Cape Town, South Africa

Filming By-law, 2005

Legislation as at 24 June 2005

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Cape Town
South Africa

Filming By-law, 2005

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WHEREAS the Council recognises the important role that filming plays in the economy of the Western Cape;

WHEREAS the Council is committed to make every effort to facilitate the processing of applications for permission to carry out filming in its area of jurisdiction;

WHEREAS the Council wishes to provide a one-stop facility for the processing of applications for filming while still acting within the constraints of the provisions of the Constitution and existing legislation:

1. Definitions

In this by-law, unless inconsistent with the context:—

"**authorised official**" means an official of the Council authorised to administer, implement and enforce the provisions of this by-law;

"**City Manager**" the person appointed by the Council in the capacity of municipal manager;

"**Council**" means the council of the municipality;

"**Council land**" means any land the ownership of which is vested in the Council or which is under the control of the Council;

"**filming**" means the recording of images, moving or still, whether on film or by video tape, electronically or by any other means, but excludes the video recording of a wedding ceremony or other private celebration or event for the purpose of making a video record thereof for its participants, or the recording of current affairs or news for immediate release;

"**municipality**" means the Municipality of Cape Town;

"**prescribed tariff**" means a tariff determined and imposed by the Council in terms of the Tariff Policy By-law, and

"**Tariff Policy By-law**" means the tariff policy by-law promulgated by the Council in terms of section 75 of the Local Government: Municipal Systems Act, No 32 of 2000, or pending such promulgation, a decision by the Council in terms of section 75A of that Act to levy and recover fees, charges or tariffs.

2. Application of this by-law

(1) This by-law does not derogate from the provisions of any other legislation.

(2) Notwithstanding the provisions of subsection (1), until such time as the Council adopts an integrated Zoning Scheme, the provisions of any Zoning Scheme in the area of the municipality insofar as use rights conferred on any property are concerned, are subject to the provisions of this by-law.

(3) This by-law binds the state.

3. Control of filming

(1) No person may carry out any filming on Council land:—

(a) except with the written permission of the City Manager, and

(b) otherwise than in accordance with such terms and conditions as may be determined by the City Manager.

(2) Subsection (1) is also applicable to any filming related activities on Council land where the actual filming takes place on land other than Council land.

(3) Filming related activities include, but are not limited to:—

(a) the interruption of traffic on public roads;

(b) the interruption of pedestrian traffic on sidewalks;

(c) wires or cables running across or over sidewalks or public roads;

(d) the use of generators, tripods or dollys on sidewalks or public roads;

(e) activities that have an impact on public parking, public open space or beaches, and

(f) activities that will generate noise and air pollution.

4. Permission to be obtained from the city manager

(1) Subject to the provisions of subsection (3), a person who intends to carry out filming for which permission is required in terms of section 3, must submit a written application to the City Manager; provided that any other persons taking part in the same filming, need not also apply for permission, if such persons are under the control of the applicant.

(2) An application made in terms of this section must be made at least two working days prior to commencement of filming and must contain at least the following information:—

(a) full particulars of the name, address and occupation of the applicant or, if the application is made on behalf of a company, its registration number, directors, etc.;

(b) full particulars of the person who will be in charge of the filming, if such person is not the applicant;

(c) full details of such locations where the filming is intended to be carried out, the proposed starting and finishing times and the number of persons, vehicles, implements or other apparatus that will be used, and

(d) general details of the purpose of any one or more of the actions to be carried out.

(3) An applicant must pay the prescribed tariff.

5. Insurance

The applicant must provide:—

(a) evidence, to the satisfaction of the City Manager, of appropriate indemnity cover, and

(b) where it is the intention that stunts, special effects, pyrotechnics or any other activity which may put the public at risk will be involved, evidence to the satisfaction of the City Manager of appropriate specialised risk insurance, blanket liability or work cover.

6. Appointment of authorised officials and delegation

(1) The City Manager may appoint employees of the Council as authorised officials.

(2) The City Manager may delegate any of his or her functions and duties in terms of this by-law to any authorised official.

7. Compliance notices

(1) When an authorised official finds that a provision of this by-law is contravened by an applicant or that a condition has arisen that has the potential to lead to a contravention of this by-law, such authorised official may issue a compliance notice to the applicant or the person in charge of the filming.

(2) A notice issued in terms of subsection (1) must state:—

(a) the provision of the by-law that is being contravened or will be contravened if the condition is allowed to continue;

(b) the measures that must be taken to rectify the condition, and

(c) the time period in which the notice must be complied with.

(3) If a person on whom notice was served in terms of subsection (2), fails to comply to the requirements of the notice, the City Manager may take such steps as may be necessary to rectify the condition at the cost of the applicant.

8. Offences and penalties

A person who contravenes a provision of this by-law, or fails to comply to a condition or notice legally issued in terms of this by-law, is guilty of an offence and on conviction liable to the payment of a fine.