

MAKHADO MUNICIPALITY

DRAFT MUNICIPAL FACILITIES: SPORT FACILITIES BY-LAWS

TABLE OF CONTENTS

Section

1. Interpretation
2. Principles and objectives
3. Application of By-laws
4. Legislative framework

Chapter 1: Administration, access, fees, and prohibited behavior

5. Administration, control over, and maintenance of sport facilities
6. Access to sporting facilities and storage facilities
7. Admission fees and other fees
8. Prohibited behavior in or on a sport facility or its premises

Chapter 2: Organized sporting activity

9. Organized sporting activities
10. Reservation and hiring of sporting activities
11. Cancellation, postponement or extension of reservation
12. Termination of hire
13. Duties of organization

Chapter 3: Miscellaneous provisions

14. Enforcement
15. Notice of contravention

16. Indemnity
17. Appeal
18. Penalty
19. Revocation of By-laws

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 Council of the Makhado Municipality and includes any duly authorized political structure or political office bearer as defined in the Local Government: Municipal Structures Act, 1998 or official thereof;

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

"official" means an official appointed in terms of section 5(7);

"notice" means a notice as contemplated in section 5(5);

"organized sporting activity" means a sporting activity that is organized or controlled by an organization, and includes a practice or training session;

"organization" means both an amateur or professional 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 7;

"sporting activity" means an activity pursued in a sporting facility;

"sport 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 sport facility.

2. Principles and objectives

Council, as custodian of all sport 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 sport 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-laws –

- (a) to continually assess the use and potential use of existing sport facilities
- (b) to maintain existing sport facilities and develop new sport facilities; and
- (c) to control and administer sport 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 in the Makhado Municipality and under control and administration of Council, but do not apply to land, areas, buildings, and structures regulated by the Open Spaces By-laws, 2004.

4. Legislative framework

These by-laws fall within the legislative framework of the-

- (a) Criminal Procedure Act, 1977 (Act No 51 of 1977);
- (b) Constitution of the Republic of South Africa, 1996 (Act No 108 of 1996);
- (c) National Environmental Management Act, 1998 (Act No 107 of 1998);
- (d) Local Government Municipal Systems Act, 2000 (Act No 32 of 2000); and
- (e) Promotion of Administrative Justice Act, 2000 (Act No 3 of 2000).

Chapter 1

Administration, access, fees, and prohibited behavior

5. Administration, control over, and maintenance of sport 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 sport 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 sport facility.

- (2) All sport facilities must be administered by Council in accordance with these By-laws.
- (3) Council may, in the interest of the community, and in terms of its powers and functions in applicable legislation, acquire land or a building with the aim of developing sport facilities, or dispose of existing sport facility or rights thereto.
- (4) A person who makes use of sport 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 10 in the instance where the sport 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 a conspicuous place;
 - (c) must be written in the language or languages as Council may determine;
 - and
 - (d) may contain a graphic representation to convey meaning.
- (6) Where an 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 sport facilities, or a person as official to administer and control one particular sport facility, and the official must maintain a programme which contains the dates and particulars of all sporting activities to be engaged in on the sport facilities, including the dates and particulars of reservations of a particular sport 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 sport facility without first obtaining express approval for that activity from Council;
 - (b) may not bring his or her own supply of alcoholic beverages on or into a sport 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 sport 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 sport facility, the sale or consumption is subject to the following conditions:
- (a) No alcoholic beverage may be served in a glass bottle, cup or container;
 - (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;
 - (d) Acceptable behavior within the sport facility.
- (10) Council may close, for such period as Council deems necessary, a sport facility under the following circumstances:
- (a) The sport facility is substantially unusable due to –
 - (i) destruction;
 - (ii) severe damage; or
 - (iii) the absence of municipal services;
 - (b) the sport 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 sport facility to members of the public for purposes of repair or maintenance, or if the sport facility has been hired to an organized group, or for any reason in Council's discretion.
- (12) A person who or organization that contravenes subsection (8) or (10) commits an offence.

6. Access to sporting facilities and storage facilities

- (1) Council may by notice posted at or near the entrance to a sport facility indicate the hours during which the sport facility may be used by members of the public.
- (2) Council, at all times, reserves the right of access to a sport facility, and an official may instruct a person who has contravened a provision of these by-laws to leave the sport 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 sport facility or premises.
- (3) Council has the right to determine the maximum capacity of a sport facility, and an official must, once the maximum capacity has been reached, refuse further access into the sport facility by:
 - (a) Closing all entrances to the sport facility;
 - (b) Posting, at one or more entrances, a notice on which it is stated that the sport facility is closed and that further access to the sport facility is prohibited; and

- (c) if necessary, barring access to the sport facility by means of the construction, at all entrances to the sport facility, of blockades, fences, barriers or similar means.
- (4) (a) Where storage facilities for the storage of clothes or items are available on the premises of a sport facility, only a person who intends engaging in a sporting activity for which provision is made in the sport facility, may –
 - (i) ask the official in charge of the sport facility for a container in which to store his or her clothes or personal items, and should the 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.

7. 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 sport 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 sport facility, and must, when prescribing the fees, consider the following factors:
- (a) The principles and objectives of these by-laws;
 - (b) the nature of the use;
 - (c) the sport facility
 - (d) the economic status of the people in the community in which the sport facility is located; and
 - (e) any information which may influence Council in its consideration.

8. Prohibited behavior in or on a sport facility or its premises

- (1) No person may –
- (a) enter into a sport facility or any part thereof otherwise than by an entrance designated for that purpose;
 - (b) enter or remain inside a sport facility, without permission, or at any time other than during the hours when such sport facility is open to members of the public, or when access to the sport facility has been denied;
 - (c) smoke in a sport facility, except in an open air sport facility, such as golf links, or in those areas in the sport 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 the particular sporting activity;

- (e) wear footwear that may damage the surface of a sport 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 sport 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 another person of a different sex change rooms, places of ablution, cubicles, or any other facilities;
- (j) enter or remain in any area of the sport facility, which area is reserved for the use of persons of the other sex;
- (k) use a change rooms, places of ablution, cubicles, or any other facility for longer than is reasonably necessary to undertake an activity intended to be undertaken in the change room, places of ablution, cubicles, or any other facility;
- (l) use profane or indecent language or behave in any other manner which constitutes a nuisance or unacceptable behavior towards other persons inside or on a sport facility;
- (m) destroy, damage or deface any part of a sport 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 sport facility in any other place in a sport facility than in a container provided for that purpose;
- (o) annoy, endanger, injure or harm any other person inside a sport 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 sport facility, such as, but not limited to turf, sand, or gravel;
- (q) light any fire or do any act which may cause a substance or thing to catch fire inside a sport 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 sport facility, except if allowed to do so by a notice of Council on the premises;
- (s) ride or use in or on a sport facility a bicycle, rollerblades, roller-skates, 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 for purchase or exhibit any article for sale, lease or hire, distribute a pamphlet, book, handbill or other written or printed matter inside a sport facility or in the immediate vicinity of the entrance thereto;
- (u) neither inside nor outside a sport 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 any appurtenance in or on the premises of a sport facility;
- (w) Bring into or keep on a sport 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) bring or keep into or on a sport facility a traditional weapon, firearm, or any other dangerous weapon, and should a person be found, before admission or after admission to the sport 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 sport 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 sport facility, the traditional weapon, firearm, or dangerous weapon in custody for the period during which the person is on the premises of the sport 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 sport facility and must observe an instruction by the official to effect that he or she may not enter the sport 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 sport 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 sport facility;
 - (ab) behave or conduct himself or herself in a manner which may prejudice good order;
 - (ac) bring into or onto the premises of a sport facility any substance or matter which may endanger the safety of people in the sport facility, or which may be used to disrupt proceedings at or spoil the peaceful enjoyment of the sport facility;
 - (ad) behaves or conducts himself or herself in a manner which may disrupt a sporting activity;
 - (ae) willfully fail to comply with a lawful instruction given by an official.
- (2) Should a person contravene a provision in this section, the official may serve or caused to be served a notice of contravention on the person.
- (3) A person who contravenes any of the provisions of this section commits an offence.

Chapter 2

Organized sporting activity

9. Organized 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 sport 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 constitutes an offence.
- (3) A member must ensure that his or her membership card is renewed before the date contemplated in (12)(c).
- (4) Should a member lose a membership card that was issued by Council, Council may replace the card and may charge prescribed fee for replacement.
- (5) A member may not transfer the membership card to another person or allow it to be used by another person, 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 organizations, municipal staff, or other persons such as, but not limited to free lance instructors.

- (7) An organization to which a sport facility or a portion thereof has been allocated for use at regular times, must ensure that its members make use of the sport facility at those times, and should it be impossible for the members of an organization to make use of the sport facilities at those times, the organization must notify beforehand the official in charge of the sport facility, and should an organization fail to do so, Council may suspend or cancel the organization's further use of the sport facility.
- (8) An organization may not, without the permission of the official in charge, alter the program, and should an organization do so, Council may suspend or cancel the organization's further use of the sport facility.
- (9) A person who, for whatever reason, has been suspended from participating in an organized sporting activity, may not enter the sport facility in which the sporting activity from which he or she has been suspended, are undertaken, and may only enter the sport facility once the suspension has been raised, and should a person enter the sport 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 participated in a 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.

10. Reservation and hiring of sporting activities

- (1) Council reserves the right to set aside or hire out, for the purpose of organized sporting activities, a sport 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 sport 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 sport facility for the purpose of hosting an organized sporting activity, must lodge an application form to reserve the sport facility, and for these purposes 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 sport facility.
- (3) An application must be lodged not less than six weeks before the date on which the sport facility is required by the organization.
- (4) The application must contain the following:
 - (a) Particulars of the sport facility, or part thereof intended to be used;
 - (b) Particulars of the period for which the sport facility is required;
 - (c) Particulars of the date and time when the sport 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 the sport facility;
 - (f) An undertaking by the organization that has lodged the application that the organization will comply with all 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 organization's use of the sport 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 sport facility may be used for lawful purposes only;
 - (c) That the use of the sport facility will not constitute a nuisance or annoyance to other users of another part of the sport facility which has not been hired by the organization, or the occupiers of neighboring premises; and
 - (d) That the use of the sport facility will not constitute a danger to any person or property or negatively affect the environment.
- (6) Council may approve the use of the sport 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 notify 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 sport 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 sport facility for the use of which approval was granted:
 - (a) The application which was made to Council for the use of the sport facility;
 - (b) The name and address of the organization;
 - (c) The date of the application;
 - (d) The prescribed fee, stipulated in the Schedule 1 to these by-laws, for the use of the sport facility, if a fee is payable;
 - (e) The conditions relating to the use of the sport 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 sport 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 may occur to the sport facility whilst being used by the organization; and
 - (b) Public liability insurance in respect of 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.

11. Cancellation, postponement or extension of reservation

- (1) An organization who has lodged an application for the reservation of a sport facility, may cancel the application, and the following apply in the instance where the organization has paid the fee as contemplated in subsection 10(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 a later date.

- (b) Approval by Council of the postponement does not result in a penalty of forfeiture of any fees already paid.
 - (c) Postponement may be refused if the sport 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 sport facility, and –
 - (a) the application for extension must be in writing and lodged at the Municipal Manager's offices; and
 - (b) the sport facility must be available, in that Council has not reserved the sport facility for the use by another organization.
- (4) Council may at short notice or otherwise cancel the hire of the sport facility under the circumstances contemplated in section 5(1), or should Council require the sport facility for municipal purposes at the same time, however, Council may refund the fees that have already been paid to it in respect of the reservation; or
- (5) Should Council decide to cancel a reservation, Council must, within a reasonable time notify, in the organization of its decision, however, in the instance where a notice is given in terms of subsection 5(10), the notice is deemed to be effective as from the date on which the destruction or damage took place.
- (6) Subject to the provisions of subsection (4), an organization has no claim against Council for loss of use of the sport facility or for damage arising from a cancellation in terms of subsection (4).
- (7) Council reserves the right to cancel a booking should the sport facility be required for municipal purposes 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 changes that have already been paid to it in respect of the application.

12. Termination of hire

(1) On termination of the 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 sport facility to Council in the condition as when they were hired out to the organization;
- (b) repair any damage or breakages;
- (c) comply with any instructions by Council in respect of the cleaning of the sport facility; and
- (d) vacate the sport 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 object on the sport facility, recover the costs from the organization; or
- (ii) (ii) (d), Council may level an additional fee for the period during which the organization occupies the sport facility after the expiry of the period stipulated in the application form.

13. Duties of organization

- (1) Before an organization commences to use the sport facility, a representative of the organization must inspect the sport 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 8 and, furthermore –
 - (a) may not use the sport facilities for any other purpose than that for which approval was given;
 - (b) may not use sport facilities for which approval was not given;
 - (c) may not use the sport facilities unless it has fully paid the fees, if stipulated;
 - (d) may not sub-let the sport facilities;
 - (e) may not allow another organization to use the sport facilities;
 - (f) may not without the approval of Council first having been obtained, cede, pledge or renounce in favor 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 sport facilities;
 - (h) may not allow any accessories or any property of Council to be removed from the sport facilities;

- (i) may not allow a person to apply paint to any windows 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 sport facility;
- (k) must ensure that persons attending a sporting activity for which purpose the organization has hired the use of the sport facilities, behave in a seemly manner and do not cause a nuisance to other users of the sport facilities or neighboring 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 sport facility;
- (m) may not allow a person or cause a person to bring onto, or may not allow to be kept on, or may not undertake or allow any activity onto or in the sport facility any matter, thing or activity which may invalidate or invalidates any insurance policy of the building or facility or which may increase or increases the premium;
- (n) must, before vacating the sport facility, remove any article affixed or erected by it, such as, but not limited to flags, advertisements, posters, notices, signs and decorations;
- (o) should the sporting activity requires the use of ushers, provide the ushers;
- (p) must control the admission of people to the sport facility, and, if applicable, the sale of tickets;

- (q) must ensure that at no time overcrowding takes place, and must adhere to the conditions, in the notice of approval, regarding the number of seats and persons allowed;
- (r) may not allow the sale of food or soft drinks in the sport facility without Council's consent;
- (s) ensure, at all times, that the sport facilities are kept in a clean, sanitary and tidy condition;
- (t) must take the necessary precautions to keep drains, water installations, and sewage pipes clean and free of blockages, and must maintain these in such condition;
- (u) may not park or store or allow to be parked or stored any vehicle or object which may hamper the uninhibited access to or exit from an entrance, passage, building or structure;

Chapter 3

Miscellaneous provisions

14. Enforcement

- (1) An official may search any person, vehicle or container in, entering into or being brought onto a facility.
- (2) An official may confiscate liquor, a traditional weapon, firearm, or any dangerous weapon; or any substance or matter which may endanger the safety of people in the sport facility, or which may be used to disrupt proceeding at or spoil the peaceful enjoyment of the sport facility, found as a result of the search

conducted in terms of subsection (1), and must return to the person that which was confiscated from him or her when he or she leaves the sport facility.

- (3) If the official finds an unlawful substance as a result of the search contemplated in subsection (1), he or she must immediately alert the South African Police Services, or if he or she is appointed as a 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) If a person contravenes a provision of these by-laws, an official may serve or caused to be served a notice of contravention on the person.

15. Notice of contravention

- (1) Council may serve a notice of contravention on a person who committed an offence.
- (2) A notice of contravention must –
 - (a) specify, at the time when the notice is issued, the name and residential and postal address, if either or both of these be known, of the person on whom the notice is served;
 - (b) state the particulars of the contravention;
 - (c) specify the amount of the penalty payable in respect of that contravention and the place where the penalty may be paid; and
 - (d) inform the person on whom the notice was served that he or she may, within 28 calendar days of the date of service of the notice -
 - (i) pay the penalty; or
 - (ii) inform Council in writing that he or she elects to be tried in court on a charge of having committed an offence.

- (3) If the person elects to be tried in court he or she must, within seven calendar days, notify Council of his or her intention.

16. 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 sport 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 whatsoever reason, of a sport facility.

17. 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.

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

18. Penalty

A person who or organization who contravenes any provision or fails to comply with any provision of this by-law commits an offence and shall on conviction be liable to-

- (a) a fine or imprisonment, or either such fine or imprisonment or to both such fine and imprisonment; and
- (b) in the case of a continuing offence, to an additional fine or an additional period of imprisonment or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued; and
- (c) a further amount equal to any costs and expenses found by the court to have been incurred by Council as result of such contravention or failure.

19. Revocation of By-laws

The By-laws previously made by Council or its constituent predecessors in respect of any portion of the area of the Makhado Municipality, are hereby revoked, to the extent set out in Schedule 2 hereto.

SCHEDULE 1

Section 7(1)(a): Tariff of fees for use by an individuals of:

Tennis court

Squash court

Swimming bath

Golf course

Section 10(1): Tariff of fees for hiring by an organization of:

Tennis court

Squash court

Swimming pools

Golf course

Sporting arena or stadium

Soccer field

Cricket field

Rugby field

R per day or part thereof

SCHEDULE 2

Part 1

By-laws relating to swimming pools

(1) Municipality of Louis Trichardt: Swimming Bath By-laws Notice 636 dated 29 September, 1948;