



Western Cape Government • Wes-Kaapse Regering • URhulumente weNtshona Koloni

PROVINCE OF THE WESTERN CAPE

PROVINSIE WES-KAAP

# Provincial Gazette Extraordinary

# Buitengewone Provinsiale Koerant

9014

9014

Friday, 6 December 2024

Vrydag, 6 Desember 2024

*Registered at the Post Office as a Newspaper*

## CONTENTS

*(\*Reprints are obtainable at Room M21, Provincial Legislature Building, 7 Wale Street, Cape Town 8001.)*

### LOCAL AUTHORITY

Mossel Bay Municipality: Mossel Bay Municipality By-law Relating  
to Events 2024..... 2

**MOSEL BAY MUNICIPALITY****MOSEL BAY MUNICIPALITY BY-LAW RELATING TO EVENTS, 2024****Adopted by Resolution E330-11/2024 of the Municipal Council of Mossel Bay**

The Municipality of Mossel Bay hereby publishes the Mossel Bay Municipality By-Law Relating to Events, 2024 as set out below in terms of Section 156 of the Constitution of the Republic of South Africa, 1996, for general information.

The Afrikaans and Xhosa version of the By-Law will be available upon request. In the event of an inconsistency between the English, Afrikaans or Xhosa text, the English text shall prevail.

The Mossel Bay Municipality By-Law Relating to Events, 2024 comes into operation on date of promulgation in the *Provincial Gazette*.

6 December 2024

24824

**MOSELBAAI MUNISIPALITEIT****MOSELBAAI MUNISIPALITEIT VERORDENING INSAKE GEBEURTENISSE, 2024****Aanvaar deur Resolusie E330-11/2024 van die Munisipale Raad van Mosselbaai**

Die Munisipaliteit van Mosselbaai, publiseer hiermee die Mosselbaai Munisipaliteit Verordening insake Gebeurtenisse, 2024 soos uiteengesit hieronder in tere van Artikel 156 van die Grondwet van die Republiek van Suid-Afrika, 1996, vir algemene inligting.

Die Afrikaanse en Xhosa-weergawe van die Verordening sal beskikbaar wees op aanvraag. In die geval van 'n teenstrydigheid tussen die Engels, Afrikaans en Xhosa teks sal die Engelse teks aanvaar word.

Die Mosselbaai Munisipaliteit Verordening insake Gebeurtenisse, 2024 tree in werking op datum van promulgering in die *Provinsiale Koerant*.

6 Desember 2024

24824

**UMASIPALA WASE MOSEL BHAYI****UMTHETHO KAMASIPALA WASE MOSEL BHAYI OMALUNGA NEMINYADALA, 2024****Wamkelwe phantsi kweSigqibo E330-11/2024 seBhunga likaMasipala wase Mossel Bhayi**

UMasipala wase Mossel Bhayi ngale mbalelwano upapasha uMthetho kaMasipala wase Mossel Bhayi omalunga noMthetho obhekiselele kwiMinyadala, 2024 njengokuba kucacisiwe apha ngezantsi phantsi kweCandelo 156 loMgaqo-Siseko woMzantsi Afrika, 1996, ngenjongo yokwaziswa kwawo gabalala.

Inguqulelo zesiBhulu nesiXhosa zesiphakamiso ziyakufumaneka xa umntu ezicela. Kwiimeko apho kukho khona ukungangqinelani phakathi kwesiNgesi, isiBhulu okanye isiXhosa, inguqulelo yesiNgesi iyakudlala indima ephambili.

UMthetho kaMasipala wase Mossel Bhayi omalunga neMinyadala, 2024 uyakuqala ukusebenza ngomhla wesibhengezo kwiGazethi yePhondo.

6 kweyoMnga 2024

24824

**MOSEL BAY MUNICIPALITY BY-LAW  
RELATING TO EVENTS, 2024**



**(ADOPTED BY RESOLUTION E330-11/2024 OF THE MUNICIPAL COUNCIL OF  
MOSEL BAY, PROMULGATED IN PROVINCIAL GAZETTE DATED,  
6 DECEMBER 2024)**

The Municipality of Mossel Bay (“the Municipality”) hereby publishes the By-Law Relating to Events, as set out below. It has been promulgated by the Municipality in terms of Section 156(2) of the Constitution of the Republic of South Africa, 1996 and in accordance with Section 13(a) of the Local Government: Municipal Systems Act, No. 32 of 2000.

MOSSEL BAY MUNICIPALITY BY-LAW RELATING TO EVENTS, 2024

1. Definitions ..... 2

2. Application of the By-Law ..... 3

3. Administration and enforcement ..... 3

4. Adoption and implementation of an Events Policy ..... 3

5. Prohibitions..... 3

6. Application for an Event Licence ..... 4

7. Decisions on Events..... 4

8. Hosting of an Event ..... 4

9. Compliance notice ..... 4

10. Suspension or revocation of event licences ..... 5

11. Fees, tariffs and deposits ..... 5

12. Right of entry, inspection and monitoring..... 5

13. Service of documents and process..... 5

14. Offences and Penalties..... 6

15. Limitation of liability..... 6

16. Right to Appeal..... 6

17. Short title and commencement ..... 6

## MOSSEL BAY MUNICIPALITY BY-LAW RELATING TO EVENTS, 2024

**1. Definitions**

- (1) In this By-Law, words used in the masculine gender include the feminine, the singular the plural and vice versa, the English text prevails in the event of an inconsistency between the different texts and unless the context otherwise indicates-

**“application”** means the application for permission to host an event in terms of this By-Law;

**“authorised Municipal official”** means any employee of the Municipality or any other person who is appointed or authorised thereto to perform any act, function or duty related to the provisions of this By-Law, or exercise any power in terms of this By-Law; and **“officer”** has a corresponding meaning;

**“emergency”** means unforeseen circumstances that arise suddenly and involves imminent or actual danger to persons, property or the environment, which demands immediate action, including but not limited to a state that calls for immediate action, for example pandemics, war, civil commotion, fire, flood, action by any government, terrorism, sabotage or embargos, industrial action, strike or labour unrest.

**“event”** means a business, charitable, community, conference, cultural, educational, entertainment, exhibition, flash mob, live act, organisational, promotional, recreational, religious or sporting activity or any similar activity that is planned and that involves a gathering of people on which this By-Law is applicable as set out in Section 2, or any activity relating thereto;

**“event organiser”** means the person, entity, organisation, body or group, or its employees or agents, who intends to hold or who holds an event, whether in personal capacity or on behalf of another person, body or organisation and in the event that the event organiser is a minor the parent or guardian of such person;

**“event licence”** means a written permission to host an event in terms of this By-Law;

**“Events Policy”** means the Policy on Events as approved by the Mossel Bay Municipality’s Council and the By-Law gives effect to this Policy;

**“Joint Operation Centre”** means the Joint Operation Centre situated on the premises of the Mossel Bay Golf Club, No.37 17<sup>th</sup> Avenue, Mossel Bay and managed by the Joint Operation Centre NPC;

**“Municipal area”** means the area of jurisdiction of the Municipality as determined in terms of the Local Government: Municipal Demarcation Act, No. 27 of 1998;

**“Municipality”** means the Municipality of Mossel Bay established in terms of Section 12 of the Local Government: Municipal Systems Act, No. 117 of 1998, and includes any duly authorized agents, service providers or any employee thereof acting in connection with this By-Law by virtue of a power vested in the Municipality and delegated or sub-delegated to such agent service provider or employee;

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

MOSSEL BAY MUNICIPALITY BY-LAW RELATING TO EVENTS, 2024

“**private property**” means a property which is not state owned, which falls outside the ambit of the definition of a public property;

“**public property**” means a property owned or managed by the Municipality, Provincial or National Government, and includes a “**public space**”.

**2. Application of the By-Law**

- (1) This By-Law applies to any event held within the area of jurisdiction of the Municipality, including events held on private property or public property.
- (2) This By-Law does not apply to –
  - (a) an event that is held on private property, which does not contravene any legislation or By-Law and has no negative impact on the resources of the Municipality and/or the surrounding community; or
  - (b) an event held on a purpose build venue with the appropriate zoning, which is being utilised for the purpose that it was built for, for example sport fields being utilised for sport events.
- (3) Notwithstanding the provisions of subsection (2), the Municipality may require a person to apply for an event licence if an authorised municipal official finds that this By-Law is, or likely is to be, contravened by an event organiser.

**3. Administration and enforcement**

- (1) The Director: Community Services is responsible for the administration and enforcement of this By-Law.
- (2) The Director may delegate these powers and duties to any other Director under whose functional duties such administration or enforcement may fall, to act accordingly.
- (3) The Director may delegate any power or duty to any municipal official in his/her Directorate.

**4. Adoption and implementation of an Events Policy**

- (1) The Municipality shall adopt and implement an Events Policy consistent with this By-Law, which will prescribe the processes that will be followed by the Municipality when considering an event application as well as any other matter related thereto.
- (2) This By-Law gives effect to the Events Policy which must be read with the By-Law and a transgression of this By-Law will be deemed as a transgression of the Policy and *vice versa*.

**5. Prohibitions**

- (1) No person may organise an event, on which this By-Law is applicable, in the Municipal area without prior written permission having been obtained in terms of this By-Law.
- (2) An event organiser whose application has been approved is responsible to ensure that the event is in compliance with all applicable legislation, this or any other By-Law and any condition imposed by the Municipality.

## MOSSEL BAY MUNICIPALITY BY-LAW RELATING TO EVENTS, 2024

### **6. Application for an Event Licence**

- (1) An event organiser who intends to host an event, on which this By-Law is applicable, must apply for an event licence by submitting an application on the prescribed form in such a manner as acceptable by the Municipality.
- (2) The application must be submitted timeously, with all required documentation as fully set out in the Events Policy, taking into consideration the event categories and related internal processing times as contained in the Events Policy.

### **7. Decisions on Events**

- (1) The Municipality must approve or refuse an application for an event in terms of this By-Law.
- (2) Once a decision has been taken in terms of subsection (1) the applicant will be informed thereof in writing within seven (7) days of the decision.
- (3) If the event application is approved, the Municipality may impose conditions to such approval.
- (4) The event licence will confirm the conditions to which the approval of the event is subject to.
- (5) An event organiser must, on request of the Municipality, present the event licence electronically or by means of a printout.

### **8. Hosting of an Event**

- (1) 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 in compliance with all applicable legislation, this or any other By-Law and any condition imposed by the Municipality; and
  - (b) the conduct of persons attending an event and the activities undertaken or carried out at the event has no negative impact on the surrounding communities during the event;
  - (c) any compliance notice issued by the Municipality in terms of section 9 is complied with.

### **9. Compliance notice**

- (1) Should the Municipality be of the opinion that a provision of this or any other By-Law or legislation is being contravened by an event organiser or that a condition has arisen that has the potential to lead to a contravention of this or any other By-Law or legislation, the Municipality may issue a compliance notice to the event organiser; and
- (2) A notice issued in terms of subsection (1) must state —
  - (a) the provision of this or any other By-Law or legislation that is being contravened or will be contravened if the condition is allowed to continue; and
  - (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 a notice was served in terms of subsection (1), fails to comply with the requirements of the notice, the Municipality may, for the purposes of this By-Law, take such steps as may be necessary to rectify the non-compliance at the cost of the event organiser.

## MOSSEL BAY MUNICIPALITY BY-LAW RELATING TO EVENTS, 2024

**10. Suspension or revocation of event licences**

- (1) Where it is deemed necessary, due to the negative impact on the general public and/or the environment and/or the surrounding community, the Municipality may suspend or revoke the event licence with immediate effect pending compliance of the compliance notice issued in terms of the By-Law Relating to Events.
- (2) The Municipality may suspend or revoke an event licence in the event of an emergency.

**11. Fees, tariffs and deposits**

- (1) The Municipality may impose such fees and tariffs that may be applicable to the specific event, as fully set out in the Events Policy and the Tariff Policy.
- (2) An event organiser must pay any such fees and tariffs prior to the event licence being issued.

**12. Right of entry, inspection and monitoring**

- (1) An authorised Municipal official may, at any reasonable time and without prior notice, enter any public or private place—
  - (a) Where an event is being conducted; or
  - (b) where they have reasonable grounds to suspect that an event is being conducted, to carry out such inspection and monitoring as they may deem necessary to determine compliance with this By-Law.
- (2) No person may—
  - (a) interfere with, hinder, obstruct, prevent; or attempt to interfere with, hinder, obstruct or prevent an authorised Municipal official from entering, inspecting and monitoring as contemplated in subsection (1).
  - (b) submit false or misleading information to the Municipality relating to an event or an event organiser.

**13. Service of documents and process**

- (1) Whenever a notice, order, demand or other document is authorised or required to be served on a person or entity in terms of this By-Law, it shall be deemed to have been effectively and sufficiently served on such person or entity—
  - (a) when it has been delivered to him/her or a representative of the entity personally; or
  - (b) when it has been left at his/her place of residence or business in the Republic with a person or entity apparently over the age of sixteen years; or
  - (c) when it has been posted by registered or certified mail to his/her last known residential or businesses address in the Republic and proof of the posting thereof is produced; or
  - (d) when it has been sent by electronic mail to the email address as contained in the application; or
  - (e) if his/her or its address in the Republic is unknown, when it has been served on his/her or its agent or representative in the Republic in the manner provided for in paragraph (a), (b), (c) or (d); or
  - (f) if his/her or its address and agent in the Republic are unknown, when it has been posted in a conspicuous place on the property to which it relates.



## MOSSEL BAY MUNICIPALITY BY-LAW RELATING TO EVENTS, 2024

**14. Offences and Penalties**

- (1) Any person who –
- (a) obstructs or hinders the municipality in the exercising of the powers or performance of functions or duties under this By-Law;
  - (b) contravenes or fails to comply with a provision of this By-Law;
  - (c) fails to comply with the terms of a notice served upon him in terms of this By-Law is guilty of an offence and liable on conviction to:
    - (i) a fine or imprisonment, or to both such fine and such imprisonment; and
    - (ii) in the case of a continuing offence, to an additional fine or an additional period of imprisonment, or to both such additional fine and imprisonment for each day on which such offence is continued and a further amount equal to any costs and expenses found by the court to have been incurred by the Municipality as result of such contravention or failure.

**15. Limitation of liability**

- (1) The Municipality is not liable for any damages or loss caused by, or of-
- (a) the exercise of any power or the performance of any duty in good faith under this By-Law;
  - (b) the failure to exercise any power or perform any function or duty in good faith under this By-Law; or
  - (c) any property of the event organiser or any third party, arising from the planning for, or marketing of an event, the submission of an application for an event licence, refusal, holding, revocation or suspension of an event.

**16. Right to Appeal**

- (1) A person whose rights are affected by a decision taken in terms of this By-Law has the right to lodge an appeal against the decision taken in terms of Section 62 of the Local Government: Municipal Systems Act, No. 117 of 1998 and in terms of the Mossel Bay Municipality's Policy.

**17. Short title and commencement**

- (1) This By-Law shall be known as the Mossel Bay Municipality By-Law Relating to Events and shall come into operation on the date of publication thereof in the *Provincial Gazette*.





