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STELLENBOSCH
MUNICIPALITY

EVENTS BY-LAW, 2024

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STELLENBOSCH MUNICIPALITY: EVENTS BY-LAW**PURPOSE AND OBJECTIVES**

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

PREAMBLE

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

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

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

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

AND WHEREAS the Stellenbosch Municipality wants to ensure that events take place safely and securely in a coordinated manner through a clear collaboration between Law Enforcement, Fire Services, the South African Police Services, Disaster Management, District Municipality, Traffic Services and other related emergency and safety organisations;

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

CHAPTER 1

DEFINITIONS AND APPLICATIONS

1. DEFINITIONS

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

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

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

“event” means-

- (a) any sporting, recreational, entertainment, including live entertainment or event acts;
- (b) any educational, cultural or religious event;
- (c) any business event including marketing, public relations and promotional events, or exhibition events;
- (d) any charitable event, including any conference, organizational event or community event;
- (e) any filming which is of such a nature that it may have a negative impact on vehicular or pedestrian traffic or may attract crowds;
- (f) any similar event or activity hosted at a stadium, public place, venue or along a route or within its precinct.

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

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

“events policy” means the Events Policy of the Stellenbosch Municipality;

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

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

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

“permit” means a permit issued by the Events Coordinator for the holding of events;

“public place” means -

- (a) any public land, square, public swimming, bath, public resort, public recreation site, zoological, botanical or other public garden, park or hiking trail, including any portion thereof and any facility or apparatus therein or thereon, as well as any public open space, public road, road reserve, reserve street, lake, dam, or river;
- (b) any public building, structure, hall, room or office including any part thereof and any facility or apparatus therein, which is the property of, or possessed, controlled or leased by Stellenbosch Municipality and to which the general public has access, whether on payment of admission fees or not;
- (c) any nature conservation area including – nature reserves, protected natural areas, nature conservation worthy areas, natural open spaces.

“public land” means all property owned by government;

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

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

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

“this By-Law” includes the Schedules hereto;

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

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

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

“ward committee” means the ward committee as established by Stellenbosch Municipality from time to time and chaired by the respective appointed ward councillors

2. APPLICATION OF THIS BY-LAW

- (a) This By-Law applies to any event held within the area of jurisdiction of Stellenbosch Municipality, including events held on both private land and public land, provided that where an event is held on private land, subject to any other applicable legislation, it has an impact on the resources of the Municipality and the surrounding community.
- (b) This By-Law does not apply to –
- (i) events of fewer than 200 persons where there is no amplified sound or no temporary structures to be used;
 - (ii) actions falling under the provisions of the Regulation of Gatherings Act (Act 205 of 1993) as amended, for which a system of approval is already in place;
 - (iii) public participation or meetings held by ward councillor;
 - (iv) small events such as family and community events held on private property or purpose-built venues, subject to any other legislation;
 - (v) funeral and funeral processions, events held at a purpose-built venue or the grounds of any school, playground, place of worship, hotel and/or any other conference facility, athletic field, arena, auditorium or similar;
 - (vi) permanent place of assembly when used for events normally held in or at such venues; provided that this exclusion does not apply to events or parts of events held outside the venue or building, or which by their nature, size or impact are considered outside the normal use parameters for the venue;
 - (vii) sport fixtures and events regulated by the Safety at Sports and Recreational Events Act No.2 of 2010;
 - (viii) Weddings held at wedding venues established for purposes of weddings or at a community hall or similar entertainment facility, and wedding processions, which fall outside the boundaries of an environmentally protected area;
 - (ix) Cultural rituals held by cultural groups and families in the community.
- (c) Notwithstanding subsection (2), the Events Permit Officer or a Law Enforcement Officer may –
- (i) 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
 - (ii) 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 Organiser in terms of section 8 and act in terms of this By-Law.

- (d) Purpose-built venues are excluded from this By-Law in respect of events normally held in such venue, provided that –
- (i) this exclusion does not apply to events or parts of events held outside the venue or building or which by their nature, size or impact are considered outside the normal use parameters for the venue;
 - (ii) owners or managers of purpose-built venues must submit an application to the Events Permit Office for approval of their events programmes which shall be valid for one year;
 - (iii) the Events Permit Officer may, from time to time, issue directives regarding specific or special application process for any specific or special event which may vary in respect of the criteria referred to in section 6;
 - (iv) in the event of a conflict between this By-Law and any other By-Law of the Municipality this By-Law shall prevail regarding the management and holding of events;
 - (v) this By-Law does not apply to the holding of public gatherings and demonstrations as provided for in terms of the Regulation of Gatherings Act, 1993 (Act No. 205 of 1993).

CHAPTER 2

APPLICATION PROCESS, REQUIREMENTS, DECISIONS AND ENFORCEMENT

3. SUBMISSION OF APPLICATIONS FOR APPROVAL TO HOLD OR STAGE EVENTS

- (a) A formal application to stage an event must be made by the event organizer to the Events Permit Officer and submitted –
- (i) by a person who is at least 18 years old;
 - (ii) in a form and or manner as prescribed by the Events Permit Officer;
 - (iii) within the time frames as prescribed in Schedule 2 of this By-Law;
 - (iv) by a person or on behalf of a person who possesses the necessary capacity and resources.
- (b) The application must include all information required as indicated in the prescribed form and any additional information as may be requested by the Stellenbosch Municipality.
- (c) All applications must be accompanied by proof of payment of the applicable fees and deposit payable for the event.
- (d) In the event of failure to submit the information referred to in subsection 3(b) and proof of payment in terms of subsection 3(c) an application will not be considered in terms of this By-Law.

4. REQUIREMENTS AND CONDITIONS

- (a) No person may hold or stage any event without obtaining a permit referred to in section 5(c).
- (b) An application for an event must comply with the provisions of this By-Law and contain such information as indicated in the prescribed application form as set out in the Schedule 3.
- (c) The Event Organiser may not advertise/market or sell tickets for the planned event before an application is submitted to the Municipality and the Event Permit Officer has informed the Event Organiser in writing that the application has been approved in terms of section 5(a).
- (d) The Event Organiser is required to apply separately and within the required timeframe to the National Commissioner of the South Africa Police Services for a risk categorisation as contemplated in the Safety at Sports and Recreational Events Act, 2010 (Act No.2 of 2010).
- (e) Payment of an administration fee and or applicable tariffs determined by the Municipality must be required from the Event Organiser ahead of approval of an application for an event.
- (f) The Events Permit Officer must ensure that consultation with relevant stakeholders identified by the Municipality is undertaken by the event organizer.
- (g) The Event Permit Officer must, in terms of the Event Policy and depending on the nature of the event, ensure that consultation takes place with the Events Committee, which will include an official from the municipality's environmental services department; and with any other relevant stakeholder, including the relevant ward councillor.
- (h) The Events Permit Officer must satisfy him /or herself by written documentation that the relevant zoning scheme, environmental legislation and all health and safety regulations are complied with; that adequate public liability insurance cover, and that appropriate indemnity cover is obtained for an event by the Event Organiser. Similarly, where an activity which may put the public at risk will be triggered, proof of appropriate specialized risk insurance, blanket liability or work cover must be provided to the Events Permit Officer by the Event Organiser.
- (i) The Council must, as part of its budgeting process in terms of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003), determine tariffs and deposits payable for events.
- (j) The Municipality shall not, in respect of any planning for an event, application, approval or permit issued for an event in terms of this By-Law, be held liable for any-
 - I. damage to or loss of any property of the Event Organizer; or
 - II. costs incurred by an Event Organizer or any third party;
- (k) The event organizer, or the venue owner shall be liable for the cost of any service provided by the municipality for or in respect of an event.

SAFETY OFFICER

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

- (a) The responsibility for the safety of all present at the event lies primarily with the Event Organiser;
- (b) The safety officer is tasked with monitoring and maintaining a safe environment for the duration of the event, including the set-up and breakdown of stages of the event;
- (c) The areas of responsibility of the safety officer include operational safety, occupational health and safety compliance and hygiene management;
- (d) The safety officer maintains the right to halt any event should he/she identify a significant risk threatening the safety of any individual present at the event;
- (e) The mandate of the safety officer includes the event venue as well as all associated facilities;
- (f) The safety officer is required to be on-site for the entire duration of the event, including the set-up and breakdown stages of an event;
- (g) The safety officer is to reasonably identify any risks or dangers and recommend suitable mitigation and management measures to the Event Organiser;
- (h) The safety officer is responsible for ensuring that the event-specific written safety and security plan is adhered to.

5. DECISIONS ON EVENTS

- (a) The Events Permit Officer must approve or decline an application for an event within a reasonable time in terms of this By-Law.
- (b) Once a decision has been taken in terms of subsection 5(a) the applicant must be informed thereof in writing.
- (c) Where an application for an event has been approved, the Events Permit Officer must issue a permit specifying the conditions applicable to the event.
- (d) The Event Organizer must make sure that the permit is available at the venue for inspection at all stages and at all times of the event, and that any additional licences, including liquor licences can be clearly displayed in public.
- (e) Where an application for an event has been declined, reasons for the decision must be communicated to the applicant in writing, and the applicant must be informed of his/her right to appeal the decision in terms of section 62 of the Municipal Systems Act.
- (f) The Event Permit Officer may decline an application for an event permit where—

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

6. EVALUATION CRITERIA

- (a) The Events Permit Officer must ensure that applications for staging an event are considered in accordance with the following criteria, where applicable:
 - (i) the type and size of an event;
 - (ii) the impact of the event in terms of the strategic fit to the Events Policy;
 - (iii) the impact of the event on municipal services including services relating to noise control, traffic, parking, local amenities, public places, health and all incidental services affected by the holding of the event, logistical aspects, as well as marketing, economic, social and environmental objectives;
 - (iv) whether the proposed use of the land complies with the applicable zoning scheme and any conditions applicable thereunder;
 - (v) the safety and security risk management of the event in respect of the event plan, logistics, location, site design and other activities taking place near or at the event venue and other threats to the event. The risk assessment will include, but not limited to, obtaining details of the evacuation routes, emergency plans, site plans of access, and the inference of public open space;
 - (vi) that the event complies with all applicable legislation;
 - (vii) the impact of the event on the environment;
 - (viii) Previous offences
- (b) The criteria referred to in subsection 6(a) must be considered in respect of-
 - (i) the review and assessment of events;
 - (ii) the decision processes for event applications;
 - (iii) prioritisation of events;
 - (iv) the type and level of support to be provided by the Municipality for events; and
 - (v) the services to be provided by the Municipality to events.

- (c) The Events Permit Officer may impose reasonable conditions to the permit to protect the environment and the health, safety and welfare of the public pertaining to:
- (i) Location and hours during which the event may be held;
 - (ii) Sanitation, ablution facilities and availability of water;
 - (iii) Security and crowd management;
 - (iv) Parking and traffic issues;
 - (v) Emergency and medical services;
 - (vi) Clean-up of premises and surrounding area and waste disposal;
 - (vii) Insurance;
 - (viii) Lighting;
 - (ix) Fire services and safety;
 - (x) Temporary construction, barricades and fencing;
 - (xi) Removal of advertising and promotional materials after the event;
 - (xii) Noise levels.
 - (xiii) Any other conditions pertaining to the Event
 - (xiv) The environmental impact.

7. HOLDING OF AN EVENT

- (a) An Event Organizer whose applications have been approved in terms of this By-Law are responsible for the event and must ensure that —
- (i) the event is held in compliance with the provisions of this By-Law, the conditions imposed by the Events Permit Officer and does not contravene any other law;
 - (ii) the conduct of persons attending an event and the activities undertaken or carried out at the event do not negatively impact on affected communities and the environment during such an event;
 - (iii) any compliance notice issued by the Events Permit Officer in terms of section 8 is complied with.

8. COMPLIANCE NOTICE

- (a) When the Events Permit Officer or a Law Enforcement Officer finds that a provision of this By-Law is being or has been contravened by an Event Organizer or that a condition has arisen that has the potential to lead to a contravention of this By-Law or any other law, he or she —
- (i) may issue a compliance notice to the Event Organizer; or
 - (ii) may, on receipt of information from an authorized official relating to the contravention of this By-Law or any other law in respect of the holding or staging of an event, issue a compliance notice to the Event Organiser.
- (b) A notice issued in terms of subsection 8(a) must state —
- (i) the provision of the By-Law; that is being contravened or will be contravened if the condition is allowed to continue;

- (ii) the measures that must be taken to rectify the condition; and
 - (iii) the time period in which the notice must be complied with.
- (c) If an Events Organiser on whom notice was served in terms of subsection 8(a), fails to comply with the requirements of the notice, the Event Permit Officer, a Law Enforcement Officer or an authorized official may, for the purposes of this By-Law, take such steps as may be necessary to rectify the condition at the cost of the Event Organizer.
- (d) A person who fails to comply with a compliance notice issued in terms of subsection 8(a) commits an offence.
- (e) The municipality shall, in respect of a person who fails to comply with a compliance notice in respect of one or more events –
 - (i) keep a record of non-compliance and consider any appropriate action as may be required;
 - (ii) require an increased deposit from the person for future events to be held or staged by such person; and
 - (iii) require proof of measures in place to ensure compliance of this By-Law where the party defaulted at a former event.

9. INSPECTIONS AND RIGHT OF ACCESS

- (a) The Events Permit Officer, an authorized official or a law enforcement officer may conduct inspections of a venue after the submission of an application as well as during and after the staging or holding of an event to determine compliance with this Bylaw and the conditions made;
- (b) The Events Permit Officer or a law enforcement officer has a right of access to or over any venue for the purposes of –
 - (i) performing all necessary acts or required to be done by the municipality under this By-Law,
 - (ii) ascertaining whether there is or has been a contravention of the provisions of this By-Law; and the conditions made subject to the approval of the event application
 - (iii) enforcing compliance with the provisions of this By-Law.
- (c) An Events Permit Officer, an authorized official, or a law enforcement officer may require such owner or occupier to provide, at any reasonable date and time access to such property to a person and for a purpose referred to in subsection 9(b).

10. SUSPENSION AND REVOCATION OF PERMIT

- (a) The Event Permit Officer, may where the Event organizer fails to comply with a compliance notice issued in terms of section 8, by notice in writing to the Event Organiser –
 - (i) suspend the permit immediately until the Event Organiser has complied with the compliance notice;

- (ii) revoke the permit and take such steps as may be necessary in terms of this By-Law, for which costs incurred by the Municipality, the Event Organiser shall be liable; or
 - (iii) on receipt of information from a Law Enforcement Officer or an authorised official relating to failure to comply with a compliance notice, suspend or revoke the permit of an Event Organizer.
- (b) The Municipality may, where the Events Permit Officer has acted in terms of subsection 10(a), withhold the deposit paid by the Event Organizer for an event as security for the payment of such costs.

CHAPTER 3

GENERAL PROVISIONS

11. AGREEMENTS AND PARTNERSHIPS

- (a) The Municipality may enter into such agreements and partnerships with Event Organizers as may be necessary for the holding and management of events in terms of this By-Law.
- (b) The Municipality may, under an agreement or partnership contemplated in subsection 11(a), provide support either logistically, financially or both to specific events which are aligned to the strategic objectives of the Municipality.
- (c) The agreements and partnerships contemplated in subsection 11(a) must provide for service levels which must be met by the parties in order to ensure compliance with this By-Law and the Municipal Finance Management Act, 2003 (Act No. 56 of 2003).
- (d) Notwithstanding the provisions of this By-Law relating to offences and penalties, an agreement concluded in terms of this section may provide for penalties for which an Event Organizer shall be liable in the event of non-compliance therewith.

12. DELEGATIONS

- (a) The Events Permit Officer may delegate any of the powers conferred on him or her either in whole or in part under this By-Law to any other competent official of the Municipality.
- (b) The Municipal Manager may appoint competent officials in the employment of the Municipality as authorised officials to enforce the provisions of this By-Law.

13. RIGHT OF APPEAL

- (a) Parties to a dispute arising from a conflict in terms of this By-Law must attempt to resolve such conflict before exercising the right of appeal contemplated in subsection (b) through consultation with each other.
- (b) The Events Permit Officer have the right to decline an application, if the application is incomplete and does not meet the timeframes as set out in Schedule 3.

- (c) The Event Organizer may appeal against a decision where his or her application to hold an event has been declined.
- (d) The Appeal Committee will attend to appeals prior to the submission of such appeals in writing to the Municipal Manager within a period as indicated in Schedule 2 in relation to the type of event concerned.
- (e) The application which is a subject of appeal must be decided in terms of section 5 before the appellant may lodge an appeal within the applicable timeframes set out in Schedule 2.
- (f) An appeal lodged in terms of this section must be considered and decided within such time as indicated in Schedule 2 in relation to the type of event concerned.
- (g) The Municipal Manager may delegate any official of the Municipality to consider and decide on appeals referred to in subsection 13(b).

14. INDEMNITY

- (a) The Event Organiser must provide –
 - (i) evidence, to the satisfaction of the Event Permit Officer, of appropriate indemnity cover; and
 - (ii) where an activity which may put the public at risk will be involved, evidence to the satisfaction of the Events Permit Officer of appropriate specialised risk insurance, public liability insurance or work cover must be provided.
- (b) The Municipality shall not be liable for any costs, including any damage or loss incurred or suffered as a result of an event held without an approval in terms of this By-Law.
- (c) Event owners shall be held liable for any damages to the municipality's property resulting from the holding of an event.

15. OFFENCES AND PENALTIES

- (a) Any person who-
 - (i) holds an event without a permit in contravention of section 4(a);
 - (ii) is an Event Organiser and whose application to hold an event has been approved, fails to comply with any provision of this By-Law, any condition made subject to the approval of the event application; or contravenes a provision of any other law for which the municipality is responsible for implementation and enforcement, in contravention of section 7(a)(i);
 - (iii) fails to ensure that the conduct of persons attending an event and the activities undertaken or carried out at an event do not disturb the neighbouring community, residents, or the environment in contravention of section 7(a)(i);

- (iv) fails to comply with the compliance notice issued by the Events Permit Officer or a Law Enforcement Officer in terms of section 8(a)(i) or (ii), in contravention of section 7(a)(iii), shall be guilty of an offence.
- (b) A person who commits an offence in terms of this By-Law shall, on conviction, be liable –
- (i) in the case of an offence referred to in subsection 15(a)(i) or (ii). To a fine as the court may deem fit to impose or to imprisonment for a period not exceeding twelve months, or to both such fine and such imprisonment;
 - (ii) in the case of an offence referred to in subsection 15(a)(iii), to such fine as the court may deem fit to impose or to imprisonment for a period not exceeding five years, or to both such fine and such imprisonment;
 - (iii) in the case of an offence referred to in subsection 15(a)(iv), to such fine as the court may deem fit to impose or to imprisonment for a period not exceeding 10 years, or to both such fine and imprisonment.

16. SHORT TITLE

This By-Law is called Stellenbosch Municipality: Events By-Law,2024.

SCHEDULE 1
AMENDMENT OF LAW
(Section 45)

No. and Year of Bylaw or Repeal	Short Title	Extent of Amendment

**SCHEDULE 2 SCHEDULE OF EVENTS APPLICATION TIMEFRAME
SUBJECT TO APPLICATION CRITERIA, THE FOLLOWING TIMEFRAMES BELOW WILL APPLY:**

Size	Crowd Size/ No of Participants	Minimum time for submission of an application to the Municipality by the event organiser before the date of an event [all required information relating to the application must be submitted in terms of section 3 (2)]	Minimum time for the Municipality to respond to an application for staging an event	Appeals to be lodged by applicant with the Municipality within	Appeal to be decided by Municipality within
Small	200 to 2000	20 working days (4 weeks)	10 working days(2 weeks)	48 hours of receipt of written notice from the Municipality indicating failure to resolve conflict	48 hours of receipt of written notice of appeal
Medium	2001 to 5000	25 working days (5 weeks)	15 working days (3 weeks)	48 hours of receipt of written notice from the Municipality indicating failure to resolve conflict	Within 48 hours of receipt of written notice
Large	5001 to 10 000	30 working days (6 weeks)	20 working days (4 weeks)	48 hours of receipt of written notice from the Municipality indicating failure to resolve conflict	Within 3 working days
Very Large	10 001 and above	90 working days (minimum 4months, preferably 6 months)	40 working days (2 months)	48 hours of receipt of written notice from the Municipality indicating failure to resolve conflict	Within 5 working days

Note:

1. The timeframes do not include events applications where a land use planning approval in terms of the Land Use Planning Bylaw is required i.e. where an event is to be held on land which is not appropriately zoned. In such instances, the time frames for a very large event will apply.
2. If a small event includes food vendors, a minimum of 15 days will be required if food vendors need to apply for licences and certificates of acceptability.

CHAPTER 29: EVENTS AND OUTDOOR DINING OVERLAY ZONE

273. Zone name and designation on map

- (1) The Events and Outdoor Dining Overlay zone may be referred to by the code (EODO) and shall cover the entire area of the Stellenbosch Municipality's zoning map.

274. Purpose of the zone

- (1) The purpose of the Events and Outdoor Dining Overlay zone is to facilitate the hosting of events and outdoor dining on public streets in certain circumstances, with the aim of promoting the tourism and leisure sector as a key driver of local economic development, as well as to enhance the cultural and social cohesion of communities, while protecting the amenity on which these activities rely.
- (2) A person may only organize an event with a valid permit issued by the Municipality as regulated in the Stellenbosch Municipality Events Permitting By-Law. "Event" has the same meaning as contemplated in subject By-Law.
- (3) Provide for a clear distinction between "events" and "occasional use" events, as contemplated in section 30.
- (4) Notwithstanding the intention for the overlay zone to be less restrictive with regards to the hosting of events and promoting outdoor dining on public streets, the overlay zone gives the Municipality a mechanism whereby additional measures and conditions can be imposed which can assist to avoid potential adverse impact of events and outdoor dining on the receiving environment and mitigate such impacts where they cannot be avoided.

275. General provisions

- (1) The primary, additional and consent uses, and development parameters set out in the applicable base zone remain applicable to any land unit subject to this overlay zone, unless varied in the provisions provided in this chapter.
- (2) Purpose-built tracks, buildings, and infrastructure to be used for events requires land use approval for the facility or amenity as contemplated in subsection (1).
- (3) Events contemplated in this chapter are exempt from the provisions of section 30(1).
- (4) A maximum of 12 events per calendar year can be hosted on an individual property, irrespective of the event being a linear event or place-bound event as contemplated in this chapter, unless otherwise stipulated in this chapter. A calendar year means a period of twelve months from January 1 to December 31.
- (5) Any event occurring on a property that takes direct access from a proclaimed road shall provide effective traffic control for safe access off such road to the on-site parking area, to the satisfaction of the Municipality.
- (6) Any event contemplated in this chapter may involve the construction of temporary structures to facilitate the hosting of such event. Temporary structures or non-permanent structures constructed purely on a temporary basis for a specific period, shall require building plan approval and shall be demolished on completion of the event for which it was erected.
- (7) Commercial services at the same venue that are not directly associated with the event, and which is not an event related activity shall require prior land use approval for such activity.
- (8) No event can be both a "linear event" and a "place-bound event", and the Municipality's Development Management Department has the sole discretion to determine the specific type of an event as contemplated in this chapter.

276. Linear events

- (1) A linear event means an event along a route taken from a starting point to a destination during which the event takes the form of either a recreational activity or a procession, and which may traverse a single property or a number of properties, and includes marathon, trail running, cycling and mountain biking (including E-bikes) events, but excludes the use of motorized vehicles.
- (2) An unlimited number of linear events shall be permitted in the following zones:
 - (a) Community zone.
 - (b) Transport Facilities zone.
 - (c) Public Road and Parking zone; and
 - (d) Public Open Space zone.
- (3) An unlimited number of linear events shall be permitted in the following zones, provided that the total number of people involved in the event, including any support staff or spectators are limited to the capacity of the venue or do not exceed 1000 people, whichever is the lesser:
 - (a) Education zone.
 - (b) Private Open Space zone.
 - (c) Agriculture and Rural zone; and
 - (d) Natural Environment zone.
- (4) For a linear event involving more than 1000 people, including any support staff or spectators associated with such event, a maximum number of 12 events per calendar year shall be permitted on a property with a zoning stipulated in subsection (2).
- (5) A linear event occurring on a property with a zoning stipulated in subsection (2) may not exceed:
 - (a) a maximum of 3 consecutive days; and
 - (b) a cumulative number of 12 days in a calendar year.
- (6) A linear event occurring on a property with a zoning stipulated in subsections (2)(c) and 2(d):
 - (a) must make use of existing routes, farm tracks and infrastructure.
 - (b) must include the provision of sufficient on-site parking for all vehicles associated with the event, or to the satisfaction of the Municipality; and
 - (c) may not involve any motorized vehicles.
- (7) A linear event occurring on a property with a zoning stipulated in subsection 2(a) does not include ancillary events typically associated with the primary uses thereon such as any school related functions.

277. Place-bound events

- (1) A Place-bound event means an event that takes place at a specific venue, or on a specific property.
- (2) An unlimited number of place-bound events shall be permitted in the following zones:
 - (a) Community zone.
 - (b) Transport Facilities zone.
 - (c) Public Road and Parking zone; and
 - (d) Public Open Space zone.
- (3) A maximum of 12 place-bound events per calendar year shall be permitted on a property in the following zones:
 - (a) Education zone.
 - (b) Private Open Space zone; and
 - (c) Agriculture and Rural zone.

- (4) A place-bound event occurring on a property with a zoning stipulated in subsection (2) may not exceed:
- (a) a maximum of 3 consecutive days; and
 - (b) a cumulative number of 12 days in a calendar year.
- (5) Notwithstanding subsection (2), a place-bound event occurring on a property with a zoning stipulated in subsection (2)(c) that involves any amplified music such as an outdoor music concert, rave or festival, shall not be permitted to extend beyond 18h00.
- (6) A place-bound event occurring on a property with a zoning stipulated in subsections (2)(b) and 2(c):
- (a) must make use of existing facilities, amenities, and infrastructure; and
 - (b) must include the provision of sufficient on-site parking for all vehicles associated with the event, or to the satisfaction of the Municipality.
- (7) A place-bound event occurring on a property with a zoning stipulated in subsection (2)(a) does not include ancillary events typically associated with the primary uses thereon such as any school related functions.
- (8) All place bound events, regardless of the base zoning of the property on which such event takes place, shall not continue past 22h00 without prior written permission as part of the event permit.

278. Specific provisions: outdoor dining

- (1) Outdoor dining means dining outdoors on sidewalks or a portion of public street with tables, chairs, and other furnishings for the purpose of selling, offering for sale, and serving food and beverages in an area set up directly outside the confines of a property with land use rights for a business premises (or equivalent)
- (2) Outdoor dining shall be permitted as a primary use right on a property zoned Public Road and Parking zone, subject to the following conditions:
- (a) The location of the outdoor dining area must be directly abutting the confines of a property with land use rights in place for a business premises or equivalent.
 - (b) The outdoor dining area must be compliant with the technical specifications and guidelines provided in the Policy on Outdoor Dining, Trading and the use of Public Places for Commercial Ventures and Display, or any such subsequent policy or directive as the Municipality may adopt.
 - (c) The owner of a property incorporating an outdoor dining area as contemplated in this chapter must enter into a written agreement with the Municipality.
 - (d) Only temporary structures specified in the written agreement contemplated in paragraph (c) shall be permitted and shall be subject to building plan approval where applicable.
 - (e) Should a written agreement as contemplated in paragraph (c) not be concluded between the relevant parties, the Municipality may institute enforcement proceedings, either –
 - (i) as contemplated in section 273 of this By-law; or
 - (ii) in accordance with the Municipality's Roads and Streets By-law.

SCHEDULE 4 EVENTS APPLICATION REQUIREMENTS GUIDELINE

The following information and documentation are required from ALL organisers of events wishing to host events in the Stellenbosch Municipality.

The timeous provision of the complete information will support and assist with the processing of the application, the approval processes by the range of Municipality Departments and compliance with legislative requirements.

SIZE	CATEGORY ATTENDEE / PARTICIPATION SIZE	MINIMUM TIME BEFORE AN EVENT TO SUBMIT A COMPLETE APPLICATION TO THE MUNICIPALITY
Small	200 – 2000	A minimum 20 working days (4 weeks)
Medium	2001 – 5000	A minimum of 25 working days (5 weeks)
Large	5001 – 10 000	A minimum of 30 working days (6 weeks)
Very large	10 001 above	90 working days (4 months minimum – preferably 6 months)

NOTE:

1. Events of fewer than 200 persons where there is no amplified sound or no temporary structures to be used need not submit an application. However, the Municipality may determine whether the impact and risk attached to an event of fewer than 200 persons would require the submission of an application.
2. Note this excludes any specific or special application directives which the Municipality may issue from time to time, which may vary by event type, risk, size, the time of the year, duration, venue or location (for example over the festive season or public holiday or related to a type of event or specific venue/location) or impact on the transport network or any other Municipality activity.
3. These timeframes do not include events applications where a land use application 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.

REQUIREMENTS:

- A formal Application detailing the name and contact numbers of the organizer, date/s, venue, nature of event and as much information as possible, and
- An Event Plan including at least the following information:

1. DESCRIPTION OF EVENT:

Type of event: International, National, Local, Linear or Place bound

- Date/s
- Duration (daily)
- Locality/Area
- Property description (erf or farm number)
- Venue
- Anticipated number of participants and spectators
- Details of VIPS attending event (including artist/s)
- Details of nearby Key Point/s or Restricted Areas

2. EVENT PROGRAMME :

(full details and times, plus contact details for person responsible for each aspect of event)

3. LAYOUT PLAN FOR EVENT, INDICATING:

- Stages, Marquees & Other Temporary Structures
- Access and Evacuation Flows
- Fencing and Crowd Barriers
- Catering Facilities and Vendor Areas
- Restricted/VIP Areas
- VOC Location
- Ticket Selling Booths

4. EVENT SAFETY PLAN:

- Medical Plan – including details of private medical service provider/s
- Security Plan – including details of private security service provider/s
- Departmental Emergency Response Plan
- Emergency Procedure/Evacuation Plan
- LP Gas Plan (if applicable)
- Accreditation Plan
- Crowd Management Plan
- Facility Emergency Plan (if applicable)
- Civil Aviation Application/Approval (if applicable)

5. TRANSPORT MANAGEMENT PLAN:

- Detailed Transportation Plan, incl. transportation modes, routes for event
- Details of Road Closures (and times)
- Emergency Vehicle Access Routes
- Optimal Public Transport Utilisation
- Detailed Parking Plan, incl. secured/identified Parking Areas
- Detailed Event Signage/Communication Plan (warning signage, alternative routes, parking, etc.)

6. INTEGRATED WASTE MANAGEMENT PLAN (including immediate precinct)**7. TRAFFIC MANAGEMENT PLAN:**

- Detailed plan of event venue/location and surrounds;
- Details of event specific Road Signage (if applicable)
- Marshalling Plan (if applicable)

8. HEALTH REQUIREMENTS:

- Ablution Facilities and/or Mobile Toilets
- Details of Vendors / Caterers, including licences
- Certificate/s of Acceptability – food vendors

9. ZONING CONFIRMATION OF THE PERMITTED LAND USE OR LAND USE PLANNING (approval where necessary)

10. COMMUNITY PARTICIPATION/CONSULTATION PLAN, INCLUDING:

- Communication with Councillor/s
- Consultation with Community/Residents Organisations/Associations
- Communication with Affected Residents/Businesses/Business Associations or other stakeholders.

11. APPLICATION FORMS /APPROVALS, INCL:

- Noise Exemption (including public participation/consultation)
- Erection of Stages/Marquees/Temporary Structures
- Confirmation of Venue: Written approval from venue owner/venue manager to authorise the event organiser to use the facility/ venue to host the event.
- Liquor Licence/s/ Fireworks/ Civil Aviation (if applicable)

12. MUNICIPAL SERVICES REQUIREMENTS:

- Waste Management Plan, incl.
 - Details of Service Provider/s
 - Arrangements for venue cleansing (prior to and post event)
 - Receipt slip from landfill site (post event)
- Electricity – including wayleaves
- Water
- Transport
- Roads and storm water

13. EVENT COMMUNICATIONS PLAN:

- Ticket Selling Strategy & Accreditation
- Emergency Communications Plan
- Approval or application for Municipal Outdoor Advertising and Signage
- Any specific requirements

14. ENVIRONMENTAL MANAGEMENT PLAN (IF APPLICABLE):

- A rehabilitation plan
- Financial guarantee
- Any other applicable environmental or heritage permission.

15. INDEMNITY FORMS, INCL:

- Completed Indemnity Form
- Confirmation of Public Liability insurance as well as the prescribed insurance confirmation letter.

16. CONFIRMATION OF APPOINTMENT OF SAFETY OFFICER/S

STELLENBOSCH MUNICIPALITY FILMING BY-LAW, 2024

To provide for the regulation of filming activities on private and public property, to enable an environment for the development of the filming sector within the jurisdiction of the Stellenbosch Municipality; and to provide for similarly connected matters.

Preamble

WHEREAS Section 156 of the Constitution, read with local government matters listed in Part B of Schedule 4 and Part B of Schedule 5 of the Constitution, empowers a municipality with the authority to make by-laws for effective administration and exercise of any power concerning a matter reasonably necessary for, or incidental to the effective performance of its functions;

WHEREAS the Municipality aims to balance economic activities such as filming with other rights contemplated in Chapter 2 of the Constitution and thereby intends to regulate short-term public nuisances linked to filming;

WHEREAS the Municipality recognises the important role that filming plays in the economy of the Stellenbosch Municipality and the promotion of the human right of freedom of expression and is committed to simplifying permission processes in relation to filming within its jurisdiction;

WHEREAS the Municipality intends to provide a one-stop accessible facility for the processing of applications for filming while acting within the parameters of the Constitution and existing applicable legislation;

AND NOW THEREFORE, BE IT ENACTED by the Council of the Stellenbosch Municipality, as follows:-

STELLENBOSCH MUNICIPALITY
DRAFT FILMING BY-LAW, 2024

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1. DEFINITIONS

In this By-Law, unless inconsistent with the context –

“applicant” means a natural or juristic person who applies for permission to conduct filming activities in the Stellenbosch Municipality;

“abutting or affected properties” means properties that share a common boundary or properties in close proximity that, while not sharing a common boundary, may be impacted by film-related activity;

“authorised official” means an employee of the Municipality responsible for carrying out any duty of function or exercising any power in terms of the By-Law and includes an employee delegated to carry out or exercise such duties, functions or powers;

“filming” means: (i) the preparation of public and private property for the recording of sound and images as well as the recording of sound and images moving or still, whether on film or video tape, electronically, digitally or by other means and includes all activities related to the filming location where there is an impact on public or private property, which may require the services of the Stellenbosch Municipality, or may have any adverse implications for public safety, the environment and local communities;

(ii) student film projects where there is an impact on public property, which may require the services of the Municipality or may have any adverse implications for public safety, the environment and local communities;

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

but excludes:

(iv) the recording of a private wedding ceremony or other private celebration or event for the purpose of making a recording thereof for its participants for private purposes;

(v) electronic news gathering or the recording of current affairs or news for immediate broadcast or release;

(vi) the recording of digital media on mobile devices such as smartphones, tablet computers and handheld cameras for personal use where there is no impact on the public or any public amenity;

(vii) purpose-built facilities and other film suitable facilities, including filming facilities at educational institutions, where there is no impact on the public or any public amenity;

“film permit office” means the unit responsible to coordinating film permit applications, the approval and rejection of filming and film-related activities in accordance with this by-law and any other applicable legislation and for issuing of permits with appropriate conditions.

“film shoot” means the process or activity of filming, photographing or recording of sound and image for the production of film material or digital media for commercial productions or documentaries and includes the preparation of property for filming.

“film suitable facility” means a film studio or any other facility or premises, including filming facilities at educational institutions that meets minimum requirements to obtain:

- (a) pre-authorization or certification, and
- (b) registration with the Film Permit Office as a film-suitable facility and to be exempt from repeated film permit applications for a defined period;

“location” means any area or place, used for filming activities other than a sound stage or backlot adjoining a movie studio or purpose-built film facility. This area or place may be erected or demarcated by temporary or permanent structures;

“permit” means a written permission granted for filming by the Stellenbosch Municipality in terms of this By-Law;

“permit holder” means a person, whether natural or juristic, or their representative, that has been granted a permit to conduct filming in terms of this By-Law;

“person” means any natural person or juristic person recognised by law as the subject of rights and duties;

“public place” includes –

- (a) a public road, parking area, square, park, recreation ground, sports ground, sanitary lane, open space, shopping centre on municipal land, unused or vacant municipal land or cemetery which has –
 - (i) been provided, reserved or set apart for use by the public; or
 - (ii) been dedicated to the public; and
- (b) public transportation operated by service providers for the Stellenbosch Municipality, but does not include public land that has been leased by the Municipality;

“purpose-built film facility” means a place, studio, facility, or property designed and built or converted for filming activities including any sound stage or backlot adjoining such facility, with all the necessary approvals from the Municipality; and

“shoot type” means a micro, small, medium, large or very large filming activity as described in Schedule 1.

2. APPLICATION

This By-Law applies to all filming activities undertaken within the jurisdiction of the Stellenbosch Municipality, whether on private or municipal land.

3. EXEMPTIONS

- (1) Purpose-built film facilities and film suitable facilities which are zoned for filming and registered in terms of section 5(8), within the jurisdiction of the Municipality are exempted from having to apply for film permits, except when filming activities spill outside of the erf boundaries of any such facility or onto private and public property, provided that these film suitable facilities apply for exemption on an annual basis.
- (2) An applicant applying for micro shoot permit is exempt from having to submit proof of no objections to filming to the municipality.

- (3) Owners of properties contained in the list developed in terms of section 5(8) are exempt from having to submit proof of consultation for filming activities on their properties.
- (4) The following types of filming activities do not require a film permit:-
 - (a) The filming of private wedding ceremonies, or other private celebrations or events for the purpose of making a recording thereof for its participants for private purposes.
 - (b) Electronic news gathering and recording of current affairs or news for immediate broadcast or release; and
 - (c) The recording of digital media on mobile devices such as smartphones, tablet computers, handheld cameras for personal use where there is no impact on the public or public amenity is exempt from having to apply for a film permit.

4. APPLICATION FOR FILMING PERMIT

- (1) Subject to the exemptions set out in section 3, no person may conduct filming within the jurisdiction of the Stellenbosch Municipality without a permit.
- (2) An application for a permit to conduct filming must be submitted to the Municipality –
 - (a) after registration in terms of section 6; and
 - (b) in accordance with the application requirements for different shoot types as set out in Schedule 1 prior to the commencement of the intended filming activities.
- (3) The applicant must inform the Stellenbosch Municipality of any changes, new developments or any relevant information pertaining to the shoot or its impact once the use of any location has been confirmed.
- (4) If filming activities are to take place on private land, within the jurisdiction of the municipality, the owner of the property must provide proof of written consent from abutting and affected properties for a film permit application.
- (5) The Municipality's authorised official may approve, vary or refuse a permit application for filming in terms of the provisions of this By-Law.
- (6) The Municipality may impose written conditions to be fulfilled by the applicant during the film permit application process.
- (7) A permit issued in terms of the By-Law is not transferable.
- (8) Stellenbosch Municipality reserves the right to, at its own discretion, include additional written conditions, amend any condition on any permit or revoke the permit in its entirety at any time should it come to the attention of the Municipality that the filming activity has the potential to contravene any legislation, cause harm or injury to members of the public, damage municipal property or infrastructure, or negatively impact the natural environment.

5. COMMUNITY CONSULTATION

- (1) A person who intends to apply for a permit to film must first deliver a written notice of intention for filming to occupiers of the abutting and affected properties, in terms of subsection (2), before submitting an application for filming to the Municipality.
- (2) The written notice of intention for filming must –
 - (a) be in a format approved by the Municipality;
 - (b) communicate the intention of the applicant to submit an application for permission to conduct filming activities at a particular address, location or area;
 - (c) provide the occupiers of abutting and affected properties an opportunity to declare on the prescribed form that they have no objection to the intended filming;
 - (d) advise the occupiers of the abutting and affected properties of their right to submit any objections to the Municipality;
 - (e) contain the name and contact details of the film company; and
 - (f) contain the dates and times of intended filming activities.
- (3) Where the occupiers of abutting and affected properties cannot be reached a person who intends to apply for a permit to film must demonstrate to the authorised official that reasonable steps have been taken to contact such occupiers.
- (4) The proof of notification or consultation with occupiers of abutting and affected properties that has been obtained in accordance with Schedule 1 must be submitted to the Stellenbosch Municipality's Events Permit Office at the time of submission of the application for filming.
- (5) A person impacted by intended filming activity may submit an objection to the intended filming directly to the Film Permit Office for consideration during the permit application decision-making process.
- (6) The Film Permit office will inform an objector in writing of the outcome of the objection.
- (7) The Municipality may require further consultation between the film company, abutting and affected properties, prior to the permit being issued should there be any changes, new developments or information pertaining to the shoot or its impact once an applicant has confirmed the use of any location.
- (8) Subject to subsection (9), the Municipality may annually consult on and publish a list of properties which may be used for filming activities without the need for further consultation with occupiers of abutting and affected properties for the period set out on the published list.
- (9) The Municipality may determine conditions in publishing the list of properties referred to in subsection (8).

6. REQUIREMENTS FOR PROCESSING OF APPLICATIONS

- (1) Any person or production company who intends to conduct filming must –
 - (a) register with the Municipality in terms of its Standard Operating Procedures; and
 - (b) apply to the Municipality for a permit to conduct filming, in terms of Section 4.
- (2) The submitted application must include –
 - (a) the name, address, electronic mail address, telephone and cellular phone contact numbers and occupation of the applicant;
 - (b) the name of the production company to which the application relates;
 - (c) particulars and contact details of the person who will be in charge of the actual filming, if such person is not the applicant, as contemplated in Section 6 (2)(a);
 - (d) an alternative forwarding address for the receipt of any notices, accounts or correspondence;
 - (e) details of locations of intended filming activities including the property details (erf or farm number as per title deed), the proposed dates and times, the number of people intended to be part of the filming project and general details of the purpose of the intended filming; and
 - (f) a detailed description of the filming activities and the apparatus to be used, which may include:
 - (i) devices or equipment that may cause light, noise or air pollution;
 - (ii) generators, energy transformers or converters;
 - (iii) vehicles, cranes, any other apparatus or devices, unmanned aerial vehicles, drones or similar devices requiring special permission;
 - (iv) temporary structures, tripods or dollies, specialised rigs or equipment; or
 - (v) special effects, stunts, explosives or simulated gunfire.
- (3) The Municipality requires payment of a fee before considering an application to conduct filming.
- (4) The applicant must provide proof to the satisfaction of the Film Permit Office of:
 - (a) appropriate indemnity cover; and
 - (b) appropriate specialised risk insurance and blanket liability or cover where the filming activity would involve stunts, special effects, explosives or similar activities, cranes, drones or unmanned aerial vehicles or any other apparatus or equipment requiring special permission.

7. CRITERIA FOR ASSESSING APPLICATIONS

- (1) The Events Permit Office, when considering an application and determining conditions as contemplated in section 4(5), must assess –
- (a) the duration and location of the filming activity;
 - (b) whether the filming activity has the potential to cause unreasonable disturbance or harm to any person in the form of noise, light or air pollution;
 - (c) whether the filming activity would unreasonably interfere with or disrupt normal activities in a public place or have a negative impact on -
 - (i) general traffic in public places;
 - (ii) pedestrian traffic in public places;
 - (iii) public parking;
 - (iv) access to any private property;
 - (v) municipal property or infrastructure;
 - (vi) the natural environment; or
 - (vii) safety of members of the public;
 - (viii) any animals including wild animals
 - (d) the potential impact of the filming activity on the surrounding community;
 - (e) whether the occupiers of abutting and affected properties have been given notice of the intended filming; and
 - (f) any objections from occupiers of abutting and affected properties.

8. DECISION ON FILM PERMITS

- (1) The Events Permit Office must approve or decline an application for a film permit in terms of this By-Law, within the time-period 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 a film permit has been approved, the Stellenbosch Municipality must issue a permit with conditions.

- (4) If an application for a filming permit has been declined the Events Permit Office must provide a notice to the applicant that contains –
- (a) written reasons for declining the application;
 - (b) notification of their right, in terms of section 10, to appeal the decision to decline the application; and
 - (c) information relating to the procedures and timeframes within which to lodge an appeal against the decision to decline their application for filming.

9. COMPLIANCE NOTICES

- (1) An authorised official may issue and serve a compliance notice to the permit holder when a provision of this By-law is contravened or when a condition imposed in terms of this By-law has not been fulfilled by the permit holder.
- (2) A compliance notice issued and served in terms of subsection (1) must state –
- (a) the provision of the By-law that is being contravened or which will be contravened if the filming activity continues;
 - (b) the condition that must be complied with;
 - (c) the measures that must be taken to rectify the contravention or non-compliance with any conditions which may have been imposed;
 - (d) the time period within which the notice must be complied with, and
 - (e) the consequences of non-compliance.
- (3) The Municipality may take any steps necessary to ensure compliance, which may include –
- (a) entry into the relevant property in order to investigate matters related to this By-law;
 - (b) cancellation and withdrawal of the permit;
 - (c) stopping any filming activities;
 - (d) seizure and impoundment of vehicles and equipment without a warrant by an authorised official on ground of a contravention of this By-law or any applicable law or by-law; and
 - (e) the authorised official, at the time of the impoundment, must give the holder of the seized and impounded vehicles and equipment a copy of a notice setting out –
 - (i) the reason for the impoundment;
 - (ii) the description of the vehicles and equipment being impounded;
 - (iii) the address and contact details of the designated pound;

- (iv) the conditions for the release of the impounded goods and the payment of any costs related to impoundment;
 - (v) the possibility of the impounded vehicles or equipment being forfeited to the Municipality and sold to recover costs, and
 - (vi) the name and office number of a council official to whom any representation regarding the impoundment may be made.
- (4) A compliance notice is sufficiently and effectively served on the permit holder –
- (a) when it has been delivered or collected personally;
 - (b) when it has been left at his or her place of residence or business in the jurisdiction of the Municipality;
 - (c) when it has been delivered to the forwarding address or email address of the permit holder provided to the Municipality in terms of section 8 (2) of this By-law.

10. RIGHT OF APPEAL

- (1) The applicant may appeal against a decision where their application has been declined as referred to in section 5(6).
- (2) An appeal must be lodged in writing in terms of Section 62 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), within 21 days of the notification of decision.

11. OFFENCES AND PENALTIES

- (1) A person is guilty of an offence if the person –
 - (a) contravenes any provision of this By-law;
 - (b) fails to comply with a condition imposed in terms of this By-law; or
 - (c) fails to comply with a compliance notice issued in terms of this By-law.
- (2) A person found guilty of an offence in terms of this By-Law is liable to a fine aligned to the Stellenbosch Municipality Events By-Law, and upon conviction to a period of imprisonment not exceeding two years, or to both such fine and imprisonment.
- (3) The Municipality may decline to consider application for filming activity –
 - (a) for a period of up to 3 months where a person has reneged on the conditions of a film permit; and
 - (b) for a period of up to 6 months where a person has been convicted of an offence in terms of this By-law.

- (4) Notwithstanding any other provisions of this By-law, the Municipality may –
- (a) take measures it considers appropriate to remedy the situation where a person or permit holder on whom a compliance notice was issued under section 9 fails to comply, or has complied inadequately to the compliance notice;
 - (b) recover costs, in terms of its Credit Control and Debt Collection Policy and its Credit Control and Debt Collection By-law, for the measures to be undertaken under subsection (a) and for all costs incurred as a result of acting under subsection (a) from all persons on whom the compliance notice was issued.
- (5) Any person who fails to comply with a notice in terms of subsection 9(1) may be fined in terms of this by-law, and the Municipality may act against the offender and take the necessary steps to implement such notice at the expense of the owner of the premises or the offender, as the case may be.

12. INDEMNITY

The Stellenbosch Municipality or any authorised official is not liable to a third party for any damage caused by anything unlawfully done or omitted by the Municipality or any authorised official in carrying out any function or duty in terms of this By-law.

13. SCHEDULE 1

Shoot Type	Shoot Size/Description	Conditions	Application Requirements	Consultation/ Notification Requirements (Prior to submission of permit application)
Micro Shoot	1-3 vehicles and/ or 8 or less cast & crew and duration of 1 day	<ul style="list-style-type: none"> • Small, mobile shoots • No generators, lights, structures • No road closures 	5 working days prior to shoot day	*No requirement for the delivery of Notice of intention for filming to adjacent properties
Small Shoot	4 -6 vehicles and/or 9-15 cast & crew	<ul style="list-style-type: none"> • Small stills shoots/ commercials • Small pick-up shots • Minimal generators, lights, structures • No special effects and/or stunts • No road closures 	7 working days prior to shoot day	*subject to nature and impact of shoot **Community notification/ consultation may be required, and if required, the type and extent of notification/ consultation is to be determined by the Municipality.
Medium Shoot	7-15 vehicles And/or 16-30 cast & crew	<ul style="list-style-type: none"> • Big stills shoots, small commercials & features • Minor/ moderate generators, lights, sets, structures • Minor special effects and/ or stunts • Traffic assistance required • Minor lane/road closures • Minimal noise impact, early morning or night shoots <p><i>NB – with major lane/ road closures, diversions, Civil Aviation Authority (CAA) or other approvals, etc. Large shoots timeframes become applicable</i></p>	7 working days prior to the shoot day *subject to nature and of shoot *Remote Base camp may be required – especially if shoot is in a residential area	* subject to nature and impact of shoot **Community notification/ consultation may be required, and if required, the type and extent of notification/ consultation is to be determined by the Municipality. *Proof of delivery of Notice of intention for filming to abutting and affected properties to be submitted to Film Office.

Shoot Type	Shoot Size/Description	Conditions	Application Requirements	Consultation/ Notification Requirements (Prior to submission of permit application)
Large Shoot	16 – 30 vehicles and/or 30-60 cast & crew	<ul style="list-style-type: none"> • Large stills shoots, commercials, features • Moderate/substantial generators, lights, sets, structures • Special effects and/or stunts • Traffic assistance required • Major lane/road closures, diversions, etc. • Moderate noise impact, early morning or night shoots <p><i>NB – with major lane/road closures, diversions, CAA or other approvals, etc. Very Large Shoots timeframes will become applicable</i></p>	<p>10+ working days prior to shoot day</p> <p>*subject to nature and impact of shoot</p> <ul style="list-style-type: none"> • A shoot schedule may be required • Traffic diversion plan/s may be required • Remote Base camp may be required – especially if shoot is in a residential area 	<p>*Community notification/consultation may be required by the Municipality and if required, the type and extent of consultation is to be determined by the Municipality.</p> <ul style="list-style-type: none"> • Proof of delivery of Notice of intention for filming to abutting and affected properties to be submitted to Film Office
Very Large Shoot	31 or more vehicles and/or 61 or more cast & crew	<ul style="list-style-type: none"> • Very large, high-impact shoots, commercials & features • Extensive generators, lights, sets, structures • Large special effects and/ or stunts • Traffic assistance required • Major lane/road closures • Considerable noise impact, early morning or night shoots <p><i>NB – with major lane/road closures, diversions, CAA or other approvals, etc. additional planning time may be required.</i></p>	<p>10+ working days prior to shoot day</p> <p>*subject to nature and impact of shoot</p> <p>*A shoot schedule may be required - Traffic diversion plan/s required</p> <ul style="list-style-type: none"> • Remote Base camp may be required – especially if shoot is in a residential area 	<p>*Community consultation may be required by the Municipality and if so required, the extent of consultation is to be determined by the Municipality.</p> <ul style="list-style-type: none"> • Proof of delivery of Notice of intention for filming to abutting and affected properties to be submitted to the Film Office.

