

By-law relating to the holding of event

PREAMBLE

WHEREAS the Municipality of Knysna recognizes that the hosting of events is a significant part of its municipal affairs and acknowledges that events have an important role in modern society to enhance cultural, social, urban rejuvenation, economic growth and trade relationships in communities;

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

WHEREAS the Municipality of Knysna wishes to support the co-ordination and collaboration between all role-players, to promote partnerships and to enhance the effect of events in the district;

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

AND WHEREAS the Municipality of Knysna wants to provide for measures to safeguard the physical well-being and safety of persons and property at events in the district.

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

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Chapter 1

Definitions and Applications

1. Definitions

In this By-law, unless the context indicates otherwise, all words shall have the meaning defined as follows:

“authorized official” means an official of the Municipality authorized to implement or enforce the provisions of this by-law and/or any other by-law and/or law, including but not limited to any member of the municipal law enforcement service or any peace officer;

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

“event” means a public or social occasion of at 30 persons and includes:-

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

(b) any educational, cultural or religious event;

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

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

(f) any similar event or activity hosted at a stadium, public place, venue or along a route or its precinct, that is planned, has a clear programme, control and accountability, but excludes an event hosted by a private person held in his or her private capacity at a stadium or venue;

“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, entity or organization;

“Event Permit Officer” means the Municipal Manager of Knysna or any other designated municipal official delegated by him or her;

“Law Enforcement Officers” mean law enforcement officers of the Municipality of Knysna and includes members of the traffic services department of Knysna;

“Municipality” means the Municipality of Knysna established in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), by Provincial Notice No. 479 dated 22 December 2000 and includes any duly authorised agent thereof or any employee thereof acting in connection with this bylaw by virtue of a power vested in the municipality and delegated and/or sub-delegated to such agent or employee;

“Municipal Manager” means the person or acting 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 for the holding of an event in terms of section 5;

“public place” means—

(a) any public land, square, public swimming bath, public resort, public recreation site, zoological, botanical or other public garden, park or hiking trail, including any portion thereof and any facility or apparatus therein or thereon, as well as any public open space, public road, road reserve, reserve street, lake, dam, or river;

(b) any public building, structure, hall, room or office including any part thereof and any facility or apparatus therein, which is the property of, or possessed, controlled or leased by the City and to which the general public has access, whether on payment of admission fees or not;

(c) any nature conservation area including—

(i) nature reserves;

(ii) protected natural areas;

(iii) nature conservation worthy areas;

(iv) natural open spaces;

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

“stakeholder” includes any person, organization, entity 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, 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 the Knysna 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 of fewer than 30 persons where there is no amplified sound or no temporary structures to be used;

(b) public participation or meetings held by ward councillor;

(c) small events such as family and community events held on private property or purpose built venues, subject to any other legislation;

(d) funerals and funeral processions, events held at a purpose built venue or the grounds of any school, playground, place of worship, hotel and/or any other conference facility, athletic field, arena, auditorium or similar permanent place of assembly when used for events normally held in such venue, provided that 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;

(e) sport fixture and events regulated by the Safety at Sports and Recreational Events Act No.2 of 2010.

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

(a) when the Events Permit Officer or a 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 Event Permit Officer or a Law Enforcement Officer,

issue a compliance notice to the event organizer in terms of section 8 and act in terms of this By-law.

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

(a) this exclusion does not apply to events or parts of events held outside the venue or building, or which by their nature, size or impact are considered outside the normal use parameters for the venue;

(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 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.

(6) 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.

(7) In the event of any conflict between the English text of this By-law and the text thereof in another language, the English text prevails.

Chapter 2

PERMIT APPLICATION PROCESS, REQUIREMENTS, DECISIONS AND ENFORCEMENT

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

(1) An application to hold or stage an event must be made by the event organizer to the Events Permit Officer and submitted –

(a) by a person who is at least 18 years old;

(b) in a form and or manner as prescribed by the Events Permit Officer;

(c) within the prescribed time frames determined by the municipality that shall not be less than 60 days before the event is to take place;

(d) by a person or on behalf of a person who possesses the necessary capacity and resources, as set out in the Schedule 1, to the Events Permit Officer.

(2) The application must include all information required as indicated in the prescribed form and any additional information as may be requested by the Events Permit Officer and must include:

- (i) The name and full details of the individual, entity, organisation or body to be responsible as the event organiser;
- (ii) The proposed venue for the event;
- (iii) The proposed days and hours of operation for the event;
- (iv) Any funding required from the Municipality
- (v) Approved land use application (e.g temporary use departure) if required;
- (vi) Proof of public liability insurance
- (vii) A copy of the contract with operator of the venue, unless the operator is the applicant;
- (viii) The maximum number of proposed attendees, including staff, to be allowed at the event;
- (ix) The proposed security plans for the event including the number of personnel and their qualifications;
- (x) The proposed medical and safety plans for the event including the number of personnel and their qualifications;
- (xi) The proposed parking and traffic plans for the event;

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

(4) In the event of failure to submit the information referred to in subsection (2) and proof of payment in terms of subsection (3) an application will not be considered in terms of this By-Law.

4. Requirements and conditions

(1) No person may hold or stage any event without obtaining a permit referred to in section 5(3) save as is provided for herein.

(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 as set out in the Schedule 2.

(3) The event organiser may not advertise 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(1).

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

(5) The Events Permit Officer must satisfy him/ herself by written documentation that adequate public liability insurance cover, appropriate indemnity cover is obtained for an event by the event's organiser. Similarly where an activity which may put the public at risk will be involved, proof of appropriate specialized risk insurance, blanket liability or work cover must be provided to the Events Permit Officer by the event's organiser.

(6) The Municipality shall not be liable for any costs, including any damage or loss, incurred or suffered as a result of an event held in terms of this By-law.

(7) 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.

(8) 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 organiser or any third party; or

(b) costs incurred by an event organiser or any third party.

(9) The event organizer, 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 Permit Officer 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.

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

(4) Where an application for an event has been declined, reasons for the decision must be communicated to the applicant in writing within the timeframe specified in Schedule 1.

(5) The event organizer must make sure that the permit or a certified copy thereof is available at the venue for inspection at all stages and at all times of the event.

6. Criteria

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

(a) the type and size of an event;

(b) 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;

(c) whether the proposed use of the land complies with the applicable zoning scheme and any conditions applicable thereunder;

(d) the safety and security risk management of the event in respect of the event plan, logistics, location, site design and other activities taking place near or at the event venue and other threats to the event;

(e) return on investment of the event, in cases where the event is sponsored fully or partly by the municipality; and

(f) that the event complies with all applicable legislation.

(2) The Events Permit Officer may impose reasonable conditions to the permit to protect the health, safety and welfare of the public pertaining to:

(a) Location and hours during which the event may be held;

(b) Sanitation, ablution facilities and availability of water;

(c) Security and crowd management;

(d) Parking and traffic issues;

(e) Emergency and medical services;

(f) Clean-up of premises and surrounding area and waste disposal;

(g) Insurance;

(h) Lighting;

(i) Fire services and safety;

(j) Temporary construction, barricades and fencing;

(k) Removal of advertising and promotional materials after the event;

(l) Noise levels.

(m) Any other requirement as the municipality may deem necessary

7. Holding of an event

(1) An event organizer 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, the conditions imposed by the Events Permit Officer and does not contravene any other law;

(b) the conduct of persons attending an event and the activities undertaken or carried out at the event do not negatively impact on affected communities during such event;

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

8. Compliance notice

(1) When the Events Permit Officer or a Law Enforcement Officer finds that a provision of this By-law is contravened by an event organizer or that a condition has arisen that has the potential to lead to a contravention of this By-law or any other law, he or she —

(a) may issue a compliance notice to the event organizer; or

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

(2) A notice issued in terms of subsection (1) must state —

(a) the provision of the By-law and/or the provisions of any other legislation and/or the condition of the permit 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 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.

(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; and

(c) require proof of measures in place to ensure compliance of this bylaw where the party defaulted at a former event.

9. Inspections and right of access

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

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

(a) performing all necessary acts 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; and

(c) enforcing compliance with the provisions of this By-law.

(3) 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 (2).

10. Suspension and revocation of permit

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

(a) suspend the permit immediately until the event organiser has complied with the compliance notice;

(b) revoke the permit and take such steps as may be necessary in terms of this By-law, for which costs incurred by the Municipality the event organiser shall be liable; or

(c) on receipt of information from a Law Enforcement Officer or an authorised official relating to failure to comply with a compliance notice, suspend or revoke the permit of an event organizer.

(2) The Municipality may, where the Events Permit Officer 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.

Chapter 3

General Provisions

11. Agreements and Partnerships

(1) 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.

(2) The Municipality may, under an agreement or partnership contemplated in subsection (1), provide support either logistically, financially or both to specific events which are aligned to the strategic objectives of the Municipality.

(3) The agreements and partnerships contemplated in subsections (1) must provide for service levels which must be met by the parties in order to ensure compliance with this By-law and the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003).

(4) 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

(1) 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 official of the Municipality.

(2) The Municipal Manager may appoint officials in the employ of the Municipality as authorised officials to enforce the provisions of this By-law.

13. 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) through consultation with each other.

(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 within a period as indicated in Schedule 1 in relation to the type of event concerned.

(4) 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 time-frames set out in Schedule 1.

(5) An appeal lodged in terms of this section must be considered and decided within such time as indicated in Schedule 1 in relation to the type of event concerned.

(6) The Municipal Manager may delegate any official of the Municipality to consider and decide on appeals referred to in subsection (2).

14. Offences and Penalties

(1) Failure to comply with any provision of this By-Law constitutes an offence.

(2) A person who commits an offence in terms of this By-Law shall, on conviction, be liable for the payment of a fine or a term of imprisonment, or both such fine and such imprisonment.

15. Short title

This By-Law is called The Municipality of Knysna: Events By-Law.

SCHEDULE 1

Schedule of Events Application Timeframe

Subject to Application Criteria, the following Timeframes Below will apply:

Size	Crowd Size/ No of Participants	Minimum time for submission of an application to the Municipality by the event organiser before the date of an event [all required information relating to the application must be submitted in terms of section 3 (2)]	Minimum time for the Municipality to respond to an application for staging an event	Appeals to be lodged by applicant with the Municipality within	Appeal to be decided by Municipality within
Small	50 to 2000	20 working days (4 weeks)	10 working days(2 weeks)	48 hours of receipt of written notice from the Municipality indicating failure to resolve conflict	48 hours of receipt of written notice of appeal
Medium	2001 to 5000	25 working days (5 weeks)	15 working days (3 weeks)	48 hours of receipt of written notice from the Municipality indicating failure to resolve conflict	Within 48 hours of receipt of written notice
Large	5001 to 10 000	30 working days (6 weeks)	20 working days (4 weeks)	48 hours of receipt of written notice from the Municipality indicating failure to resolve conflict	Within 3 working days
Very Large	10 001 and above	90 working days (minimum 4 months , 6 months ideal)	40 working days (2 months)	48 hours of receipt of written notice from the Municipality indicating failure to resolve conflict	Within 5 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 15 days will be required if food vendors need to apply for licences 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 appeals process as outlined in the Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985).

Schedule 2

EVENTS REQUIREMENTS LISTING

Note: The Municipality may request information additional to that listed as determined by the type and detail of the event as follows:

- a. Description of event: including type, date, venue, locality and number and profile of participants.
- b. Event Programme: full details and times, plus contact details for person responsible for each aspect of event.
- c. Layout of event: including stages, marquees, catering, venue operation centre etc.
- d. Zoning confirmation of the permitted land use or land use planning approval where necessary.
- e. Transport and Traffic Management Plans (T& TMP), which may include where applicable, proposed road closures, route plan, parking, optimal public transport utilisation, emergency access routes. The format of the T& T&TMP will be as prescribed by the Municipality.
- f. Crowd Management Plan.
- g. Emergency and Contingency Plans: including medical, security, emergency, facility, evacuation.
- h. Event Communication Plan: including ticket selling strategy, accreditation.

- i. Community Participation Plan: including but not limited to contact with Councillor/s; Community/ Residents Organisations/Associations and Business Associations/ Forums and or other Stakeholders.
- j. Environmental Management Plan, including a rehabilitation plan, financial guarantee, or any applicable environmental or heritage permission.
- k. Integrated Waste Management Plan (including immediate precinct).
- l. Vendors/Caterers: list of details and use of liquid petroleum gas.
- m. Health requirements including: certificates of acceptability, vendor licenses, ablution facilities or mobile toilets.
- n. Completed application forms for: noise exemption and amplified sound (incl. public participation) and erection of stages/marquees. (Proof of submission of an application for liquor licence/s, fireworks application, civil aviation application as per the specific of the type of event).
- o. Knysna Municipality services requirements: including electricity, water, waste management plan (during and after the event), transport, roads and storm water.
- p. Indemnity forms and public liability insurance as well as the prescribed insurance confirmation letter.
- q. Written approval from venue owner/venue manager to the applicant authorising the event organiser to the use of the facility/venue to host the event.

SECTION	OFFENCE	FINE	FINES FOR REPEAT OFFENDERS [SECTION 8(5)]
4(1)	Holding an event without a	Small event – R1 000	R10 000

Schedule 3

Schedule of fines (Notwithstanding any other fines which may be imposed in terms of any other law, these fines may be imposed for contraventions of the Events By-law and may be additional to such fines)

	permit	Medium event – R5 000 Large event – R 10 000 Very large event – R 15 000	R50 000 R100 000 R150 000
7(1)(a)	Holding an event in contravention of the Events By-law or any other law	Small event – R1 000 Medium event – R5 000 Large event – R 10 000 Very large event – R 15 000	R10 000 R50 000 R100 000 R150 000
7(1)(b)	Failure to ensure that the conduct of persons attending an event and the activities undertaken or carried out do not disturb the neighbouring community and residents	Small event – R1 000 Medium event – R5 000 Large event – R 10 000 Very large event – R 15 000	R20 000 R80 000 R200 000 R300 000
7(1)(c)	Failure to ensure that a compliance notice issued by the Events Permit Officer is complied with	Small event – R1 000 Medium event – R5 000 Large event – R 10 000 Very large event – R 15 000	R20 000 R80 000 R200 000 R300 000
8(1)	Failure to comply with a compliance notice issued by the Events Permit Officer of Law Enforcement Officer	Small event – R1 000 Medium event – R5 000 Large event – R 10 000 Very large event – R 15 000	R50 000 R100 000 R400 000 R600 000