[a] contravenes any provision of these by-laws or fails to comply therewith or with any condition imposed in terms thereof;

[b] deliberately furnishes false or misleading information to an official of the Municipality;

[c] fails to comply with any condition granted or imposed in terms of these by-laws; or

[d] ignores, disregards or disobey any notice, sign or marking displayed or erected for purposes of these by-laws.

[2] In the case of a continuing offence, a person convicted in terms of subsection [1] is liable to an additional fine or an additional period of imprisonment of 10 days 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

[3] a further amount equal to any costs and expenses found by the court to have been incurred by the Municipality as result of such contravention or failure.

[4] An employer or principal commits an offence if he failed to take all reasonable steps to prevent an act or omission of a manager, agent or employee whose act or omission is in contravention of these by-laws and proof of the act or omission by the said manager, agent or employee will be prima facie evidence that the employer is guilty under this subsection; provided that no penalty other than a fine may be imposed if a conviction is based on this subsection.

[23] REPEAL OF BY-LAWS

[1] Any by-law adopted by the Municipality or a municipality now forming an administrative unit of the Municipality and relating to any matter regulated by these by-laws are, from date of promulgation of these by-laws, hereby repealed.

[2] Any permission obtained, right granted, condition imposed, activity permitted or anything done under a repealed law is deemed to have been obtained, granted, imposed, permitted or done under the corresponding provision [if any] of these by-laws, as the case may be.

LOCAL AUTHORITY NOTICE 45

UMZIMVUBU MUNICIPALITY

The Municipal Manager hereby publishes, in terms of section 13 of the Local Government: Municipal Systems Act, 2000 [Act No. 32 of 2000] read with section 162 of the Constitution of the Republic of South Africa Act 1996 [Act No. 108 of 1996] the By-laws Relating to Outdoor Facilities and Municipal Buildings that come into operation on the date of publication thereof.

BY-LAW RELATING TO OUTDOOR FACILITIES AND MUNICIPAL BUILDINGS

PREAMBLE

WHEREAS the Council of the Municipality is vested with legislative authority in terms of the Constitution of the Republic of South Africa, 1996 [Act No. 108 of 1996];

AND WHEREAS the Council of the municipality in the exercise of its functions has the right to promote the achievement of a safe and peaceful environment and to provide for procedures, methods and practices to regulate the use and management of outdoor facilities or municipal buildings owned by or under the control of the Municipality;

NOW THEREFORE be it enacted by the Council as follows:

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CHAPTER 1: DEFINITIONS

[1] DEFINITIONS

In this by-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa and unless the context otherwise indicates –

"appurtenance" means any installation or appliance in an outdoor facility or municipal building and includes, without derogating from the generality of the aforesaid, any keys, locks, windows, sewerage pans, basins, water taps and fittings;

"authorized official" means –

[a] an official of the Municipality who has been authorized by it to administer, implement and enforce the provisions of this by-law;

[b] a traffic officer appointed in terms of section 3A of the National Road Traffic Act, 1996 [Act No. 93 of 1996];

[c] a member of the police service, as defined in terms of section 1 of the South African Police Service Act, 1995 [Act No. 68 of 1995]; or

[d] a peace officer, contemplated in terms of section 1 of the Criminal Procedure Act, 1977 [Act No. 51 of 1977];

"hirer" means any person who applies, pays and obtains approval for the use of the outdoor facilities or municipal buildings;

"Municipality" means the uMzimvubu Municipality established in terms of section 12 of the Local Government: Municipal Structures Act 1998, [Act No. 117 of 1998] and includes any duly authorized political structure or office bearer as defined in this Act, Councillor, agent or any employee thereof acting in connection with this by-law by virtue of a power vested in the Municipality and delegated or sub-delegated to such political structure or office bearer, Councillor, agent or employee;

"notice" means an official notice displayed at every entrance to or at a conspicuous place at or on a outdoor facility or municipal building and in which the Municipality must make known provisions and directions adopted by it in terms of this by-law;

"outdoor facility" or **"municipal building"** means –

[a] any land, square, camping site, swimming bath, river, public resort, recreation site, nature reserve, zoological, botanical or other garden, park or hiking trail which is the property of the Municipality, including any portion thereof and any facility or apparatus therein or thereon;

[b] any building, structure, hall, room, or office including any part thereof and any facility or apparatus therein, which is the property of, or is possessed, controlled or leased by the Municipality and to which the general public has access, whether on payment of admission fees or not, but excluding –

[i] any public road or street;

[ii] any outdoor facility or municipal building contemplated aforesaid if it is lawfully controlled and managed in terms of an agreement concluded by any person with the Municipality; and

[iii] any outdoor facility or municipal building hired from the Municipality;

"person" means a natural or juristic person and vice versa and includes a voluntary association of natural or juristic persons;

"prescribed fee" means the fee determined by resolution of the Municipality for the hire of outdoor facilities or municipal buildings;

"property" means the property on which the outdoor facility or municipal building or buildings of the Municipality are situated.

CHAPTER 2: USE OF OUTDOOR FACILITY OR BUILDING

[2] MAXIMUM NUMBER OF VISITORS

[1] The Municipality may determine the maximum number of visitors who may be present at a specific time in or at an outdoor facility or municipal building.

[2] The number contemplated in subsection [1] must be made known by the Municipality by means of a notice.

[3] ADMISSION TO AN OUTDOOR FACILITY OR BUILDING

[1] An outdoor facility or municipal building is, subject to the provisions of this by-law, open to the public during the times determined by the Municipality and made known in a notice.

[2] No visitor may enter or leave an outdoor facility or municipal building at a place other than that indicated for that purpose.

[4] ENTRANCE FEES

[1] Any person entering an outdoor facility or municipal building must pay the entrance fee determined from time to time by the Municipality and such entrance fee must be made known by means of a notice.

[2] Entrance fees may be varied in respect of persons of different ages and the Municipality may exempt certain groups of persons from the payment of an entrance fee, provided that such exemption does not amount to unlawful discrimination.

[5] NUISANCES

[1] No person may perform or permit any of the following acts in or at an outdoor facility or municipal building –

[a] the use of language or the performance of any other act that disturbs the good order;

[b] the firing of firearms, airguns, air pistols, fireworks or the use of sling-shots or catapults without the Municipality's written consent;

[c] the burning of rubble or refuse;

[d] the causing of unpleasant or offensive smells;

[e] the production of smoke nuisances;

[f] the causing of disturbances by fighting, shouting, arguing or by the use of loudspeakers, radios, television sets or similar equipment; or

[g] in any other manner cause a nuisance, obstruction, disturbance or annoyance to the public.

[2] An authorized official may, during any activity of the hirer, direct that the hirer prevent the entry into or the removal from the hired outdoor facility or municipal building of Any person who is –

[a] intoxicated and behaving in an unseemly or obnoxious manner; or

[b] causing a nuisance or annoyance to other people in or users of the said outdoor facility or municipal building, occupiers of other parts of the building or neighbouring buildings and/or the general public.

[6] HEALTH MATTERS

No person may in or at an outdoor facility or municipal building –

[a] dump, drop or place any refuse, rubble, material or any object or thing or permit it to be done, except in a container provided for that purpose in or at the outdoor facility or municipal building;

[b] pollute or contaminate in any way the water in any bath, swimming pool, dam, river or water-course;

[c] enter any bath or swimming pool while suffering from an infectious or contagious disease or having an open wound on his body; or

[d] perform any act that may detrimentally affect the health of any visitor to an outdoor facility or municipal building.

[7] STRUCTURES

No person may, without the written consent of the Municipality having first been obtained, erect or establish in or on an outdoor facility or municipal building any structure, shelter or anything similar, except the parking of a caravan or tent erected for camping purposes on a site specifically set aside for that purpose by notice.

[8] LIQUOR AND FOOD

[1] No person may, contrary to a provision of a notice, bring into an outdoor facility or municipal building any alcoholic or any other liquor or any food of whatever nature, unless stipulated in the conditions of hire.

[2] No person may on, in or at an outdoor facility or municipal building, contrary to a provision of a notice, cook or prepare food of any kind whatsoever, except at places set aside for such purposes by notice.

[3] The preparation and cooking of food in or at an outdoor facility or municipal building must be done in a clean and hygienic manner so as not to give rise to excessive smoke or other nuisances or entail any danger to health.

[4] No live animals, poultry or fish may be killed or skinned on, in or at an outdoor facility or municipal building, unless stipulated in the conditions of hire.

[9] ANIMALS

[1] No person may bring any live animal, bird, fish or poultry into an outdoor facility or municipal building except in accordance with the directions of the Municipality.

[2] The directions contemplated in subsection [1] must be made known by means of a notice.

[10] USE OF OUTDOOR FACILITIES OR MUNICIPAL BUILDINGS

[1] No person may, without the consent of the Municipality or contrary to any condition that the Municipality may impose when granting such consent –

[a] arrange or present any public entertainment;

[b] collect money or any other goods for charity or any other purpose from the general public;

[c] display or distribute any pamphlet, placard, painting, book, handbill or any other printed, written or painted work;

[d] arrange, hold or address any meeting;

[e] arrange or hold a public gathering or procession, exhibition or performance;

[f] conduct any trade, occupation or business;

[g] display, sell or rent out or present for sale any wares or articles;

[h] hold an auction; or

[i] tell fortunes for compensation.

[2] For the purposes of this by-law, **"public gathering or procession"** means a procession or gathering of 15 [fifteen] or more persons and which is not regulated by existing national, provincial or local legislation.

[11] SAFETY AND ORDER

[1] No person may, subject to subsection [2], in or at an outdoor facility or municipal building –

[a] damage or disfigure anything within such outdoor facility or municipal building;

[b] use or try to use anything within such outdoor facility or municipal building for any purpose other than that for which it is designated or determined by notice;

[c] light a fire or prepare food, except at a place indicated for that purpose by notice;

[d] throw away any burning or smouldering object;

[e] throw or roll down any rock, stone or object from any mountain, slope or cliff;

[f] pull out, break off, pick or damage any tree, plant, shrub, vegetation or flower;

[g] behave him in an improper, indecent, unruly, violent or unbecoming manner;

[h] cause a disturbance;

[i] wash, polish or repair a vehicle;

[j] walk, stand, sit or lie in a flower bed;

[k] kill, hurt, follow, disturb, ill-treat or catch any animal, bird or fish or displace, disturb, destroy or remove any bird nests or eggs;

[l] walk, stand, sit or lie on grass contrary to the provisions of a notice;

[m] lie on a bench or seating-place or use it in such a manner that other users or potential users find it impossible to make use thereof;

[n] play or sit on play park equipment, except if the person concerned is a child under the age of 13 [thirteen] years; or

[o] swim, walk or play, contrary to the provisions of a notice, in a fish-pond, fountain, stream or pond.

[2] The Municipality may, by way of notice and subject to such conditions as it deems necessary and stated in a notice, authorize any of the actions contemplated in subsection [1], or in the conditions of hire.

[12] WATER

No person may –

[a] misuse, pollute or contaminate any water source or water supply or waste water in or at any outdoor facility or municipal building; or

[b] carry off and remove from any premises of an outdoor facility or municipal building, water from any tap, shower, toilet or ablution facility on, in or at such outdoor facility or municipal building.

[13] LAUNDRY AND CROCKERY

No person may in or at an outdoor facility or municipal building wash any crockery or laundry or hang out clothes, except at places indicated by notice for that purpose.

[14] VEHICLES

[1] No person may bring into an outdoor facility or municipal building any truck, bus, motorcar, motor cycle, motor tricycle, bicycle or any other vehicle, craft or aeroplane, whether driven by mechanical, animal, natural or human power, except in accordance with the directions of the Municipality.

[2] The Municipality may determine the speed limit applicable in an outdoor facility or municipal building,

[3] The directions contemplated in subsection [1] and the speed limit contemplated in subsection [2] must be made known by the Municipality by way of notice.

[15] GAMES

No game of any nature whatsoever may be played or conducted in or on an outdoor facility or municipal building by any person or persons except at places set aside for that purpose by notice and in accordance with the directions of the Municipality and which is made known by way of notice.

CHAPTER 3: HIRE OF OUTDOOR FACILITY OR BUILDING

[16] CO-OPERATION BETWEEN MUNICIPAL DEPARTMENTS

Every department of the Municipality having jurisdiction over or responsibility for any outdoor facility or municipal building must cooperate with any other such department in ensuring that –

[a] such facility or building is properly maintained in a state fit for the purpose for which it was designed and is used; and

[b] no part of such facility or building is made available to or hired out to more than one person at the same time.

[17] APPLICATION FOR HIRING

[1] Any person wishing to apply for the hire of any outdoor facility or municipal building must –

[a] submit an application to the Municipality in the form prescribed by the Municipality for this purpose;

[b] clearly stipulate in such application the outdoor facility or municipal building, seating, accommodation and equipment required and the period for which same are required; and

[c] ensure that such application form is received by the Municipality not less than 30 [thirty] working days prior to the date on which the outdoor facility or municipal building concerned is first required by the applicant, provided that this time period may, depending on the demand for the outdoor facility or municipal building in question, be relaxed by the Municipality.

[2] The Municipality may refuse to hire out any outdoor facility or municipal building in terms of subsection [1] or may cancel any booking thereof if –

[a] the said outdoor facility or municipal building are to be used for any unlawful or immoral purpose; or

[b] the outdoor facility or municipal building being applied for is required by the Municipality for municipal purposes at the same time; provided that the Municipality must furnish at least 10 [ten] working days' notice of any cancellation of an existing booking.

[3] No compensation is payable by the Municipality to the hirer for any loss which the hirer may suffer by reason of the Municipality having acted in terms of subsection [2]; provided that the Municipality may, in its discretion, refund all the charges that have already been paid to it in respect of the application.

[4] The hirer is limited to the use of the outdoor facility or municipal building specified in the application form and may not use any other outdoor facility or municipal building in

paid to it in respect of the application

application and the reservation of such outdoor facility or municipal building, apply for the postponement of such reservation to a later date, without penalty or forfeiture;

[2] The postponement contemplated in section 21[1] may be refused if such outdoor facilities or municipal buildings have, in the meantime, been reserved for use by another or others on the dates to which the postponement is sought.

[3] Any person who has already made an application for the reservation of outdoor facilities or municipal buildings may cancel such reservation, in which event, if a reservation is cancelled –

[a] one month or longer prior to the commencement date of such reservation, the hirer must receive a full refund of the prescribed fee already paid; or

[b] fifteen days but less than one month prior to the commencement date of such reservation, then the hirer must receive a 50% [fifty percent] refund of the prescribed fee; or

[c] fifteen days or less prior to the commencement date of such reservation, then the hirer is not entitled to receive any refund of the prescribed fee.

[4] Any person may extend the period of hire of outdoor facilities or municipal buildings upon written application to the Municipality in the manner provided for in subsection 17[1] [a], provided that –

[a] the period of 30 [thirty] working days' notice, as provided for in terms of subsection 17[1] [c], will not apply; and

[b] the outdoor facilities or municipal buildings concerned have not, in the meantime, been reserved for use by any other person or persons.

[22] JOINT HIRE

[1] The Municipality may let any outdoor facility or municipal building or parts thereof to different hirers for simultaneous use and in such a case, each hirer must use all the ancillary outdoor facilities or municipal buildings, which serve the different parts of the outdoor facility or municipal building, jointly with the other users and in such manner that all the different hirers, their guests, customers and patrons are able to enjoy the use of the outdoor facilities or municipal buildings without infringing on the rights of use by other users.

[2] The provisions of this by-law, read with the necessary changes, apply to the joint users of the hired outdoor facility or municipal building.

[23] SUB-LETTING

The hirer may not sub-let any hired outdoor facility or municipal building to any other person or organization nor may the hirer cede, pledge or renounce in favour of another person any of his rights or obligations under this by-law nor allow any other person to occupy the outdoor facility or municipal building without the prior written consent of the Municipality.

[24] CONDITION OF OUTDOOR FACILITY OR BUILDING

[1] The hirer must inspect the hired outdoor facility or municipal building, including all installations, appliances, fittings, accessories and furniture, before he commences to use the same and, if the hirer finds that any of the installations, appliances, fittings, accessories and furniture on the outdoor facility or municipal building are not in a proper state of repair, he must in writing, or on any form provided by the Municipality, report this fact to the Municipality.

[2] The hirer who fails either to inspect the outdoor facility or municipal buildings in terms of subsection [1] or to report any defects found therein or therewith, is deemed upon commencement of occupation by the hirer to have consented that everything in the outdoor facility or municipal building concerned was in a proper state of repair.

[25] DUTIES OF THE HIRER

Any person hiring outdoor facilities or municipal buildings from the Municipality must –

[a] take all reasonable steps to keep all sewerage pipes, water taps and drains within or serving the outdoor facility or municipal building free from obstruction or blockage as a result of the hirer's activities;

[b] at all times keep the outdoor facility or municipal building in a clean, tidy and sanitary condition;

[c] not affix or attach to the outdoor facility or municipal building any notice or other matter without the prior consent of the Municipality; provided that upon the termination of the hire, the hirer must remove all such attachments;

[d] not obscure any plate glass windows by painting or otherwise;

[e] not drive any nails or screws into the walls or partitions or doors of the outdoor facility or municipal building;

[f] not change or interfere with or overload any electrical installation in the outdoor facility or municipal building;

[g] not remove or take out from the outdoor facility or municipal building any furniture or other article whatsoever belonging to the Municipality;

[h] not obstruct or interfere or tamper with any thermostats or air conditioning appliances in the outdoor facility or municipal building;

[i] not introduce or install any unsafe or heavy article, furniture, fitting, appliance or equipment which, in the reasonable opinion of the Municipality, could damage the outdoor facility or municipal building or any part thereof; provided that the Municipality may impose, on the introduction of such item, such conditions as are reasonable to ensure the safety of the outdoor facility or municipal building and persons using them;

[j] not install in the outdoor facility or municipal building any air conditioning or ventilating units or equipment without the Municipality's prior consent;

[k] not permit the storage of motor vehicles or other movable items of any description on the pavements, entrance halls, staircases or passages of the outdoor facility or municipal building;

[l] not do anything or allow anything to be done in non-compliance with any reasonable instruction or prohibition given or issued by the Municipality;

[m] not park vehicles or allow the parking of vehicles by the hirer's employees, invitees, agents, directors or other representatives anywhere at the outdoor facility or municipal building except in properly demarcated parking bays or as may be pointed out by an authorized official.

[26] DAMAGE TO PROPERTY

A hirer who fails to keep and maintain the outdoor facilities or municipal buildings hired out to him and to return them to the Municipality in the same order and condition as when they were hired out to him will be guilty of an offence and in addition to any remedies available to the Municipality at common law, be liable in terms of the penalties specified in this by-law.

[27] ADVERTISEMENTS AND DECORATIONS

[1] No person who has applied for the hire of an outdoor facility or municipal building may publicly announce or advertise any function or event in respect of which an application for the hire of such outdoor facility or municipal building has been made before the Municipality has notified that person in writing that the application has been approved.

[2] Every hirer must, before vacating the hired outdoor facility or municipal building on the termination of the period of hire for any reason whatsoever, remove all posters, notices,

decorations, flags, emblems, signs and other forms of advertisement or direction erected or affixed by him and make good any damage caused by such removal.

[28] ADMISSIONS AND SALE OF TICKETS

The hirer is responsible for all arrangements in connection with the admission of members of the public to any cultural or other activities at the outdoor facility or municipal building and the provision of ushers and other persons necessary to control the admission of persons to the outdoor facility or municipal building and the sale of tickets.

[29] OVERCROWDING

[1] No overcrowding of the outdoor facility or municipal building may be allowed at any time during any of the hirer's activities and the hirer must comply with the Municipality's requirements prescribing the maximum number of persons allowed at the outdoor facility or municipal building during activities.

[2] Without detracting from the general requirements referred to in subsection [1], the hirer may not allow more persons admission to the outdoor facility or municipal building than the number of available seats or, where seating is not provided, the maximum number of persons prescribed by notice at the outdoor facility or municipal building or as stipulated in the contract of hire.

[30] SALE OF REFRESHMENTS

[1] No person may sell food or soft drinks at any hired outdoor facility or municipal building during any activities for which they have been hired without the prior written consent of the Municipality.

[2] The Municipality may permit the sale of refreshments or foodstuffs by such persons as it may approve after it has received written application to sell such items and the Municipality may allocate sufficient accommodation to such approved persons, wherein trading stock, furniture, equipment, installations and books necessarily required for that purpose may be accommodated.

[3] The provisions of subsections [1] and [2] do not apply where the supply and sale of refreshments or foodstuffs is an integral part of the activities of the hirer.

[4] The Municipality will not be responsible for the payment of compensation to the hirer in respect of any loss, theft or damage suffered by the hirer or any other person in respect of the items referred to in subsection [2] for any reason whatsoever.

[31] SERVICES

[1] The nature of the municipal services to be provided to an outdoor facility or municipal building must be determined at the sole discretion of the Municipality.

[2] The Municipality will not be liable for the non-receipt or non-delivery of goods, postal matter or correspondence belonging to the hirer and the Municipality will also not be liable for anything which the hirer, his employees, invitees, agents, directors or representatives may have deposited or left in the outdoor facility or municipal building or any part thereof.

[3] The Municipality may take such steps as it may consider necessary and in its discretion for the proper maintenance and operation of any common areas in the outdoor facility or municipal building.

[4] An authorized official may attend the hirer's function to ensure compliance with any provision of this by-law.

[5] The hirer is not entitled to the official services of an authorized official or any other representative of the Municipality who attends the hirer's function in terms of subsection [4].

[6] The hirer is not entitled to receive free cleaning or other services from the Municipality in connection with the hirer's activities during the preparation of a function or during a function.

[32] EXCLUSION OF LIABILITY

[1] The Municipality is not liable for –

[a] any damage or loss sustained by any person as a result of an insufficient supply or interruption in the supply of municipal services to the outdoor facility or municipal building or due to any act or omission on the part of the Municipality if the Municipality considers the interruption necessary to enable it to exercise any of its powers or perform any of its functions under this by-law or under any other law;

[b] any loss, theft or damage caused to the stock-in-trade, furniture, equipment, installations, books, papers, clothing or other articles of any nature whatsoever kept at the hired outdoor facility or municipal building by the hirer or Any person else whether in regard to the hirer's business or not;

[c] any consequential loss suffered by the hirer by making use of an outdoor facility or municipal building at the hired outdoor facility or municipal building or as a result of rain, hail, lightning, wind, fire, storms, riot or civil commotion or for loss of

life or injury to the hirer or Any person else at the outdoor facility or municipal building during a function or event; and

[d] any loss suffered by the hirer as a result of any failure or defect at any outdoor facility or municipal building provided such failure or defect is not attributable to any wilful act or omission or gross negligence on the part of the Municipality.

[2] Every hirer must, at the time of concluding a contract of hire for an outdoor facility or municipal building complete and sign an indemnity in a form required by the Municipality and in favour of the Municipality.

[33] DESTRUCTION OF OUTDOOR FACILITY OR BUILDING

[1] The Municipality may cancel the hire of an outdoor facility or municipal building if –

[a] the outdoor facility or municipal building is destroyed or is damaged to such an extent as to be substantially unusable;

[b] there is damage to the outdoor facility or municipal building such that it is rendered substantially unusable because of the absence of access to or supply of any necessary municipal service; or

[c] there is destruction or damage to the outdoor facility or municipal building and the Municipality decides not to proceed with the hire of the outdoor facility or municipal building in order to engage in reconstruction, renovation or rebuilding or for safety reasons.

[2] Any decision made in terms of subsection [1] must be communicated by written notice given by the Municipality to the hirer within a reasonable period of the event referred to in subsection [1] [a] giving rise to the cancellation.

[3] In the case of notice given in relation to an event referred to in subsection [1] [b] or [c], such notice may be deemed to be effective as from the date on which the damage or destruction took place.

[4] No hirer will have any claim against the Municipality for –

[a] damages arising out of the damage to or destruction of the outdoor facility or municipal building or any part thereof; or

[b] the resultant loss of beneficial use of the outdoor facility or municipal building by such hirer.

[34] TERMINATION FOR NON-COMPLIANCE

[1] The Municipality may at any time cancel the hire of outdoor facilities or municipal buildings if the hirer fails to comply with any of the provisions of this by-law and the Municipality will not be liable for any damage or loss sustained by any person as a result of such cancellation;

[2] The cancellation contemplated in subsection [1] is without prejudice to any claims which the Municipality may have against the hirer under any provision of this by-law or at common law.

[35] TERMINATION OF HIRE

[1] On the termination of the period of hire for any reason, the hirer must –

[a] return an outdoor facility or municipal building to the Municipality in good order and condition; and

[b] make good and repair at his own cost any damage or breakage; or

[c] reimburse the Municipality for the cost of replacing, repairing or making good any broken, damaged or missing articles.

[2] It is lawful for the Municipality to deduct from any deposit paid by the hirer of the outdoor facility or municipal building the costs of the damage or breakage provided for in subsection [1] [c].

[3] Every hirer must vacate the hired outdoor facility or municipal building within such period after expiry of the period of hire as is stated on the application form or contract of hire.

[4] Failure by the hirer to comply with the provisions of subsection [3] entitles the Municipality to levy a further prescribed fee for such additional period during which the hirer remains in occupation of the outdoor facility or Municipal building after the expiry of the period of hire.

[5] The provisions of subsection [3] do not preclude the Municipality from taking lawful steps to procure the eviction of any hirer contemplated in subsection [3] from the outdoor facility or municipal building.

[6] Every hirer must comply with all reasonable and lawful instructions of the Municipality in respect of the cleaning of an outdoor facility or municipal building upon the hirer's vacation thereof;

[7] The Municipality may elect to undertake the cleaning of all crockery and cutlery used by the hirer.

[8] Every hirer must comply with all reasonable and lawful instructions of the Municipality in respect of the vacation of an outdoor facility or municipal building and the return thereof.

[36] FIRE HAZARDS AND INSURANCE

[1] A hirer may not at any time bring or allow to be brought or kept at an outdoor facility or municipal building, nor undertake nor permit to be done or undertaken in the outdoor facility or municipal building, any matter, thing or activity whereby –

[a] the fire or any other insurance policy of the facility or building concerned may become or becomes void or voidable; or

[b] the premium for any such insurance may be or is increased.

[2] If the premiums for insurance contemplated in subsection [1] are increased as a result of any act or omission contemplated in subsection [1], then the Municipality may, in its discretion –

[a] allow such activity and recover from the hirer the amount due in respect of any additional insurance premiums; and

[b] notify the hirer who must pay such amount immediately on notification by the Municipality or the insurance company to the effect that such additional premiums have been charged.

[3] The Municipality may at any time, at its discretion, require the hirer to take out insurance for the outdoor facility or municipal building hired with an insurance company, approved by the Municipality, against loss or damage by fire or any other cause during or as a result of any function for which the outdoor facility or municipal building is hired.

[37] STORAGE FACILITIES

The Municipality is not responsible for providing outdoor facilities or municipal buildings for the storage of the equipment of the hirer or the hirer's employees, visitors, supporters or agents during any period prior to, during or after a function or event.

[38] EQUIPMENT

[1] A hirer who requires the Municipality to supply any equipment for use during a function or event may use such equipment only with the permission of the Municipality and under the supervision of an authorized official;

[2] If the hirer causes damage to the equipment provided for in subsection [1], or removes or causes the equipment to be removed from the outdoor facility or municipal building without permission or fails to return it, then the hirer will be liable for the repair or replacement costs thereof.

[39] RIGHT OF ENTRY

[1] Subject to the provisions of applicable national and provincial legislation, the Municipality or an authorized official may enter an outdoor facility or municipal building at all reasonable times –

[a] to inspect same and carry out any repairs or alterations or additions or modifications or improvements thereto; and

[b] in order to ensure that the conditions of hire of same and the provisions of this by-law are being complied with.

[2] A hirer will have no claim for remission of any charges payable for the hire of an outdoor facility or municipal building, compensation, damages or otherwise in connection with the exercise by the Municipality or the authorized official of the rights under subsection [1].

[3] The Municipality is entitled to erect scaffolding, hoardings and building equipment in, at, near or in front of an outdoor facility or municipal building as well as such other devices required by law or which the municipality's architects may certify are necessary to carry out the repairs provided for in subsection [1].

[40] INSPECTION

Upon the conclusion of all the hirer's activities at the end of the period of hire or at the termination of the hire under any of the provisions of this by-law, the Municipality and the hirer or his nominee must inspect the hired outdoor facility or municipal building for the purpose of assessing any damage or loss thereto.

CHAPTER 4: GENERAL PROVISIONS

[41] APPEAL

[1] A person whose rights are affected by a decision taken by an authorised official under these by-laws 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 promptly submit the appeal to the appropriate appeal authority mentioned in subsection [4].

[3] The appeal authority 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.

[4] An appeal submitted in terms of this section must be dealt with in the manner prescribed by section 62 of the Municipal Systems Act, 2000 [Act No. 32 of 2000].

[42] PENALTIES

Any person who contravenes or fails to comply with a provision of this by-law, a notice issued in terms thereof or a condition imposed under this by-law, irrespective of whether such contravention or failure has been declared as an offence elsewhere in this by-law, will be guilty of an offence and liable upon conviction to –

[1] a fine not exceeding R10000 or imprisonment for a period not exceeding 6 [six] months or either such fine or such imprisonment or both such fine and such imprisonment;

[2] in the case of a continuing offence, an additional fine of R250 or an additional period of imprisonment of 1 [one] day or either such additional fine or such additional imprisonment or both such additional fine and imprisonment for each day on which such offence is continued; and

[3] a further amount equal to any costs and expenses found by the court to have been incurred by the Municipality as a result of such contravention or failure.

[43] REGULATIONS

The Municipality may make regulations not inconsistent with this by-law, prescribing –

[a] any matter that may or must be prescribed in terms of this by-law; and

[b] any matter that may facilitate the application of this by-law.

[44] REPEAL OF BY-LAWS

[1] Any by-law adopted by the Municipality or a municipality now forming an administrative unit of the Municipality and relating to any matter regulated by these by-laws are, from date of promulgation of these by-laws, hereby repealed.

[2] Any permission obtained, right granted, condition imposed, activity permitted or anything done under a repealed law is deemed to have been obtained, granted, imposed, permitted or done under the corresponding provision [if any] of these by-laws, as the case may be.

LOCAL AUTHORITY NOTICE 46

UMZIMVUBU MUNICIPALITY

The Municipal Manager hereby publishes, in terms of section 13 of the Local Government: Municipal Systems Act, 2000 [Act No. 32 of 2000] read with section 162 of the Constitution of the Republic of South Africa Act 1996 [Act No. 108 of 1996] the By-Laws Relating to Unsightly and Neglected Buildings and Premises that come into operation on the date of publication thereof.

BY-LAWS RELATING TO UNSIGHTLY AND NEGLECTED BUILDINGS AND PREMISES

PREAMBLE

WHEREAS the Council of the Municipality is vested with legislative authority in terms of the Constitution of the Republic of South Africa, 1996 [Act No. 108 of 1996];

AND WHEREAS the Council of the Municipality in the exercise of its functions has the right to regulate practices that detract from the aesthetic appearance of areas within the jurisdiction of the Municipality and to provide for practices and procedures in relation thereto;

NOW THEREFORE be it enacted by the Council as follows:

TABLE OF CONTENTS

[1] Definitions
[2] Restore to acceptable standard
[3] Waiver of provisions
[4] Compliance notice
[5] Prohibition notice
[6] Withdrawal of prohibition notice
[7] Appeal
[8] Repeal of by-laws

[1] DEFINITIONS

In these by-laws-

"administrative unit" means a former municipality as envisaged in section 14[3] of the Local Government: Municipal Structures Act, 1998 [Act No. 117 of 1998];

"authorized official" means –

[a] an official who has been authorized by the Council to administer, implement and enforce the provisions of these by-laws;

[b] a traffic officer appointed in terms of section 3A of the National Road Traffic Act, 1996;

[c] a member of the police service, as defined in terms of section 1 of the South African Police Service Act, 1995; or

[d] a peace officer contemplated in section 334 of the Criminal Procedure Act, 1977.

"building" has the meaning assigned thereto in section 1 of the National Building Regulations and Building Standards Act, 1977 [Act No. 103 of 1977], as amended;

"Council" means the Council of the uMzimvubu Municipality established in terms of section 12 of the Local Government: Municipal Structures Act, 1998, and includes any employee to whom the Council has delegated powers to enforce and/or perform duties in terms of these by-laws;

"municipal area" means the area under the jurisdiction and control of the Council;

"owner" means -

[a] the person in whom from time to time is vested the legal title to premises;

[b] in a case where the person in whom the legal title is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration of and control of such premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative;

[c] in a case where the Council is unable to determine the identity of such person, a person who is entitled to the benefit of such premises with a building thereon;

[d] in the case of premises for which a lease of 30 years or more has been entered into, the lessee thereof;

[e] in relation to –

[i] a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 [Act No. 95 of 1986], and without restricting the above, the developer or the body corporate in respect of the common property; or

[ii] a section as defined in such Act, the person in whose name such a section is

[i] a company registered in terms of the Companies Act, 1973 [Act 61 of 1973], a Trust, a Closed Corporation registered in terms of the Closed Corporations Act, 1984 [Act 69 of 1984] and a Voluntary Association;

[ii] a state department;

[iii] a Council or Board established in terms of any legislation applicable to the Republic of South Africa;

[iv] a Embassy or other foreign entity.

"premises" means any land, whether vacant, occupied or with buildings thereon, situated within the municipal area.

[2] RESTORE TO ACCEPTABLE STANDARD

[1] The Municipality must serve a notice contemplated in subsection [2] on the owner of premises on which, in the opinion of the Council –

[a] a building is unsightly, neglected or offensive and causes the value of surrounding properties to be detrimentally affected;

[b] lawns, trees shrubs or other cultivated vegetation is neglected and overgrown;

[c] unsightly papers, cartons, garden refuse, rubble and/or other waste material has accumulated; or

[d] motor wrecks or used motor parts have accumulated, that –

[i] detracts from the appearance of surrounding properties; or

[ii] is offensive to the owners or occupiers of adjacent premises.

[2] A notice in writing on the owner of premises contemplated in subsection 1[a] to [d] must require such owner to improve the condition of such premises to a standard acceptable to the Council which standard must be stated in the notice within a specified period that may not exceed ninety [90] days from the date of such notice.

[3] If the owner of premises contemplated in subsection [1] fails to comply with the requirements of the notice contemplated in subsection [2] within the specified period, that owner is guilty of an offence and liable on conviction to a fine or in default of payment to imprisonment for a period not exceeding 6 months.

[4] Alternatively and instead of instituting criminal proceedings against the owner in terms of subsection [3] of these by-laws and provided no written objections from such owner have been received before the expiry date of the period specified in the notice, the Municipality may assume that such owner has no objection and tacitly agrees that the Municipality

may, without any further notice, enter upon such premises and, at such owner's cost and through its officials or a contractor appointed by the Council on a tender or quotation basis, execute the work necessary to comply with the requirements of the said notice.

[5] The Municipality is entitled to recover the cost of the work undertaken in terms of subsection [4] in any court of law from the owner so in default.

[6] A certificate under the hand of the Municipal Manager of the Municipality stating the cost of the work referred to in subsection [5] is conclusive proof thereof.

[3] WAIVER OF PROVISIONS

[1] The Municipality may, if it deems it desirable to do so in the public interest, waive compliance with or relax the provisions of these by-laws; provided that any person whose rights are adversely affected by such waiver or relaxation will not be bound thereby.

[2] In each case in which such waiver or relaxation has been granted to any person, the Municipality must serve a written notice upon such person citing the relevant provision waived or relaxed and the extent to which such provision has been waived and, in addition, the Municipality must keep a record containing an identical copy of each such notice, which record must be available for inspection by members of the public at the offices of the Municipality.

[4] COMPLIANCE NOTICE

[1] If an authorized official, after inspecting premises contemplated in these by-laws, reasonably believes that a provision of these by-laws is being contravened, he may serve a compliance notice on one or more of the following persons:

[a] the owner of the premises;

[b] the occupier of the premises;

[c] any person apparently in charge of undertaking the aforesaid use on the premises.

[2] A compliance notice must state –

[a] why the authorized official believes that these by-laws are being contravened;

[b] the measures that must be taken to ensure compliance with these by-

[d] the possible consequences of failing to comply with the notice; and

[e] how to appeal against the notice.

[3] If a person fails to comply with a compliance notice that requires a particular action to be taken, the Municipality may –

[a] take the required action specified in the compliance notice; and

[b] recover, as a debt, from the person to whom the notice was given, the costs and expenses reasonably incurred in taking the required action; or

[c] direct that a prohibition notice be served on such person in terms of section 5 of these by-laws.

[5] PROHIBITION NOTICE

[1] An authorized official may, after inspecting premises contemplated in and contrary to these by-laws, serve a prohibition notice on the owner, occupier or user of such premises prohibiting the conduct proscribed in these by-laws and requiring measures to be taken to ensure that this occurs.

[2] The authorized official must give the person on whom he intends serving a prohibition notice a reasonable opportunity to make representations before serving the notice.

[3] A prohibition notice must state –

[a] the reasons for serving the notice;

[b] whether or not the Municipality will withdraw the notice if certain measures are taken, and if so, the measures that must be taken;

[c] the possible consequences of failing to comply with the notice; and

[d] how to appeal against the notice.

[4] Unless a prohibition notice provides otherwise, it comes into effect when it is served under subsection [1] and remains in force until it is withdrawn.

[5] The authorized official must as soon as possible affix a copy of the notice in a conspicuous position on the premises.

[6] It is a defence for anyone charged with failing to comply with a prohibition notice to prove that –

[a] he did not know of the existence of the prohibition order and could not reasonably be expected to have known of its existence; and

[b] he had complied with the prohibition notice within 48 hours of the time that the notice was affixed to the premises in terms of subsection [4].

[6] WITHDRAWAL OF PROHIBITION NOTICE

[1] The authorized official must, within 48 hours of receiving a written request for the withdrawal of a prohibition contained in a prohibition notice, carry out an investigation of the premises.

[2] After completing the investigation, the authorized official must inform the person on whom the prohibition notice was served or that person's agent in writing, whether or not the prohibition has been removed or withdrawn.

[3] The Municipality may charge the owner or occupier of any premises where an investigation is carried out in terms of subsection [1], a fee as prescribed in the applicable tariff policy for undertaking the investigation.

[7] 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

[8] REPEAL OF BY-LAWS

[1] Any by-law adopted by the Municipality or a municipality now forming an administrative unit of the Municipality and relating to any matter regulated by these by-laws are, from date of promulgation of these by-laws, hereby repealed.

[2] Any permission obtained, right granted, condition imposed, activity permitted or anything done under a repealed law is deemed to have been obtained, granted, imposed, permitted or done under the corresponding provision [if any] of these by-laws, as the case may be.

LOCAL AUTHORITY NOTICE 47

UMZIMVUBU MUNICIPALITY

The Municipal Manager hereby publishes, in terms of section 13 of the Local Government: Municipal Systems Act, 2000 [Act No. 32 of 2000] read with section 162 of the Constitution of the Republic of South Africa Act 1996 [Act No. 108 of 1996] the By-Laws Relating to the Control over Buildings that come into operation on the date of publication thereof.

LIQUOR TRADING HOURS BY-LAWS

PREAMBLE

WHEREAS the Council of the Municipality is vested with legislative authority in terms of the Constitution of the Republic of South Africa, 1996 [Act No. 108 of 1996];

AND WHEREAS the Council of the Municipality in the exercise of its functions has an obligation in terms of section 42 of the Eastern Cape Liquor Act, 2003 [Act No. 10 of 2003] to regulate the hours during which liquor may be sold and regulate the operating hours of premises where on-site consumption of liquor takes place in the demarcated municipal area and to provide for incidental matters;

BE IT THEREFORE enacted by the Council as follows:

TABLE OF CONTENTS

[1] Definitions

[2] Application of By-Laws

[3] Trading hours

[4] Report by Ward Committee

[5] Enforcement

[6] Offences

[7] Penalties Schedule

[8] Repeal of by-laws

[1] DEFINITIONS

In these by-laws, words used in the masculine gender include the feminine, the singular includes the plural and vice versa and, unless the context otherwise indicates:-

"Act" means the Eastern Cape Liquor Act, 2003 [Act No. 10 of 2003];

"authorized official" means any person authorized by the Council to implement and enforce compliance with these by-laws;

"Board" means the Eastern Cape Liquor Board established by section [4] of the Act;

"Council" means the Council of the uMzimvubu Municipality or any other political structure or officer bearer as defined in the Local Government: Municipal Structures Act, 1998 [Act No. 117 of 1998] or official including the authorized official acting by virtue of powers delegated to it or him by the Council with regard to the application and enforcement of these by-laws;

"community" means those residents, governing body of schools or places of worship occupying premises within a 100m radius from the premises in respect of which an application for registration and/or a license or authorization in terms of the Act is made;

"Municipal Manager" means the Municipal Manager of the Municipality appointed in terms of section 82 of the Local Government: Municipal Structures Act, 1998 and includes any person acting in this position;

"liquor trading establishment" means any fixed property from which liquor is sold or supplied to the public for consumption;

"official" means an official of the Municipality;

"premises" includes any place, land, building or conveyance or any part thereof which is registered or seeking to be registered in order to permit and allow trading in liquor;

"Regulations" means the regulations made under the Act and published in Provincial Notice No. 17 of 2004, dated 28 May 2004 as may be amended from time to time;

"trading hours" means the time when a liquor trading establishment opens to the time that such establishment ceases to trade and, in the case of on-site consumption establishments, the time when they cease to operate and must close in accordance with Schedule 1 of these by-laws;

"trader" means a person trading in liquor from a liquor trading establishment ;

"ward committee" means a committee as contemplated in the Local Government: Municipal Structures Act, 1998.

[2] APPLICATION OF BY-LAWS

These by-laws are applicable in respect of all premises situated within the area of jurisdiction of the Municipality where trading in liquor is conducted or is intended or permitted to be conducted in terms of any Town Planning Zoning Scheme of the Municipality or made applicable to the Municipality and/or consent usage granted by the Municipality and/or any title deed conditions applicable to such premises.

[3] TRADING HOURS

[1] The trading hours of the different types of registrations listed in the first column of Schedule 1 reflect the trading hours listed in the second column of the said Schedule.

[2] A departure from the hours stipulated in Schedule 1 is permissible only upon application to and with the prior written approval by Municipality.

[3] The Municipality itself reserves the right by notice in the press in such languages as the Municipality may determine to deviate from the stipulated trading hours in the interests of the community.

[4] REPORT BY WARD COMMITTEE

[1] A ward committee must, upon receipt of a notice of application for registration in terms of section 22[2][d][i] of the Act, hold a consultative meeting with the owners of immovable property and businesses and with residents in the immediate vicinity of the premises in respect of which the application applies and record in writing all comments [if any] with regard to such application;

[2] The councillor responsible for the ward in respect of which an application contemplated in subsection [1] has been made must submit a report to the Municipality within 30 days of referral of such application to the ward committee concerned and such report must contain:

[a] the details of the consultative process with the community,

including the –

[i] dates when the consultation took place; and

[ii] names and addresses of persons who were consulted.

[b] comments on the application;

[c] details of objections received in respect of such application, if any;

[d] comments on such application; and

[e] a recommendation with regard to such application.

[3] The Municipal Manager must report the application and the comments of the ward committee concerned to the Council at its first meeting after receipt of the comments of such Committee and thereafter expeditiously inform the Board of the resolution of the ward committee and the Council on such application:

Provided that the Municipal Manager must provide the applicant with reasons within seven days of such referral to the Council if the application and comments of the ward committee could not, for any reason whatsoever, be considered by the Council.

[4] The Council may, when considering an application, appoint an official to conduct further investigation and obtain any further information that it deems necessary from any person deemed necessary by the Council: Provided that the Municipal Manager must notify the applicant within seven days of such referral by the Council.

[5] An official appointed in terms of subsection [4] must complete the investigation within such period as Council may have deemed necessary and report his or her findings to the Council at its next meeting.

[6] The Council must consider the findings contemplated in subsection [5] and thereafter take the steps contemplated in subsection [3].

[5] HOURS OF TRADING

[1] The trading hours, as listed in Column 2 of Schedule 1 to this by-law of the different kinds of registrations, as contemplated in section 20 of the Act, as listed in Column 1 of the Schedule, have been determined by the Municipality and may be reviewed by the Municipality from time to time.

[2] Subject to section 6, no trader may sell liquor to a person at a time other than those hours stipulated as trading hours under subsection [1]:

Provided that nothing contained in these by-laws –

[a] prevents liquor trading premises from remaining open outside liquor trading hours exclusively for the sale of goods other than liquor; and

[b] permits a trader to sell liquor to a person who is under the age of eighteen years, or to allow a person under the age of eighteen years to consume liquor on liquor trading premises.

[3] A trader who contravenes subsection [2] commits an offence.

[6] EXEMPTIONS

[1] The Municipality may grant written consent to a trader to sell liquor at hours other than those hours stipulated as trading hours in section 5[1] and a trader who wishes to sell liquor at such hours must, before he or she sells such liquor, obtain such written consent of the Municipality.

[2] A trader who wishes to obtain the consent of the Municipality must complete a form similar to the APPLICATION FOR CONSENT TO SELL LIQUOR OUTSIDE TRADING HOURS FORM as contained in Schedule 2 and submit the form and other particulars as the Municipality may request, to the Office of the Municipal Manager.

[3] The Municipality may, after consideration of the application, refuse to grant consent or grant consent and should the Municipality grant consent, it may do so subject to any condition or restriction it may deem necessary, which consent and condition or restriction, if imposed, must be entered in item C of the form contained in Schedule 2.

[4] A trader who has been granted consent in terms of subsection [3] must display, in a conspicuous place on the premises regarding which the consent has been granted and during those times for which the consent has been granted, a copy of the form on which the consent of the Municipality has been entered.

[5] A trader who contravenes subsection [1] or [4], or who sells liquor in contravention of a condition or restriction imposed in terms of subsection [3], or who displays a forged form, commits an offence.

[7] LIAISON FORA

[1] The Municipality may, in respect of this by-law, establish one or more liaison forums in a community for the purposes of –

[a] creating conditions for a local community to participate in the affairs of the Municipality; and

[b] encouraging a local community to participate in the affairs of the Municipality.

[2] A liaison forum may consist of –

[a] a member of members of an interest group, or an affected person, or affected persons;

[b] a member or members of a community in whose immediate area a liquor outlet exists;

[c] a designated official or officials of the municipality; and

[d] the councillor responsible for environmental health.

[3] The Municipality, when considering liquor trading hours in terms of these by-laws, may request the input of a liaison forum and a liaison forum or any person or persons contemplated in subsection

[2] may, on own initiative, submit an input to the Municipality for consideration.

[8] ENFORCEMENT

[1] The Municipality may appoint, authorize and mandate such officials as it may deem necessary to implement and enforce these by-laws.

[2] Each official appointed in terms of subsection [1] must be issued with an identity card containing –

[a] a photograph of that official;

[b] the date of the Council resolution authorizing his or her appointment;

[c] his or her designation; and

[d] a brief reference to his or her duties and obligations in terms of these by-laws;

[3] An official, acting within the powers vested by these by-laws must, on demand by a member of the public, produce proof of identity and the capacity in which such official purports to carry out his or her duties;

[4] An official, acting in terms of the authorization or mandate contemplated in subsection [1] may –

[a] at all reasonable times, enter upon premises on which a business is being or is intended to be carried on; and

[b] request any person to provide such reasonable information as the official deems necessary.

[5] For purposes of these by-laws, an official appointed in terms of this section will regarded as the authorized official.

[9] 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] the authorised official, the Municipal Manager is the appeal authority;

[b] the Municipal Manager, the Mayor is the appeal authority; or

[c] a political structure or political officer bearer, or a Council of the Municipality is the appeal authority.

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

[10] OFFENCES

[1] Anyone commits an offence if he or she –

[a] hinders or interferes with an authorized official in the execution of his or her official duties in terms of the Act;

[b] falsely professes to be an authorized official;

[c] intentionally furnishes false or misleading information when complying with a request of an authorized official;

[d] fails to comply with a reasonable request of an authorized official;

[e] fails, refuses or neglects to comply with the trading hours referred to in

Schedule 1

[11] PENALTIES

[1] Anyone who commits an offence contemplated in section 6[1] to [5] and

10[a] to [d] of these by-laws is, upon conviction, liable to –

[a] a fine or imprisonment for a period not exceeding six months; or

[b] such imprisonment without the option of a fine; or

[c] both such fine and such imprisonment.

[2] Anyone who is found to be continuously contravening or failing to comply with section 10[a] to [d] of these by-laws is guilty of an offence and liable to –

[a] an additional fine; or

[b] an additional period of imprisonment of 10 days; or

[c] such additional imprisonment without the option of a fine; or

[d] both such additional fine and imprisonment for each day on which such offence is continued.

[3] Anyone who commits an offence in terms of section 10[a] to [d] of these by-laws is liable for a further amount equal to any costs and expenses found by the court to have been incurred by the Municipality as a result of such contravention or failure.

[4] Anyone who commits an offence in terms section 10[e] of these by-laws is liable upon conviction, to –

[a] a fine or imprisonment for a period not exceeding three years; or

[b] imprisonment without the option of a fine; or

[c] a fine and imprisonment.

[5] Anyone who is found to be continuously contravening or failing to comply with section 10[e] of this by-law is, in respect of each day on which that person contravenes or fails to comply, guilty of an offence, including the day of any conviction for an offence in terms of this subsection or any subsequent day and liable on conviction to –

[a] a fine; or

[b] imprisonment for a period not exceeding three months; or

[c] both such fine and imprisonment.

[3] Anyone who is convicted of a contravention of section 10[e] of this by-law within a period of five years after he or she was convicted of contravening this by-law is liable to –

[a] imprisonment for a period of six years; or

[b] double the fine for contravening this by-law; or

[c] to both such fine and imprisonment.

[12] REPEAL OF BY-LAWS

[1] Any by-laws adopted by the Municipality or of a municipality now forming an administrative unit of the Municipality and relating to crèches or nursery schools or any facilities in respect to or with regard to any matter regulated in these by-laws are hereby repealed.

[2] Anything done under the provisions of the by-laws repealed by subsection [1] is deemed to have been done under the corresponding provision of these by-laws and such repeal will not affect the validity of any approval, authority, waiver or other act which at the commencement of these by-laws is valid under the by-laws so repealed.

[13] SHORT TITLE AND COMMENCEMENT

These by-laws may be cited as the uMzimvubu Municipality Liquor Trading By-Laws and come into effect upon publication in the Provincial Gazette.

SCHEDULE 1

[1] TYPE OF REGISTRATION

[2] TRADING HOURS

Section 20[a] - Registration in terms of the Liquor Act for the retail sale of liquor for consumption off the premises where the liquor is being sold. [bottle store, retail shop, wholesaler, house shop] Monday to Saturday 08:30 to 20:00, Sunday 09:00 to 13:00

Section 20[b] - Registration in terms of the Liquor Act for the retail sale of liquor for consumption on the premises where liquor is sold. [restaurant, night club, sports club, pool bar, hotel, pub]Sunday to Thursday 10:00 to 24:00 Friday-Saturday 10:00 to 02:00

Section 20[c] - Registration in terms of the Liquor Act for the retail sale of liquor on and off the premises on which the liquor is being sold. [taverns, shebeens]Off-consumption Monday to Saturday 08:30 to 20:00 Sunday 09:00 to 13:00

On-consumption Sunday to Saturday 10h00 to 24:00

Section 20[d] - Registration in terms of the Liquor Act for the retail sale of liquor and consumption at special events. [beer festival, fete, fundraising event]Trading hours to be determined by resolution of the Council in respect of each application Section 20[e] - Registration in terms of the Liquor Act for licensed wholesale warehouse. Monday to Saturday 08:00 to 17:00 Sunday 09:00 to 13:00

Section 20[e] - Registration in terms of the Liquor Act for licensed micro-manufacturingTrading hours to be determined by resolution of the Council in respect of each application

SCHEDULE 2

[Section 6(2)]

APPLICATION TO SELL LIQUOR OUTSIDE TRADING HOURS

A. APPLICANT

Name: .....

Identity Number: .....

Address: .....

Telephone number: .....

B. PERSONAL PARTICULARS

Address [street name and number] of the premises on which the liquor will be

sold or supplied: .....

Dates and hours on which liquor will be sold or supplied [Be specific, e.g. 14:00 to 23:00 on 3 June, 2005]: .....

Reason why this application is made: .....

Anticipated volume of liquor that will be consumed:.....