviation “SANS” followed by any sequel of numbers, means a reference to a SANS code of practices, specifications or standards, published under the corresponding number;

“**SANS 10103**”, means the latest edition of Standards South Africa publication No. 101301, titled “The measurement and rating of environmental noise with respect to annoyance and to speech communication”, or any revision or substitution thereof;

“**SANS 10328**”, means the latest edition of Standards South Africa publication No. 10328, titled “Methods for environmental noise impact assessments”, or any revision or substitution thereof;

“**sound level**”, means the equivalent rating level as defined in SANS 10103, taking in account impulse, tone and night-time corrections;

“**stakeholder**”, includes any person, organization or institution, who is involved in the management or holding of an event or who will be affected by an event;

“**venue**”, means any open space, enclosed or semi-enclosed or fenced in, or temporary or permanent structure or facility, irrespective of the ownership thereof, to which the public has access, and which can be used as a venue for an event;

(a) within which a temporary or permanent structure may be erected, where an event is to be hosted, and

(b) which for the purpose of any categorization, designation and clarification of event may consist of- (i) seating for spectators, attendees or an audience; or (ii) a field or playfield or a permanent or temporary podium or other area within a venue, reserved for the purpose of hosting an event

“**venue owner**”, means any person or legal entity that, directly or indirectly owns, leases, acquires or exercises the powers of ownership or occupation of venue's used for events; and

“**Western Cape Noise Control Regulations**”, means the Western Cape Noise Control Regulations, promulgated in terms of the Environment Conservation Act, 1989 (Act No 73 of 1989), as amended, per PN 200/2013 on 20 June 2013.

2. APPLICATION OF BY-LAW

- (1) This by-law applies to all events held within the area of jurisdiction of the Municipality, 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 municipality and the surrounding community.
- (2) This By-law does not apply to—
 - (a) Events fewer than 30 persons where there is no amplified sound or no temporary structures to be used;
 - (b) Small events such as family and community events held on private property or purpose built venues, subject to other legislation; and
 - (c) Any other events excluded or exempted from this by-law
- (3) 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.

CHAPTER 2 PERMIT APPLICATION PROCESS, REQUIREMENTS AND ENFORCEMENT

3. PERMITS REQUIRED

Subject to the provisions of section 12 of this by-law, no person may hold any event, unless such a person has submitted a written application therefore to the Municipality and a permit has been issued for the specific event by the Municipality.

4. APPLICATION TO HOLD AN EVENT

- (1) An event organizer shall apply to the Municipality for a permit to hold an event—
 - (a) at least thirty (30) calendar days before the event is to take place, depending on the size and type of the event (refer to events policy), or
 - (b) in instances where additional or special municipal services are required, or roads or facilities are to be closed temporarily by the Municipality or special measures are required to be taken by the Municipality, within a time frame determined by the Municipality.

- (2) Submission of applications for approval to hold or stage events should be by formal application which 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 as set out in the Events policy

- (3) The application referred to in subsection 4(1) of this by-law shall be accompanied by the applicable fees, the required deposit, any other payments for services to be rendered, and shall include the following information—
 - (a) the name of the individual to be responsible as the event organizer;
 - (b) the proposed venue for the event;
 - (c) the type of event and / or activities that shall take place at the event;
 - (d) the proposed date and time for the event;
 - (e) a copy of the rental contract with the owner of or responsible person for the venue, unless the owner or responsible person is the applicant;

- (f) the maximum number of proposed attendees, including staff, to be allowed at the event;
 - (g) the proposed security arrangements for the event, including the number of security staff to be deployed and their qualifications;
 - (h) the proposed medical emergency arrangements and safety plans for the event including the number of personnel to be deployed for the purpose and their qualifications;
 - (i) the proposed parking and traffic arrangement for the event;
 - (j) proof of appropriate indemnity cover for the event, as required by the Municipality;
 - (k) the comments of affected neighbors and persons, as requested and pointed out by the Municipality;
 - (l) the result of a noise impact assessment in terms of SANS 19328, as contemplated in the Western Cape Noise Control Regulations, where applicable and when required by the Municipality to consider an application for a higher allowable sound level for an event;
 - (m) Application for a noise exemption in terms of Section 12 of the Western Cape Noise Control Regulations, where applicable; and
 - (n) any other information as may be requested and / or required by the Municipality.
- (4) Before a permit for an event can be considered and be issued, the event organizer shall provide, where the proposed activities at a planned event may put the general public or event participants at risk, evidence to the satisfaction of the Municipality of the appropriate risk insurance, and encompassing liability taken out by the event organizer, listing the Municipality as a specific insured beneficiary and provide for provisions to indemnify the Municipality and all of its employees, against any claims arising from the event.
- (5) In the event of any failure to submit the information required and pay the fees, deposits and costs referred to in subsections 4(3) and 4(4) of this by-law, an application for an event shall not be considered. Failure to comply with these requirements may result in an application not being considered by the municipality.
- (6) The Municipality shall approve or decline an application for a permit to hold an event within a reasonable period of time, where after a permit shall be issued when the application has been approved.
- (7) When an application for a permit has been declined, written reasons for such decision shall be provided to the applicant.
- (8) The approval of a permit does not exempt any person from the obligation to comply with any other municipal by-laws, or any act or regulation.

5. CRITERIA AND CONDITIONS FOR APPROVAL

- (1) The Municipality shall consider all applications for a permit to hold an event, in terms of the following criteria, as applicable—
 - (a) the type of event and the estimated attendance for the proposed event;
 - (b) the impact of the event on municipal services, with specific reference to noise control and amplified sound, traffic, parking, municipal amenities, public places, public health, public safety and the environment;
 - (c) whether the intended activities and use complies with the applicable zoning scheme and any other applicable conditions;
 - (d) the impact of the event in terms of the strategic fit to the Events Policy;
 - (e) 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;
 - (f) return on investment of the event, in cases where the event is sponsored fully or partly by the municipality; and
 - (g) any other criteria that the Municipality may determine from time to time in policy documents or relevant legislation.

- (2) The Municipality may impose reasonable conditions for the approval of a permit, to protect the health, safety and welfare of the general public, and such conditions may include, but are not restricted to any of the following conditions—
 - (a) the location of the event and the hours during which the event may be held;
 - (b) sanitation facilities required and the availability of and access to potable water;
 - (c) security arrangements and crowd management;
 - (d) parking facilities and traffic management;
 - (e) emergency and medical services arrangements;
 - (f) cleaning of the premises and surrounding area after the event and refuse disposal arrangements;
 - (g) electrical and lighting requirements;
 - (h) fire prevention and fire safety arrangements
 - (i) temporary structures, barricades and fencing;

- (j) display and distribution before and removal afterwards, of advertising and promotion materials;
- (k) restricting noise levels emanating from the event, to a sound level of the prescribed maximum dBA for the duration of the event, as measured and rated in terms of SANS 10103, except when an alternative sound level has been approved by the Municipality on application and on recommendation by an independent sound engineer at the cost of the event planners to assist with the sound checks and to give their independent opinion and provide a sound mapping report;
- (l) to show that there is sufficient sound proofing or require that measures is taken to sound proof the venue or to submit a noise impact assessment;
- (m) in respect of late night entertainment events that an application for exemption in terms of the Western Cape Noise Control Regulations be submitted
- (n) obtaining a population certificate to determine the permissible crowd to attend the event at a specified venue; and
- (o) any other permits and approvals required.

6. REQUIREMENTS FOR APPROVAL

- (1) An event organizer may not advertise an event, before the event organizer has been informed by the Municipality, that the application concerned has received final approval, what the conditions of such approval are and that a permit has been issued.
- (2) The event organizer is required to apply separately and within the required timeframe to the National Commissioner of the South African Police Service for a risk categorization as contemplated in the Safety at Sports and Recreational Events Act, 2010 (Act No. 2 of 2010). The South African Police Service may require the event organizer to participate in separate event safety and security planning committee meetings.
- (3) An application for a permit must comply with the provisions of this By-law and contain such information as indicated in the prescribed application form;
- (4) The Event Coordinator, may invite the event organizer to make a presentation to the Event Coordination Committee of the Municipality prior to the approval of the permit if an event—
 - (a) has been classified as a medium-risk or a high-risk event by the South African Police Service;
 - (b) clashes with another event; or
 - (c) presents other potential risks identified by the municipality.

- (5) The Municipality shall not be liable, at any stage of the application and approval process for a permit for an event, for any —
 - (a) damage to or loss of any property of the event organizer; or
 - (b) cost incurred by an event organizer or any third party, including advertisement costs or other cost incurred before a permit has been issued .
- (6) The event organizer shall ensure that the permit issued, is available at the venue for inspection during the event.

7. HOLDING OF AN EVENT

- (1) An event organizer and landowner whose application has been approved in terms of this by-law, is responsible for the event and shall ensure—
 - (a) that the event is held in compliance with the provisions of this by-law, the permit conditions imposed by the Municipality, and that no other law or municipal by-law is contravened;
 - (b) that the event complies with the requirements of the applicable SANS codes of practices, specifications or standards, with regard to general requirements for health and safety at events;
 - (c) that the conduct of persons attending an event and that the activities associated with the event, do not negatively impact on the general public during the event; and
 - (d) that all compliance notices issued by an authorized official in terms of this by-law, be complied with.

8. COMPLIANCE NOTICES

- (1) When an authorized official finds that a provision of this by-law has been contravened by an event organizer or that the conduct of persons attending the event is unbecoming or unacceptable, or that a situation has arisen or an occurrence took place, that has the potential to lead to a contravention of this by-law or any other law or municipal by-law, a compliance notice may be issued by the authorized official to the event's organizer.
- (2) A notice issued in terms of subsection 8(1) of this by-law shall state—
 - (a) the provision of this by-law, the provisions of any other legislation, or the condition of the permit that are being contravened or shall be contravened, when the situation or occurrence is allowed to continue;
 - (b) the measures that have been taken to rectify the situation or occurrence; and
 - (c) the time period allowed for compliance with the compliance notice.

- (3) When a person, on who a notice was served in terms of subsection 8(1) of this by-law, fails to comply with the requirements of the compliance notice, an authorized official may take such steps as may be necessary to rectify the situation or occurrence, at the cost of the event organizer.

9. INSPECTIONS AND THE RIGHT OF ACCESS

- (1) Any authorized official may conduct inspections of a venue before a permit for an event is issued, or during or after an event, to determine compliance with this by-law.
- (2) An authorized official has a right of access to any venue where an event will be held or is held, for the purposes of—
 - (a) doing anything authorized or required to be done by the municipality under this by-law;
 - (b) ascertaining whether there is or has been a contravention of the provisions of this by-law or the contravention of conditions in terms of a permit or any other relevant legislation;
 - (c) measuring noise impact and calculating sound levels in terms of the provisions of the Western Cape Noise Control Regulations; and
 - (d) enforcing compliance with the provisions of this by-law.
- (3) An authorized official may, by written notice, served on the owner or occupant of any venue, require the owner or occupant of the venue concerned to provide, at any reasonable date or time, access to the involved premises to an authorized official, for purpose of inspections as referred to in subsection 9(2) of this by-law.

10. SUSPENSION OF APPROVALS AND CANCELLATION OF PERMITS

- (1) The Municipality may, where the event organizer fails to comply with a compliance notice issued in terms section 8 of this by-law or on receipt of information on non-compliance to permit conditions by the event organizer, issue a written notice to the event organizer, informing the event's organizer—
 - (a) that the approval for the permit is immediately suspended, pending compliance to the permit conditions; or
 - (b) that the permit for the event has been cancelled, and that the event organizer is liable for any costs incurred, associated with the revoking of the permit,

on condition that in the case of an emergency, or when it is not practical or possible to issue a written notice to the event organizer on non-compliance to permit conditions, a verbal notice or a notice by any other practical way shall be acceptable.

- (2) The Municipality may, where action has been taken in terms of subsection 10(1) of this by-law, withhold the repayment of the deposit paid by an event organizer for an event, as security for the payment of any associated costs.

11. CANCELLATION BY EVENT ORGANIZER

In the case of the event organizer, after it has applied for a permit to hold an event, cancel such event, such event organizer shall be held liable for all cost incurred by the Municipality and all deposits retained which can be set off against any damage suffered by the Municipality.

12. EXEMPTIONS

The permit requirements and conditions referred to in sections 4, 5 and 6 of this by-law, do not apply for the following type of events—

- (a) funerals and a funeral procession;
- (b) weddings held at a wedding venue established for the purpose of weddings or at a community hall or similar entertainment facilities, and wedding processions;
- (c) events held at a purpose built venue or on the grounds of any school; place of worship; hotel, conference centre or any other conference or reception or entertainment facility; sport stadium or athletic field; auditorium or any similar permanent place of assembly, when used for events normally held at such venues, provided that this exclusion does not apply to events or parts of events held outside the venue or premises concerned, or events, which by their nature, size or impact, are considered to be outside the normal parameters of use for the venue;

Purpose-built venues are excluded from 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 parameters for the venue; and
 - (ii) 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
- (d) cultural events held by the various cultural groups of the community; and
 - (e) events regulated by the Safety at Sport and Recreation Events Act, 2010 (Act No 2 of 2010), as amended, and the Regulation of Gatherings Act, 1993 (Act No 205 of 1993), as amended.

CHAPTER 3 GENERAL PROVISIONS

13. AGREEMENTS AND SERVICE LEVEL AGREEMENTS

The Municipality may, subject to the stipulations of the Municipal Systems Act or any other legislative stipulations, enter into any such agreements and service delivery agreements with event organizers, as may be necessary for the holding and management of events.

14. DELEGATIONS AND THE APPOINTMENT OF AUTHORIZED OFFICIALS

- (1) The authority to issue a permit and to impose conditions for the holding of an event, or the taking of any actions in respect of this by-law, may be delegated to any appointed official of the Municipality.
- (2) The Municipality may appoint officials in the employ of the Municipality as authorized officials, to enforce the provisions of this by-law.

15. APPEALS

A person whose rights are affected by a decision of the Municipality in terms of any delegated powers, may appeal against such a decision in terms of section 62 of the Municipal Systems Act, by giving written notice of the appeal against the decision and the reasons for the appeal to the Municipal Manager, within twenty-one (21) days of the date of the notification to the person of the decision.

16. OFFENCES AND PENALTIES

Any person who contravenes or fails to comply with the provisions of this by-law, or fails to comply with a notice served in terms of this by-law, or fails to comply to an instruction of an authorized officer or posted on a notice board, is guilty of an offence and is liable on conviction, for—

- (a) a fine or imprisonment, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment;
- (b) in the case of a successive or continuing offence, to an additional fine or additional period of imprisonment, or such additional imprisonment without the option of a fine, or to both such additional fine and such additional imprisonment, for every day such offence continues; and
- (c) any further amount as an order of court for costs, equal to any costs and expenses, deemed by the Court, to have been incurred by the Municipality as a result of such contraventions.

17. SERVING OF NOTICES AND OTHER DOCUMENTS

- (1) A notice, instruction, letter of demand, or other document issued by the Municipality in terms of this by-law, is deemed to be duly issued, when a duly delegated official of the Municipality has signed it.
- (2) Any notice, instruction, letter of demand, or other document that is served on a person in terms of this by-law, is regarded as having been duly and effectively served—
 - (a) when it has been delivered to that person personally;
 - (b) when it has been left at that person's place of residence or business in the Republic of South Africa, with a person apparently older than sixteen years;
 - (c) when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic of South Africa, and proof of the posting thereof is provided;
 - (d) if that person's address in the Republic of South Africa is unknown, when it has been served on that person's agent or representative in the Republic of South Africa, in a manner as provided in subsections 16(2)(a), 16(2)(b) or 16(2)(c) of this by-law;
 - (e) if that person's address and agent or representative in the Republic of South Africa is unknown, when it has been posted in a conspicuous place on the property or premises to which it relates; or
 - (f) in the event of a body corporate, when it has been delivered at the registered office or the business premises of the body corporate.
- (3) When any notice, instruction, letter of demand, or other document is served on a person in terms of this by-law, it is sufficient for purpose of the serving of the notice, instruction, letter of demand, or other document, to describe the person in the notice, instruction, letter of demand or other document, as the owner, occupant, or holder of the property or rights in question and it is not a requirement to name that person.
- (4) A notice, instruction, letter of demand, or other document shall for purpose of authentication, be properly signed by the Municipality.

18. CONFLICT BETWEEN LEGISLATION

When any stipulation of this by-law, is in conflict with national and provincial legislation or regulations, the national and provincial legislation or regulations shall prevail.

19. REPEAL OF BY-LAWS

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.

20. SHORT TITLE

This By-law is called the By-law relating to the Holding of Events of the Theewaterskloof Municipality.

21. OPERATIVE DATE

This by-law shall take effect on the date of publication.

KENNISGEWING BY PLAASLIKE OWERHEID**MUNISIPALITEIT VAN THEEWATERSKLOOF**
VERORDENING INSAKE DIE HOU VAN GELEENTHEDE

Kragtens artikel 156 van die Grondwet van die Republiek van Suid-Afrika, 1996 verorden die Munisipale Raad van die Munisipaliteit van Theewaterskloof hiermee soos volg:

INHOUDSOPGAWE**HOOFSTUK 1: INTERPRETASIE EN TOEPASSING**

1. Interpretasie
2. Toepassing van verordening

HOOFSTUK 2: PERMIT AANSOEKPROSES, VEREISTES EN TOEPASSING

3. Permitte vereis
4. Aansoek om 'n geleentheid te hou
5. Kriteria en voorwaardes vir goedkeuring
6. Vereistes vir goedkeuring
7. Hou van 'n geleentheid
8. Voldoeningkennisgewings
9. Inspeksies en die reg van toegang
10. Opskorting van goedkeurings en die kansellasië van permitte
11. Kansellasië deur geleentheidsorganiseerder
12. Vrystellings

HOOFSTUK 3: ALGEMENE BEPALINGS

13. Ooreenkomste en diensleweringooreenkomste
14. Delegasies en die aanstelling van gemagtigde beamptes
15. Appèlle
16. Strafbepalings
17. Bediening van kennisgewings en ander dokumente
18. Teenstrydighede met ander wetgewing
19. Herroeping van verordeninge
20. Kort titel
21. Inwerkingtreding

HOOFSTUK 1 INTERPRETASIE EN TOEPASSING

1. INTERPRETASIE

In hierdie verordening, geld die Engelse teks in die geval van enige teenstrydigheid met die Afrikaanse teks, tensy dit uit die samehang anders blyk, beteken:

“**aanslagpeil**”, die toepaslike buitenshuise ekwivalente deurlopende aanslagpeil, aangedui in Tabel 2 van SANS 10103;

“**belanghebbende**”, enige persoon, organisasie of instelling, wat betrokke is by die bestuur of aanbod van ’n geleentheid of wat deur ’n geleentheid geaffekteer word;

“**dB**”, die klankdruk gemeet in desibel en wat A-aangepas is om die reaksie van die menslike oor by benadering vas te stel;

“**doelgeboude fasiliteit**”, ’n gebou, struktuur of perseel, spesifiek gebou en toegerus as ’n plek van samekoms, vir die hou van spesifieke geleenthede en geleë op ’n perseel spesifiek gesoneer vir gebruik vir geleenthede;

“**eienaar van ’n plek van samekoms**”, die persoon of regsentiteit, wat ’n plek van samekoms direk of indirek besit, dit huur of verhuur, dit verkry vir gebruik of die magte van eienaarskap of okkupasie uitoefen;

“**fooie**”, die fooie wat ingevolge die Tariewe Verordening van die Munisipaliteit van Theewaterskloof vasgestel is;

“**geleentheid**”, enige samekoms van meer as dertig (30) lede van die algemene publiek of ’n ge-organiseerde groep van mense, op ’n publieke pad of publieke plek of by ’n plek van samekoms op privaat eiendom, en sluit in—

- (a) geleentheid vir sport, ontspanning en vermaak, wat optredes deur kunstenaars insluit;
- (b) enige opvoedkundige, kulturele of godsdienstige geleentheid;
- (c) enige besigheidsgelentheid verbandhoudend tot bemarking, publieke skakeling, promosies, of uitstillingsgeleenthede;
- (d) enige liefdadigheidsgeleentheid, insluitend konferensies, organisatoriese of gemeenskapsbyeenkomste;
- (e) politieke byeenkomste, vergaderings of demonstrasies;
- (f) enige georganiseerde gemeenskapsbyeenkoms, publieke byeenkoms of demonstrasie;
- (g) kommersiële filmprojekte vir opvoedkundige, artistieke of vermaaklikheidsdoeleindes, wat van sodanige aard is, dat dit ’n impak het op voertuig- en voetgangerverkeer, of skares mag lok; en
- (h) enige soortgelyke geleentheid.

“geleenthere beleid”, beteken die geleenthere beleid van Theewaterskloof Munisipaliteit

“geleentherekoördineerder”, beteken `n persoon aangewys deur die Munisipale Bestuurder wat die aansoek en goedkeurings/afwysings proses vir die hou van geleenthere sal fasiliteer en koördineer

“geleenthereorganiseerder”, `n persoon wat `n aansoek om `n geleenthere aan te bied ingedien het, en wat verantwoordelikheid neem vir `n geleenthere ingevolge hierdie verordening, hetsy in `n persoonlike of professionele hoedanigheid of namens `n ander persoon, instelling of organisasie.

“gemagtigde beampte”, enige vredesbeampte gemagtig ingevolge artikel 334 van die Strafproseswet, 1977 (Wet No 51 van 1977), soos gewysig of enige beampte van die Munisipaliteit van Theewaterskloof wat deur die Munisipaliteit van Theewaterskloof gemagtig is om die bepalings van hierdie verordening af te dwing;

“Hof”, `n Landdroshof soos verwys na in artikel 166(d) van die Grondwet van die Republiek van Suid-Afrika, 1996, met jurisdiksie in die gebied waarbinne die geleenthere plaasvind;

“klankpeil”, die ekwivalente deurlopende aanslagepeil soos omskryf in SANS 10103, met inagneming van impuls, toon en regstelling snags;

“Munisipaliteit”, die Munisipaliteit van Theewaterskloof, wat insluit enige verwysing na behoorlike gemagtigde en / of aangestelde beamptes en / of diensverskaffers in terme van diensleweringooreenkomste van die Munisipaliteit van Theewaterskloof;

“Munisipale Stelselwet”, die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet No 32 van 2000), soos gewysig;

“openbare pad”, wat insluit enige munisipale straat of steeg of padreserwe, of enige openbare pad, soos bedoel in artikel 1 van die Nasionale Padverkeerswet, 1996 (Wet No 93 van 1996), soos gewysig;

“openbare plek”, enige perseel of eiendom of grond waartoe die publiek toegang het, wat insluit, maar nie beperk is tot: enige plein; gebou; park; ontspanningsgebied; sportgronde; oop ruimte; reservaat; dam; munisipale straat of steeg of straatreserwe; openbare pad; parkeerarea; munisipale meent; ongebruikte, gebruikte, beboude of onbeboude munisipale grond; of `n begraafplaas, waaroor die Munisipaliteit van Theewaterskloof jurisdiksie het;

“permit”, `n permit vir die hou van `n geleenthere, deur die Munisipaliteit van Theewaterskloof uitgereik;

“persoon”, sluit vir doeleindes van hierdie verordening, `n natuurlike persoon, `n regs persoon, enige onderneming, `n vereniging of organisasie of `n instelling van die staat in;

“plek van samekoms”, enige oop ruimte wat, ingeslote of semi-ingeslote of omhein is, of `n tydelike of permanente struktuur of fasiliteit, ongeag die eienaarskap daarvan, waartoe lede van die publiek toegang het, en as `n plek van samekoms gebruik kan word;

(a) waarbinne `n tydelike of permanente struktuur opgerig mag word, waar die geleenthere gehou word

- (b) wat vir die doel van enige katogorisering, aanwysing of klasifikasie van die geleentheid uit die volgende bestaan- (i) sitplek vir toeskouers, deelnemers of `n gehoor; of (ii) `n veld of speelveld of `n permanente of tydelike podium of ander area binne `n plek van samekoms, gereserveer vir die doel om `n geleentheid te hou

“**privaat eiendom**”, sluit in enige grond, gebou of perseel, en is—

- (a) onroerende eiendom geregistreer in die naam van `n persoon, insluitend in die geval van `n deeltitelskema `n deeltiteleenheid wat in die naam van `n persoon geregistreer is;
- (b) `n reg geregistreer teen onroerende eiendom in die naam van `n persoon, met uitsluiting van `n verbandkening wat teen die eiendom geregistreer is; of
- (c) `n grondbesitreg geregistreer in die naam van `n persoon ingevolge wetgewing.

“**SANS-kode**”, `n Suid-Afrikaanse Nasionale Standaard, soos voorsien in die Wet op Standaarde, 2008 (Wet No. 8 van 2008), soos gewysig, en die gebruik van die afkorting “SANS”, gevolg deur `n series van nommers, verwys na `n spesifieke SANS-kode van praktyke, spesifikasies of standaarde, wat onder die spesifieke nommer gepubliseer is;

“**SANS 10103**”, die jongste uitgawe van Standaarde Suid-Afrika-publikasie No. 101301, getitel “The measurement and rating of environmental noise with respect to annoyance and to speech communication”, of enige hersiening of vervanging daarvan;

“**SANS 10328**”, die jongste uitgawe van Standaarde Suid-Afrika-publikasie No. 10328, getitel “Methods for environmental noise impact assessments”, of enige hersiening of vervanging daarvan; en

“**Wes-Kaapse Geraasbeheerregulasies**”, die Wes-Kaapse Geraasbeheerregulasies, afgekondig in terme van die Wet op Omgewingsbewaring, 1989 (Wet No 73 of 1989), soos gewysig, per PK 200/2013 van 20 Junie 2013.

2. TOEPASSING VAN VERORDENING

- (1) Hierdie verordening is van toepassing op alle geleenthede wat in die gebied van jurisdiksie van die Munisipaliteit gehou word, insluitende geleenthede gehou op beide privaat en publieke plekke, op voorwaarde dat waar geleenthede op privaat grond gehou word, onderworpe aan ander wetgewing, dit `n impak op die hulpbronne van die gemeenskap en omliggende gemeenskap het.
- (2) Hierdie verordening is nie van toepassing op:
- (a) Geleenthede minder as 30 persone, waar daar geen versterkte klank of tydelike strukture gebruik word nie
- (b) Klein geleenthede soos familie of gemeenskaps geleenthede gehou op privaat eiendom of doelgeboude fasiliteite, onderworpe aan ander wetgewing
- (c) Enige ander geleentheid uitgesluit of vrygestel van hierdie verordening

- (3) Indien daar enige teenstrydighede tussen hierdie verordening en enige ander verordening van die Munisipaliteit met verwysing tot die bestuur en hou van geleentheid is, sal hierdie verordening voorrang geniet.

HOOFSTUK 2 PERMIT AANSOEKPROSES, VEREISTES EN TOEPASSING

3. PERMITTE VEREIS

Geen persoon mag enige geleentheid hou, onderhewig aan die bepalings van artikel 12 van hierdie verordening, alvorens sodanige persoon 'n geskrewe aansoek vir die hou van 'n geleentheid by die Munisipaliteit ingedien het, en 'n permit deur die Munisipaliteit vir die betrokke geleentheid uitgereik is nie.

4. AANSOEK OM 'n GELEENTHEID TE HOU

- (1) 'n Geleenthedsorganiseerder moet by die Munisipaliteit aansoek doen vir 'n permit om 'n geleentheid te hou—
- (a) minstens dertig (30) kalenderdae voor die geleentheid plaasvind afhangende van die grootte en tipe geleentheid (verwys na die geleentheid beleid), of;
 - (b) in gevalle waar addisionele of spesiale munisipale dienste benodig word, of strate of fasiliteite tydelik gesluit moet word deur die Munisipaliteit, of spesiale maatreëls deur die Munisipaliteit getref moet word, ingevolge sodanige tydsraamwerk soos deur die Munisipaliteit bepaal.
- (2) Indiening van aansoeke vir die goedkeuring om 'n geleentheid te hou moet deur 'n formele aansoek gedoen word, wat deur die geleenthedsorganiseerder voorberei word en by die munisipaliteit ingedien word:
- (a) Deur 'n persoon wat tenminste 18 jaar of ouer is
 - (b) Op die voorgeskrewe vorm
 - (c) Deur of namens die persoon met die nodige middel en hulpbronne
 - (d) Binne die voorgeskrewe tydraamwerke soos uiteengesit in die Geleentheid beleid
- (3) Die aansoek waarna verwys in subartikel 4(1) van hierdie verordening, moet vergesel wees van die toepaslike aansoekfooi, die vereiste deposito, enige ander betalings vir dienste wat gelewer moet word, en moet dit die volgende inligting insluit—
- (a) die naam van die individu wat as geleenthedsorganiseerder verantwoordelikheid neem;
 - (b) die voorgestelde plek van samekoms;
 - (c) die aard van die geleentheid en / of die aktiwiteite wat sal plaasvind by die geleentheid;

- (d) die voorgestelde datum en tyd vir die geleentheid;
 - (e) 'n afskrif van die huurooreenkoms met die eienaar of die verantwoordelike persoon vir die plek van samekoms, indien die applikant nie die eienaar of verantwoordelike persoon is nie;
 - (f) die maksimum aantal persone, ingesluit personeel, wat toegelaat sal word by die geleentheid;
 - (g) die voorgestelde sekuriteitsreëlings vir die geleentheid, insluitend die aantal sekuriteits personeel wat ontplooi word en hulle kwalifikasies;
 - (h) die voorgestelde reëlings vir mediese nooddienste en veiligheidsbeplanning vir die geleentheid, insluitend die aantal personeel wat ontplooi gaan word vir die geleentheid en hulle kwalifikasies;
 - (i) die voorgestelde parkeer- en verkeersreëlings;
 - (j) 'n bewys van die toepaslike aanspreeklikheidsdekking vir die geleentheid uitgeneem, soos deur die Munisipaliteit vereis;
 - (k) die kommentare van geaffekteerde bure en persone, soos deur die Munisipaliteit genomineer en uitgewys;
 - (l) die resultaat van 'n geraasimpak-assessering in terme van SANS 19328, soos voorsien in terme van die Wes-Kaapse Geraasbeheerregulasies, soos toepaslik en wanneer vereis deur die Munisipaliteit om oorweging aan 'n aansoek vir 'n hoër toelaatbare geraasvlak vir 'n byeenkoms, te verleen; en
 - (m) aansoek om 'n geraas vrystelling in terme van artikel 12 van die Wes Kaapse Geraasbeheer regulasies, waar van toepassing; en
 - (n) enige ander inligting soos deur die Munisipaliteit vereis.
- (4) Alvorens 'n permit vir 'n geleentheid oorweeg en uitgereik kan word, moet die geleentheidsorganiseerder tot die bevrediging van die Munisipaliteit, indien 'n beplande geleentheid die algemene publiek of die deelnemers aan die geleentheid op risiko kan plaas, bewys aan die Munisipaliteit verskaf van toepaslike risikoversekering en 'n allesomvattende publieke aanspreeklikheidsdekking, soos uitgeneem vir die geleentheid deur die geleentheidsorganiseerder, wat die Munisipaliteit spesifiek as begunstigde vir die versekering aanwys, en die Munisipaliteit en alle werknemers van die Munisipaliteit, skadeloos stel vir enige eise wat mag voorspruit uit die geleentheid.
- (5) In die geval van enige versuim om die vereiste inligting te verskaf of die fooie, deposito's en kostes soos verwys na in subartikels 4(3) en 4(4) van hierdie verordeninge te betaal, sal 'n aansoek vir 'n geleentheid nie oorweeg word nie. Versuim om aan die vereistes te voldoen, kan daartoe lei dat 'n aansoek nie deur die munisipaliteit oorweeg word nie.
- (6) Die Munisipaliteit moet 'n aansoek vir 'n permit om 'n geleentheid aan te bied, binne 'n redelike tyd goedkeur of afkeur, waarna 'n permit uitgereik sal word indien die aansoek goedgekeur word.

- (7) Indien 'n aansoek vir 'n permit afgekeur word, moet redes vir sodanige afkeuring aan die applikant verskaf word.
- (8) Die goedkeuring van 'n permit stel nie enige persoon vry van enige verpligting om te voldoen aan ander munisipale verordeninge, of enige wette of regulasies nie.

5. KRITERIA EN VOORWAARDES VIR GOEDKEURING

- (1) Die Munisipaliteit moet alle aansoeke vir 'n permit om 'n geleentheid te hou, ingevolge die volgende kriteria oorweeg—
 - (a) die tipe geleentheid en die benaderde getal persone wat dit sal bywoon;
 - (b) die impak van die geleentheid op munisipale dienste, met spesifieke verwysing na geraasbeheer en versterkte klank, verkeer, parkering, munisipale geriewe, openbare plekke, openbare gesondheid, openbare veiligheid en die omgewing;
 - (c) of die voorgenome aktiwiteite en grondgebruik voldoen aan die toepaslike soneringskema en ander voorwaardes van toepassing; en
 - (d) die impak van die geleentheid in terme van die strategiese geskiktheid in terme van die geleentheids beleid;
 - (e) die veiligheids en sekuriteits risiko bestuur van die geleentheid met betrekking tot die geleentheid plan, logistiek, ligging, perseel ontwerp en ander aktiwiteite wat naby of op die plek van samekoms plaasvind en ander bedreigings vir die geleentheid;
 - (f) opbrengs op belegging van die byeenkoms, in gevalle waar die gebeurtenis ten volle of gedeeltelik deur die munisipaliteit geborg is; en
 - (g) enige ander kriteria soos van tyd tot tyd deur die Munisipaliteit bepaal in beleidsdokumente.
- (2) Die Munisipaliteit mag redelike voorwaardes stel vir die goedkeuring van 'n permit, om publieke gesondheid, veiligheid en welsyn te beskerm, en sodanige voorwaardes mag die volgende insluit, maar word nie beperk tot—
 - (a) die lokaliteit van 'n geleentheid en die ure waarbinne die geleentheid mag plaasvind;
 - (b) sanitasiegeriewe wat vereis word, en die beskikbaarheid en toegang tot drinkbare water;
 - (c) sekuriteitsreëlins en skarebeheer;
 - (d) parkeerfasiliteite en verkeersbestuur;
 - (e) reëlins vir nooddienste en mediese bystanddienste;

- (f) die opruiming van die perseel en omliggende areas na afloop van 'n geleentheid, en die reëlins vir afvalwegdoening;
- (g) vereistes vir elektrisiteit en beligting benodig;
- (h) reëlins vir brandvoorkoming en brandveiligheid;
- (i) tydelike strukture, versperrings en heinings;
- (j) vertoon en verspreiding van advertensies en promosiemateriaal, voor 'n geleentheid en die afhaal daarvan na 'n geleentheid;
- (k) die beperking van die geraasvlakke van 'n byeenkoms tot 'n klankpeil van die voorgeskrewe maksimum dBA vir die duur van die byeenkoms, soos gemeet en aangeslaan in terme van SANS 10103, behalwe wanneer 'n alternatiewe klankpeil deur die Munisipaliteit op aansoek goedgekeur word en op aanbeveling van 'n onafhanklike klank ingenieur vir die rekening van die geleentheidsorganiseerder om te assesteer met die klank toetse en hul onafhanklike opinie te voorsien asook 'n klank kartering verslag;
- (l) om aan te dui dat daar voldoende klankdigtheid aanwesig is of te vereis dat die nodige maatreëls getref word om die plek van samekoms klank dig te maak of om 'n geraas impak studie in te dien
- (m) in die geval van laat aand vermaak geleenthede, dat 'n aansoek vir vrystelling in terme van die Weskaapse Geraasbeheer Regulasies in gedien moet word
- (n) verkryging van 'n bevolkingsertifikaat om die toelaatbare skare wat 'n geleentheid by 'n gespesifiseerde plek van samekoms bywoon, te bepaal; en
- (o) enige ander permitte en goedkeurings benodig.

6. VEREISTES VIR GOEDKEURING

- (1) 'n Geleentheidsorganiseerder mag nie 'n geleentheid adverteer, alvorens die geleentheidsorganiseerder in kennis gestel is deur die Munisipaliteit, dat die betrokke aansoek finale goedkeuring ontvang het, wat die voorwaardes van sodanige goedkeuring is en dat 'n permit uitgereik is nie.
- (2) Die geleentheidsorganiseerder is verplig om 'n aparte aansoek te rig binne die tydsraamwerk aan die Nasionale Kommissaris van die Suid Afrikaanse Polisie Diens vir 'n risiko katogoriserings soos vervat in die Wet op Veiligheid by Sport en Ontspanningsgeleenthede, 2010 (Wet No 2 van 2010). Die Suid Afrikaanse Polisie Diens mag van die geleentheidsorganiseerder vereis om deel te neem aan 'n aparte geleentheids veiligheid en sekuriteit beplannings komitee vergaderings.
- (3) 'n aansoek vir 'n permit moet voldoen aan die bepalings van hierdie verordening en moet die nodige inligting soos uiteengesit in die aansoekvorm bevat;

- (4) die geleentheidskoördineerder kan die geleentheidsorganiseerder versoek om 'n voorlegging aan die geleentheids koördinerings komitee van die Munisipaliteit aan te bied, voordat goedkeuring vir die permit gegee word wanneer 'n geleentheid—
- (a) geklassifiseer is as 'n medium-risiko of hoë-risiko geleentheid deur die Suid Afrikaanse Polisie diens
 - (b) bots met 'n ander geleentheid
 - (c) daar ander potensiële risikos bestaan soos geïdentifiseer deur die Munisipaliteit
- (5) Die Munisipaliteit is nie op enige stadium van die aansoek- en goedkeuringsproses vir 'n permit vir 'n geleentheid, aanspreeklik vir enige—
- (a) skade aan of verlies van enige eiendom van die geleentheidsorganiseerder; of
 - (b) kostes deur 'n geleentheidsorganiseerder of 'n derde party aangegaan, insluitende adverteringskoste of ander kostes aangegaan voordat 'n permit uitgereik is.
- (6) Die geleentheidsorganiseerder moet verseker dat die uitgereikte permit tydens 'n geleentheid beskikbaar is by die plek van samekoms waar die geleentheid gehou word, vir inspeksie.

7. HOU VAN 'N GELEENTHEID

- (1) Indien 'n aansoek in terme van hierdie verordening goedgekeur word, is 'n geleentheidsorganiseerder en grondeienaar daarvoor verantwoordelik om te verseker –
- (a) dat die geleentheid gehou word ingevolge die bepalings van hierdie verordening, die voorwaardes van die permit soos goedgekeur deur die Munisipaliteit, en dat geen ander wetgewende bepaling of munisipale verordening oortree word nie;
 - (b) dat die geleentheid met betrekking tot algemene vereistes vir gesondheid en veiligheid, aan die vereistes van die toepaslike SANS-kode van praktyke, spesifikasies of standaarde voldoen;
 - (c) dat die gedrag van persone wat 'n geleentheid bywoon en die aktiwiteite geassosieer met 'n geleentheid, nie negatief op die algemene publiek impakteer nie; en
 - (d) dat daar aan al die voldoeningkennisgewings uitgereik deur 'n gemagtigde beampte, in terme van hierdie verordening uitgereik, voldoen word.

8. VOLDOENINGKENNISGEWINGS

- (1) Indien 'n gemagtigde beampte bevind dat 'n bepaling van hierdie verordening oortree word deur 'n geleentheidsorganiseerder, of dat die gedrag van persone wat 'n geleentheid bywoon onbetaamlik en onaanvaarbaar van aard is, of dat 'n situasie ontstaan het of dat 'n voorval voorgekom het, wat die potensiaal het om 'n oortreding van bepalings van hierdie verordening, of enige ander wet of munisipale verordening, tot gevolg te hê, mag die

gemagtigde beampte 'n voldoeningkennisgewing daaraangaande aan die geleentheidsorganiseerder uitreik.

- (2) 'n Voldoeningkennisgewing uitgereik in terme van subartikel 8(1) van hierdie verordening moet aandui—
- (a) die bepalings van hierdie verordening, die bepalings van ander wetgewing, of die voorwaardes van die permit wat oortree word of oortree staan te word, indien 'n situasie of voorval toegelaat word om voort te gaan;
 - (b) die maatreëls wat onderneem moet word om die situasie of gebeurlikheid reg te stel; en
 - (c) die tydperk wat toegelaat word vir voldoening aan die voldoeningkennisgewing.
- (3) Indien 'n persoon, op wie 'n kennisgewing in terme van subartikel 8(1) van hierdie verordening bedien was, versuim om te voldoen aan die vereistes van 'n voldoeningkennisgewing, kan 'n gemagtigde beampte enige sodanige stappe as wat nodig is om die situasie of voorval reg te stel implementeer, en die kostes daarvan sal deur die geleentheidsorganiseerder betaal word.

9. INSPEKSIES EN DIE REG VAN TOEGANG

- (1) Enige gemagtigde beampte mag inspeksies hou by 'n plek van samekoms, alvorens 'n permit vir 'n geleentheid uitgereik word, of gedurende 'n geleentheid of na afloop van 'n geleentheid, om te bepaal of daar voldoen is of word, aan die bepalings van hierdie verordening.
- (2) 'n Gemagtigde beampte het die reg van toegang tot enige plek van samekoms, waar 'n geleentheid gehou word of aangebied gaan word, met die doel om—
- (a) enige iets te doen, gemagtig of vereis deur die munisipaliteit in terme van hierdie verordening
 - (b) te bepaal of daar 'n oortreding van die bepalings van hierdie verordening of die voorwaardes van die permit was of enige ander relevante wetgewing;
 - (c) geraasimpak te meet en klankpeile te bereken, in terme van die bepalings van die Wes-Kaapse Geraasbeheerregulasies; en
 - (d) voldoening van die bepalings van hierdie verordening af te dwing.
- (3) 'n Gemagtigde beampte mag, by wyse van geskrewe kennisgewing, wat op die eienaar of okkupeerder van enige plek van samekoms beteken is, van die eienaar of okkupeerder van sodanige plek van samekoms vereis, om op enige redelike datum of tyd aan 'n gemagtigde beampte toegang tot sodanige perseel te bied, met die doel om inspeksies uit te voer, soos voorsien in subartikel 9(2) van hierdie verordening.

10. OPSKORTING VAN GOEDKEURINGS EN DIE KANSELLASIE VAN PERMITTE

(1) Die Munisipaliteit mag, indien 'n geleentheidsorganiseerder versuim om te voldoen aan 'n voldoeningkennisgewing uitgereik in terme van artikel 8 van hierdie verordening of by ontvangs van inligting dat die geleentheidsorganiseerder nie voldoen aan permitvoorwaardes nie, 'n kennisgewing uitreik aan die geleentheidsorganiseerder, waarin die geleentheidsorganiseerder in kennis gestel word—

(a) dat die goedkeuring vir 'n permit onmiddelik opgeskort word, onderhewig aan voldoening aan die permitvoorwaardes; of

(b) dat die permit vir 'n geleentheid gekanselleer word en dat die geleentheidsorganiseerder vir die kostes verbandhoudend tot die kansellasie van die permit aanspreeklik is,

op voorwaarde dat in geval van nood, of wanneer dit onprakties of onmoontlik is om met die nie-voldoening aan permitvoorwaardes, 'n geskrewe kennisgewing aan 'n geleentheidsorganiseerder uit te reik, 'n verbale kennisgewing of 'n kennisgewing by wyse van 'n ander praktiese metode, voldoende sal wees.

(2) Die Munisipaliteit mag wanneer optredes in terme van subartikel 10(1) van hierdie verordening implementeer is, die deposito betaal deur 'n geleentheidsorganiseerder vir 'n geleentheid, terughou as waarborg ter betaling van kostes aangegaan.

11. KANSELASIE DEUR GELEENTHEIDSORGANISEERDER

In die geval waar 'n geleentheidsorganiseerder, nadat 'n aansoek vir 'n permit om 'n geleentheid te hou ingedien is, so 'n geleentheid kanselleer, sal die geleentheidsorganiseerder verantwoordelik wees vir alle kostes aangegaan deur die Munisipaliteit en kan alle depositos behou word wat verreken kan word teen enige skade deur die Munisipaliteit gely.

12. VRYSTELLINGS

Die permit vereistes en voorwaardes waarna verwys word in artikels 4, 5 en 6 van hierdie verordening, is nie van toepassing op die volgende tipe geleenthede nie -

(a) begrafnisse en 'n begrafnisstoet;

(b) troues wat by 'n fasiliteit gehou word wat gevestig is vir doeleindes van die hou van troues of by 'n gemeenskapsaal of soortgelyke onthaalfasiliteite, en trouprosesies;

(c) geleenthede aangebied by doelgeboude fasiliteite as plekke van samekoms, of op die gronde van enige skool, plek van aanbidding, hotel, konferensiesentrum of enige konferensie- of onthaal- of vermaaklikheidsfasiliteit, sportstadium of atletiekveld, auditorium of soortgelyke permanente plek van samekoms, wanneer gebruik vir geleenthede wat normaalweg by sodanige plekke van samekoms gehou sal word, met dien verstande dat die vrystelling nie geld vir geleenthede of gedeeltes van geleenthede wat buite sodanige plekke van samekoms of persele gehou word nie, of vir geleenthede waarvan die aard, grootte of impak sodanig is dat dit die parameters van normale gebruik van 'n plek van samekoms oorskry;

Doelgeboude fasiliteite word uitgesluit van hierdie verordening ten opsigte van geleenthede wat onder normale omstandighede in hierdie plek van samekoms gehou word, op voorwaarde dat:

- (i) Die uitsluiting nie van toepassing is op geleenthede of gedeeltes van geleenthede wat buite die plek van samekoms of gebou gehou word nie, of wat deur hul natuur, grootte of impak beskou word as buite die normale grense van die plek van samekoms; en
 - (ii) Eienaars of bestuurders van doelgeboude fasiliteite moet `n aansoek indien by die geleentheids permit kantoor vir goedkeuring van die geleentheids programme en sal dit geldig wees vir een jaar
- (d) kulturele byeenkomste gehou deur die onderskeie kulturele groepe van die gemeenskap; en
- (e) geleenthede wat deur die Wet op Veiligheid by Sport en Ontspanningsgeleenthede, 2010 (Wet No 2 van 2010), soos gewysig, en die Wet op die Regulering van Byeenkomste, 1993 (Wet No 205 van 1993), soos gewysig, gereguleer word.

HOOFSTUK 3 ALGEMENE BEPALINGS

13. OOREENKOMSTE EN DIENSLEWERINGOOREENKOMSTE

Die Munisipaliteit mag, onderworpe aan die bepalings van die Munisipale Stelselwet of enige ander wetgewende bepaling, enige ooreenkomste of diensleweringooreenkomste, soos nodig mag wees vir die hou en bestuur van geleenthede, met n geleentheidsorganiseerder aangaan.

14. DELEGASIES EN DIE AANSTELLING VAN GEMAGTIGDE BEAMPTES

- (1) Die bevoegdheid om `n permit uit te reik en voorwaardes te bepaal vir die uireiking van `n permit vir `n geleentheid, mag aan enige beampte van die Munisipaliteit gedelegeer word.
- (2) Die Munisipaliteit mag beamptes in die diens van die Munisipaliteit aanstel as gemagtigde beamptes, om die bepalings van hierdie verordeninge toe te pas.

15. APPÈLLE

`n Persoon wie verontreg voel oor `n besluit geneem deur die Munisipaliteit, ingevolge enige gedelegeerde magte, mag in terme van artikel 62 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet No 32 van 2000), soos gewysig, teen sodanige besluit appèlleer, deur binne een-en-twintig (21) dae vanaf datum van kennisgewing van die besluit, skriftelike kennis aan die Munisipale Bestuurder te gee van die appèl en redes vir die appèl te verstrek.

16. STRAFBEPALINGS

'n Persoon wat enige bepaling van hierdie verordening oortree, of versuim om daaraan te voldoen of versuim om te voldoen aan 'n kennisgewing uitgereik ingevolge hierdie verordening, of 'n instruksie aangebring op 'n kennisgewingbord, begaan 'n oortreding en kan by skuldigbevinding—

- (a) 'n boete of gevangenisstraf opgelê word, of gevangenisstraf sonder die keuse van 'n boete, óf beide sodanige boete en sodanige gevangenisstraf, opgelê word;
- (b) in die geval van 'n voortgesette oortreding, 'n bykomende boete of bykomende tydperk van gevangenisstraf of sodanige bykomende gevangenisstraf sonder die opsie van 'n boete of sodanige bykomende boete of gevangenisstraf vir elke dag waarop sodanige oortreding voortduur, opgelê word; en
- (c) 'n verdere bedrag as kostebevel opgelê word, gelykstaande aan enige kostes en / of uitgawes wat die Hof bevind deur die Munisipaliteit aangaan was, as gevolg van sodanige oortreding.

17. BEDIENING VAN KENNISGEWINGS EN ANDER DOKUMENTE

- (1) 'n Kennisgewing, bevel, aanskrywing, of ander dokument wat ingevolge hierdie verordening deur die Munisipaliteit uitgereik word, word geag behoorlik uitgereik te wees indien 'n beampste wat deur die Munisipaliteit gemagtig is, dit onderteken het.
- (2) Wanneer dit nodig is om enige gemagtigde kennisgewing, bevel, aanskrywing of ander dokument te bedien op 'n persoon ingevolge hierdie verordening, word dit geag effektief en na behore aan sodanige persoon beteken te wees—
 - (a) wanneer dit persoonlik aan die persoon afgelewer is;
 - (b) wanneer dit by die persoon se plek van inwoning of besigheid in die Republiek van Suid-Afrika gelaat is, by 'n persoon wat duidelik ouer as sestien jaar is;
 - (c) wanneer dit gepos is per geregistreerde of gesertifiseerde pos aan die persoon se laaste bekende woon- of besigheidsadres in die Republiek van Suid-Afrika, en 'n erkenning van die versending verskaf word;
 - (d) indien die persoon se adres in die Republiek van Suid-Afrika onbekend is, wanneer dit aan die persoon se agent of verteenwoordiger in die Republiek van Suid-Afrika bedien is op so 'n manier, soos in subartikels 16(1)(a), 16(1)(b) of 16(1)(c) van hierdie verordening bepaal;
 - (e) indien die persoon se adres en agent in die Republiek van Suid-Afrika onbekend is, wanneer dit opsigtelik vertoon word op die vaste eiendom of perseel, indien enige, waarop dit betrekking het; of
 - (f) in die geval van 'n bestuursliggaam, wanneer dit by die geregistreerde kantoor of die sakeperseel van sodanige bestuursliggaam afgelewer word.

- (3) Wanneer enige kennisgewing, bevel, aanskrywing of ander dokument aan 'n persoon ingevolge hierdie verordening bedien moet word, is dit nie nodig om dit by name te noem nie, maar sal dit voldoende wees as die persoon daarin beskryf word as die eienaar, bewoner of houer van sodanige vaste eiendom of ander reg, wat ook al die geval mag wees.
- (4) 'n Bevel, kennisgewing of ander dokument wat waarmerking vereis, moet behoorlik deur die Munisipaliteit onderteken wees.

18. TEENSTRYDIGHEDE MET ANDER WETGEWING

In die geval van teenstrydigheid tussen enige bepaling van hierdie verordening, en nasionale en provinsiale wetgewing en regulasies, sal sodanige nasionale en provinsiale wetgewing en regulasies voorrang geniet.

19. HERROEPING VAN VERORDENINGE

Die bepalings van enige ander verordeninge voorheen uitgevaardig deur die Munisipaliteit of deur enige van die afgeskafte munisipaliteite wat nou in die Munisipaliteit geïnkorporeer is, word hierby herroep in soverre dit betrekking het op aangeleenthede waarvoor in hierdie verordening voorsiening gemaak word.

20. KORT TITEL

Hierdie verordening staan bekend as die Verordening insake die Hou van Geleentede van die Munisipaliteit van Theewaterskloof.

21. INWERKINGTREDING

Hierdie verordening tree op datum van publikasie daarvan in werking.

