



Western Cape  
Government

IMPROVED FILM PERMITTING  
IN THE WESTERN CAPE

# MODEL MUNICIPAL FILM PERMITTING BY-LAW

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**PREPARED BY:**  
MATLOTLO TRADING  
WESTERN CAPE DEPARTMENT OF ECONOMIC DEVELOPMENT AND  
TOURISM

# MODEL MUNICIPAL FILM PERMITTING BY-LAW

[LOCAL AUTHORITY NOTICE OF XXX.]

[DATE OF COMMENCEMENT: XXX.]

This By-Law

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XXX MUNICIPALITY

FILM PERMITTING BY-LAW

APPROVED BY COUNCIL ON XXX

AND

PROMULGATED IN TERMS OF SECTION 11 OF THE LOCAL GOVERNMENT:  
MUNICIPAL SYSTEMS ACT, 2000 (ACT 32 OF 2000)

XXX MUNICIPALITY FILM PERMITTING BY-LAW  
(20XX)

## **PREAMBLE**

WHEREAS xxx Municipality recognises the important role that filming plays in the economy of the Western Cape;

AND WHEREAS the Municipality wishes to increase, in a sustainable manner, growth, job creation, investments and social inclusivity by establishing the Municipality as a filming-ready and filming-friendly location;

AND WHEREAS it is desirable for the Municipality to facilitate effective and efficient film permitting processes and filming in the Municipality whilst ensuring regulatory compliance to safeguard public health and safety, the environment and the surrounding community;

BE IT THEREFORE ENACTED by the Council of the xxx Municipality, in terms of 11 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), as follows: —

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## **CHAPTER 1 DEFINITIONS, OBJECTIVES AND APPLICATION**

### **Definitions**

1.(1) Words derived from, or which are the singular or plural of the word or terms defined, have corresponding meanings, unless the context indicates otherwise.

(2) Any terms or provision of this By-law must be reasonably interpreted in a manner that is consistent with the purpose and objectives of this By-law.

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

**“authorised municipal official”** means the Municipal Film Coordinator, a member of the Municipal Film Committee, a municipal law enforcement officer, and any other person who is delegated as contemplated in section 41 to execute a power, function or duty related to the provisions of this By-law;

**“business day”** means any day other than a Saturday, Sunday or official public holiday in the Republic of South Africa;

**“Council”** means the Municipal Council of the Municipality;

**“day”** means a period of 24 hours;

**“District Municipality”** means the xxx District Municipality;

**“existing permit holder”** means a person who has been issued with a film permit prior to the commencement of this By-law as contemplated in section 43;

**“Fees and Tariffs By-law”** means the xxx Municipality Fees and Tariff By-law, xxxx, promulgated by the Municipality in terms of section 75 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000);

**“film organiser”** means the person contemplated in in section 10;

**“filming”** means the recording or streaming of sound or images, moving or still, whether on film or by video tape, electronically, digitally, virtually or by any other means in a public place or on public or private property, and includes—

- (a) the preparation of a location for such filming;
- (b) any filming-related activity;
- (c) student film projects involving such filming; and

(d) the recording of digital media on mobile devices such as smartphones, tablet computers, action cameras and handheld cameras for the creation or sharing of information via virtual communities and social networks for commercial gain,

but excludes—

(i) filming of a private wedding ceremony or other private celebration or event for the purpose of making a recording thereof for private purposes;

(ii) filming of current affairs or news for immediate broadcast or release;

(iii) the recording of digital media on mobile devices such as smartphones, tablet computers, action cameras and handheld cameras for personal use in a public place or on public or private property where there is no adverse impact on the public or any public amenity; and

(iv) filming at purpose-built film facilities where there is no impact on the public or any public amenity;

**“filming party”** includes any person who is involved in filming and filming-related activities;

**“filming related activity”** means any activity undertaken by a film organiser and his or her filming party that is part of, or related to, the preparation, implementation, and winding up of filming, including, but not limited to, the activities contemplated in section 23.

**“Gazette”** means the official *Provincial Gazette* of the Western Cape;

**“in writing”** means by email or written letter: Provided that a copy of a written letter must also be emailed to the person concerned;

**“Municipal Film Committee”** means the committee contemplated in section 7;

**“Municipal Film Coordinator”** means the person contemplated in section 5;

**“Municipal Finance Management Act”** means the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003);

**“Municipal Manager”** means the person appointed as municipal manager in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act 107 of 1998);

**“Municipality”** means the xxx Municipality, established by Provincial Notice 488 of 2000 issued in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act 107 of 1998), and, where the context requires, includes—

(a) the Council;

(b) the Municipal Manager;

(c) an authorised municipal official; and

(d) a duly authorised representative of the Municipality;

**“permit”** means a film permit granted in terms of this By-law;

**“person”** means a natural person or a juristic person;

**“private property”** means a property owned by a private natural or juristic person;

**“Province”** means the Province of the Western Cape;

**“public property”** means a property owned or managed by the Municipality, Western Cape Government or national government, and includes a **“public space”**;

**“remotely piloted aircraft system”** means an unmanned aircraft which is piloted from a remote pilot station, and includes—

- (a) the associated remote pilot station;
- (b) the required C2 Link; and
- (c) any other component as specified in a type design,

but excludes a—

- (i) model aircraft; and
- (ii) toy aircraft; and

**“Wesgro”** means the Western Cape Tourism, Trade and Investment Promotion Agency as established by the Western Cape Investment and Trade Promotion Agency Act, 2013 (Act 3 of 1996).

### **Objectives of By-law**

2. The objectives of this By-law are to—

- (a) provide for the necessary municipal structures and systems to facilitate permit applications for filming in the area of jurisdiction of the Municipality;
- (b) regulate permit applications, consideration, approval, rejection, refusal, implementation and related processes;
- (c) establish the Municipality as a filming-ready and filming-friendly location;
- (d) increase, in a sustainable manner, growth, job creation, investments and social inclusivity through effective and efficient permitting; and
- (e) provide for matters connected thereto.

### **Application of By-law**

3. This By-law—

- (a) applies to all instances of filming as defined in section 1 in the area of jurisdiction of the Municipality, except to the extent that such filming is exempted as contemplated in section 42;
- (b) does not derogate from the provisions of any other By-law or national or provincial legislation;
- (c) binds all persons, entities, organisations, bodies and groups to the extent applicable; and
- (d) binds organs of state.

## **CHAPTER 2 STRUCTURES AND FUNCTIONS**

### **Functions of Municipality**

4.(1) The Municipality is the controlling body for the approval and regulation of filming within its area of jurisdiction.

(2) The functions of the Municipality relating to filming are to—

- (a) establish the necessary structures and systems to fulfil its mandate;
- (b) consider permit applications and issue permits for filming;
- (c) regulate filming;
- (d) facilitate filming by coordinating the responsibilities of all role players;
- (e) ensure access to municipal services during filming;
- (f) ensure health, safety, environmental and regulatory compliance before, during and after filming;
- (g) attract investment into the film industry through marketing and communications initiatives and interventions;
- (h) bid for filming opportunities and host filming;
- (i) support the film industry through targeted financial and non-financial means; and
- (j) perform functions connected therewith.

### **Appointment of Municipal Film Coordinator**

5.(1) The Municipal Manager must, within 30 business days of the commencement of this By-law—

- (a) appoint a person; or
- (b) designate a municipal employee,

as the Municipal Film Coordinator.

(2) The person contemplated in subsection (1) must have the necessary skills and experience to perform his or her functions effectively and efficiently.

(3) The Municipal Manager must delegate overall responsibility for filming in the area of jurisdiction of the Municipality to the Municipal Film Coordinator.

(4) The Municipal Manager may—

- (a) provide the Municipal Film Coordinator with dedicated project-specific support in the event of complex filming; and
- (b) appoint or assign administrative and operational staff members to support the Municipal Film Coordinator in the performance of his or her functions.

(5)(a) The contact details of the Municipal Film Coordinator must be made available to film organisers and on the Municipality's website.

(b) The contact details must include the physical office address, email address, telephone number and an emergency after hours telephone number.

### **Functions of Municipal Film Coordinator**

6.(1) The functions of the Municipal Film Coordinator are to—

- (a) facilitate, coordinate and support filming in the Municipality;
- (b) act as the central point of contact in the Municipality for film organisers;



- (c) act as liaison and intermediary between film organisers and municipal directorates;
- (d) facilitate communication and coordination between film organisers, municipal directorates and other film sector stakeholders;
- (e) act as chairperson and coordinate the activities of the Municipal Film Committee;
- (f) coordinate the submission, review, consideration, and approval, rejection or refusal of permit applications;
- (g) consider and decide on permit applications as contemplated in section 13(3)(i);
- (h) act as central point of contact, liaison, intermediary and repository for film organisers for any additional municipal permissions, approvals and processes that are required by municipal directorates;
- (i) assist film organisers with regard to additional third-party permissions, approvals and processes that may be required;
- (j) coordinate the Municipality's operational requirements with regard to filming;
- (k) coordinate and facilitate the execution of filming in line with permits issued in terms of this By-law;
- (l) ensure compliance with the provisions of a permit and any conditions attached to a permit, any additional municipal and third-party permissions, approvals and processes, the Code of Conduct, the implementation arrangements, this By-law, any other applicable By-law, and relevant national and provincial legislation;
- (m) coordinate responses to non-compliance by film organisers;
- (n) coordinate reporting, monitoring and evaluation of filming;
- (o) pursue standardisation of permitting, planning and monitoring procedures within the Municipality, the District Municipality, the Province and the broader film industry;
- (p) coordinate, develop and manage the Film Permitting Policy and this By-law; and
- (q) perform such other functions as may be provided for in this By-law.

(2)(a) The Municipal Film Coordinator must establish and maintain a—

- (i) film permit application register;
- (ii) film calendar;
- (iii) film location portfolio;
- (iv) directory of local suppliers, goods and services;
- (v) film restrictions schedule;
- (vi) non-compliance register as contemplated in section 32; and
- (vi) Code of Conduct for film organisers as contemplated in section 22.

(b) The Municipality may publish in the Film Permitting Policy specific requirements in respect of the items listed in paragraph (a).

### **Appointment of Municipal Film Committee**

7.(1) The Municipal Manager must, in consultation with the Municipal Film Coordinator and within 40 business days of the commencement of this By-law—

- (a) establish a Municipal Film Committee chaired by the Municipal Film Coordinator; and
- (b) designate municipal employees to be members of such committee.

(2) The persons contemplated in subsection (1)(b)—

- (a) must include a representative of the following municipal directorates:
  - (i) community services;
  - (ii) community safety;

- (iii) planning, building control and economic development; and
  - (iv) infrastructure services; and
- (b) may include representatives from such other municipal directorates as may be deemed necessary.

### **Functions of Municipal Film Committee**

8.(1) The functions of the Municipal Film Committee are to—

- (a) consider and decide on permit applications as contemplated in section 13(3)(ii);
- (b) determine legislative requirements for filming;
- (c) determine operational requirements for filming;
- (d) support the Municipal Film Coordinator in the coordination, operational aspects, management and monitoring of filming;
- (e) assist the Municipal Film Coordinator and film organisers with regard to additional municipal and third-party permissions, approvals and processes that may be required;
- (f) assist the Municipal Film Coordinator in ensuring compliance with the provisions of a permit and any conditions attached to a permit, any additional municipal and third-party permissions, approvals and processes, the Code of Conduct, the implementation arrangements, this By-law, any other applicable By-law, and relevant national and provincial legislation;
- (g) report, monitor and evaluate filming in line with this By-law; and
- (h) perform such other functions as may be provided for in this By-law.

(2)(a) The Municipal Film Committee must meet as and when necessary to discuss—

- (i) forthcoming filming as indicated in the Film Calendar; and
- (ii) other matters of importance.

(b) The Municipal Film Coordinator must provide administrative support to, and keep proper minutes of, meetings of the Municipal Film Committee.

(c) The Municipal Film Coordinator may invite representatives of other municipal directorates, national, provincial and municipal organs of state and other film sector stakeholders to attend meetings of the Municipal Film Committee in an advisory capacity as and when needed.

## **CHAPTER 3 PERMITTING ARRANGEMENTS**

### **Permission for filming**

9.(1) A person may only film in the area of jurisdiction of the Municipality with a valid permit issued by the Municipality as contemplated in section 16, unless such filming is—

- (a) specifically excluded from the definition of filming in section 1; or
- (b) exempted from permit requirements as contemplated in section 37.

(2) Notwithstanding the provisions of subsection (1), the Municipality may require a person to apply for a permit where the potential impact or risk attached to such filming is, in the opinion of the Municipal Film Coordinator, of such a nature to necessitate a permit.

### **Designation of film organiser**

**10.(1)** A person, entity, organisation, body or group who intends to apply for a permit must identify and designate a key individual as the film organiser.

(2) A film organiser must—

- (a) be 18 years of age or older; and
- (b) possess the necessary capacity, resourcing skills and experience to organise the proposed filming.

(3) A film organiser is the designated person that—

- (a) applies for a permit;
- (b) is in charge of, plans, manages and supervises filming;
- (c) is responsible for filming; and
- (d) is accountable to the Municipal Film Coordinator and the Municipality for filming.

### **Categories, classification criteria and internal processing times of permit applications**

**11.(1)** The—

- (a) permit application categories;
  - (b) classification criteria for the permit application categories; and
  - (c) internal processing time for each permit application category,
- are provided for in Schedule 2.

(2) The Municipality may, by notice in the *Gazette*, amend the categories, classification criteria and internal processing times contemplated in subsection (1).

### **Application for permits**

**12.(1)(a)** A film organiser who intends to film within the area of jurisdiction of the Municipality as contemplated in section 9 must apply for a permit from the Municipal Film Coordinator.

(b) A permit application must be submitted timeously taking into account the permit application categories and related internal processing times contemplated in Schedule 2.

(2) The permit application must include, but is not limited to, the submission of—

- (a) a completed permit application form with the following information:
  - (i) full name, identity number, address, contact number and email address of the film organiser;
  - (ii) full name, identity number, address, contact number and email address of the individual shooting the film if different from the film organiser or, in the case of an entity, organisation, body or group, the registered name, registration number and full name, identity number, address, contact number and email address of each member, director or trustee; and
  - (iii) such other information as the Municipal Film Coordinator may prescribe; and
- (b) the following prescribed documents:
  - (i) a film plan providing a detailed description of the proposed filming;
  - (ii) a completed checklist providing further information on the proposed filming;
  - (iii) a signed resolution authorising the individual to act as film organiser;
  - (iv) a signed Code of Conduct as contemplated in section 22;

- (v) a signed indemnity form indemnifying the Municipality as contemplated in section 42;
- (vi) proof of payment of the prescribed fees as contemplated in section 24, if applicable; and
- (vii) such additional documents as the Municipal Film Coordinator may prescribe.

(3) The film organiser must submit the completed permit application form and prescribed documents to the Municipal Film Coordinator online, by email or physically.

(4) The Municipal Film Coordinator must provide the film organiser with the—  
 (a) permit application form contemplated in subsection (2)(a); and  
 (b) prescribed documents as contemplated in subsection (2)(b)(i) to (v),  
 that must be completed and signed by such film organiser.

### **Review of permit applications**

**13.(1)** On receipt of the permit application, the Municipal Film Coordinator must—  
 (a) review the completed permit application form and prescribed documents; and  
 (b) confirm the permit application category.

(2)(a) If the Municipal Film Coordinator determines that—  
 (i) the proposed date or location for the filming is not available;  
 (ii) the film organiser has not complied with the permit application requirements; or  
 (iii) additional information is required,

he or she must, within 5 business days from receiving the permit application, issue a written notice to such film organiser.

(b) The film organiser must, within 5 business days from receipt of the notice—  
 (i) indicate an alternative date or location for the filming;  
 (ii) comply with all permit application requirements; or  
 (iii) provide the required additional information to the Municipal Film Coordinator,  
 as the case may be.

(c) If the film organiser fails to comply with the request in the notice, the Municipal Film Coordinator may reject the permit application as contemplated in section 17.

(3) If the Municipal Film Coordinator is satisfied that—  
 (a) the film organiser has complied with the permit application requirements; and  
 (b) no additional information is required;

he or she must—

- (i) in the case of a micro shoot or small shoot category, consider the permit application;  
or
- (ii) in the case of a medium, large, major or special shoot category, refer the permit application to the Municipal Film Committee for consideration together with his or her recommendation that the permit application be approved or refused.

### **Consideration of permit applications**

**14.(1)** The Municipal Film Coordinator or Municipal Film Committee, as the case may be, must consider each permit application on its own merit in an objective, rational and reasonable manner, having regard to the internal processing times contemplated in Schedule 2.

(2) The following factors must be considered:

- (a) the Municipality's strategic objectives, policies, by-laws, guidelines and procedures;
- (b) the District Municipality's policies, by-laws, guidelines and procedures;
- (c) national and provincial policies, legislation, regulations and guidelines;
- (d) the recommendation of the Municipal Film Coordinator, if applicable;
- (e) the permit application category of the proposed filming;
- (f) the scale and nature of the impact on public health and safety, the environment and the surrounding community;
- (g) security, traffic, noise, lighting and other nuisance considerations;
- (h) the availability of sufficient municipal and emergency services;
- (i) the potential contribution to economic development;
- (j) recording of the film organiser or his or her filming party in the non-compliance register as contemplated in section 32;
- (k) any additional municipal permissions, approvals and processes that may be required;
- (l) any additional third-party permissions, approvals and processes that may be required;
- (m) whether any concerns that the Municipal Film Coordinator or Municipal Film Committee may have, can be satisfactorily addressed; and
- (n) any other relevant factors.

(3) The Municipal Film Coordinator may request the film organiser to—

- (a) clarify or amend submitted information; and
- (b) submit such additional information as may be necessary to consider the permit application.

(4)(a) In the case of a permit application for a medium, large, major or special shoot, the Municipal Film Coordinator must obtain comments from all members of the Municipal Film Committee.

(b) Each member of the Municipal Film Committee must ensure that the requirements of his or her municipal directorate are factored in before a decision is made.

### **Decision on permit applications**

**15.** After considering a permit application as contemplated in section 14, the—

- (a) Municipal Film Coordinator, in the case of a micro or small shoot; or
  - (b) Municipal Film Committee, in the case of a medium, large, major or special shoot,
- must decide to approve or refuse the permit application.

### **Approval of permit applications**

**16.(1)** If the Municipal Film Coordinator or Municipal Film Committee, as the case may be, decides to approve a permit application, the Municipal Film Coordinator must determine if any—

(a) conditions must be attached to the permit to minimise any potential adverse implications for public health and safety, the environment and the surrounding community;

(b) additional municipal permissions, approvals or processes are required by the municipal directorates or in terms of the Municipality's by-laws; and

(c) additional third-party permissions, approvals and processes may, in the opinion of the Municipal Film Coordinator, be required by other organs of state or public or private entities or in terms of national or provincial legislation: Provided that the film organiser is responsible to identify, apply for and obtain or finalise all required third party permissions, approvals and processes.

(2)(a) The Municipal Film Coordinator must then—

(i) issue the permit;

(ii) attach the necessary conditions to the permit;

(iii) inform the film organiser of any additional municipal permissions, approvals or processes that are required; and

(iv) advise the film organiser on any additional third-party permissions, approvals and processes that may be required.

(b) An electronic version of the—

(i) permit;

(ii) conditions; and

(iii) letter detailing the additional municipal and third-party permissions, approvals or processes that are or may be required,

must be forwarded to the film organiser.

(3) The approval of a permit application and issuance of a permit is subject to the film organiser having obtained or finalised the required additional municipal and third-party permissions, approvals and processes as contemplated in sections 18, 19 and 20.

(4) A film organiser must, on request by an authorised municipal official, present the permit electronically or by means of a printout.

### **Rejection or refusal of permit applications**

17.(1) The Municipal Film Coordinator or Municipal Film Committee, as the case may be, may reject or refuse a permit application based on objective, rational and reasonable grounds.

(2) If the Municipal Film Coordinator or Municipal Film Committee, as the case may be, decides to reject or refuse a permit application, the Municipal Film Coordinator must, in writing, inform the film organiser and provide reasons for such decision.

(3) A film organiser may appeal a rejection or refusal as contemplated in section 40.

**CHAPTER 4**  
**ADDITIONAL MUNICIPAL AND THIRD-PARTY PERMISSIONS, APPROVALS AND PROCESSES**

**Commencement of filming prohibited**

**18.** A film organiser may not commence filming before the required additional municipal and third-party permissions, approvals and processes as contemplated in sections 19 and 20 have been obtained or finalised, as the case may be.

**Additional municipal permissions, approvals and processes**

**19.(1)** The Municipal Film Coordinator must act as the central point of contact, liaison, intermediary and repository for a film organiser for any additional municipal permissions, approvals and processes that are required.

(2) Additional municipal permissions, approvals and processes that may be required may, depending on the nature of the filming, relate to, amongst others, the—

- (a) need to obtain indemnity or risk insurance;
- (b) submission of a contingency plan;
- (c) need to notify the public of the filming;
- (d) land use planning and zoning arrangements;
- (e) erection or construction of temporary structures;
- (f) construction of buildings or permanent structures;
- (g) utilisation of municipal services;
- (h) impact on municipal electricity supply infrastructure and systems;
- (i) utilisation of municipal properties, venues or facilities;
- (j) utilisation of municipal parks, reserves and coastal areas;
- (k) utilisation of municipal dams and other water infrastructure;
- (l) utilisation of or impact on municipal roads and provincial and national roads in the Municipality;
- (m) generation of excessive noise;
- (n) impact of lighting;
- (o) utilisation of fireworks, special effects, smoke machines, stunts and other potentially dangerous acts;
- (p) utilisation of explosives, flammable liquids or materials, incendiary devices and fire caused by explosions;
- (q) utilisation of firearms and ammunition;
- (r) utilisation of fixed wing aircraft and helicopters;
- (s) utilisation of remotely piloted aircraft systems (RPAS);
- (t) utilisation of motorised watercraft;
- (u) involvement of children;
- (v) involvement of animals;
- (w) utilisation of outdoor advertising and other municipal advertising channels; and
- (x) utilisation of heritage sites, protected areas, places in a heritage register and heritage areas under the ownership or control of the Municipality.

(3) The Municipality may publish in the Film Permitting Policy specific requirements in respect of the additional municipal permissions, approvals and processes contemplated in this section.

### **Additional third-party permissions, approvals and processes**

**20.**(1) The Municipal Film Coordinator must assist a film organiser with any inputs that may be required from the Municipality as regards additional third-party permissions, approvals and processes that may be required: Provided that a film organiser is responsible to identify, apply for and obtain or finalise all required third party permissions, approvals and processes.

(2) Additional third-party permissions, approvals and processes that may be required may, depending on the nature of the filming, relate to, amongst others, the—

- (a) utilisation of or impact on national and provincial public roads;
- (b) utilisation of protected areas, environmentally sensitive areas, coastal areas and national and provincial parks and reserves;
- (c) utilisation of heritage sites, protected areas, places in a heritage register and heritage areas under the ownership or control of the South African Heritage Resources Agency or Heritage Western Cape;
- (d) utilisation of explosives, flammable liquids or materials, incendiary devices and fire caused by explosions;
- (e) impact on Eskom electricity supply infrastructure and systems; and
- (f) utilisation of fixed wing aircraft and helicopters.

(3) The Municipality may publish in the Film Permitting Policy specific requirements in respect of the additional third-party permissions, approvals and processes contemplated in this section.

## **CHAPTER 5 CONTROL OF FILMING**

### **General prohibitions**

**21.** No person may film in the area of jurisdiction of the Municipality other than—

- (a) a film organiser to whom a permit was issued as contemplated in section 16 and his or her filming party;
- (b) in the venues and on the locations specified in a permit;
- (c) on the dates and during the hours specified in a permit;
- (d) in accordance with the provisions of a permit and any conditions attached to a permit;
- (e) in accordance with any additional municipal and third-party permissions, approvals and processes as contemplated in sections 18, 19 and 20;
- (f) in compliance with the Code of Conduct contemplated in section 22;
- (g) in compliance with the implementation arrangements contemplated in section 23;
- (h) this By-law;
- (i) any other applicable By-law; and
- (j) relevant national and provincial legislation.

### **Code of Conduct**



**22.(1)** The Municipality must, within 60 business days of the commencement of this By-law, develop a Code of Conduct to ensure that film organisers and filming parties conduct themselves in a manner that—

- (a) promotes friendly relations and cooperation with the Municipality, business owners and the public;
- (b) does not cause harm to public health and safety, the environment and the surrounding community; and
- (c) promotes the integrity of the film sector in the Municipality.

(2) A film organiser must—

- (a) adhere to the Code of Conduct; and
- (b) inform his or her filming party of the contents of the Code of Conduct and ensure compliance therewith.

### **Implementation arrangements**

**23.(1)** The Municipality must, within 60 business days of the commencement of this By-law, publish in the Film Permitting Policy implementation arrangements to regulate filming and filming-related activities before, during and after filming.

(2) Implementation arrangements may, depending on the nature of the filming, relate to, amongst others—

- (a) marketing of filming;
- (b) the impact of weather and other factors on scheduled filming and the provisions of a permit;
- (c) the erection and removal of signboards;
- (d) the impact on public roads and supervision by traffic officers;
- (e) the utilisation of storm water systems;
- (f) the impact on municipal electricity supply infrastructure and systems;
- (g) the impact on Eskom electricity supply infrastructure and systems;
- (h) the utilisation of generators, lighting and cabling;
- (i) the utilisation or involvement of explosives, flammable liquids or materials, incendiary devices, fire, fireworks, special effects, smoke machines, stunts and other potentially dangerous acts;
- (j) the utilisation of firearms and ammunition;
- (k) the utilisation of fixed wing aircraft and helicopters;
- (l) the utilisation of remotely piloted aircraft systems (RPAS);
- (m) the utilisation of motorised watercraft;
- (n) the availability of first aid kits and medical rescue equipment;
- (o) the availability of emergency care practitioners and lifeguards;
- (p) the dismantling, clearing and cleaning of film locations or venues;
- (q) the handling, storage and disposal of hazardous and medical waste;
- (r) minimising disruptions to residents and businesses;
- (s) compensation for residents and businesses for inconvenience or disruptions;
- (t) the procurement of local goods and services; and
- (u) community involvement in filming and filming-related activities.

(3) A film organiser must—

- (a) adhere to the implementation arrangements; and
- (b) inform his or her filming party of the implementation arrangements and ensure compliance therewith.

## **CHAPTER 6 FEES, TARIFFS AND DEPOSITS**

### **Fees, tariffs and deposits**

**24.(1)(a)** The Municipality may impose—

- (i) permit application fees; and
- (ii) permit amendment application fees.

(b) If the Municipality decides to impose application fees, it may provide for the exemption of payment of application fees in certain circumstances.

(2)(a) A film organiser must pay an application fee, if applicable, on application.

(b) In the event of a permit application being rejected or refused as contemplated in section 17, the Municipality must refund the permit application fee, if applicable, to the film organiser: Provided that a permit amendment application fee is not refundable.

(3) The Municipality must levy the approved municipal fee or tariff for—

- (a) the provision of a municipal service to a film organiser; and
- (b) the utilisation of a municipal property, venue or facility by a film organiser.

(4)(a) The Municipality may require a film organiser to pay a deposit—

- (i) to cover the provision of a municipal service;
- (ii) for the utilisation of a municipal property, venue or facility;
- (iii) to cover any contingencies; and
- (iv) to recover any damages that may arise from filming or the utilisation of a municipal property, venue or facility.

(b) A film organiser must, if applicable, pay—

- (i) such deposit on receipt of the permit; and
- (ii) any shortfall that may arise after conclusion of filming.

(c) The Municipality must refund the remainder of a deposit, if applicable, to the film organiser after conclusion of filming.

(5) The fees and tariffs contemplated in this section—

- (a) are subject to change; and
- (b) must be published in the Fees and Tariffs By-law, as amended from time to time.

## **CHAPTER 7 COMPLIANCE AND ENFORCEMENT**

### **Obligation to comply**

**25.** A film organiser and his or her filming party must comply with—

- (a) the provisions of a permit and any conditions attached to a permit;
- (b) any additional municipal and third-party permissions, approvals and processes as contemplated in sections 18, 19 and 20;
- (c) the Code of Conduct contemplated in section 22;
- (d) the implementation arrangements contemplated in section 23;
- (e) any lawful request by an authorised municipal official;
- (f) this By-law;
- (g) any other applicable By-law; and
- (h) relevant national and provincial legislation.

### **Right of entry, inspection and monitoring**

**26.(1)** An authorised municipal official may, at any reasonable time and without prior notice, enter any public or private place—

- (a) where filming or filming related activities are being conducted; and
- (b) where he or she has reasonable grounds to suspect that filming or filming related activities are conducted,

to carry out such inspection and monitoring as he or she may deem necessary to determine compliance with this By-law as contemplated in section 25.

(2) No person may—

- (a) interfere with, hinder, obstruct or prevent; or
- (b) attempt to attempt to interfere with, hinder, obstruct or prevent,

an authorised municipal official from entering, inspecting and monitoring as contemplated in subsection (1).

### **Management of non-compliance**

**27.(1)** In the case of non-compliance of a non-serious nature, the Municipal Film Coordinator must—

- (a) attempt to manage and resolve such non-compliance in an informal manner; and
- (b) if such non-compliance cannot be resolved informally, issue a compliance notice as contemplated in section 28.

(2)(a) In the case of non-compliance of a serious nature, the Municipal Film Coordinator must—

- (i) issue a compliance notice as contemplated in section 28; or
- (ii) where it is necessary, reasonable and justifiable to do so to protect public health and safety, the environment or the surrounding community, suspend or revoke the permit with immediate effect.

(b) If a permit has been suspended or revoked as contemplated in paragraph (a)(ii), the provisions of section 29(2) or 30(2), as the case may be, apply.

### **Compliance notices**

**28.(1)** The Municipal Film Coordinator may serve a compliance notice on a film organiser instructing him or her to comply with section 25.

- (2) A compliance notice must be in writing and specify—
- (a) reasons for the compliance notice being issued;
  - (b) the provisions of a permit or conditions attached to a permit, any additional municipal and third-party permissions, approvals and processes, the Code of Conduct, the implementation arrangements, this By-law, any other applicable By-law, and relevant national and provincial legislation not being complied with;
  - (c) remedial actions to be taken;
  - (d) time and date on which the remedial actions must have been implemented;
  - (e) consequences of continued non-compliance; and
  - (f) the right of the film organiser to respond to the compliance notice.

### **Suspension of permits pending compliance**

**29.(1)** The Municipal Film Organiser may suspend a permit pending compliance with the remedial actions specified in a compliance notice contemplated in section 28: Provided that the film organiser must be given reasonable notice of such suspension and an opportunity to be heard.

(2) A film organiser whose permit has been suspended must immediately cease all filming activities.

### **Revocation of permits and shutting down of filming due to continued non-compliance**

**30.(1)(a)** If a film organiser fails to comply with the remedial actions by the time and date specified in a compliance notice, the Municipal Film Coordinator—

- (i) must inform the film organiser in writing that he or she is guilty of an offence as contemplated in section 39; and
- (ii) may revoke the permit: Provided that the film organiser must be given reasonable notice and an opportunity to be heard.

(b) The Municipality may undertake the necessary remedial actions itself and hold the film organiser liable for any resultant costs associated with such actions.

(2)(a) A film organiser whose permit has been revoked must immediately cease all filming activities and shut down such filming.

(b) If the film organiser fails to cease all filming activities and shut down such filming, the Municipality may take the necessary action to shut down such filming and hold the film organiser liable for any resultant costs associated with such actions.

### **Suspension or revocation of permits due to emergencies**

**31.(1)** The Municipal Manager or Municipal Film Coordinator may suspend or revoke a permit in the event of an emergency.

(2) If a permit has been suspended or revoked as contemplated in subsection (1), the provisions of section 29(2) or 30(2), as the case may be, apply.

### **Recording of particulars in non-compliance register**

**32.(1)** Whenever a—

- (a) film organiser has been issued with compliance notice as contemplated in section 28;
- (b) film organiser has his or her permit suspended or revoked due to a non-compliance or continued non-compliance as contemplated in section 27(2)(a)(ii), 29 or 30, as the case may be; or
- (c) film organiser or a filming party has been convicted of an offence as contemplated in section 39,

the Municipal Film Coordinator must record the details of such a person and the particulars of the non-compliance or offence, as the case may be, in the non-compliance register.

(2)(a) The Municipal Film Coordinator must, in writing, inform the film organiser or filming party concerned of such recording.

(b) The film organiser or filming party concerned may—

- (i) appeal the recording in accordance with section 40; and
- (ii) after a period of three years and on good cause shown, request the Municipal Film Committee in writing to consider his or her removal from the non-compliance register.

(3) If a—

- (a) film organiser; or
- (b) film organiser whose filming party includes a person,

whose details have been recorded in the non-compliance register by reason of the issuance of a compliance notice, applies for a permit, the Municipal Film Coordinator or Municipal Film Committee, as the case may be, must consider the nature of the non-compliance as contemplated in section 14 before deciding to approve or refuse a permit application.

(4) Notwithstanding the provisions of subsection (3), a

- (a) film organiser; or
- (b) film organiser whose filming party includes a person,

whose details have been recorded in the non-compliance register by reason of—

- (i) the revocation of a permit due to non-compliance or continued non-compliance as contemplated in section 27(2)(a)(ii) or 30, as the case may be; or
- (ii) having been convicted of an offence as contemplated in section 39,

is disqualified from being issued with a permit.

## **CHAPTER 8 GENERAL PROVISIONS**

### **Financial and non-financial support for filming**

**33.(1)(a)** The Municipality may, on application and on a case-by-case basis, decide to provide support to filming.

(b) Support may include support of a financial or non-financial nature, or a combination of financial and non-financial support.

(2) The Municipality must, before providing support as contemplated in subsection (1),

- (a) identify priority or strategic areas for support;

- (b) ensure that such support is in line with the Municipal Finance Management Act and municipal financial policies; and
- (c) publish in the Film Permitting Policy guidelines to effectively manage such support.

### **Bidding and hosting by Municipality**

**34.**(1) The Municipality may—

- (a) on its own accord; and
- (b) with other organs of state and private entities,

bid to host and host filming in the area of jurisdiction of the Municipality.

(2) The hosting of any filming and the procurement of any goods and services in support of such filming by the Municipality—

- (a) must be conducted in line with the Municipal Finance Management Act and Municipal Supply Chain Management Policy; and
- (b) are subject to budget availability and budgetary approval.

(3) The Municipality may develop guidelines to manage municipal filming bidding and hosting.

### **Relationship and cooperation with film sector stakeholders**

**35.**(1) The Municipality must cooperate with film sector stakeholders, including—

- (a) the Provincial Government;
- (b) Wesgro;
- (c) the District Municipality; and
- (d) the broader film industry,

to pursue the standardisation of permitting, planning and monitoring of filming throughout the Province and to give effect to the objectives of the By-law as contemplated in section 2.

(2) The Municipal Film Coordinator must—

- (a) receive all inquiries sent by, and correspond with film sector stakeholders;
- (b) coordinate filming-related activities with film sector stakeholders;
- (c) liaise between film organisers and film sector stakeholders; and
- (d) allow film sector stakeholders to provide support the Municipality.

(3) The local community is encouraged to assist the Municipality in creating a conducive environment for establish the Municipality as a filming-ready and filming-friendly location.

(4) Business owners are encouraged to provide and supply, subject to the necessary contractual arrangements, such local goods and services as might be required by a film organiser and his or her filming party.

### **Permit amendments**

**36.**(1) A permit issued in terms of this By-law is not transferrable.

(2) In the event that a film organiser wishes to amend—

- (a) the venues or locations of filming; or

(b) the dates or hours of filming,  
as specified in the permit or in the conditions attached to a permit, he or she must submit—  
(i) a completed permit amendment application form; and  
(ii) proof of payment of the prescribed fees as contemplated in section 24, if applicable,  
to the Municipal Film Coordinator online, by email or physically.

(3) If the Municipal Film Coordinator is of the opinion that such amendment—  
(a) will not have a material impact on the factors contemplated in section 14(2), he or she must reissue the permit with the amended details; or  
(b) will have a material impact on the factors contemplated in section 14(2) or cannot be effected due to practical or operational reasons, he or she must decline the permit amendment application.

(4) The Municipal Film Coordinator must provide the film organiser with the permit amendment application form contemplated in subsection (2)(i) that must be completed and signed by the film organiser.

(5)(a) A permit amendment as contemplated in section does not derogate the film organiser from—

(i) the provisions, terms or conditions of any additional municipal and third-party permissions, approvals and processes that have already been applied for, obtained or finalised; and

(ii) any additional municipal and third-party permissions, approvals and processes that must still be applied for, obtained or finalised,

as contemplated in sections 18, 19 and 20.

(b) The film organiser is responsible for ensuring that any amendments to a permit are, where applicable, effected in such additional municipal and third-party permissions, approvals and processes.

### **Exemptions**

**37.(1)** Notwithstanding the provisions of this By-law, the Municipality may, on reasonable grounds, decide to exempt certain permit application categories from the permit requirements contemplated in section 9.

(2) The Municipality must, before granting an exemption as contemplated in subsection (1)—

(a) take reasonable measures to ensure that any person whose rights may be adversely affected by the granting of such exemption is notified of the envisaged exemption;

(b) provide any such person with a reasonable opportunity to object to the envisaged exemption; and

(c) duly consider any objections received.

(3) The Municipality may impose any such conditions to an exemption as it may deem necessary.

### **Prescribed forms**

**38.** The Municipality must publish such prescribed or standard forms and other documents—

- (a) as specified in this By-law; and
- (b) as may be needed to further contribute to effective, efficient and streamlined permitting processes.

### **Offences and penalties**

**39.(1)** A person who—

- (a) films without a valid permit;
  - (b) contravenes a provision of a permit or a condition attached to a permit;
  - (c) fails to obtain, finalise or adhere to, as the case may be, any additional municipal and third-party permissions, approvals and processes as contemplated in sections 18, 19 and 20;
  - (d) fails to comply with the Code of Conduct contemplated in section 22;
  - (e) fails to comply with the implementation arrangements contemplated in section 23;
  - (f) fails to comply with a lawful request by an authorised municipal official;
  - (g) deliberately furnishes false or misleading information to an authorised municipal official;
  - (h) threatens, resists, interferes with, hinders or obstructs an authorised municipal official in the performance of his or her duties as contemplated in this By-law;
  - (i) fails to comply with the terms of a compliance notice as contemplated in section 28;
  - (j) fails to immediately cease all filming activities when a permit has been suspended as contemplated in sections 27(2)(a)(ii) and 29;
  - (k) fails to immediately cease all filming activities and shut down such filming activities when a permit has been revoked as contemplated in sections 27(2)(a)(ii) and 30;
  - (l) fails to pay any shortfall that may arise after conclusion of the filming as contemplated in section 24(4)(b)(ii);
  - (m) contravenes a provision of this By-law;
  - (n) contravenes a provision of any other applicable By-law; or
  - (o) contravenes a provision of relevant national or provincial legislation,
- is guilty of an offence and may, on conviction, be liable to the payment of a fine or imprisonment, or both a fine and imprisonment.

(2) An offence provided for in another applicable By-law or in national or provincial legislation must be dealt with by the relevant authority as contemplated in the legislation concerned.

### **Appeals**

**40.** Any person whose rights are affected by a decision taken in terms of this By-law, may appeal such a decision as contemplated in section 62 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

### **Delegations**

**41.(1)** The Municipal Manager—

- (a) must delegate overall responsibility for filming in the area of jurisdiction of the Municipality to the Municipal Film Coordinator as contemplated in section 5; and
- (b) may delegate such other powers, functions and duties to the Municipal Film Coordinator, another authorised municipal official or municipal staff member as may be



necessary to ensure the effective and efficient implementation of this By-law and the Film Permitting Policy.

(2) Any delegation contemplated in subsection (1)—

(a) may be made subject to such conditions as the Municipal Manager may determine; and

(b) must be in writing.

(3)(a) The Municipal Manager may, at any time, withdraw a delegation contemplated in subsection (1).

(b) A withdrawal of a delegation must be in writing.

### **Exemption of liability**

**42.** The Municipality is not liable for any damage, loss or compensation—

(a) resulting from any lawful actions performed in good faith in terms of this By-law by the Municipality, an authorised municipal official or any municipal staff member; and

(b) arising from any filming conducted by a film organiser, a filming party or any other person in the area of jurisdiction of the Municipality.

### **Transitional arrangements**

**43.(1)** Notwithstanding the provisions of this By-law, an existing permit remains valid—

(a) until such permit expires;

(b) until such permit is revoked; or

(c) for 60 business days of the commencement of this By-law,

whichever occurs first, whereafter the existing permit holder must apply for a new permit as contemplated in section 12.

(2) An existing permit holder must comply with—

(a) the provisions of such permit and any conditions attached to such permit;

(b) any additional municipal and third-party permissions, approvals and processes that have been obtained or finalised, as the case may be;

(c) the Code of Conduct contemplated in section 22;

(d) the implementation arrangements contemplated in section 23;

(e) any other applicable By-law; and

(f) relevant national and provincial legislation.

### **Monitoring, evaluation and review**

**44.(1)** The Municipal Film Committee must—

(a) monitor and evaluate the implementation of this By-law and the Film Permitting Policy on an ongoing basis; and

(b) review this By-law and the Film Permitting Policy at least every two years.

(2) The Municipality may develop a monitoring, evaluation and review framework for the By-law and the Film Permitting Policy.

**Impact on existing by-laws, processes and procedures**

**45.** The Municipality must align existing by-laws, policies, processes and procedures to ensure—

- (a) the realisation of the objectives; and
  - (b) the full and effective implementation,
- of this By-law.

**Conflicts**

**46.** In the event of a conflict between the English, Afrikaans and Xhosa texts of this By-law, the English text prevails.

**Amendment and repeal of by-laws**

**47.** The by-laws mentioned in Schedule 1 are hereby amended or repealed to the extent indicated in the third column of the Schedule.

**Short title**

**48.** This By-law is called the xxx Municipality Film Permitting By-law, 20XX.

**SCHEDULE 1**  
**AMENDMENT AND REPEAL OF LAWS**  
*(Section 47)*

<b><i>No. and Year of By-law</i></b>	<b><i>Short Title</i></b>	<b><i>Extent of Amendment or Repeal</i></b>

**SCHEDULE 2**  
**CATEGORIES, CLASSIFICATION CRITERIA AND INTERNAL PROCESSING TIMES OF**  
**PERMIT APPLICATIONS**  
*(Section 11)*

<b>Category</b>	<b>Classification Criteria</b>	<b>Internal Processing Time</b>
Private micro shoot	A shoot on private land that meets all four of the following determining factors: (a) comprises 1-15 persons; and (b) comprises 0-5 vehicles; and (c) has a duration of less than one day; and (d) does not involve any one or more of the impact factors specified under any other category.	2 business days
Public micro shoot	A shoot on public land that meets all four of the following determining factors: (a) comprises 1-15 persons; and (b) comprises 0-5 vehicles; and (c) has a duration of less than one day; and (d) does not involve any one or more of the impact factors specified under any other category.	3 business days
Small shoot	A shoot on public or private land that comprises 16-30 persons and 0-10 vehicles OR A shoot on public or private land that comprises 1-30 persons and 6-10 vehicles OR A shoot on public or private land that has a duration of 1-2 days OR ANY shoot on public or private land that— (a) comprises 1-15 persons and 0-5 vehicles; and (b) has a duration of less than one day, AND THAT ALSO involves any one or more of the following impact factors: (i) the generation of limited excessive noise during daytime or night-time hours that do not require a noise exemption (e.g., small generators); or (ii) the utilisation of remotely piloted aircraft systems (RPAS).	5 business days
Medium shoot	A shoot on public or private land that comprises 31-100 persons and 0-30 vehicles OR A shoot on public or private land that comprises 1-100 persons and 11-30 vehicles	7 business days

<b>Category</b>	<b>Classification Criteria</b>	<b>Internal Processing Time</b>
	<p>OR</p> <p>A shoot on public or private land that has a duration of 3-5 days</p> <p>OR</p> <p>ANY shoot on public or private land that—  (a) comprises 1-30 persons and 0-10 vehicles; or  (b) has a duration of 2 days or less,  AND THAT ALSO involves any one or more of the following impact factors:</p> <ul style="list-style-type: none"> <li>(i) the generation of excessive noise during daytime hours that requires a noise exemption (e.g., large generators); or</li> <li>(ii) the use of limited lighting during night-time hours; or</li> <li>(iii) the provision of limited or regular municipal services by the Municipality; or</li> <li>(iv) the erection of minimal or minor temporary structures; or</li> <li>(v) the utilisation of municipal properties, venues or facilities; or</li> <li>(vi) the utilisation of municipal parks, municipal reserves and municipal coastal areas; or</li> <li>(vii) the utilisation of municipal dams and other municipal water infrastructure; or</li> <li>(viii) partial municipal road closures or minimum municipal road modifications; or</li> <li>(ix) limited traffic assistance by Municipality; or</li> <li>(x) the utilisation of fireworks, special effects or smoke machines or performance of stunts and other potentially dangerous acts; or</li> <li>(xi) the utilisation of fixed wing aircraft and helicopters; or</li> <li>(xii) the utilisation of motorised watercraft; or</li> <li>(xiii) the involvement of children; or</li> <li>(xiv) the involvement of animals; or</li> <li>(xv) the utilisation of outdoor advertising and other municipal advertising channels.</li> </ul>	
Large shoot	<p>A shoot on public or private land that comprises 101-200 persons and 0-70 vehicles</p> <p>OR</p> <p>A shoot on public or private land that comprises 1-200 persons and 31-70 vehicles</p> <p>OR</p> <p>A shoot on public or private land that has a duration of 6 to 14 days</p> <p>OR</p> <p>ANY shoot on public or private land that—  (a) comprises 1-100 persons and 0-30 vehicles; or  (b) has a duration of 5 days or less,  AND THAT ALSO involves any one or more of the following impact factors:</p> <ul style="list-style-type: none"> <li>(i) the generation of excessive noise during night-time hours that requires a noise exemption (e.g., large generators); or</li> </ul>	10 business days

<b>Category</b>	<b>Classification Criteria</b>	<b>Internal Processing Time</b>
	<ul style="list-style-type: none"> <li>(ii) the use of extensive lighting during night-time hours; or</li> <li>(iii) a limited impact on municipal electricity supply infrastructure and systems; or</li> <li>(iv) the provision of extensive municipal services by the Municipality; or</li> <li>(v) the erection of extensive or major temporary structures; or</li> <li>(vi) full road closures or road modifications; or</li> <li>(vii) comprehensive traffic assistance by Municipality; or</li> <li>(viii) any impact on, or utilisation of, protected areas, environmentally sensitive areas, coastal areas and national and provincial parks and reserves; or</li> <li>(ix) any impact on, or utilisation of, culturally or historically sensitive areas; or</li> <li>(x) the utilisation of explosives, flammable liquids or materials, incendiary devices and fire; or</li> <li>(xi) the utilisation of firearms or ammunition; or</li> <li>(xii) any impact on, or utilisation of, national or provincial public roads and traffic.</li> </ul>	
Major shoot	<p>A shoot on public or private land that comprises more than 200 people and 0-70 vehicles</p> <p>OR</p> <p>A shoot on public or private land that comprises one or more persons and more than 70 vehicles</p> <p>OR</p> <p>A shoot on public or private land that has a duration of more than 14 days</p> <p>OR</p> <p>ANY shoot on public or private land that—</p> <ul style="list-style-type: none"> <li>(a) comprises 1-200 persons and 0-70 vehicles; or</li> <li>(b) has a duration of 14 days or less,</li> </ul> <p>AND THAT ALSO involves any one or more of the following impact factors:</p> <ul style="list-style-type: none"> <li>(i) a major impact on municipal electricity supply infrastructure and systems; or</li> <li>(ii) any impact on Eskom electricity supply infrastructure and systems; or</li> <li>(iii) the provision of extraordinary or special municipal services by the Municipality that necessitate assistance from the District Municipality or neighbouring municipalities; or</li> <li>(iv) land use planning implications; or</li> <li>(v) the erection of buildings or permanent structures.</li> </ul>	15 business days
Special shoot	A shoot that requires special application directives on account of unique or additional factors that need to be considered over and above the size, duration and impact factors referred to above.	As may be determined by the Municipal Film Coordinator