STELLENBOSCH MUNICIPALITY

EVENTS BY-LAW, 2024

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STELLENBOSCH MUNICIPALITY: EVENTS BY-LAW

PURPOSE AND OBJECTIVES

To provide for the management and regulation of events within the jurisdiction of the Stellenbosch Municipality: to provide for the enforcement of this By-Law; and to provide for matter incidental thereto.

PREAMBLE

WHEREAS the Stellenbosch Municipality recognizes that the hosting of events is a significant part of its competitive strategy and acknowledges that events have an important role to enhance cultural and social cohesion in communities, support urban rejuvenation and economic growth.

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

WHEREAS the Stellenbosch Municipality wishes to support the co-ordination and collaboration between all role-players, to promote partnerships and to enhance the impact of events in the municipality;

WHEREAS the Stellenbosch Municipality wants to ensure that events happen safely and securely in a coordinated manner in its jurisdiction;

AND WHEREAS the Stellenbosch 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, District Municipality, Traffic Services and other related emergency and safety organisations;

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

CHAPTER 1

DEFINITIONS AND APPLICATIONS

1. Definitions

In this By-Law, unless the context otherwise indicates-

"authorised municipal official" means the Municipal Event Officer, a member of the Municipal Event Committee, a municipal law enforcement officer, and any other person who is delegated as contemplated in section 41 of the South African Constitution to execute a power, function or duty related to the provisions of this By-Law

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

"event" means-

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

(b) any educational, cultural or religious event;

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

(d) any charitable event, including any conference, organizational event or community event;

(e) any filming which is of such a nature that it may have an impact on vehicular or pedestrian traffic or may attract crowds (please refer to the Stellenbosch Municipality Filming By-Law for filming related applications)

(f) any similar event or activity hosted at a stadium, public place, venue or along a route or within its precinct.

"event organizer" means a person who submits an application to hold an event in terms of this By-Law whether he or she submits the application for himself or herself or on behalf of another person, body or organization;

"events committee" a committee represented by officials from affected municipal department who meet on an ad hoc basis to consider event applications and make recommendations to the Event Organizer;

"events policy" means the Events Policy of the Stellenbosch Municipality;

"Event Permit Officer" means the head of Stellenbosch Municipality events permit office or any other official delegated by him or her;

"Law Enforcement Officers" officials of the Municipality involved in law enforcement;

"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)

"permit" means a permit issued by the Events Coordinator 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 Stellenbosch Municipality and to which the general public has access, whether on payment of admission fees or not;

(c) any nature conservation area including – nature reserves, protected natural areas, nature conservation worthy areas, natural open spaces.

"public land" means all property owned by government;

"purpose-built venue" means a building, structure, or premises, specifically built, zoned and suitable for the holding of specific events;

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

"safety officer" means a person appointed in terms of Regulation 6 of the (Occupational Health and Safety Act 85 of 1993) to assist with the oversight of the safety and security risk management of the event.

"this By-Law" includes the Schedules hereto;

"venue" means any open space, enclosed or semi-enclosed temporary structure or permanent structure, whether a private dwelling or not–

(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;
(iii) purpose built venue correctly zoned, built and suitable for the holding of specific events;

"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 committee as established by Stellenbosch Municipality form time to time and chaired by the respective appointed ward councillors

2. Application of this By-Law

(a) Applications for all types of events must be submitted to the Event Office for consideration.

(b) This By-Law applies to any event held within the area of jurisdiction of Stellenbosch Municipality, including events held on both private land and public land, 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.

(c) This By-Law does not apply to –

(i) events less than 200 persons in attendance where there is no amplified sound, no temporary structures (greater than 100m² in size per structure) to be used, no preparation and or selling of food and does not have an impact on vehicular traffic;

(d) Notwithstanding subsection (2), the Events Permit Officer or a Law Enforcement Officer may —

(i) when the Events Permit Officer or an Authorised Officer finds that this By-Law is, or 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 Event Permit Officer or an Authorised Officer ,issue a compliance notice to the Event Organiser in terms of section 8 and act in terms of this By-Law..

(e) Purpose-built venues are excluded from this By-Law in respect of events normally held in such venue, 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;
(ii) owners or managers of purpose-built venues must submit their programme of events to the Events Office prior to the events taking place;
(iii) the Events Permit Officer may, from time to time, issue directives regarding specific or special application process for any specific or special event which may vary in respect of the criteria referred to in section 6;
(iv) 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;
(v) this By-Law does not apply to the holding of public gatherings and demonstrations as provided for in terms of the Regulation of Gatherings Act, 1993 (Act No. 205 of 1993).
(vi) There is no temporary structure erected.

(f) The Events Office has the right to classify an application as an event and implement the necessary processes to be adhered to.

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 made by the event organizer to the Events Permit Officer and submitted –

(i) by a person who is at least 18 years old;
(ii) in a form and or manner as prescribed by the Events Permit Officer;
(iii) within the time frames as prescribed in Schedule 2 of this By-Law;
(iv) by a person or on behalf of a person who possesses the necessary capacity and resources.

(b) The application must include all information required as indicated in the prescribed form and any additional information as may be requested by the Stellenbosch Municipality.

(c) All applications must be accompanied by proof of payment of the applicable fees and deposit payable for the event.

(d) In the event of failure to submit the information referred to in subsection 3(b) and proof of payment in terms of subsection 3(c) an application will not be considered in terms of this By-Law.

4. Requirements and conditions

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

(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 the Schedule 3.

(c) The Event Organiser may not advertise/market or sell tickets for the planned event before an application is submitted to the Municipality and the Event Permit Officer has informed the Event Organiser in writing that the application has been approved in terms of section 5(a).

(d) The Event Organiser is required to apply separately and within the required timeframe to the National Commissioner of the South Africa Police Services for a risk categorisation as contemplated in the Safety at Sports and Recreational Events Act, 2010 (Act No.2 of 2010).

(e) Payment of an administration fee and or applicable tariffs determined by the Municipality must be required from the Event Organiser ahead of approval of an application for an event.

(f) The Events Permit Officer must ensure that consultation with relevant stakeholders identified by the Municipality is undertaken by the event organizer.

(g) The Event Permit Officer 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 form the municipality's environmental services department; and with any other relevant stakeholder, including the relevant ward councillor.

(h) The Events Permit Officer must satisfy him /or herself by written documentation that the relevant zoning scheme, environmental legislation and all health and safety regulations are complied with; that adequate public liability insurance cover, and that appropriate indemnity cover is obtained for an event by the Event Organiser. 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 Permit Officer by the Event Organiser.

(i) 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 deposits payable for events.

(j) 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-

(i) damage to or loss of any property of the Event Organizer; or
(ii) costs incurred by an Event Organizer or any third party;

(k) The event organizer, or the venue owner shall be liable for the cost of any service provided by the municipality for or in respect of an event.

4.1 Safety Officer

The Event Organiser must appoint a safety officer for the event.

(a) The responsibility for the safety of all present at the event lies primarily with the Event Organiser;

(b) The safety officer is tasked with monitoring and maintaining a safe environment for the duration of the event, including the set-up and breakdown of stages of the event;

(c) The areas of responsibility of the safety officer include operational safety, occupational health and safety compliance and hygiene management;

(d) The safety officer maintains the right to halt any event should he/she identify a significant risk threatening the safety of any individual present at the event;

(e) The mandate of the safety officer includes the event venue as well as all associated facilities;

(f) The safety officer is required to be on-site for the entire duration of the event, including the set-up and breakdown stages of an event;

(g) The safety officer is to reasonably identify any risks or dangers and recommend suitable mitigation and management measures to the Event Organiser;

(h) The safety officer is responsible for ensuring that the event-specific written safety and security plan is adhered to.

5. Decisions on events

(a) The Events Permit Officer must approve or decline an application for an event within a reasonable time in terms of this By-Law.

(b) Once a decision has been taken in terms of subsection 5(a) the applicant must be informed thereof in writing.

(c) Where an application for an event has been approved, the Events Permit Officer must issue a permit specifying the conditions applicable to the event.

(d) 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 licences, including liquor licences can be clearly displayed in public.

(e) Where an application for an event has been declined, reasons for the decision must be communicated to the applicant in writing, and the applicant must be informed of his/her right to appeal the decision in terms of section 62 of the Municipal Systems Act.

(f) The Event Permit Officer may decline an application for an event permit where–

(i) an event application is received outside of the prescribed timeframes;
(ii) the event clashes with another event;
(iii) the event safety and security plan is deemed insufficient by the Municipality's services;
(iv) the event is not approved by the South African Police Services;
(v) the event is non-compliant with applicable legislation; or
(vi) any other factor which, in the opinion of the Event Permit Officer, may negatively impact on the –

- safe conclusion of an event; or
- human or other resources of Stellenbosch Municipality.

6. Evaluation Criteria

(a) The Events Permit Officer must ensure that applications for staging an event are considered in accordance with the following criteria, where applicable:

(i) the type and size of an event;
(ii) the impact of the event in terms of the strategic fit to the Events Policy;
(iii) the 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) whether the proposed use of the land complies with the applicable zoning scheme and any conditions applicable thereunder;
(v) 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. The risk assessment will include, but not limited to,

obtaining details of the evacuation routes, emergency plans, site plans of access, and the inference of public open space;

(vi) that the event complies with all applicable legislation;
(vii) the impact of the event on the environment;
(viii) Previous offences

(b) The criteria referred to in subsection 6(a) must be considered in respect of-

(i) the review and assessment of events;
(ii) the decision processes for event applications;
(iii) prioritisation of events;
(iv) the type and level of support to be provided by the Municipality for events; and
(v) the services to be provided by the Municipality to events.

(c) The Events Permit Officer 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) Clean-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
(xv) The environmental impact.

7. Holding of an event

(a) An Event Organizer 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 Permit Officer and does not contravene any other law;
(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 an event;

(iii) any compliance notice issued by the Events Permit Officer in terms of section 8 is complied with.

8. Compliance notice

(a) When the Events Permit Officer 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 authorized 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 Organiser.

(b) A notice issued in terms of subsection 8(a) must state —

(i) the provision of the By-Law; that is being contravened or will be contravened if the condition is allowed to continue;
(ii) the measures that must be taken to rectify the condition; and
(iii) the time period in which the notice must be complied with.

(c) If an Events Organiser on whom notice was served in terms of subsection 8(a), fails to comply with the requirements of the notice, the Event Permit Officer, a Law Enforcement Officer or an authorized official may, for the purposes of this By-Law, take such steps as may be necessary to rectify the condition at the cost of the Event Organizer.

(d) A person who fails to comply with a compliance notice issued in terms of subsection 8(a) 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 –

(i) keep a record of non-compliance and consider any appropriate action as may be required;
(ii) require an increased deposit from the person for future events to be held or staged by such person; and
(iii) require proof of measures in place to ensure compliance of this By-Law where the party defaulted at a former event.

9. Inspections and right of access

(a) The Events Permit Officer, an authorized official or a law enforcement officer may conduct inspections 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 Bylaw and the conditions made;

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

(i) performing all necessary acts or required to be done by the 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 Events Permit Officer, an authorized official, or a law enforcement officer may require such owner or occupier to provide, at any reasonable date and time access to such property to a person and for a purpose referred to in subsection 9(b).

10. Suspension and revocation of permit

(a) The Event Permit Officer, may, where the Event Organizer fails to comply with a compliance notice issued in terms of section 8, by notice in writing to the Event Organiser —

(i) suspend the permit immediately until the Event Organiser has complied with the compliance notice;
(ii) revoke the permit and take such steps as may be necessary in terms of this By-Law, for which costs incurred by the Municipality, the Event Organiser shall be liable; or
(iii) on receipt of information from a Law Enforcement Officer or an authorised official relating to failure to comply with a compliance notice, suspend or revoke the permit of an Event Organizer.

(b) The Municipality may, where the Events Permit Officer has acted in terms of subsection 10(a), withhold the deposit paid by the Event Organizer for an event as security for the payment of such costs.

CHAPTER 3

GENERAL PROVISIONS

11. Agreements and Partnerships

(a) The Municipality may enter into such agreements and partnerships with Event Organizers as may be necessary for the holding and management of events in terms of this By-Law.

(b) The Municipality may, under an agreement or partnership contemplated in subsection 11(a), provide support either logistically, financially or both to specific events which are aligned to the strategic objectives of the Municipality.

(c) The agreements and partnerships contemplated in subsection 11(a) must provide for service levels which must be met by the parties in order to ensure compliance with this By-Law and the Municipal Finance Management Act, 2003 (Act No. 56 of 2003).

(d) Notwithstanding the provisions of this By-Law relating to offences and penalties, an agreement concluded in terms of this section may provide for penalties for which an Event Organizer shall be liable in the event of non-compliance therewith.

12. Delegations

(a) The Events Permit Officer may delegate any of the 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 employment of the Municipality as authorised 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 subsection (b) through consultation with each other.

(b) The Events Permit Officer have the right to decline an application, if the application is incomplete and does not meet the timeframes as set out in Schedule 3.

(c) The Event Organizer may appeal against a decision where his or her application to hold an event has been declined.

(d) The Appeal Committee will attend to appeals prior to the submission of such appeals in writing to the Municipal Manager within a period as indicated in Schedule 2 in relation to the type of event concerned.

(e) The application which is a subject of appeal must be decided in terms of section 5 before the appellant may lodge an appeal within the applicable timeframes set out in Schedule 2.

(f) An appeal lodged in terms of this section must be considered and decided within such time as indicated in Schedule 2 in relation to the type of event concerned.

(g) The Municipal Manager may delegate any official of the Municipality to consider and decide on appeals referred to in subsection 13(b).

14. Indemnity

(a) The Event Organiser must provide –

(i) evidence, to the satisfaction of the Event Permit Officer, 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 Permit Officer of appropriate specialised risk insurance, public liability insurance or work cover must be provided.

(b) 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.

(c) Event owners shall be held liable for any damages to the municipality's property resulting from the holding of an event.

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 Organiser 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 neighbouring community, residents, or the environment in contravention of section 7(a)(i);
(iv) fails to comply with the compliance notice issued by the Events Permit Officer 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.

16. Short title

This By-Law is called Stellenbosch Municipality: Events By-Law,2025.