

CITY OF CAPE TOWN

EVENTS BY-LAW

APPROVED BY COUNCIL : 30 MARCH 2009
C 59/03/09

PROMULGATED 22 MAY 2009
PG 6630; LA 4761

THIS BY-LAW WAS AMENDED BY COUNCIL:
28 OCTOBER 2009 - C 09/10/09

[DECISION TAKEN ON 28 OCTOBER 2009 RESCINDED BY COUNCIL
ON 09 DECEMBER 2010 – C 11/12/10]

AMENDED BY COUNCIL
09 DECEMBER 2010 – C 11/12/10

CITY OF CAPE TOWN
EVENTS AMENDMENT BY-LAW, 2009

GENERAL EXPLANATORY NOTE:

___ Words underlined indicate insertions in existing By-law

[] Words in bold square brackets indicate omissions in existing By-law

To provide for the amendment of the City of Cape Town: Events By-law, 2009; to provide for penalties; and to provide for matters connected therewith.

BE IT ENACTED by the Council of the City of Cape Town, as follows –

Substitution of section 15 of the City of Cape Town: Events By-law, 2009

1. The following section is hereby substituted for section 15 of the City of Cape Town: Events By-law, 2009:

"Offences and Penalties

[15. (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 a fine or a term of imprisonment, or both such fine and such imprisonment.]

(1) Any person who –

(a) holds an event without a permit, in contravention of section 4(1);

(b) is an event organizer and whose application to hold an event has been approved, fails to comply with any provision of this By-law or contravenes a provision of any other law relating to events for which the City is responsible for implementation and enforcement, in contravention of section 7(a);

- (c) fails to ensure that the conduct of persons attending an event and the activities undertaken or carried out at an event do not disturb the neighbouring community and the residents, in contravention of section 7(b);
- (d) fails to ensure compliance with a notice issued by the Events Permit Officer or a Law Enforcement Officer in terms of section 8(1), in contravention of section 7(c).

shall be guilty of an offence.

(2) A person who commits an offence in terms of this By-Law shall, on conviction, be liable –

- (a) in the case of an offence referred to in subsection (1)(a) or (b), to a fine or to imprisonment for a period not exceeding twelve months, or to both such fine and such imprisonment;
- (b) in the case of an offence referred to in subsection (1)(c), to such fine as the court may deem fit to impose or to imprisonment for a period not exceeding five years, or to both such fine and such imprisonment;
- (c) in the case of an offence referred to in subsection (1)(d), to such fine as the court may deem fit to impose or to imprisonment for a period not exceeding 10 years, or to both such fine and such imprisonment."

Short Title

2. This is called the City of Cape Town: Events Amendment By-law, 2009.

CITY OF CAPE TOWN

EVENTS BY-LAW

To provide for the management and regulation of events within the area of jurisdiction of the City of Cape Town; to provide for the enforcement of this By-law; and to provide for matters incidental thereto.

PREAMBLE

WHEREAS the City of Cape Town recognizes that the hosting of events is a significant part of its competitiveness strategy and acknowledges that events have an important role in modern cities to enhance cultural and social cohesion in communities, support urban rejuvenation and economic growth;

WHEREAS the City of Cape Town aims to regulate holding of events in a manner that ensures proper management thereof;

WHEREAS the City of Cape Town wishes to support the co-ordination and collaboration between all role-players, to promote partnerships and to enhance the effect of events in the City;

AND WHEREAS the City wants to ensure that events happen safely and securely in a coordinated manner in the City of Cape Town;

AND NOW THEREFORE, BE IT ENACTED by the City of Cape Town, as follows:—

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Chapter 1

Definitions and Application

Definitions

1. In this By-law, unless the context otherwise indicates —

“**authorized official**” means an official of the City authorized to implement or enforce the provisions of any other law;

“**City**” means the City of Cape Town 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;

“**City Manager**” means the person appointed as City Manager in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

“**Council**” means the council of the City of Cape Town or any political structure, political office bearer, councillor or any staff member acting under council's delegated or sub-delegated authority;

“**event**” means —

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

or any similar activity hosted at a stadium, 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 any venue, or filming staged in terms of the By-law relating to Filming;

“**event organiser**” 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;

“**Event Permit Officer**” means the head of the City of Cape Town events permit office or any other official delegated by him or her;

“**Events Policy**” means the event policy of the City;

“**Law Enforcement Officer**” includes members of the Metro Police of the City and traffic services;

“**permit**” means a permit issued for the holding of an event in terms of section 5(3);

“**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 or body who is affected or has a role to play in the management or holding of an event;

“**this By-law**” includes the Schedules hereto;

“venue” means any open space, enclosed or semi-enclosed temporary structure or permanent structure zoned in terms of the applicable legislation –

- (a) within which a temporary or permanent structure may be erected, where an event is to be hosted; and
- (b) which, for the purposes of any categorization, designation and certification of an event may consist of —
 - (i) seating for spectators, attendees or an audience; or
 - (ii) a field of play or a permanent or temporary podium or other area within a venue, reserved for the purposes of hosting an event;

“venue owner” means any person or legal entity that, now or in the future, will directly or indirectly own, lease, rent, acquire or exercise the powers of an owner or occupier of a venue used for events.

Application of this By-Law

2. (1) This By-law applies to any event held within the area of jurisdiction of the City, 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 City and the surrounding community.

(2) This By-Law does not apply to –

- (a) events of fewer than 50 persons where there is no amplified sound or no temporary structures to be used; and
- (b) small events such as family and community events held on private property or purpose built venues, subject to any other legislation.

(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; and
- (b) owners or managers of purpose-built venues must submit an application to the events permit office for approval of their events programmes which shall be valid for one year.

(5) The 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 or policy of the City this By-law shall prevail regarding the management and holding of events.

Chapter 2

Application process, requirements, decisions and enforcement

Submission of applications for approval to hold or stage events

3. (1) An application to hold or stage an event must be made by the event organiser and submitted –

- (a) by a person who is at least 18 years old;
- (b) in a form as prescribed by the Events Permit Officer;
- (c) within the prescribed time frames; and
- (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 office.

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

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

Requirements and conditions

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

(2) An application for an event must comply with the provisions of this By-law and contain such information as indicated in the prescribed application form as set out in the Schedule 2.

(3) The event organiser may not advertise the planned event before an application is submitted to the City and the Event Permit Officer has informed the event organiser that the application has been approved in terms of section 5(1).

(4) The Events Permit Officer must, in terms of the Events Policy depending on the nature of the event, ensure that consultation with relevant stakeholders identified by the City is undertaken by the event organizer.

(5) The Council must, as part of its budgeting process in terms of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003), determine tariffs and deposit payable for events.

(6) The City 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
- (b) costs incurred by an event organiser or any third party.

(7) The event organiser, or the venue owner in the case of a small event referred to in section 2(2)(b), shall be liable for the cost of any service provided by the City for or in respect of an event.

Decisions on events

5. (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 with conditions.

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

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

Criteria

6. 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) impact of the event in terms of the strategic fit to the Events Policy;
- (c) impact of the event in respect of noise and amplified sound, traffic and logistical aspects, as well as marketing, economic, social and environmental objectives;
- (d) the proposed use of the land complies with the applicable zoning scheme and any conditions applicable thereunder;
- (e) the safety and security risk management of the event in respect of the event plan, logistics, location, site design and other activities taking place near or at the event venue and other threats to the event;
- (f) return on investment of the event, in cases where the event is sponsored fully or partly by the City; and
- (g) the event complies with all applicable legislation.

Holding of an event

7. Event organisers whose applications have been approved in terms of this By-law are responsible for the event and must ensure that —

- (a) the event is held in compliance with the provisions of this By-law and does not contravene any other law;
- (b) the conduct of persons attending an event and the activities undertaken or carried out at the event do not negatively impact on affected communities during such event;
- (c) any compliance notice issued by the Events Permit Officer in terms of section 8 is complied with.

Compliance notice

8. (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 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 City 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.

Inspections and right of access

9. (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) doing anything authorised or required to be done by the City 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, by notice in writing served on the owner or occupier of any property, require such owner or occupier to provide, on the day and at the hour specified in such notice, access to such property to a person and for a purpose referred to in subsection (2).

Suspension and revocation of permit

10. (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, and the event organiser shall be liable for any costs incurred thereby; 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 City may, where the Event 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

Agreements and partnerships

11. (1) The City 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 City 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 City.

(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 may be liable in the event of non-compliance therewith.

Delegations

12. (1) The Events Permit Officer may delegate any of the powers conferred on him or her in this By-law to any other official of the City.

The Events Permit Officer must, once an application for an event has been approved in terms of this By-law but before such approval is communicated to the event organizer, consult with the chairperson and manager of the relevant sub-council and the ward councillor, and such consultation shall be deemed to be an approval in terms of the System of Delegations of the City.

Right of Appeal

13. (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)

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

Indemnity

14. (1) The event specialized must provide —

- (a) evidence, to the satisfaction of the City Manager, of appropriate indemnity cover; and
- (b) where an activity which may put the public at risk will be involved, evidence to the satisfaction of the Events Permit Officer of appropriate specialized risk insurance, blanket liability or work cover.

(2) The City 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.

Offences and Penalties

15. (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 a fine or a term of imprisonment, or both such fine and such imprisonment.

Short title

16. This By-Law is called City of Cape Town: Events By-Law.

Schedule 1**SCHEDULE OF EVENTS APPLICATION TIMEFRAMES**

Subject to applicable criteria, the following timeframes below will apply:

SIZE	CROWD SIZE/NO OF PARTICIPANTS	MINIMUM TIME FOR SUBMISSION OF AN APPLICATION TO THE CITY 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 CITY TO RESPOND TO AN APPLICATION FOR STAGING AN EVENT	APPEALS TO BE LODGED BY APPLICANT WITH CITY WITHIN	APPEAL TO BE DECIDED BY CITY WITHIN
Small	50 to 2000	15 working days (3 weeks)	10 working days (2 weeks)	24 hours of receipt of written notice from the City indicating failure to resolve conflict	24 hours of receipt of written notice of appeal
Medium	2001–5000	20 working days (4 weeks)	15 working days (3 weeks)	48 hours of receipt of written notice from the City indicating failure to resolve conflict	Within 48 hours of receipt of written notice
Large	5001–10 000	25 working days (5 weeks)	20 working days (4 weeks)	48 hours of receipt of written notice from the City indicating failure to resolve conflict	Within 3 working days
Very Large	10 001–above	60 working days 3 months (minimum, 6 months ideal)	40 working days (2 months)	48 hours of receipt of written notice from the City indicating failure to resolve conflict	Within 5 working days

NOTE:

- 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.
- 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.
- Any event which involves an application for a temporary land use departure and where the departure has not been granted must follow the appeal process as outlined in the Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985)

Schedule 2**EVENTS REQUIREMENTS LISTING**

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

- Description of event: including type, date, venue, locality and number and profile of participants.
- Event Programme: full details and times, plus contact details for person responsible for each aspect of event.
- Layout of event: including stages, marquees, catering, venue operation centre etc.
- Zoning confirmation of the permitted land use or land use planning approval where necessary.
- 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 City.
- 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.
- i. 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. (City of Cape Town Informal Trading and City Health By-Law requirements and related legislative requirements).
- 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/marqueses. (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. City of Cape Town 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 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.

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)

SECTION	OFFENCE	FINE	FINES FOR REPEAT OFFENDERS [SECTION 8(5)]
4(1)	Holding an event without a permit	Small event – R1 000 Medium event – R5 000 Large event – R10 000 Very large event – R15 000	R10 000 R50 000 R100 000 R150 000
7(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 – R10 000 Very large event – R15 000	R10 000 R50 000 R100 000 R150 000
7(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 – R10 000 Very large event – R15 000	R20 000 R80 000 R200 000 R300 000
7(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 – R10 000 Very large event – R15 000	R20 000 R80 000 R200 000 R300 000
8(1)	Failure to comply with a compliance notice issued by the Events Permit Officer or Law Enforcement Officer	Small event – R1 000 Medium event – R5 000 Large event – R10 000 Very large event – R15 000	R50 000 R100 000 R400 000 R600 000

STAD KAAPSTAD

VERORDENING OP GELEENTHEDE

Om voorskrifte neer te lê vir die bestuur en regulering van geleenthede binne die regsgebied van die Stad Kaapstad; vir die toepassing van hierdie verordening, en vir sake bykomend daartoe.

AANHEF

NADEMAAL die Stad Kaapstad besef dat die aanbod van geleenthede 'n belangrike deel van die mededingendheidsstrategie van die Stad Kaapstad uitmaak, en voorts erken dat geleenthede 'n belangrike rol in moderne stede speel om kulturele en maatskaplike samehang in gemeenskappe te verbeter en stedelike vernuwings en ekonomiese groei te ondersteun;

NADEMAAL die Stad Kaapstad dit ten doel stel om die aanbod van geleenthede sodanig te reguleer om die behoorlike bestuur daarvan te verseker;

NADEMAAL die Stad Kaapstad koördinerings en samewerking tussen alle rolspelers wil ondersteun, vennootskappe in die hand wil werk, en die byvoordele van geleenthede vir die Stad wil versterk;

EN NADEMAAL die Stad wil verseker dat geleenthede veilig en gekoördineerd in die Stad Kaapstad plaasvind;

DAAROM AANVAAR die Stad Kaapstad die volgende verordening:

Inhoudsopgawe

Hoofstuk 1

Woordomskrywing en toepassing

Woordomskrywing

1. In hierdie verordening, tensy uit die samehang anders blyk, beteken:

“belanghebbende” ook enige persoon, organisasie of liggaam wat geraak word deur of ’n rol het in die bestuur of aanbied van ’n geleentheid; **“doelgeboude vergaderplek”** ’n korrek gesoneerde vergaderplek wat bepaald gebou en geskik is vir die aanbied van spesifieke geleentheid;

“geleentheid”:

- (a) enige sport-, ontspannings- of vermaakgeleentheid, wat lewende optredes insluit;
- (b) enige opvoedkundige, kulturele of godsdienstige geleentheid;
- (c) enige sakegeleentheid, wat bemerkings-, openbare-betrekkinge-, produkbevorderings- of tentoonstellingsgeleentheid insluit; of
- (d) enige liefdadigheidsgeleentheid, wat enige konferensie-, organisasie- of gemeenskapsgeleentheid insluit,

of enige soortgelyke aktiwiteit wat in ’n stadion of vergaderplek of op ’n roete of in die omliggende gebied daarvan aangebied word, en wat oor ’n duidelike program, beheer en rekenpligtigheid beskik, maar wat ’n geleentheid wat deur ’n privaat persoon in sy/haar privaat hoedanigheid by enige vergaderplek aangebied word, sowel as verfilming ingevolge die Verordening op Verfilming uitsluit;

“geleentheidsbeleid” die geleentheidsbeleid van die Stad;

“geleentheidsorganiseerder” ’n persoon wat hetsy self of namens ’n ander persoon, liggaam of organisasie ingevolge hierdie verordening ’n aansoek indien om ’n geleentheid aan te bied;

“geleentheidspermitbeampte” die hoof van die Stad Kaapstad se geleentheidspermitkantoor, of enige ander amptenaar aan wie hy/sy bevoegdhede oorgedra word;

“gemagtigde amptenaar” ’n amptenaar van die Stad wat gemagtig is om die bepalings van enige ander wet in werking te stel of toe te pas;

“hierdie verordening” ook die bylaes hierby;

“openbare plek”:

- (a) enige openbare grond; plein; openbare swembad; openbare oord; openbare ontspanningsterrein; diere-, plante- of ander openbare tuin, en enige park of staproete, wat enige gedeelte daarvan en enige gerief of apparaat daarin of -op insluit, asook enige openbare oop ruimte, openbare pad, padreserwe, reserwestraat, meer, dam of rivier;
- (b) enige openbare gebou, struktuur, saal, lokaal of kantoor, wat enige deel daarvan en enige gerief of apparaat daarin insluit, wat die eiendom is, in die besit is of onder die beheer is van of gehuur word deur die Stad, en waartoe die algemene publiek toegang het, hetsy deur die betaling van toegangsgeld of nie;
- (c) enige natuurbewaringsgebied, wat insluit:
 - (i) natuurreservate;
 - (ii) bewaarde natuurgebiede;
 - (iii) natuurbewaringswaardige gebiede; of
 - (iv) oop natuurruimtes;

“permit” ’n permit uitgereik vir die aanbied van ’n geleentheid ingevolge artikel 5(3);

“raad” die raad van die Stad Kaapstad, of enige politieke struktuur, politieke ampsdraer, raadslid of enige personeellid wat ingevolge die raad se gedelegeerde of subgedelegeerde bevoegdheid optree;

“Stad” die Stad Kaapstad soos ingevolge artikel 12 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (nr. 117 van 1998) volgens Provinsiale Kennisgewing nr. 479 van 22 Desember 2000 ingestel;

“stadsbestuurder” die persoon aangestel as stadsbestuurder ingevolge artikel 82 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (nr. 117 van 1998);

“vergaderplek” enige oop ruimte, of ingeslote of semi-ingeslote tydelike of permanente struktuur wat ingevolge die toepaslike wetgewing gesoneer is:

- (a) waarin of -op ’n tydelike of permanente struktuur vir die aanbied van ’n geleentheid opgerig kan word; en
- (b) wat vir die doeleinde van enige kategorie, soort en klas geleentheid kan bestaan uit:
 - (i) sitplek vir toeskouers, gaste of ’n gehoor; of
 - (ii) ’n speelveld of permanente of tydelike podium of ander area in sodanige vergaderplek wat vir die aanbied van ’n geleentheid bestem is;

“vergaderplekeienaar” enige persoon of regsenteit wat hetsy nou of in die toekoms, hetsy regstreeks of nieregstreeks, die bevoegdhede van ’n eienaar of huurder van ’n vergaderplek vir geleentheid het, huur, bekom of uitoefen; en

“wetstoepassingsbeampte” ook ’n lid van die metropolisie van die Stad, sowel as ’n verkeersbeampte.

Toepassing van hierdie verordening

2. (1) Hierdie verordening is van toepassing op enige geleentheid wat in die regsgebied van die Stad plaasvind, wat geleentheid op sowel privaat grond as openbare plekke insluit, met dien verstande dat waar ’n geleentheid onderworpe aan enige ander toepaslike wetgewing op privaat grond gehou word, dit ’n impak op die hulpbronne van die Stad en die omringende gemeenskap het.

- (2) Hierdie verordening is nie van toepassing nie:
- op geleenthede met minder as 50 mense, sonder versterkte klank of tydelike strukture; en
 - op klein geleenthede, soos familie- en gemeenskapsbyeenkomste, wat op privaat eiendom of in doelgeboude vergaderplekke aangebied word, onderworpe aan enige ander wetgewing.
- (3) Ondanks subartikel (2) hier bo, kan die geleentheidspermitbeampte of 'n wetstoepassingsbeampte:
- wanneer hy/sy van oordeel is dat 'n geleentheidsorganiseerder hierdie verordening oortree of waarskynlik sal oortree; of
 - wanneer 'n belanghebbende wat deur die impak en risiko verbonde aan 'n geleentheid geraak word, 'n klagte by die geleentheidspermitbeampte of wetstoepassingsbeampte indien,
- ingevolge artikel 8 'n nakomingskennisgewing aan die geleentheidsorganiseerder uitreik, en ingevolge hierdie verordening optree.
- (4) Doelgeboude vergaderplekke word, met betrekking tot geleenthede wat gewoonlik in sodanige plekke aangebied word, nie by hierdie verordening ingesluit nie, met dien verstande dat:
- hierdie uitsluiting nie geld vir geleenthede, of dele van geleenthede, wat buite die vergaderplek of gebou gehou word, of wat weens die aard, grootte of impak daarvan as buite die normale gebruiksgrense van die vergaderplek beskou word nie; en
 - eienaars of bestuurders van doelgeboude vergaderplekke 'n aansoek by die geleentheidspermitkantoor indien om goedkeuring van hulle geleentheidsprogramme, welke goedkeuring vir 'n jaar sal geld.
- (5) Die geleentheidspermitbeampte kan van tyd tot tyd direktiewe oor bepaalde of spesiale aansoekprosedures vir enige bepaalde of spesiale geleentheid uitreik, wat van die maatstawwe waarna daar in artikel 6 verwys word, kan verskil.
- (6) In geval van strydigheid tussen hierdie verordening en enige ander verordening of beleid van die Stad, sal hierdie verordening met betrekking tot die bestuur en aanbied van geleenthede geld.

Hoofstuk 2

Aansoekprosedure, -vereistes, -besluite en -toepassing

Indiening van aansoeke om goedkeuring vir die aanbied van geleenthede

3. (1) 'n Aansoek om 'n geleentheid aan te bied, moet deur die geleentheidsorganiseerder voorberei en by die geleentheidspermitkantoor ingedien word:
- deur 'n persoon van 18 jaar of ouer;
 - op die vorm wat deur die geleentheidspermitbeampte voorgeskryf word;
 - binne die voorgeskrewe tydskale; en
 - deur 'n persoon of namens 'n persoon met die nodige vermoë en hulpbronne,

soos in bylae 1 uiteengesit.

- (2) Die aansoek moet alle vereiste inligting, soos op die voorgeskrewe vorm uiteengesit, sowel as enige bykomende inligting wat die Stad Kaapstad kan aanvra, insluit.
- (3) In geval van versuim om die inligting waarna daar in subartikel (2) hier bo verwys word in te dien, sal die aansoek nie ingevolge hierdie verordening en die geleentheidsbeleid in aanmerking geneem word nie.

Vereistes en voorwaardes

4. (1) Geen persoon mag enige geleentheid aanbied sonder om 'n permit waarna daar in artikel 5(3) verwys word, te bekom nie.
- (2) 'n Aansoek om 'n geleentheid aan te bied, moet aan die bepalings van hierdie verordening voldoen, en moet sodanige inligting bevat soos op die voorgeskrewe vorm aangedui en in bylae 2 uiteengesit.
- (3) Die geleentheidsorganiseerder mag nie die beplande geleentheid adverteer voordat 'n aansoek by die Stad ingedien is en die geleentheidspermitbeampte sodanige organiseerder verwittig het dat die aansoek ingevolge artikel 5(1) goedgekeur is nie.
- (4) Na gelang van die aard van die geleentheid, moet die geleentheidspermitbeampte ingevolge die geleentheidsbeleid verseker dat die geleentheidsorganiseerder tersaaklike belanghebbendes, soos deur die Stad uitgewys, raadpleeg.
- (5) Die raad moet as deel van sy begrotingsproses ingevolge die Wet op Plaaslike Regering: Munisipale Finansiële Bestuur, 2003 (nr. 56 van 2003) die tariewe en deposito's vir geleenthede vasstel.
- (6) Die Stad sal nie aanspreeklik gehou word vir:
- enige skade aan of verlies van enige eiendom van die geleentheidsorganiseerder; of
 - enige koste aangegaan deur 'n geleentheidsorganiseerder of enige derde party,

met betrekking tot enige beplanning, aansoek ingedien, of goedkeuring of permit verleen of uitgereik vir 'n geleentheid ingevolge hierdie verordening nie.

- (7) Die geleentheidsorganiseerder, of die eenaar van die vergaderplek in die geval van 'n klein geleentheid ingevolge artikel 2(2)(b), sal vir die koste van enige diens wat die Stad vir of met betrekking tot 'n geleentheid lewer, aanspreeklik gehou word.

Besluite oor geleenthede

5. (1) Die geleentheidspermitbeampte moet 'n geleentheidsaansoek ingevolge hierdie verordening binne die toepaslike tyd vir die bepaalde geleentheid, soos in bylae 1 uiteengesit, goed- of afkeur.
- (2) Sodra 'n besluit ingevolge subartikel (1) hier bo geneem is, moet dit skriftelik aan die geleentheidsorganiseerder oorgedra word.

- (3) Waar 'n aansoek om 'n geleentheid goedgekeur word, moet die geleentheidspersmitbeampte 'n permit met voorwaardes uitreik.
- (4) Waar 'n aansoek om 'n geleentheid afgekeur word, moet skriftelike redes vir die besluit aan die aansoeker verstrek word.
- (5) Die geleentheidsorganiseerder moet verseker dat die permit in alle stadia en te alle tye van die geleentheid vir inspeksie by die vergaderplek beskikbaar is.

Maatstawwe

6. Die geleentheidspersmitbeampte moet verseker dat aansoeke om 'n geleentheid aan te bied waar van toepassing aan die hand van onderstaande maatstawwe beoordeel word:

- (a) die geleentheidsoort en -grootte;
- (b) die impak van die geleentheid met betrekking tot die strategiese versoenbaarheid daarvan met die geleentheidsbeleid;
- (c) die impak van die geleentheid met betrekking tot geraas en versterkte klank, verkeer en logistieke aspekte, sowel as bemarkings-, ekonomiese, maatskaplike en omgewingsdoelwitte;
- (d) die voldoening van die voorgestelde grondgebruik aan die toepaslike soneringskema en enige voorwaardes wat ingevolge daarvan kan geld;
- (e) die veiligheid-en-sekuriteitsrisikobestuur van die geleentheid met betrekking tot die geleentheidsplan, logistiek, ligging, terreinontwerp en ander aktiwiteite wat by of naby die vergaderplek plaasvind, sowel as ander bedreigings vir die geleentheid;
- (f) die opbrengs op belegging van die geleentheid in gevalle waar die geleentheid ten volle of gedeeltelik deur die Stad geborg word; en
- (g) nakoming van alle toepaslike wetgewing.

Aanbied van 'n geleentheid

7. Geleentheidsorganiseerders wie se aansoeke ingevolge hierdie verordening goedgekeur word, is verantwoordelik vir die geleentheid, en moet verseker dat:

- (a) die geleentheid aan die bepalings van hierdie verordening sowel as dié van enige ander wet voldoen;
- (b) die gedrag van persone wat 'n geleentheid bywoon, en die aktiwiteite wat by 'n geleentheid beoefen of uitgevoer word, nie gedurende sodanige geleentheid 'n negatiewe impak op geaffekteerde gemeenskappe het nie; en
- (c) daar aan enige nakomingskennisgewing voldoen word wat die geleentheidspersmitbeampte ingevolge artikel 8 hier onder uitreik.

Nakomingskennisgewing

8. (1) Wanneer die geleentheidspersmitbeampte of 'n wetstoepassingsbeampte bevind dat 'n geleentheidsorganiseerder 'n bepaling van hierdie verordening oortree, of dat 'n situasie met betrekking tot 'n geleentheid ontstaan het wat moontlik tot 'n oortreding van hierdie verordening of enige ander wet kan lei, kan hy/sy:

- (a) 'n nakomingskennisgewing aan die geleentheidsorganiseerder uitreik; of
- (b) by ontvangs van inligting van 'n gemagtigde amptenaar oor die oortreding van hierdie verordening of enige ander wet met betrekking tot die aanbod van geleentheid, 'n nakomingskennisgewing aan die geleentheidsorganiseerder uitreik.

(2) 'n Kennisgewing wat ingevolge subartikel (1) hier bo uitgereik word, moet onderstaande bevat:

- (a) die bepaling van die verordening wat oortree word of oortree sal word indien die situasie onveranderd voortduur;
- (b) die maatreëls wat getref moet word ten einde die situasie reg te stel; en
- (c) die tydperk waarbinne die kennisgewing nagekom moet word.

(3) Sou 'n persoon aan wie 'n kennisgewing ingevolge subartikel (1) hier bo bestel is, versuim om aan die vereistes daarvan gehoor te gee, kan die geleentheidspersmitbeampte, 'n wetstoepassingsbeampte of 'n gemagtigde amptenaar vir die doeleindes van hierdie verordening, en op onkoste van die geleentheidsorganiseerder, sodanige stappe doen as wat nodig blyk te wees om die situasie reg te stel.

(4) 'n Persoon wat versuim om aan 'n nakomingskennisgewing wat ingevolge subartikel (1) hier bo uitgereik is te voldoen, is skuldig aan 'n oortreding.

(5) Met betrekking tot 'n persoon wat versuim om aan 'n nakomingskennisgewing met betrekking tot een of meer geleentheid te voldoen, sal die Stad:

- (a) 'n geskiedenis van sodanige persoon se nienakoming opbou, en namate dit vereis word, enige toepaslike optrede oorweeg; en
- (b) 'n groter deposito van sodanige persoon vereis vir toekomstige geleentheid wat hy/sy wil aanbied.

Inspeksies en reg van toegang

9. (1) Die geleentheidspersmitbeampte, 'n gemagtigde amptenaar of 'n wetstoepassingsbeampte kan ná die indiening van 'n aansoek, en gedurende of ná die aanbod van 'n geleentheid inspeksies van die vergaderplek onderneem ten einde te bepaal of hierdie verordening nagekom is of word.

(2) Die geleentheidspersmitbeampte of 'n wetstoepassingsbeampte beskik oor die reg van toegang tot of oor enige vergaderplek:

- (a) om enige taak uit te voer wat ingevolge hierdie verordening deur die Stad gemagtig of vereis word;
- (b) om vas te stel of enige van die bepalings van hierdie verordening oortree is of word; en
- (c) om die bepalings van hierdie verordening toe te pas.

(3) 'n Geleentheidspersmitbeampte, 'n gemagtigde amptenaar of 'n wetstoepassingsbeampte kan 'n skriftelike kennisgewing aan die eienaar of huurder van enige eiendom bestel, waarin sodanige eienaar of huurder versoek word om, op die dag en tyd soos in die kennisgewing vervat, aan 'n persoon en vir 'n doeleinde ingevolge subartikel (2) hier bo toegang tot sodanige eiendom te verleen.

Opskorting en intrek van permit

10. (1) Waar die geleentheidsorganiseerder versuim om aan 'n nakomingskennisgewing ingevolge artikel 8 hier bo te voldoen, kan die geleentheidspermitbeampte deur skriftelike kennisgewing aan die geleentheidsorganiseerder:

- (a) die permit onmiddellik opskort totdat die geleentheidsorganiseerder aan die nakomingskennisgewing gehoor gee; of
- (b) die permit intrek, en sodanige stappe doen as wat ingevolge hierdie verordening nodig blyk te wees, en sal die geleentheidsorganiseerder aanspreeklik wees vir enige koste daarvoor aangegaan; of
- (c) die permit opskort óf intrek by ontvangs van inligting van 'n wetstoepassingsbeampte of 'n gemagtigde amptenaar oor die organiseerder se versuim om aan 'n nakomingskennisgewing te voldoen.

(2) Waar die geleentheidspermitbeampte ingevolge subartikel (1) hier bo opgetree het, kan die Stad die deposito wat die geleentheidsorganiseerder vir die geleentheid betaal het as sekuriteit vir die betaling van sodanige koste agterhou.

Hoofstuk 3 Algemene bepalings

Ooreenkomste en vennootskappe

11. (1) Die Stad kan sodanige ooreenkomste en vennootskappe met geleentheidsorganiseerders aangaan as wat vir die aanbod en bestuur van geleentede ingevolge hierdie verordening nodig blyk te wees.

(2) Die Stad kan ingevolge 'n ooreenkoms of vennootskap soos in subartikel (1) hier bo beoog, hetsy logistieke, finansiële of albei soorte ondersteuning aan bepaalde geleentede verleen wat met die strategiese doelwitte van die Stad strook.

(3) Die ooreenkomste en vennootskappe wat in subartikel (1) hier bo beoog word, moet vir diensvlakke voorsiening maak waaraan die partye moet voldoen ten einde nakoming van hierdie verordening sowel as die Wet op Plaaslike Regering: Munisipale Finansiële Bestuur, 2003 (nr. 56 van 2003) te verseker.

(4) Ondanks die bepalings met betrekking tot oortredings en boetes in hierdie verordening, kan 'n ooreenkoms wat ingevolge hierdie artikel aangegaan word, vir boetes voorsiening maak waarmee 'n geleentheidsorganiseerder in geval van nienakoming van die ooreenkoms gestraf kan word.

Oordrag van bevoegdheede

12. (1) Die geleentheidspermitbeampte kan enige van sy/haar bevoegdheede ingevolge hierdie verordening aan enige ander amptenaar van die Stad oordra.

(2) Sodra 'n aansoek om 'n geleentheid ingevolge hierdie verordening goedgekeur word, maar voordat sodanige goedkeuring aan die geleentheidsorganiseerder oorgedra word, moet die geleentheidspermitbeampte die voorsitter en bestuurder van die tersaaklike subraad, en die wyksraadslid raadpleeg, en sal sodanige oorlegpleging as goedkeuring ingevolge die Stad se delegasiestelsel beskou word.

Reg van appèl

13. (1) Partye in 'n geskil wat uit 'n konflik ingevolge hierdie verordening spruit, moet sodanige konflik probeer oplos voordat daar tot die uitoefening van die reg van appèl, soos in subartikel (2) hier onder beoog, oorgegaan word.

(2) Die geleentheidsorganiseerder kan teen 'n besluit appelleer indien sy/haar aansoek om 'n geleentheid aan te bied, afgekeur is.

(3) 'n Appèl kan skriftelik binne die tydskale soos in bylae 1 vir die betrokke soort geleentheid aangedui, by die stadsbestuurder ingedien word.

(4) Die aansoek waarop 'n appèl betrekking het, moet ingevolge artikel 5 beslis word voordat die appellant, binne die toepaslike tydskale soos in bylae 1 uiteengesit, 'n appèl kan indien.

(5) 'n Appèl wat ingevolge hierdie artikel ingedien word, moet binne die tydskale soos in bylae 1 vir die betrokke soort geleentheid aangedui, oorweeg en beslis word.

(6) Die stadsbestuurder kan die bevoegdheid om appèlle waarna in subartikel (2) hier bo verwys word te oorweeg en te beslis, aan enige amptenaar van die Stad oordra.

Vrywaring

14. (1) Die geleentheidsorganiseerder moet onderstaande lewer:

- (a) bewys van toepaslike vrywaringsdekking, tot bevrediging van die stadsbestuurder; en
- (b) waar 'n aktiwiteit betrokke is wat die publiek in gevaar kan stel, bewys van toepaslike gespesialiseerde risikoversekering, omvattende aanspreeklikheidsdekking of werksdekking, tot bevrediging van die geleentheidspermitbeampte.

(2) Die Stad sal nie aanspreeklik wees vir enige koste, wat enige skade of verlies insluit, wat as gevolg van 'n geleentheid wat sonder toestemming ingevolge hierdie verordening aangebied is, aangegaan of gely word nie.

Oortredings en boetes

15. (1) Versuim om enige bepaling van hierdie verordening na te kom, maak 'n oortreding uit.

(2) 'n Persoon wat ingevolge hierdie verordening 'n oortreding begaan, is by skuldigbevinding strafbaar met 'n boete, of tronkstraf, of sowel 'n boete as tronkstraf.

Kort titel

16. Hierdie verordening staan bekend as die Stad Kaapstad: Verordening op Geleentede.

Bylae 1**BYLAE MET TYDSKALE VIR GELEENTHEIDSAANSOEKE**

Onderworpe aan toepaslike maatstawwe, sal onderstaande tydskaal geld:

GROOTTE	SKARE-GROOTTE/ GETAL DEELNEMERS	MINIMUM TYDPERK VOOR DIE DATUM VAN 'N GELEENTHEID WAARBINNE 'N GELEENTHEIDS- ORGANISEERDER 'N AANSOEK BY DIE STAD MOET INDIEN [alle vereiste inligting met betrekking tot 'n aansoek moet ingevolge artikel 3(2) ingedien word]	MINIMUM TYDPERK VIR DIE STAD OM OP 'N GELEENTHEIDS- AANSOEK TE REAGEER	AANSOEKER MOET APPÈL BY DIE STAD INDIEN BINNE:	STAD MOET APPÈL BESLIS BINNE:
Klein	50 tot 2 000	15 werksdae (3 weke)	10 werksdae (2 weke)	24 uur ná ontvangs van skriftelike kennisgewing van die Stad waarin onvermoë om konflik te besleg oorgedra word	24 uur ná ontvangs van skriftelike kennisgewing van appèl
Medium	2 001–5 000	20 werksdae (4 weke)	15 werksdae (3 weke)	48 uur ná ontvangs van skriftelike kennisgewing van die Stad waarin onvermoë om konflik te besleg oorgedra word	48 uur ná ontvangs van skriftelike kennisgewing van appèl
Groot	5 001–10 000	25 werksdae (5 weke)	20 werksdae (4 weke)	48 uur ná ontvangs van skriftelike kennisgewing van die Stad waarin onvermoë om konflik te besleg oorgedra word	3 werksdae
Baie groot	10 001 en meer	60 werksdae/3 maande minimum (6 maande ideaal)	40 werksdae (2 maande)	48 uur ná ontvangs van skriftelike kennisgewing van die Stad waarin onvermoë om konflik te besleg oorgedra word	5 werksdae

LET WEL:

- Bostaande tydskaal geld nie aansoeke om geleentheid wat 'n grondgebruikbeplanningsgoedkeuring vereis nie, d.w.s. waar 'n geleentheid op grond gehou word wat nie toepaslik gesoneer is nie. In sulke gevalle sal die tydskaal vir 'n 'baie groot' geleentheid geld.
- Indien 'n klein geleentheid koshandelaars insluit, sal 'n minimum van 15 dae vereis word indien sodanige handelaars om lisensies en sertifikate van aanvaarbaarheid moet aansoek doen.
- Enige geleentheid wat 'n aansoek om tydelike grondgebruikafwyking behels, welke afwyking uiteindelik nie toegestaan word nie, moet die appèlproses soos in die Ordonnansie op Grondgebruikbeplanning (nr. 15 van 1985) vervat, volg.

Bylae 2**LYS GELEENTHEIDSVEREISTES**

Let wel: Die Stad kan na gelang van die geleentheidsoort en -besonderhede bykomende inligting bo en behalwe die lys hier onder aanvra.

- Beskrywing van geleentheid – wat soort, datum, vergaderplek, ligging en deelnemertal en -profiel insluit.
- Geleentheidsprogram – volledige besonderhede en tye, plus kontakbesonderhede van persoon verantwoordelik vir elke aspek van geleentheid.
- Uitleg van geleentheid – wat verhoë, markiestente, spyseniering, beheersentrum, ensovoorts insluit.
- Soneringsbevestiging van die toegelate grondgebruik, of grondgebruikbeplanningsgoedkeuring, waar nodig.
- Vervoer- en verkeersbestuursplanne (V&VBP) – wat waar van toepassing voorgestelde padsluitings, roeteplanne, parkering, optimale aanwending van openbare vervoer, en noodtoegangsroetes kan insluit. Die formaat van die V&VBP sal deur die Stad voorgeskryf word.
- Skarebeheerplan

- g. Nood- en gebeurlikheidsplanne – wat medies, sekuriteit, noodgevalle, fasiliteit en ontruiming insluit.
- h. Geleentheidskommunikasiplan – wat die kaartjieverkoopstrategie en akkreditasie insluit.
- i. Gemeenskapsdeelnameplan – wat insluit, maar nie beperk is nie tot, skakeling met raadslid/-lede, gemeenskaps-/inwonersorganisasies/verenigings en sakeverenigings.
- j. Omgewingsbestuursplan, wat 'n rehabilitasieplan, finansiële waarborg of enige toepaslike omgewings- of erfenistoestemming insluit.
- k. Geïntegreerde afvalbestuursplan (wat onmiddellike omgewing insluit).
- l. Handelaars/spyseniers – lys met besonderhede en gebruike van vloeibare petroleumgas. (Vereistes van Stad Kaapstad: Verordening op Informele Handel, Stad Kaapstad: Verordening op Omgewingsgesondheid, sowel as verwante wetgewing).
- m. Gesondheidsvereistes – wat sertifikate van aanvaarbaarheid, handelslisensies, ablusiegeriewe of mobiele toilette insluit.
- n. Voltooide aansoeke om geraas- en versterkte-klankvrystelling (wat openbare deelname insluit) en die oprigting van verhoë/markiestente. (Bewys van indiening van aansoek om dranklisensie(s), vuurwerk en burgerlugvaart, na gelang van die bepaalde soort geleentheid).
- o. Stad Kaapstad-diensvereistes – wat elektrisiteit, water, afvalbestuur (gedurende én ná die geleentheid), vervoer, paaie en stormwater insluit.
- p. Vrywaringsvorme en bevestigingsbrief van versekering teen openbare aanspreeklikheid.
- q. Eienaar/bestuurder van vergaderplek se skriftelike goedkeuring aan die aansoeker om die geleentheid by die betrokke plek aan te bied.

Bylae 3

BOETEBYLAE

(Ondanks en buiten enige ander boetes wat ingevolge enige ander wet opgelê kan word, kan enige oortreding van die Verordening op Geleenthede ook met onderstaande boetes gestraf word.)

ARTIKEL	OORTREDING	BOETE	BOETES VIR HERHALINGSOORTREDERS [ARTIKEL 8(5)]
4(1)	Die aanbied van 'n geleentheid sonder 'n permit	Klein geleentheid – R1 000 Medium geleentheid – R5 000 Groot geleentheid – R10 000 Baie groot geleentheid – R15 000	R10 000 R50 000 R100 000 R150 000
7(a)	Die aanbied van 'n geleentheid in stryd met die Verordening op Geleenthede, of enige ander wet	Klein geleentheid – R1 000 Medium geleentheid – R5 000 Groot geleentheid – R10 000 Baie groot geleentheid – R15 000	R10 000 R50 000 R100 000 R150 000
7(b)	Versuim om te verseker dat die gedrag van persone wat die geleentheid bywoon, en die aktiwiteite wat by die geleentheid beoefen of uitgevoer word, nie die omliggende gemeenskap en inwoners steur nie	Klein geleentheid – R1 000 Medium geleentheid – R5 000 Groot geleentheid – R10 000 Baie groot geleentheid – R15 000	R20 000 R80 000 R200 000 R300 000
7(c)	Versuim om te verseker dat daar gehoor gegee word aan 'n nakomingskennisgewing wat deur die geleentheidspermitbeampte uitgereik is	Klein geleentheid – R1 000 Medium geleentheid – R5 000 Groot geleentheid – R10 000 Baie groot geleentheid – R15 000	R20 000 R80 000 R200 000 R300 000
8(1)	Versuim om gehoor te gee aan 'n nakomingskennisgewing wat deur die geleentheidspermitbeampte of 'n wetstoepassingsbeampte uitgereik is	Klein geleentheid – R1 000 Medium geleentheid – R5 000 Groot geleentheid – R10 000 Baie groot geleentheid – R15 000	R50 000 R100 000 R400 000 R600 000

ISIXEKO SASEKAPA

UMTHETHO KAMASIPALA WEZIGANEKO OSAYILWAYO

Ukulungiselela ulawulo lweziganeko kummandla wolawulo lweSixeko saseKapa; ukulungiselela ukunyanzeliswa kwalo Mthetho kaMasipala; nokulungiselela imiba eya kuthi ivele kuzo.

IMBULAMBETHE

NANGONA iSixeko saseKapa sikuqonda ukuba ukubanjwa kweziganeko yinxalenye ebalulekileyo yendlela yokubonakalisa isakhono sokukhuphisana yaye sivuma ukuba imisitho inendima ebalulekileyo kwizixeko zala maxesha ukukhuthaza ubambiswano ngokuhlala nangenkcubeko kuluntu, ukuxhasa uvuselelo lobomi basedolophini nohlumo loqoqosho;

NANGONA iSixeko saseKapa sijonge ukulawula ukubanjwa kweziganeko ngendlela eqinisekisa ulawulo olululo lwazo;

NANGONA iSixeko saseKapa sinqwenela ukuxhasa uququzelelo nentsebenziswano phakathi kwabo bonke abathatha inxaxheba, ukunyusa ubuhlakani nokukhuthaza ifuthe lemisitho kwiSixeko;

YAYE NANGONA iSixeko saseKapa sifuna ukuqinisekisa ukuba imisitho iqhubeka ngokukhuselekileyo nangokuququzelelwe ngokufanelekileyo kwiSixeko saseKapa;

NGOKO KE, KUMISELWA lo mthetho siSixeko saseKapa, ngolu hlobo lulandelayo:—

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NANGONA iSixeko saseKapa sijonge ukulawula ukubanjwa kweziganeko ngendlela eqinisekisa ulawulo olululo lwazo;

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YAYE NANGONA iSixeko saseKapa sifuna ukuqinisekisa ukuba imisitho iqhubeka ngokukhuselekileyo nangokuququzelelwe ngokufanelekileyo kwiSixeko saseKapa;

NGOKO KE, KUMISELWA lo mthetho siSixeko saseKapa, ngolu hlobo lulandelayo:---

Uluhlu lweZiqulatho

Isahluko 1

Iinkcazelo noSetyenziso

Iinkcazelo

1. Kulo Mthetho kaMasipala, ngaphandle kokuba umxholo uthetha into eyahlukileyo—

“igosa eligunyazisiweyo” lithetha igosa leSixeko elinikwe igunya lokumisela okanye ukunyanzelisa izibonelelo zawo nawuphi na umthetho;

“Isixeko” sithetha iSixeko saseKapa esisekwe ngokwemiqathango yecandelo 12 loMthetho woRhulumente beMimandla: UMthetho weZiseko zooMasipala, 1998 (uMthetho Nomb. 117 we-1998), ngeSaziso sePhondo Nomb. 479 somhla wama-22 Disemba 2000;

“Umlawuli weSixeko” uthetha umntu obekwe njengoMlawuli weSixeko ngokwecandelo loMthetho woRhulumente beMimandla: UMthetho weZiseko zooMasipala, 1998 (uMthetho Nomb. 117 we-1998);

“Ikhansile” ithetha ikhansile yeSixeko saseKapa okanye nasiphi na isiseko sezopolitiko, ekwisikhundla se-ofisi yezopolitiko, uceba okanye nawuphi na umsebenzi osebenza phantsi kwamagunya anikezelwe yikhansile okanye anikezelwe ngulowo uwanikezelwe yikhansile;

“Umsitho okanye Isiganeko” sithetha —

- (a) nawuphi na umsitho wemidlalo, ukuphumla okanye ukuzonwabisa kuquka imidlalo yeqonga;
- (b) nawuphi na umsitho wezemfundo, inkcubeko okanye inkolo;
- (c) nawuphi na umsitho woshishino kuquka ukuthengisa, unxibelelwano noluntu nokwazisa, okanye umboniso; okanye
- (d) Nawuphi umsitho wesisa, kuquka nayiphi na inkomfa, umbutho okanye umsitho wasekuhlaleni,

okanye nayiphi na intshukumo esingethwe kwibala lemidlalo, indawo okanye ecaleni kwendlela okanye kufuphi nayo, ecwangcisiweyo, enenkqubo ecacileyo, ulawulo nenkathalo, kodwa kungaquki umsitho wabucala osingethwe ngumntu othile oyedwa kuyo nayiphi na indawo okanye umntu owenza ifilimu ngokomthetho kamasipala omalunga neMiboniso bhanya-bhanya;

“Umququzeleli womsitho” uthetha umntu ofaka isicelo sokubamba umsitho ngokwemiqathango yalo Mthetho kamasipala nokuba uyazifakela na eso sicelo okanye usifakela omnye umntu, iqumrhu okanye umbutho;

“Igosa leeMvume zeMiso” lithetha intloko ye-ofisi yeemvume yeSixeko saseKapa okanye naliphi na elinye igosa elinikwe loo magunya;

“Umgaqonkqubo weZiganeko” uthetha umgaqonkqubo weZiganeko weSixeko;

“Igosa lonyanzeliso-mthetho” libandakanya amalungu aMapolisa kaMasipala eSixeko kunye naweenkonzo zeendlela;

“Iphepha-mvume okanye ipemethi” ibhekisa kwimvume ekhutshelwe usindleko lwesiganeko ngokwecandelo 5(3);

“Indawo kawonkewonke” ithetha—

- (a) nawuphi na umhlaba kawonkewonke, ibala, ichityana lokuqubha, indawo yokuphumla kawonkewonke, isiza sokuzonwabisa sikawonkewonke, umyezo wezityalo nezilwanyana, okanye nawuphi na omnye umyezo, ipaki okanye umzila wokunyuka intaba, kuquka nayiphi na inxalenye yawo nasiphi na isiseko okanye isixhobo esikuyo, nayiphi na indawo kawonkewonke ethe gabalala, indlela kawonkewonke, indlela yabucala, isitalato sabucala, ichibi, idama, okanye umlambo;
- (b) nasiphi na isakhiwo sikawonkewonke, isiseko, iholo, igumbi okanye i-ofisi kuquka nayiphi na inxalenye yayo naso nasiphi na isiseko okanye isixhobo esikuso, esiyimpahla, okanye esimnino, esilawulwa okanye esiqeshwe siSixeko nekuvumeleke kuso uluntu jikelele, nokuba luyahlawuliswa okanye lungena simahla;
- (c) nayiphi na indawo yolondolozo lwendalo kuquka—
 - (i) iindawo zolondolozo lwendalo;
 - (ii) iindawo ezikhuselweyo zendalo;
 - (iii) iindawo ezinxabiso kulondolozo lwendalo;
 - (iv) iindawo zendalo ezithe gabalala;

“Indawo eyakhelwe isiganeko esithile” yindawo ezowunwe, yakhiwa ngendlela ethile neyiyo elungiselelwe iziganeko ezithile;

“Umntu ochaphazelekayo” uquka nawuphi na umntu, umbutho okanye iqumrhu elichaphazeleka okanye elinendima eliyidlalayo kulawulo okanye ekusingathweni komsitho okanye isiganeko;

“Lo Mthetho kaMasipala” uquka iShedyuli ehamba nawo.

“Indawo” ithetha nayiphi na indawo evulekileyo okanye ebiyelwe ngokupheleleyo okanye ngokuyinxalenye nesisiseko sesigxina okanye esethutyana—

- (a) Ekunokwakhiwa kuyo isiseko sethutyana okanye esisisigxina, apho kunokubanjwa khona umsitho; nethi
- (b) Phantsi kwalo naluphi uhlelwa-hleliso ngokweendidi, ingcaciso nenkcazo ngokomsitho ibe nendawo—
 - (i) yokuhlala ababukeli, abaxumi okanye abaphula-phuli; okanye
 - (ii) ibala lemidlalo okanye iqonga elisisigxina okanye elethutyana okanye nayiphi indawo apho, ebekelwe bucala ukulungiselela ukusingatha umsitho;

“Umnini-ndawo” uthetha nawuphi na umntu okanye iqumrhu lomthetho elithi ngoku okanye kwixesha elizayo, ngokungqalileyo okanye ngenye indlela, liqeshe libe nebango okanye lisebenzise amagunya alo njengomnini okanye lowo uhleli kwindawo esetyenziselwa imisitho.

Ukusetyenziswa kwalo Mthetho kaMasipala

(1) Lo Mthetho kamasipala usebenza nakuwuphi na umsitho obanjelwe kummandla wolawulo weSixeko, kuquka imisitho ebanjelwe kokubini kwimihlaba yabucala nakwiindawo zikawonkewonke, ukuba umsitho obanjelwe kumhlaba wabucala, ngokwawo nawuphi na umthetho osebenzayo, unefute kwizibonelelo zeSixeko noluntu oluwungqongileyo.

(2) lo Mthetho kamasipala awusebenzi—

- (a) kwimisitho yabantu abangaphantsi kwama- 50 apho kungekho mculo okanye sandi siphezulu okanye kungasetyenziswa ziseko zathutyana;
- (b) iziganeko ezincinane ezifana nezosapho kunye neziganeke zasekuhlaleni ezibanjelwe kwipropati yabucala okanye izakhiwo ezakhelwe ezo ziganeko eziphantsi kweminye imiqathango.

(3) Noxa kukho imiqathango yecandelwana (2), iGosa leeMvume zeMisitho okanye iGosa loNyanzeliso-mthetho lingathi—

- (a) xa iGosa leeMvume zeMisitho okanye iGosa loNyanzeliso-mthetho lifumanise ukuba lo Mthetho kaMasipala usenokwaphulwa ngumququzeleli womsitho; okanye
- (b) xa umntu ochaphazelekayo lifute nengozi enokubangelwa sisiganeko ethe wangenisa isikhalazo kwiGosa leeMvume zeMisitho okanye kwiGosa loNyanzeliso-mthetho

likhuphe isaziso sothotyelo-miqathango kumququzeleli-siganeko ngokwecandelo 8 ze enze oko kufunwa ngulo mthetho.

(4) Iindawo ezakhelwe iziganeko ezithile azibandakanywa kulo Mgaqonkqubo ngokweziganeko eziqhele ukubanjelwa kwezo ndawo, ukuba ngaba—

- (a) ezo ziganeko azibanjelwanga ngaphandle kwendawo leyo okanye isakhiwo eso, ziganeko ezo ezithi ngenxa yobunjani bazo, ubungakanani nefute lazo zibe azifanelanga kubanjelwa kuloo ndawo; yaye
- (b) abanini okanye oomanejala beendawo ezakhelwe iziganeko ezithile kufuneka bafake isicelo kwiofisi yokuvunyelwa kweziganeko zabo ukuze kwamkelwe inkqubo yeziganeko eziza kubanjwa ngonyaka.

(5) IGosa leeMvume zeMisitholinokumane, ngamanye amaxesha, likhupha imiyalelo malunga neenkqubo eyodwa yokufaka izicelo kwiziganeko ezithile enokwahluka kwinkqubo echazwe kwicandelo 6.

(6) Xa kuthe kwabakho ukungqzulana phakathi kwalo Mthetho kaMasipala nawo nawuphi na omnye umthetho kamasipala okanye umgaqo-nkqubo weSixeko, loMthetho kaMasipala uya kusetyenziswa kulawulo lokubanjwa kweziganeko.

Isahluko 2**Ukufakwa kwezicelo, iimfuno, izigqibo kunye nonyanzeliso****Ukufakwa kwezicelo zokusindlekwa kweziganeko ukuze zamkelwe**

3. (1) Isicelo esisesikweni sokusingatha umsitho okanye isiganeko kufuneka singeniswe ngumququzeleli wesiganeko eso ze sifakwe —

- (a) ngumntu ominyaka yobudala ili-18 ubuncinane nangaphezulu;
- (b) kwifomu efanelekileyo;
- (c) kwixesha elibekiweyo; yaye
- (d) ibe ngumntu okanye asifakele umntu onesakhono nezibonelelo ezifanelekileyo,

njengoko kuchazwe kwiSihlomelo 1, kwi-ofisi yeemvume zemisitho.

Isicelo kufuneka siquke zonke iinkcukacha ezifunekayo njengoko ziboniswe kwifomu efanelekileyo nazo naziphi na ezinye iinkcukacha ezithe tshe njengoko zinokufunwa siSixeko saseKapa.

(3) xa zithe azafakwa iinkcukacha ezichazwe kwicandelwana (2) isicelo asiya kuqwalaselwa ngokwalo Mthetho kamasipala noMgaqo-nkqubo weZiganeko.

Iimfuno nemiqathango

4. (1) Akukho mntu unokusindleka siganeke engayifumenanga mvume ekubhekiswe kuyo kwicandelo 5(3).

(2) Isicelo somsitho kufuneka sithobele imiqathango yalo Mthetho kamasipala, sibe neenkukacha ezichazwe kwifomu yezicelo efanelekileyo njengoko kuchazwe kwiShedyuli 2.

(3) Umsindleki-siganeko akanakukwazisa abantu ngesiganeko phambi kokuba abe ungenise isicelo kwiSixeko naphambi kokuba iGosa leeMvume zeMisitho libe limazisile ukuba isicelo samkelwe ngokweCandelo 5(1).

(4) IGosa leeMvume zeMisitho kufuneka, ngokoMgaqo-nkqubo weZiganeko, kuxhomekeke ukuba luhlobo luni na lomsitho olo, liqinisekise ukuba umququzeleli-siganeko unonxibelelwano nabantu abachaphazelekayo abachazwe siSixeko.

(5) Ikhansile kufuneka, njengenxalenye yohlahlo-mali lwayo ngokooMthetho wooRhulumente beMimandla: Umthetho woLawulo lweZimali zooMasipala, 2003 (uMthetho Nomb. 56 wama- 2003), ibeke imirhumo ehlawulelwa imisitho.

(6) Isixeko asisayi kuba naxanduva, ngokocwangciso lwesiganeko, ufako-sicelo, ulwamkelo lwesicelo okanye ipemethi ekhutshwe kulandela lo mthetho, yaye asisayi kuba nabutyala—

- (a) bayo nantoni na emoshakeleyo kwipropati yomququzeleli-siganeko; okanye
- (b) beendleko ezichithwe ngumququzeleli wesiganeko okanye omnye umntu.

Umququzeleli-siganeko okanye umntu-ndawo uya kuthi abe noxanduva lokuhlawula naziphi iindleko zeenkonzo zeSixeko ezimalunga siganeke okanye umsitho xa kubanjwe umsitho ochazwe ku-2(2)(b).

Izigqibo ngeMisitho okanye ngeZiganeko

5. (1) IGosa leeMvume zeMisitho kufuneka lankele okanye likhabe isicelo somsitho ngexesha elithile ngokwalo Mthetho kaMasipala njengoko kuchaziwe kwiShedyuli 1.

(2) Kwakube kuthathwe isigqibo ngokwecandelwana (1), kufuneka kuchazelwe umququzeleli womsitho ngaso ngembalelwano.

(3) Xa isicelo siye samkelwa, kuya kukhutshwa ipemethi nemiqathango.

(4) Xa sithe sakhatywa isicelo somsitho, kufuneka kunikwe izizathu ezibhaliweyo zoko kumenzi-sicelo.

(5) Umququzeleli-siganeko kufuneka aqinisekise ukuba imvume okanye ipemethi yeso siganeko kufuneka ihlala ifumaneka kwindawo enesiganeko qho xa kufuneka ihloliwe.

Okuqwalaselwayo

6. (1) IGosa leeMvume zeMisitho kufuneka liqinisekise ukuba izicelo zokusingatha imisitho ziqwalaselwa ngokwezi mfuno zilandelayo, xa oko kuyimfuneko:

(a) uhlobo nobungakanani bomsitho;

(b) ifuthe lomsitho ngokweembono zocwangciso loMgaqo-nkqubo weKhansile weZiganeko;

(c) ifuthe lomsitho ngokumalunga nengxolo kunye nesandi esiphezulu seegumba-gumba, izithuthi, amalungiselelo, kunye nokumakethwa kwawo, nezoqoqosho, neenjongo zezentlalo nokusingqongileyo;

(d) usetyenziso lwalo ndawo luhambelana neemfuno zosetyenziso-mhlaba neenkqubo zokuzowuna zayo nayo nayiphi eminye imiqathango ekufuneka ithotyelwe;

(e) ulawulo lokhuseleko nomngcipheko womsitho ngokwamalungiselelo, ubume bomsitho, indawo, uyilo nezinye iziganeko eziqhuba kufuphi nalo ndawo neminye imingcipheko kumsitho;

(f) inzuzo kutyalo-mali lwaloo msitho xa iSixeko kuye kwabakho into esithe saxhasa ngayo; kunye

(g) nokuqinisekisa ukuba isiganeko esi sithobela yonke imithetho echaphazelekayo.

Ukusindleka iSiganeko

7. Abaququzeleli bemisitho, ezithe zamkelwa izicelo zabo ngokwalo Mthetho kaMasipala, banoxanduva lwalo msitho yaye kufuneka baqinisekise ukuba—

(a) eso siganeko sibanjwa kuthotyelwe imiqathango yalo Mthetho kaMasipala yaye asiphuli nawo nawuphi na omnye umthetho;

(b) abantu abazimase eso siganeko baziphatha ngendlela eyiyo yaye izinto ezenziwa apho aziphazamisi abantu abahlala ebumelwaneni okanye abanini-zindlu beSixeko ngexesha lesa siganeko;

(c) kuthotyelwa nasiphi na isaziso esikhutshwe liGosa elikhupha iiMvume zeMisitho ngokwecandelo 8.

Isaziso soThotyelo-Mthetho

8. (1) Xa iGosa elikhupha iiMvume zeMisitho okanye iGosa loNyanzeliso-mthetho lifumanisa ukuba imiqathango yalo Mthetho kaMasipala yophuhlile ngumququzeleli wesiganeko okanye kukho imeko evelileyo enokukhokelela ekubeni kophulwe imiqathango yalo Mthetho kaMasipala kwisiganeko esiza kubakho okanye nawuphi na omnye umthetho, linokuthi —

(a) likhuphe isaziso sothotyelo-mthetho esiya kuMququzeleli woMsitho lowo; okanye .

(b) unokuthi xa efumene ulwazi kwigosa eligunyazisiweyo malunga nokwaphulwa kwalo mthetho okanye nawuphi na omnye umthetho omalunga nokusindlekwa kwesiganeko, likhuphe isaziso esiya kuMququzeleli-siganeko.

(2) Isaziso esikhutshwe phantsi kwecandelwana (1) kufuneka sichaze —

(a) loo mqathango woMthetho owaphulwayo okanye oza kophulwa ukuba ngaba imeko iyayekwa iqhubeka;

(b) amanyathelo ekufuneka ethatyathiwe ukulungisa imeko; kunye

(c) nesithuba sexesha ekufuneka isaziso eso sibe sithotyelwe.

(3) Ukuba ngaba loo mntu ukhutshelwe isaziso ngokwecandelwana (1), akazithobeli iimfuno zesaziso, iGosa elikhupha iiMvume zeMisitho okanye iGosa loNyanzeliso-mthetho linokuthi lithabathe amanyathelo afanelekileyo ukulungisa imeko ze iindleko zolo lungiso lwemeko zihlawulwe ngumququzeleli womsitho.

(4) Umntu ongathobeli isaziso sothotyelo-mthetho esikhutshwe kulandelwa icandelwana (1) wenza ityala.

(5) Xa kukho bani othe akasithobela isaziso sothotyelo-mthetho kwisiganeko esinye nangaphezulu, iSixeko siya kuthi —

(a) sigcine irekhodi lokungathotyelwa komthetho ze liqwalasele amanyathelo emakhathathwe; yaye

(b) siya kufuna idiphozithi ethe xhaxhe kuloo mntu xa ephinda esindleka ezinye iziganeko.

Uhlolo kunye nelungelo lokungena

9. (1) IGosa elikhupha iiMvume zeMisitho okanye umsebenzi ogunyazisiweyo okanye iGosa loNyanzeliso-mthetho linokuhlola indawo ekuza kubanjelwa kuyo isiganeko emva kokuba kufakwe isicelo , ngexesha lesiganeko okanye emva kwaso ukujonga ukuthotyelwa kwalo Mthetho kaMasipala.

(2) IGosa elikhupha iiMvume zeMisitho okanye iGosa loNyanzeliso-mthetho linelungelo lokungena nakuyiphi na indawo ngesizathu

(a) sokwenza nantoni na egunyazisiweyo okanye ekufuneka yenziwe siSixeko phantsi kwalo Mthetho kaMasipala;

(b) ukujonga ukuba akukho lwaphulo lwalo Mthetho kaMasipala; kunye

(c) nokunyanzelisa ukuthotyelwa kwezibonelelo zalo Mthetho kaMasipala.

(2) IGosa elikhupha iiMvume zeMisitho okanye umsebenzi ogunyazisiweyo okanye iGosa loNyanzeliso-mthetho linokuthi libhalele umnini okanye hlali wayo nayiphi na ipropati ze licele ukuba loo mnini avule loo ndawo ngosuku okanye ngeyure ethile echaziweyo ukuze elo gosa lingene ihlale oko kuchazwe kwicandelwana (2).

Ukumiswa nokurhoxiswa kwepemethi okanye iphepha-mvume

10. (1) Xa umququzeleli weziganeko engaphumeleli ukuthobela isaziso sothotyelo esikhutshiweyo, iGosa elikhupha iiMvume zeMisitho okanye iGosa loNyanzeliso-mthetho, ngokwecandelo 8 liye libhalele umququzeleli-msitho —

- (a) limise ipemethi ngoko nangoko de umququzeleli womsitho abe usithobele isaziso sothobelo lwemithetho kaMasipala;
- (b) lirhoxise ipemethi ze lithathe amanyathelo afunekayo ngokwale Mthetho kaMasipala, yaye umququzeleli womsitho nguye oya kuba noxanduva lazo naziphi iindleko eziye zahlawulwa; okanye
- (c) emva kokufumana ulwazi kwiGosa loNyanzeliso-mthetho okanye kumsebenzi ogunyazisiweyo malunga nokungathotyelwa kwalo mthetho, liya kuthi liyirhoxise ipemethi yomququzeleli-siganeko.

(2) Isixeko sinokuthi, apho Gosa elikhupha iiMvume zeMisitho okanye iGosa loNyanzeliso-mthetho lithathe amanyathelo lilandela imiqathango yecandelwana (1), sibambe idiphozithi ebihlawulwe ngumququzeleli-msitho okanye umququzeleli wesiganeko njengemali yokuhlulwa ezo ndleko.

Isahluko 3

Izivumelwano nobuhlakani

11. (1) Isixeko sisenokungena kwizivumelwano nobuhlakani nabaququzeleli bemisitho njengoko kunokubakho imfuneko ekusingathweni nasekulawulweni komsitho ngokwalo Mthetho kaMasipala.

(2) Phantsi kwezivumelwano nobuhlakani obuchazwe kwicandelwana (1), iSixeko sisenokubonelela ngenkxaso ngamalungiselelo, izimali okanye kokubini kwimisitho ethile ehambelana nezicwangciso zeSixeko.

(3) Izivumelwano nobuhlakani obuchazwe kwicandelwana (1) kufuneka zibonelele ngamanqanaba eenkonzo ekufuneka kufikelelwe kuwo ngamaqela ukuqinisekisa ukuba lo Mthetho kaMasipala noMthetho woRhulumente beMimandla: Umthetho woLawulo lweZimali zooMasipala, 2003 (uMthetho Nomb. 56 wama- 2003) iyathotyelwa.

(4) Noxa kukho imiqathango yalo Mthetho kamasipala malunga nezikreko nemidliwo, isivumelwano ekungenwe kuso ngokweli candelo sisenokubeka imidliwo eya kuba luxanduva lomququzeleli womsitho xa kuthe kwabakho ukungathotyelwa kwaso.

Unikezo-magunya

12. (1) IGosa elikhupha iiMvume zeMisitho linokuthi linikeze ngawo nawaphi na amagunya alo eliwa fumana kulo Mthetho kaMasipala kulo naliphi elinye igosa leSixeko.

(2) Emva kokuba isicelo sesiganeko sivunyiwe ngokwemigaqo yalo Mthetho kaMasipala, phambi kokuba umququzeleli-siganeko aziswe, iGosa elikhupha iiMvume zeMisitho kufuneka lidibene noSihlalo kunye nomanejala webhungana elichaphazelekayo kunye noCeba weWadi echaphazelekayo yaye oko kubonisana kuya kuthathwa njengolwamkelo lwesiganeko eso ngokweNkqubo yoNikezelo-Magunya lweSixeko.

Ilungelo lokubhena

13. (1) Amaqela abandakanyeka kwimbambano ebangwe lungquzulwano kulo Mthetho kamasipala kufuneka azame ukusombulula loo mbambano phambi kokuba asebenzise ilungelo lokubhena elichazwe kwicandelwana (2).

(2) umququzeleli womsitho angabhena kwisigqibo apho isicelo sakhe sokusingatha umsitho siye sakhatywa.

(3) kungafakwa isibheno esibhaliweyo kuMlawuli weSixeko kwisithuba sexesha elichazwe kwiSihlomelo malunga nohlobo lomsitho lowo uchaphazelekayo.

(4) Isicelo ekubhenelwe sona masigqitywe ngokwemiqathango yecandelo 5 phambi kokuba umntu obhenayo afake isibheno ngokwamaxesha achazwe kwiShedyuli 1.

(5) Isibheno esifakwe ngokweli candelo kufuneka siqwalaselwe kuthathwe isigqibo ngaso ngokwexesha elibekwe kwiShedyuli 1 ngokohlobo lomsitho lowo uchaphazelekayo.

(6) Umlawuli weSixeko angagunyazisa naliphi na igosa leSixeko ukuba liqwalasele yaye lithathe isigqibo ngezibheno ezichazwe kwicandelwana (2).

Ukhuselo kwilahleko

14. (1) Umququzeleli-msitho kufuneka abonelele —

- (a) ngobungqina obanelisa uManejala weSixeko bokuba une-inshorensi yokhuselo eyiyo; kananjalo
- (b) ukuba isiganeko sinokuthi sibeke uluntu emngciphekweni othile, kufuneka kukho ukhuseleko olulungiselelweyo olwanelisa iGosa leePemethi zeZiganeko lwe-inshorensi eyodwa yemingcipheko, noxanduva lwayo yonke into enokuthi yehle kunye ne-inshorensi yomsebenzi.

(2) Isixeko asisayi kuba nabutyala bazo naziphi na iindleko, kubandakanywa umonakalo okanye ilahleko ethe yabakho ngenxa yesiganeko esibanjwe ngaphandle kwemvume elandela imiqathango yalo Mthetho kaMasipala.

Ulwaphulo-mthetho neMidliwo

15. (1) ukungathobeli nawuphi na umqathango walo Mthetho kamasipala lulwaphulo-mthetho.

(2) umntu owaphula umthetho ngokwalo Mthetho kaMasipala uya kudliwa akufunyaniswa enetyala okanye abe seluvalelweni okanye kokubini umdliwo nokuvalelwa.

Ihloko esifutshane

16. Lo Mthetho kaMasipala ubizwa ngokuba nguMthetho kaMasipala weSixeko saseKapa: weZiganeko.

Ishedyuli 1

ISHEDYULI YAMAXESHA EZICELO ZEZIGANEKO/ZEMISITHO

Kuxhomekeke kwinkqubo elandelwayo, la maxesha alandelayo angezantsi aya kusetyenziswa:

UBUNGA-KANANI	UBUNGAKANANI BESIHLEWE/INANI LABANTU	UBUNCINANE BEXESHA PHAMBI KOKUFakwa KWESICELO KWISIXEKO NGUMQUZELELI WESIGANEKO PHAMBI KOMHLA WESIGANEKO [lonke ulwazi olufunekayo ohumalunga nesicelo malufakwe kulandelwa icandelo 3(2)]	UBUNCINANE BEXESHA BOKUPHENDULA KWESIXEKO KWISICELO SESIGANEKO UKUSAMKELA OKANYE UKUSIKHABA	MAKUFakWE ISIBHENO NGUMENZI- SICELO KWISIXEKO KWISITHUBA ESINGANGE-	KUTHATHWE ISIGQIBO NGESIBHENO SISIXEKO KWISITHUBA ESINGANGE-
Esincinci	50 – 2000	15 yeentsuku zomsebenzi (iiveki ezi-3)	10 yeentsuku zomsebenzi (iiveki ezi-2)	24 yeeyure kufunyenwe isaziso esibhaliweyo esivela kwiSixeko sichaza ngokungakwazi ukusombulula imbambano	24 yeeyure kufunyenwe isaziso esibhaliweyo sesibheno
Esiphakathi	2001 – 5000	20 yeentsuku zomsebenzi (iiveki ezi-4)	15 yeentsuku zomsebenzi (iiveki ezi-3)	48 yeeyure kufunyenwe isaziso esibhaliweyo esivela kwiSixeko sichaza ngokungakwazi ukusombulula imbambano	48 yeeyure kufunyenwe isaziso esibhaliweyo
Esikhulu	5001 – 10 000	25 yeentsuku zomsebenzi (iiveki ezi-5)	20 yeentsuku zomsebenzi (iiveki ezi-4)	48 yeeyure kufunyenwe isaziso esibhaliweyo esivela kwiSixeko sichaza ngokungakwazi ukusombulula imbambano	3 yeentsuku zomsebenzi
Esikhulu kakhulu	10 001 – nangaphezulu	60 yeentsuku zomsebenzi, 3 yeenyanga ubuncinane (6 yeenyanga ngokwenene)	40 yeentsuku zomsebenzi (iinyanga ezi-2)	48 yeeyure kufunyenwe isaziso esibhaliweyo esivela kwiSixeko sichaza ngokungakwazi ukusombulula imbambano	5 yeentsuku zomsebenzi

QAPHELA:

- La maxesha abekiweyo akabandakanyi izicelo zemisitho apho kufuneka kuqale kwajongwa imvume yosetyenziso-mhlaba, ukutsho oko, apho isiganeko eso siza kubanjelwa kumhlaba ongazowunwanga ngendlela eyiyo. Kwezo meko, kusetyenziswa amaxesha eziganeko ezikhulu kakhulu.
- Ukuba umsitho omncinci ubandakanya abathengisi bokutya, kuya kufuneka ubuncinane iintsuku ezili-15 ukuba abathengisi bokutya kufuneka befake izicelo zeelayisenisi okanye iziqinisekiso zoLwankelo.
- Nawuphi na umsitho ochaphazela ukufakwa kwesicelo soTyeshelo-nigaqo kuSetyenziso loMhlaba nalapho kunganikwanga imvume yokutyeshela umthetho kufuneka ulandele inkqubo yokubhena njengoko ichazwe kuMmiselo woCwangciso lokuSetyenziswa koMhlaba (uMthetho 15 ka- 1985).

Ishedyuli 2

ULUDWE LWEEMFUNO ZEZIGANEKO

Qaphela: Isixeko sisenokufuna ulwazi oluthe xhaxhe ngokohlobo neenkukacha zesiganeko

- Inkcazo yoMsitho kuquka uhlobo, umhla, indawo, indawo nabathathi -nxaxheba.
- Inkqubo yoMsitho: iinkukacha ezizeleyo namaxesha, kunye neenkukacha zonxibelelwano zomntu ojongene nombona ngamnye womsitho.
- Ubume bomsitho: kuquka amaqonga, iintente, ukutya, Iziko loLawulo lweNdawo njl.njl.
- Imbalelwano evuma ukuba umhlaba lowo usilungele eso siganeko okanye imvume yocwangciso losetyenziso-mhlaba, xa kukho imfunek.
- Isicwangciso solawulo lweZithuthi (TMP), esinokuquka ukuvalwa okucetywayo kweendlela, isicwangciso sendlela, indawo yokumisa, ukusetyenziswa ngokupheleleyo kothutho lukawonkewonke, iindlela zokuphuma ngokungxama. Ubume be-TMP buya kuba njengoko buchazwe siSixeko.

- f. Isicwangciso soLawulo lweZihlwele.
- g. Izicwangciso zeNtlekele namalungiselelo: kuquka ezonyango, ukhuselo, intlekele, iindawo, ukuphuma.
- h. Isicwangciso soNxibelelwano soMsitho: kuquka indlela yokuthengiswa kwamatikiti, ulwamkelo
- i. isicwangciso seNtatho-nxaxheba yoLuntu: kuquka, kodwa kungaphelelanga kuqhagamshelwano nooCeba; Uluntu/ Imibutho yaBahlali neyoShishino.
- j. Isicwangciso soLawulo loKusingqongileyo kubandakanywa iplani yolungiso lwezinto ezimoshakeleyo, igaranti yezimali, okanye nayiphi na imvume yokusingqongileyo okanye yezinto ezililifa lemveli.
- k. Isicwangciso esiHlangeneyo soLawulo loNgcoliseko (kubandakanywa iindawo ezikufuphi nendawo yesiganeko).
- l. Abathengisi/Abokutya: uludwe lweenkcukacha nokusetyenziswa kwerhasi iimfuno zeSixeko saseKapa zoMthetho kaMasipala waBathengisi baseziTalatweni noweMpilo yeSixeko nezinye iimfuno zeminye imithetho efanayo.
- m. Iimfuno zezempilo kuquka: Iziqinisekiso zoLwamkeleko, ilayisenisi zokuthengisa, izindlu zangasese kunye/okanye izindlu zangasese eziqeshwayo.
- n. iifomu ezizalisiweyo zezicelo: zokuba kungaNgxolwa (kuquka intatho-nxheba yoluntu); nokumiswa kwamaqonga/Intente. Ubungqina bokufakwa kweeLayisenisi zoTywala, ilayisenisi zemililo; Izicelo zoPhapho ngokweenkcukacha zohlobo lomsitho.
- o. Iimfuno zeeNkonzo zeSixeko saseKapa: kuquka Umbane, Amanzi, Isicwangciso soLawulo loKungcola (ngethuba lomsitho nasemva kwawo), uthutho, iindlela nemibhobho yamanzi.
- p. Iifomu zokuthwala uxanduva lomonakalo nencwadi yobungqina boXanduva loMonakalo.
- q. Imvume ebhaliweyo evela kuMnini ndawo/Umlawuli wendawo eya kumenzi- sicelo negunyazisa ukusetyenziswa kwendawo ukusingatha umsitho lowo.

Ishedyuli 3

ISHEDYULI YEZOHLWAYO

Noxa kukho ezinye izohlwayo ezinokuwiswa ngokweminye imithetho, kusenokubakho ezi zohlwayo zilandelayo xa kuthe kwaphulwa imithetho yoMthetho kaMasipala weZiganeko yaye ingazizohlwayo ezongezelelekileyo kwezo sele zikhutshiwe.

ICANDELO	ITYALA	ISOHLWAYO	IZOHLWAYO ZABANTU ABAPHINDA BENZE ITYALA [(ICANDELO 8(5))]
4(1)	Ukubamba umsitho ngaphandle kwemvume	Umsitho omncinci – R1 000 Ophakathi – R5 000 Umsitho omkhulu – R10 000 Omkhulu kakhulu – R15 000	R10 000 R50 000 R100 000 R150 000
7(a)	Ukubamba umsitho ungathobelanga uMthetho kaMasipala weZiganeko okanye eminye imithetho	Umsitho omncinci – R1 000 Umsitho ophakathi – R5 000 Umsitho omkhulu – R10 000 Umsitho omkhulu kakhulu – R15 000	R10 000 R50 000 R100 000 R150 000
7(b)	Ukungakwazi ukuqinisekisa ukuba indlela yokuziphatha yabantu abazimase umsitho kunye nezinto ezenziwayo aziphazamisani nabamelwane kunye nabahlali abakuloo mmandla	Umsitho omncinci – R1 000 Umsitho ophakathi – R5 000 Umsitho omkhulu – R10 000 Umsitho omkhulu kakhulu – R15 000	R20 000 R80 000 R200 000 R300 000
7(c)	Ukungakwazi ukuqinisekisa ukuba isaziso esikhutshwe liGosa elikhupha iiPemethi zeZiganeko sithotyelwe na	Umsitho omncinci – R1 000 Umsitho ophakathi – R5 000 Umsitho omkhulu – R10 000 Umsitho omkhulu kakhulu – R15 000	R20 000 R80 000 R200 000 R300 000
8(1)	Ukungathobeli isaziso semiqathango esikhutshwe liGosa elikhupha iiPemethi zeZiganeko okanye iGosa loNyanzeliso-Mthetho	Umsitho omncinci – R1 000 Umsitho ophakathi – R5 000 Umsitho omkhulu – R10 000 2 Umsitho omkhulu kakhulu – R15 000	R50 000 R100 000 R400 000 R600 000