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CONTENTS • INHOUD

<i>No.</i>		<i>Page No.</i>	<i>Gazette No.</i>
LOCAL AUTHORITY NOTICES			
178	Constitution of the Republic of South Africa (108/1996): eMalahleni Municipality: Sporting Facilities By-laws.....	3	1706
179	Local Municipal Systems Act (32/2000): eMalahleni Municipality: Rental of stadiums	18	1706

LOCAL AUTHORITY NOTICES

LOCAL AUTHORITY NOTICE 178

eMALAHLENI MUNICIPALITY SPORTING FACILITIES BY-LAWS

(ADOPTED BY RESOLUTION 076/09 OF THE Emalahleni MUNICIPAL COUNCIL)

In terms of and under the provision of section 156 (2) of the Constitution of the Republic of South Africa (Act 108 of 1996), and in accordance with section 13(a) of the local municipal systems Act 32 of 2000, Emalahleni Local Municipality, enacts as follows:-

TABLE OF CONTENTS

Section

1. Interpretation
2. Principles and objectives
3. Application of By-laws
- Chapter 1: Administration, access, fees and prohibited behaviour
4. Administration, control over, and maintenance of sporting facilities
5. Access to sporting facilities and storage facilities
6. Admission fees and other fees
7. Prohibited behaviour in or on a sporting facility or its premises
- Chapter 2: Organised sporting activity
8. Organised sporting activities
9. Reservation and hiring of sporting facilities
10. Cancellation, postponement or extension of reservation
11. Termination of hire
12. Duties of organisation
- Chapter 3: Miscellaneous provisions
13. Enforcement
14. Indemnity
15. Appeal
16. Penalty
17. Revocation of by-laws
18. Short title and commencement

Schedules

1. Definitions

In this Part, unless the context otherwise indicates –

“**accessories**” means an object or objects on or in a field, sporting area or course necessary for a particular sport to be performed, such as , but not limited to goal posts, a tennis net, or a flag, and any other feature or fixture;

“**appurtenance**” means any fitting, installation, appliance, device, instrument, apparatus, utensil, tool whatsoever in the premises, such as, but not limited to a lock, cock, tap, valve, pipe and includes any other appliance or any machine;

“**Council**” means the Emalahleni Municipal Council;

“equipment” means gear used by a person in a sporting activity, such as, but not limited to, a racket, bat, club or ball;

“notice” means a notice as contemplated in section 4(5);

“official” means an official appointed in terms of section 4(7);

“organized sporting activity” means a sporting activity that is organized or controlled by an organisation, and includes a practice or training session;

“organization” means a sport club, educational institution, or association of people, and includes a group or sport club established by Council, which sport club or association or group can be joined by a member of the public;

“prescribed fee” means the fee as contemplated in section 6;

“sporting activity” means an activity pursued in a sporting facility;

“sporting facility” means any land, area, premises, building or structure, or part of any land, area, premises, building or structure which is administered or controlled by Council and which is designated, demarcated, or set aside for a sporting activity such as, but not limited to a sporting arena, a stadium, a pitch, a field, a ring, a dome, an amphitheatre, a tennis or squash court a complex of such courts, a soccer, cricket, or rugby field or a complex of such fields, a public swimming pool, a golf links or course, an ice rink, or any combination of such facilities, and includes facilities surrounding and normally supplementary to a sporting facility.

2. Principles and objectives

Council, as custodian of all the sporting facilities within its jurisdiction, recognizes the right of members of the community, whether associated to an organization or not, to the use and enjoy the sporting facilities, and accepts the statutory duty maintain and develop the resources of Council to the best interest of the community, and aims, in these by-law –

- (a) to continually assess the use and potential use of existing sporting facilities;
- (b) to maintain existing sporting facilities and develop new sporting facilities;
- (c) to control and administer sporting facilities in a manner corresponding to its integrated environmental and tariffs policies.

3. Application of By-laws

These by-laws apply to all sporting facilities under the control and administration of the Emalahleni Municipality, but do not apply to land, areas, buildings, and structures regulated on by the Emalahleni Public Amenities By-laws, 2005.

CHAPTER 1 ADMINISTRATION, ACCESS, FEES AND PROHIBITED BEHAVIOUR

4. Administration, control over and maintenance of sporting facilities

(1) Council may establish a body or sport committee with the aim of advising Council on matters such as, but not limited to the management, integration and control of sporting facilities, and may approach sport bodies active in the municipal area to elect from their members representatives to serve on the body or committee, and the body or committee, once established, must determine and define its functions, powers and procedures, and Council may elect to establish a club or group for any group activity on or in a sporting facility.

(2) All sporting facilities must be administered by Council in accordance with these By-laws.

(3) Council may, in the interests of the community, and in terms of its powers and functions in applicable legislation, acquire land or a building with the aim of developing sporting facilities, or dispose of existing sporting facility or any rights thereto.

(4) A person who makes use of sporting facilities does so subject to the provisions of these by-laws and in terms and conditions as may be determined by Council from time to time, or subject to any conditions which Council may impose in terms of section 9 in the instance where the sporting facilities are hired.

(5) A notice posted by Council in terms of these by-laws –

- (a) must be clearly visible and readable;
- (b) must be posted in conspicuous place;
- (b) must be written in the language or languages as Council may determined; and
- (c) may contain a graphic representation to convey meaning.

(6) Where a organized sporting activity is not organized or controlled by Council, a Council employee may be present.

(7) Council must, in terms of its powers to delegate functions and duties, appoint a person as official to administer and control all sporting facilities, or a person as official to administer and control one particular of all sporting activities to be engaged in on the sporting facilities, including the dates and particulars of reservations of a particular sporting facility for use by an organization.

(8) Subject to the terms and conditions stipulated in any contract of hire, and subject to any applicable national laws, no person –

- (a) may sell any alcoholic beverage on the premises of a sporting facility without first obtaining express approval for that activity from Council;
- (b) may bring his or her own supply of alcoholic beverages on or into a sporting facility without written authority from an authorized official.
- (c) who is under 18 years of age may be sold or served with, or is allowed to consume any alcoholic beverage, and the organization in charge of the sporting facility is responsible for ensuring the strict observance at all times of this provision.

- (9) If Council permits the sale or consumption of alcohol on or in a sporting facility, the sale or consumption is subject to the following conditions:
- (a) no alcoholic beverage may be served in glass bottle, glass cup or other container made of glass;
 - (b) beer, cider and alcoholic cordials may be served in cans, kegs, or plastic cups only;
 - (c) the organization must maintain good order and socially acceptable behaviour within the sporting facility.
- (10) Council may close, for such period as Council deems necessary, a sporting facility under the following circumstances:
- (a) The sporting facility is substantially unusable due to –
 - (i) destruction;
 - (ii) severe damage; or
 - (iii) the absence of municipal services;
 - (b) the sporting facility constitutes a danger to human life or property
 - (c) a situation of emergency has arisen which renders such closure necessary or desirable.
- (11) Council may at any time temporarily close a sporting facility to members of the public for purposes of repair or maintenance, or if the sporting facility has been hired to an organized group, or for any other reason in Council's discretion.
- (12) A person who or organization that contravenes subsection (8) or (9) commits an offence.

5. Access to sporting facilities and storage facilities

- (1) Council must by notice posted at or near the entrance to a sporting facility indicate the hours during which the sporting facility may be used by members of the public.
- (2) Council, at all times, reserves the right of access to a sporting facility, and an official may instruct a person who has contravened a provision of these by-laws to leave the sporting facility or premises immediately and should the person fail to observe the instruction, the official may remove or cause the person to be removed from the sporting facility or premises.
- (3) Council has the right to determine the maximum capacity of a sporting facility, and an official must, once the maximum capacity has been reached, refuse further access into the sporting facility by:
- (a) Closing all entrances to the sporting facility;
 - (b) posting at once or more entrances, a notice on which it is stated that the sporting facility is closed and that further access to the sporting facility is prohibited; and
 - (c) if necessary, barring access to the sporting facility by means of the construction, at all entrance to the sporting facility, of blockades fence, barriers or similar means.
- (5) (a) Where storage facilities for the storage of clothes or items are Available on the premises of a sporting facility, only a person who intends engaging in a sporting activity for which provision is made in the sporting facility, may –

- (i) ask the official in charge of the sporting facility for a container in which to store his or her clothes or personal items, and should a container be available the official must provide it to the person free of charge for the period during which the person is engaging in the sporting activity; and
 - (ii) deposit the container for safekeeping at a place designated by the official may direct and the official must in return give to the person a token bearing a mark by means of which the container is identified.
- (b) The official must, when the person surrenders the token, return the container and its contents to the person.

6. Admission fees and other fees

- (1) Council may, in accordance with its tariff policy, prescribe –
- (a) fees to be charged for admission to or the hire or use of a sporting facility or equipment;
 - (b) such other fees as are contemplated in these By-laws, and may from time to time vary in whole or in part the prescribed fees, which fees are stipulated in the Schedule 1.
- (2) in prescribing fees, or in amending them from time to time, Council may prescribe and levy differential fees, or may direct that no fees are payable for the use of a sporting facility, and must , when prescribing the fees, consider the following factors:
- (a) The principal and objectives of these by-laws;
 - (b) the nature of the use;
 - (c) the sporting facility;
 - (d) the economic status of the people in the community in which the sporting facility is located; and
 - (e) any other information which may influence Council in its consideration.

7. Prohibited behaviour in or sporting facility or its premises

- (1) No person may –
- (a) enter into an sporting facility or any part thereof otherwise than by an entrance designated for that purpose;
 - (b) enter or remain inside a sporting facility, without permission, or at any time other than during the hours when such sporting facility is open to members of the public, or when access to the sporting facility has been denied;
 - (c) smoke in a sporting facility, except in an open air sporting facility, such as golf links, or in those areas in the sporting facility which have been specifically designated for this purpose, as indicated by notices to that effect;
 - (d) wear unsuitable apparel for the sporting activity in which he or she is engaged in, and a person must observe the instructions of an official if asked to change his or her apparel to suit particular sporting activity;

- (e) wear footwear that may damage the surface of a sporting facility in any manner;
- (f) attend or engage in a sporting activity if dressed indecently or if undressed, except in a change room or ablution facility set aside for use by a person of the same sex;
- (g) relieve him or herself in any part of the sporting facility other than in the ablution facilities provided for that purpose and for use by members of his or her own sex;
- (h) excluding a child under the age of five years, use change rooms, places of ablution, cubicles, or any other facilities set aside for a particular sex if he or she is not of that particular sex;
- (i) simultaneously share with other person of a different sex change rooms, places of ablution, cubicles, or any other facilities;
- (j) enter or remain in any area of the sporting facility, which area is reserved for the use of persons of the other sex;
- (k) use a change room, place of ablution, cubicle or any other facility for longer than is reasonably necessary to undertake an activity intended to be undertaken in the change room, place of ablution, cubicle, or other facility;
- (l) use profane or indecent language or behave in any other manner which constitutes a nuisance or unacceptable behaviour towards other person inside or on a sporting facility;
- (m) destroy, damage or deface any part of a sporting facility, accessories or equipment;
- (n) discard rubbish such as, but not limited to bottles, plastic cups and plates, tin cans, paper, fruit and rinds, or any other object that may interfere with the cleanliness of the sporting facility in any other place in a sporting facility than in a container provided for that purpose;
- (o) annoy, endanger, injure or harm any other person inside a sporting facility, whether such person is engaging in a sporting activity or not;
- (p) in any manner, interfere with the substance covering the surface of a surface sporting facility, such as, but not limited to turf, sand, or gravel;
- (q) light any fire or do any act which may cause any substance or thing to catch fire inside a sporting facility, or which does not comply with Council's fire protection regulations;
- (r) drive, draw, or propel a vehicle, whether motorized or not, except a perambulator or wheel chair, or walk upon or recline on lawn on the premises of a sporting facility, except if allowed to do so by a notice of Council on the premises;
- (s) ride or use in or on a sporting facility a bicycle, rollerblades, rollerskates, a skateboard, a tricycle or any similar form of transport or amusement;
- (t) without the prior written consent of an official, sell, hawk, advertise, offer for sale or offer to purchase or exhibit any article for sale, lease or hire, distribute a pamphlet, book, handbill or other written or

printed matter inside a sporting facility or in the immediate vicinity of the entrance thereto;

- (u) neither inside nor outside a sporting facility, obstruct, resist or in any manner interfere with an official in the execution of his or her duties or the exercise of any authority in terms of these by-laws;
- (v) tamper with or in any manner interfere with an appurtenance in or on the premises of a sport ring facility;
- (w) bring into or keep on a sporting facility an animal, except a guide dog, without the prior consent of Council, unless the sporting activity engaged in involves the use of animals;
- (x) enter a sporting facility if he or she is suffering from a communicable disease;
- (y) bring or keep into or on a sporting facility a traditional weapon, firearm, or any other dangerous weapon, and should a person be found, before admission or after admission to the sporting facility, to be in possession of a traditional weapon, firearm, or any other dangerous weapon –
 - (i) the person must, if he or she insists on entering or remaining in the sporting facility, surrender the traditional weapon, firearm, or dangerous weapon to an official on request of the official;
 - (ii) the official must keep in a storage facility, if such facility is available on the premises of the sporting facility, the traditional weapon, firearm, or dangerous weapon in custody for the period during which the person is on the premises of the sporting facility; and
 - (iii) the official must return the traditional weapon, firearm, or dangerous weapon to the person when the person leaves the premises of the sporting facility,

however, if a storage facility as contemplated in (ii) is not available, the person may not enter into or remain in or on the sporting facility and must observe an instruction by the official to the effect that he or she may not enter the sporting facility or that he or she must immediately leave the premises;
- (z) without the prior written permission of Council and subject to such fee as Council may require, film or photograph any event in the sporting facility for reward, whether anticipated or not;
- (aa) erect or attempt to erect any enclosure, tent or similar construction, stall, booth, stand, screen, fence, or drive into the ground any peg or spike without the permission of the official in charge of the sporting facility;
- (bb) behave or conduct himself or herself in a manner which may prejudice good order;
- (cc) bring into or onto the premises of a sporting facility any substance or matter which may endanger the safety of people in the sporting

- facility, or which may be used to disrupt proceedings at or spoil the peaceful enjoyment of the sporting facility;
- (dd) behave or conduct himself or herself in a manner which may disrupt a sporting activity; or
 - (ee) willfully fail to comply with a lawful instruction given by an official.
- (2) A person who contravenes any of the provisions of this section commits an offence.

CHAPTER 2 ORGANISED SPORTING ACTIVITY

8. Organised sporting activities

- (1) An organization must provide each of its registered members who will participate in an organized sporting activity for which use will be made of a sporting facility, with a membership card on which is displayed –
- (a) The name and identification number of the member;
 - (b) the particular sporting activity of the organization and in which the member participates;
 - (c) the expiry date of the member's membership,
- and failure to provide a registered member with a membership card, constitutes an offence.
- (2) A member must, at the request of an official, produce his or her card, and failure to do so constitute an offence.
- (3) A member must ensure that his or her membership card is renewed before the date contemplated in 1 (c).
- (4) Should a member lose a membership card that was issued by Council, Council may replace the card and may charge the prescribed fee for replacement.
- (5) A member may not transfer the membership card to another person or allow it to be used by another, and should a member transfer a membership card to another person, or allow a membership card to be used by another person, the member commits an offence.
- (6) Organized sporting activities may be organized and controlled by organization, municipal staff, or other persons such as, but not limited to free lance instructors.
- (7) An organization to which a sporting facility or a portion thereof has been allocated for the use at regular times, must ensure that its members make use of the sporting facility at those times, and should it be impossible for the members of an organization to make use of the sporting facilities at those times, the organization must notify beforehand the official in charge of the sporting facility, and should an organization fail to do so, Council may suspend or cancel the organisation's further use of the sporting facility.
- (8) An organization may not, without the permission of the official in charge, alter the programme, and should an organization do so, Council may suspend or cancel the organisation's further use of the sporting facility.

(9) A person who, for whatever reason, has been suspended from participating in an organized sporting activity, may not enter the sporting facility in which the sporting activity from which he or she has been suspended, are undertaken, and may only enter the sporting facility once the suspension has been raised, and should a person enter the sporting facility in breach of this subsection, he or she commits an offence.

(10) An organization that has invited a person as guest to attend or participate in sporting activity, must supply the person with a temporary membership card which contains the information stipulated in subsection (1) (a) and (b) and which stipulates the specific date of the activity to which the person has been invited, and such person is deemed to be member of the organization.

9. Reservation and hiring of sporting facilities

(1) Council reserves the right to set aside or hire out, for the purpose of organized sporting activities, a sporting facility on occasions for special purposes on such conditions as it may prescribe and Council may charge a fee, as prescribed in the Schedule 1, for the use of the sporting facility, or may make it available free of charge on such occasions or grant free admission to selected persons.

(2) The representative of an organization that wishes to hire for use a sporting facility for the purpose of hosting an organized sporting activity, must lodge an application form to reserve the sporting facility, and for these purpose must –

- (a) complete the necessary application form and comply with all the other requirements and conditions which are specified in the application form;
- (b) lodge two copies of the application form at the Municipal Manager's offices; and
- (c) obtain Council's approval before the organization makes use of the sporting facility.

(3) An application must be lodged not less than six weeks before the date on which the sporting facility is required by the organization.

(4) The application must contain the following:

- (a) particulars of the sporting facility, or part thereof intended to be used;
- (b) particulars of the period for which the sporting facility is required;
- (c) particulars of the date and time when the sporting facility will be occupied and vacated;
- (d) particulars of the expected number of people who will be attending the organized sporting activity;
- (e) particulars of the intended use of sporting facility;
- (f) an undertaking by the organization that has lodged the application that the organization will comply with conditions imposed by Council and with the provisions of these by-laws;
- (g) an indemnity that Council is not liable for any loss, damage or injury, direct or indirect, arising out of the organisation's use of the sporting facility; and

- (h) an indemnity against any claim made by a member of the public against Council resulting from the use of the premises while under the control of the organization, which indemnity extends to any expense which Council may incur in relation to any such claim.
- (5) Council, when it considers the application, may have, in addition to other relevant factors, due regard to the following
- (a) The principles and objectives of these by-laws;
 - (b) that the sporting facility may be used for lawful purpose only;
 - (b) that the use of sporting facility will not constitute a nuisance or annoyance to other users of another part of the sporting facility which has not been hired by the organization, or to the occupiers of neighbouring premises; and
 - (c) that the use of the sporting facility will not constitute a danger to any person or property or negatively affect the environment
- (6) Council may approve the use of the sporting facility subject to any condition it may deem expedient, or may refuse consent.
- (7) Council must, within seven days after the application form has been lodged, in writing notifying the organization if the application has been approved or refused, and-
- (a) if the application is refused, Council must supply to the organization The reasons why the application was refused, or
 - (b) if the application is approved, Council must forward a notice of approval and one set of the application form to the organization, and must specify in the notice of approval the conditions to which the use of the sporting facility is subject.
- (8) Council must keep a register which is open to public inspection at all reasonable hours and which contains the following particulars of the sporting facility for the use of which approval was granted:
- (a) The application which was made to Council for the use of the sporting facility;
 - (b) the name and address of the organization;
 - (c) the date of the application;
 - (d) the prescribed fee, as stipulated in the Schedule 1 to these by-laws, for the use of the sporting facility, if a fee is payable;
 - (e) the conditions relating to the use of the sporting facility.
- (9) An organization may not, before Council's approval has been received by it advertise or announce the sporting activity for which it has lodged an application.
- (10) Council may, before it approves an application, require of an organization that wishes to make use of a sporting facility to take out, with an insurance company approved by Council –
- (a) insurance in an amount approved by Council to cover any structural damage which to the sporting facility whilst being used by the organization; and
 - (b) public liability insurance in respect of the death or injury of any person that may occur during or as a consequence of an organized sporting activity undertaken during the period of hire.

(11) An organization which supplies false information in the application form or with respect to the requirements in subsection (10), or which contravenes subsection (9) commits an offence.

10. Cancellation, postponement or extension of reservation

(1) An organization who has lodged an application for the reservation of a sporting facility, may cancel the application, and the following apply in the instance where the organization has paid the fee as contemplated in the subsection 9(8) (d):

- (a) If a reservation is cancelled 30 days or more before the date of the reservation, Council must fully refund the organization with the fee already paid;
- (b) if a reservation is cancelled less than 30 days but 15 days or more before the date of the reservation, Council must refund the organization with 50% of the fee already paid; and
- (c) if a reservation is cancelled 14 days or less before the date of reservation, the organization is not entitled to any refund of the fee already paid.

(2) (a) After approval has been given by Council, an organization may Apply for the postponement of the reservation to the later date.
 (b) Approval by Council of the postponement does not result in a penalty or forfeiture of any fees already paid.
 (c) Postponement may be refused if the sporting facility has been reserved for the use by another organization or Council.

(3) An organization may apply for an extension of the period of use of the sporting facility, and –

- (a) the application for extension must be in writing and lodged at the Municipal Manager's offices; and
- (b) the sporting facility must be available, in that Council has not reserved the sporting facility for the use by another organization.

(4) Council may at short notice or otherwise cancel the hire of the sporting facility under the circumstances contemplated in section 4(10), or should Council require the sporting facility for municipal purpose at the same, however, Council may refund the fees that have already paid to it in respect for the reservation; or

(5) Should Council decide to cancel a reservation, Council must, within a reasonable time notify, in writing, the organization of its decision, however, in the instance where a notice is given in terms of subsection 4 (10), the notice is deemed to be effective as from the date on which the destruction or damage took place.

(6) Subject to the provision of subsection (4), an organization has no claim against Council for loss of use of the sporting facility or the damage arising from a cancellation in terms of subsection (4).

(7) Council reserve the right to cancel a booking should the sporting facility be required for municipal purpose at the same time, and Council is not liable to pay compensation to the organization should Council, for these purposes, cancel a booking, however, Council may refund the charges that have already been paid to it in respect of the application.

11. Termination of hire

- (1) On termination of hire the organization and the official must, for the purpose of assessing the conditions of the premises or amenities, inspect the premises or amenities.
- (2) The organization must –
 - (a) return the sporting facility to Council in the condition as when they were hire out to the organization;
 - (b) repair any damage or breakage;
 - (c) comply with any instructions by Council in respect of the cleaning of the sporting facility ; and
 - (d) vacate the sporting facility within the period stated in the application form, and should the organization fail to comply with –
 - (i) (a),(b) or (c), Council may replace, repair or make good any breakages, broken, missing or damaged appurtenances, appliances or any other object on the sporting facility, and recover the costs from the organization; or
 - (ii) (d), Council may levy an additional fee for the period during which the organization occupies the sporting facility after the expiry of the period stipulated in the application form.

12. Duties of organization

- (1) Before an organization commences to use the sporting facility, a representative of the organization must inspect the sporting facilities, and should he or she find that buildings, structures, accessories, or equipment in and on the sporting facilities are in a state of disrepair, he or she must immediately report this fact to Council, and failure to do so is deemed as an acceptance by the organization that the facilities are in a proper condition.
- (2) The organization must take all reasonable measures to ensure that its members and persons attending a sporting activity, as participants, visitors or spectators, comply with section 7 and furthermore –
 - (a) may not use the sporting facilities for any other purpose than that for which approval was given;
 - (b) may not use sporting facilities for which approval was not given;
 - (c) may not use the sporting facilities unless it has fully paid the fees, if stipulated;
 - (d) may not sub-let the sporting facilities;
 - (e) may not allow another organization to use the sporting facilities;
 - (f) may not without the approval of Council first having been obtained, cede, pledge or renounce in favour of another organization any of the rights or obligations under these by-laws;
 - (g) may not allow any accessories or any other property of Council to be removed from the sporting facilities;
 - (h) may not allow a person to drive or screw nails, screws or similar objects into the walls, doors, accessories, or any in other place or into any object belonging to Council, in the sporting facilities;

- (i) may not allow a person to apply paint to any window or on any accessory or other object belonging to Council, on the premises;
- (j) may not interfere or tamper with any electrical installation or appliance on the sporting facility;
- (k) must ensure that persons attending a sporting activity for which purpose the organization has hired the use of the sporting facilities, behave in a seemly manner and do not cause a nuisance to other users of the sporting facilities or neighbouring premises;
- (l) if it has on its request been supplied, by Council, with equipment for use during the sporting activity, may not remove the equipment from the sporting facility;

CHAPTER 3 MISCELLANEOUS PROVISIONS

13. Enforcement

- (1) An official may, for the purpose of the safety of all persons using a sporting facility, whether as player or spectator or otherwise, and for ensuring that law and order is observed, search any –
 - (a) person who wishes to enter the sporting facility;
 - (b) container which a person wishes to bring into the sporting facility; or
 - (c) vehicle which a person intends to drive in or on the sporting facility.
- (2) The official may confiscate –
 - (a) liquor;
 - (b) a traditional weapon, firearm, or any other dangerous weapon; or
 - (c) any substance or matter which may endanger the safety of people in the sporting facility, or which may be used to disrupt proceedings at or spoil the peaceful enjoyment of the sporting facility, found as a result of the search conducted in terms of subsection (1), and must return to the person to which it was confiscated from him or her when he or she leaves the sporting facility.
- (3) If the official finds an unlawful substance as a result of the search contemplated in the subsection (1), he or she must immediately alert the South African Police Services, or if he or she is appointed as peace officer in terms of the Criminal Procedure Act, 1977 (Act No.51 of 1977), he or she may act in terms of the Act.
- (4) A person who obstructs or interferes with an official in the exercise of his or her duty, commits an offence.

14. Indemnity

Any person, including a child, whether or not accompanied by a parent, tutor or guardian, and including a mentally or physically handicapped person, whether or not accompanied by another person, visiting or using the premises of a sporting facility, including any appliance, equipment, apparatus or storage facility thereon, does so at his or her own risk and Council shall not be liable for any personal injury or loss of or damage to the property of such person, howsoever arising, which

such person may suffer while on the premises, for whatever reason, of a sporting facility.

15. Appeal

(1) A person whose rights are affected by a decision of an official may appeal against that decision by giving written notice of the appeal and reasons to the Municipal Manager within 21 days of the date of the notification of the decision.

(2) The municipal manager must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.

(3) When the appeal is against a decision taken by -

- (a) a staff member other than the Municipal Manager, the Municipal Manager is the appeal authority;
- (b) the Municipal manager, the Executive Committee is the appeal authority; or
- (c) a political structure or political officer bearer, or a Councillor Council is the appeal authority.

(4) The appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable time.

16. Penalty

A person who or organization which has committed an offence in terms of these by-laws is, on conviction, liable to a fine or in default of payment, to imprisonment for a period not exceeding XX months, or to such imprisonment without the option of a fine or to both such fine and such imprisonment.

17. Revocation of by-laws

The provisions of any by-laws are hereby repealed insofar as they relate to matters provided for in these by-laws.

18. Short title and commencement

These By-laws may be cited as the Emalahleni Sporting facilities By-laws, 2008, and commence on a date determined by the Council.

Schedule 1
(Section 6(1) (a), section 9(1))

Section 6(1) (a): tariff of fees for use by an individual of:

Tennis court
Squash court
Ice rink
Public swimming pool
Golf links or course

Section 9(1): tariff of fees hiring by an organization of:

Tennis court
Squash court
Ice rink
Public swimming pool
Golf links or course
Sporting arena or stadium
Soccer field
Cricket field
Rugby field

Rxx per day thereof

LOCAL AUTHORITY NOTICE 179**ANNEXURE V****EMALAHLENI LOCAL MUNICIPALITY****RENTAL OF STADIUMS**

In terms of section 75A of the Local Municipal System Act, 32 of 2000 (as amended), read with section 10G(7) (a) and (b) of the Local Government Transition Act, No. 209 of 1993 (as amended), it is hereby notified that the EMALAHLENI LOCAL MUNICIPALITY determined the charges as set out in the Schedule below with effect from **1 July 2008**:

- | | | |
|----|---|-----------------------------------|
| 1. | Festival and music festivals | R 17,280.00 (R 16,000.00) |
| | Breakage fee for festivals and music | R 17,280.00 (R 16,000.00) |
| | Festivals (Refundable if it there was no breakage) | |
| 2. | Professional sports | R 2,380.00 (R 2,200.00) |
| | Breakage fee | R 460.00 (R 425.00) |
| 3. | Amateur sports | R 230.00 (R 210.00) |
| | Breakage fee | R 460.00 (R 425.00) |
| 4. | Religious gatherings | R 460.00 (R 425.00) |
| | Breakage fee | R 460.00 (R 425.00) |
| 5. | Schools in the formal sector as well as
Registered national government organizations | R 460.00 (R 425.00) |
| | Breakage fee | R 460.00 (R 425.00) |
| 6. | VAT is not included in the afore-mentioned tariffs and should be added. | |

A breakage deposit must be paid by every lessee of the stadium, which will be refunded after the event and after deduction of any amounts for breakage.

AM LANGA
MUNICIPAL MANAGER
Administrative Centre
P.O. Box 3,
eMALAHLENI, 1035