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## **MIDVAAL LOCAL MUNICIPALITY**

### **ADDITION TO THE CULTURE AND RECREATION BY-LAWS**

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The Midvaal Local Municipality hereby promulgates the undermentioned By-laws in terms of Section 13 of the Local Government: Municipal Systems Act, Act 32 of 2000 as amended and these By-laws shall come into effect on the date of promulgation thereof in the *Provincial Gazette*.

These By-laws are:-

- Street Trading By-laws
- Fire Emergency By-laws
- Addition to Culture and Recreation By-laws

THIS IS DONE REQUESTED BY:-  
MIDVAAL LOCAL MUNICIPALITY  
THE MUNICIPAL MANAGER

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### **ADDITION TO THE CULTURE AND RECREATION BY-LAWS**

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#### **1. Definitions and interpretation**

In this policy, unless the context indicates otherwise:-

**“group activity”** means any sporting activity involving, or conducted by, an organized body of people which body can be joined by any member of the public and “group” has a corresponding meaning.

**“local sport facility”** means any sport facility which falls within the area of jurisdiction of the Municipality;

**“municipality”** means the Midvaal Local Municipality established by General Notice 6770 in *Provincial Gazette* Extraordinary 141 of 1 October 2000 in terms of the provisions of the Local Government: Municipal Structures Act, 1998, (Act 117 of 1998), and includes the Council, the Executive Mayor and / or the Mayoral Committee of any other committee established by the Council and any employee or official of the Council duly authorised to perform any duty, power or function in terms of these By-laws;

**“notice”** means a clearly visible notice in the official languages determined by the Council as contemplated in Section 21(2) of the Local Government Municipality Systems Act, 2000, exhibited at or in a public facility by or under the authority of the Municipality;

**“sporting activity”** means any game or recreational activity pursued in a sport facility, and includes practice and training sessions;

**“sport facility”** means any area, building or structure which is designated or set aside for a sporting activity and which is owned, managed or controlled by the Municipality, including but not limited to a stadium, a tennis court or tennis court complex, or any combination of such facilities, and the surrounding and ancillary facilities associated with any such sport facility;

## 2. Administration

Subject to the Council’s statutory duty to use the resources of the Municipality in the best interest of the local community, as envisaged in Section 4(2)(a) of the Local Government: Municipal Systems Act, 2000, all local sport facilities must be administered by or on behalf of the Council in accordance with this Part:-

Provided that nothing in this Part may be interpreted so as to prevent the Council from disposing of any local sport facility or any rights thereto, in accordance with applicable legislation.

The use and enjoyment of the local sport facilities by the local community or by any other person are subject to such terms and conditions as may be determined by the Council from time to time, and subject also to such terms and conditions, not inconsistent with this Part, which are contained in any agreement of hire or lease entered into between the Council and any individual or group.

Despite the right of the local community to the use and enjoyment of the local sport facilities, the Council is entitled to hire out any local sport facility on a regularly recurring or specific basis for any purpose whatsoever.

## 3. Access conditions

No person, other than an authorised official or any other person duly authorised by such official may enter or be admitted into any local sport facility or any part thereof otherwise than by an entrance designated for that purpose.

The right of access to any local sport facility is reserved by the Council at all times and an authorised official may refuse admission to any person or instruct any person to leave a local sport facility forthwith if such person behaves or conducts him/herself in a manner which is considered by the authorised official to be prejudicial to good order or contrary to, or disruptive of, the generally accepted rules for the sporting activity concerned.

In the event of a person contemplated in subsection (3.1), refusing to leave a sporting facility voluntarily when instructed to do so, the authorised official is entitled to eject such a person forcibly from the local sport facility, with or without the assistance of security personnel or a member of the South African Police Services or a member of any other police force, if available.

The Municipality has a discretion to determine the maximum capacity of any local sport facility, and an authorised official, or any other person designated by him or her, may, once the maximum capacity has been reached, refuse further access to that facility by closing every entrance to the facility and, if necessary, by the construction of barriers at any entrance thereto, and by displaying a notice prohibiting further access to the facility, once such maximum capacity has been reached.

## 4. For the purpose of ensuring that law and order is observed and for the safety of persons patronising or using a local sport facility, an authorised official has the power to:-

Search any person wishing to enter that facility;

Search any container of whatever kind which such person proposes to bring into or on to that facility;

Search any motor vehicle which it is proposed to drive into or onto that facility;

Seize any item or object being carried by any person or revealed by any such search which, in the opinion of the authorised official:-

is a substance the possession of which is prohibited by any law;

is or could become a dangerous weapon;

contains intoxicating liquor; or

might otherwise be used to disrupt the peaceful enjoyment of that facility by persons lawfully admitted thereto;

With the exception of any substance referred to in subsection 4.4.1, any object seized in terms of paragraph (4.4), must be returned to the person concerned, upon request, at his or her departure from the local sport facility:-

4.5.1 The Council must display conspicuous notices at or near every entrance gate, indicate the hours during which a local sport facility is open to members of the public.

4.5.2 The Council may at any time temporarily close a local sport facility to members of the public for purposes of repair, maintenance, or for any other reason, in the Council's discretion.

4.5.3 No unauthorised person may enter or remain inside, a local sport facility, at any time other than during the hours when that sport facility is open to members of the public or during any period when that facility is closed in terms of paragraph 4.5.2.

## **5. Alcoholic beverages**

Subject to the terms and conditions stipulated in any agreement entered into between the Council and a user of a local sport facility, and subject to any other law, no persons may:-

sell any alcoholic beverage on the premises of a sport facility without the prior written permission of the Council; or

bring his or her own supply of alcoholic beverage on or into a local sport facility without the prior written permission of an authorised official.

If the sale and consumption of alcohol on or in a local sport facility is permitted by the Council, such sale or consumption is on condition that:

beer, cider and alcoholic cordials of all descriptions is served only in a can, keg, or plastic cup, and no alcoholic beverage may be served in a glass bottle; and

no person who is under 18 years of age is served or allowed to consume any alcoholic beverage and the user of a sport facility or the person in charge thereof, as the case may be, is responsible for ensuring that this age limit restriction is observed.

## **6. Duties of the user**

A user of a local sport facility is responsible for the maintenance of good order and socially acceptable behaviour within the sport facility and must ensure that the sport facility is left in the same condition it was in when he or she was given possession thereof, failing which the user is liable for the cost to the Municipality of repairing any damage to, or cleaning, that facility.

## **7. Booking of sport facilities**

The booking of a local sport facility must be arranged by prior reservation with an authorised official and

must be recorded in a register kept by an authorised official for that purpose and, depending on the length of the period for which the facility is to be used, may be on a first-come-first-served basis.

The purpose for which the local sport facility is to be used must be disclosed to the authorised official with whom the reservation is made, who may refuse the reservation if such purpose is, in his or her opinion, illegal or contrary to the policy of the Council or is likely to result in violence or possible damage to that facility or to other property.

The terms and conditions of using a local sport facility must be contained in a written agreement, which must be signed by both the user and the authorised official at least 14 days prior to the date of commencement of the proposed utilization.

No agreement for the usage of a local sport facility may be entered into with any minor.

The agreement contemplated in Section 79(1) constitutes proof of reservation and the user must produce it at any stage whilst making use of the local sport facility if he or she is required by an authorised official to do so.

### 8. Reservation of sport facilities by the Council

Notwithstanding any other provision of this Policy, the Council may:

For any period reserve any local sport facility for the holding of any specific sporting activity or competition and may during any such period or on any other day reserve to itself the right of admission to that facility.

### 9. Reservation of sport facilities by sporting bodies and non-sporting organisations

For purposes of the above the following tariffs are proposed for promulgation.

#### Tariffs: Sport and Recreation Facilities

##### Facilities

Meyerton Sport/Recreation Centre  
Sicelo Sport Centre  
Bantu Bonke Sport Centre

Affiliation Fees - affiliated sport codes (Includes training and league matches)

Rugby, Soccer, Korfbal, Netball, Tennis, Cricket	R 1 000.00 p.a. Payable in advance 1 July 20... -30 June 20...
Squash	R 500.00 p.a. Payable in advance 1 July20... -30June20...

Rental (Non-sporting events)

<p>Schools, churches, musical events, political rallies</p> <p>Note: Staging of political rallies must be pre-approved by the Executive Director: Social Services in conjunction with the relevant member of the Mayoral Committee (MMC)</p> <p>Family related events i.e. weddings and funeral memorials are not catered for</p>	<p>Deposit: R 500.00 Payable 1 month in advance on the day of reservation Refundable if no damages are caused Plus: R 500.00 Per event</p>
<p>Welfare and non-profit organizations</p>	<p>Rental - free if available Deposit: R 500.00 Payable 1 month in advance on the day of reservation Refundable if no damages are caused</p>

Floodlights (Practice and match events)

<p>Where available</p>	<p>R 100.00 p.m. Payable in advance based on seasonal league fixtures</p>
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**10. Group activities**

Each participant in a group activity must be an eligible member of the group concerned, or be a *bona fide* guest of the group.

Any group activity may be organized and controlled by an authorised official, free lance instructor, volunteer or any other person, and an authorised official may be present in any instance where the activity is not controlled or organized such official.

Every group must strictly adhere to the specific period allocated to it by the Municipality and/or an authorised official for the use of a local sport facility.

If a local sport facility or any part thereof has been allocated to a group, either for a group activity or for any other purpose, that group must ensure that it or its members make regular use of its allocated period and that if any group is for any reason unable to use its allocated period, the authorised official who is in charge of the sport facility must be notified beforehand.

If the use of a local sport facility has been allocated to a group for a specific activity, that group is prohibited from engaging in any other type of activity on or in the sport facility concerned during the allocated period unless prior permission to do so has been obtained from an authorise official in charge of the sport facility concerned.

A group may not transfer its allocated period to any other group or person, and any alteration in the local sport facility program must be negotiated and agreed with an authorised official in charge of the sport facility concerned.

A group may be instructed by an authorised official to cancel their regular activities on a particular day due to any circumstances, including repairs and maintenance, which may require temporary closure of the whole or part of a local sport facility.

An authorised official must give prior written notice to an affected group of a proposed instruction in terms of paragraph 9.7.

Notwithstanding the provision of paragraph 9.8, an authorised official may cancel at short notice any regular activity if, in his or her opinion, a situation of emergency has arisen which renders such cancellation necessary or desirable.

Notwithstanding anything to the contrary contained in this Policy, it is competent for an authorised official to suspend or terminate with immediate effect the usage of a local sport facility by any person or group whose conduct or behaviour is, in the opinion of that official, prejudicial to good order or the generally accepted rules of the group activity concerned.

Any person, whose participation in a group activity or use of a local sport facility is suspended in terms of subsection 9.10, is barred from entering into the local sport facility concerned or participating in the group activity concerned until the suspension is raised by an authorised official.

## 11. Public decency

No person may be present in or on any local sport facility, except in a change room or ablution facility specifically set aside for use by persons of the same sex, in a state of undress or any other state which is indecent or harmful in any way to the morals of any other person present in or on the sport facility at the time.

No person may relieve him or herself in any part of a local sport facility other than in the ablution facilities specifically provided for that purpose and for use by members of his or her own sex.

Any cubicle, change room and place of ablution set aside for persons of one sex may not be used by any person of the other sex.

No person may use profane or indecent language or behave in an indecent manner or in any other manner which, constitutes a nuisance or hinders or interferes with the enjoyment of a local sport facility by other persons, and, if that person persists in such conduct after having been instructed by an authorised official to desist, he or she may be ejected forthwith from the sport facility by that official.

## 12. Generally prohibited conducts, offences and penalties

In terms of Midvaal Local Municipality Culture and Recreation By-laws, approved by its Council and published in terms of Section 13(a) of the Local Government: Municipal Systems Act 2000 (Act No. 32 of 2000) contravenors of any or some of the Sections resulting in the offences listed below will be liable for the penalties indicated:-

DESCRIPTION OF OFFENCE	FINE
Contravene the provisions of any notice within the sport facilities.	R500-
Play an active game, except in an area designated for that purpose on a sport playing field or on a golf course; or	R500-
Shoot a projectile of any nature.	R 1 500-
Deposit, dump or discard any waste, other than in a receptacle provided by the Council for that purpose	R 1 500-
Disturb, damage, destroy or remove any tree, shrub or other vegetation.	R 500-

Affix or place any printed matter on a tree.	R 500-
Alter the slope or drainage pattern so as to interfere with the access of water, air or nutrients to any tree or other plant.	R 500-
Deface, damage, destroy or remove any municipal property.	NAG
Affix or place on municipal property, or distribute, printed matter.	R 500-
Plug, tamper with, or in any way damage any plumbing electrical, heating or other fixtures or installations.	R 1 000-
Use municipal property in a way that unfairly restricts or prevents other users of the public open space from enjoying that municipal property	R 1 000-
Undertaking a special event, except in terms of a permit issued.	R 2 000-
Undertake community or voluntary work of any description within a public open space without permission	R 500-
Use sport facility without permission.	R 500-
Fail to travel over the established roads within the sport facility.	R 500-
Fail to keep sport facility in a clean and sanitary condition.	R 500-
When vacating the sport facility the user fail to leave the facility in a clean and tidy condition	R 500-
Carry on trade or business at the sport facility.	R 500-
Damaging property in a sport facility.	R 1 000-
Enter a sport facility other than using an entrance designated for that purpose.	R 500-
Disobeying an authorised Sport and Recreation official's lawful instruction.	R 1 000-
User of a sport facility fails to maintain good order and socially acceptable behaviour	R 1 000-