

Mbizana, South Africa

## Control of Public Recreational Facilities

Legislation as at 27 February 2009

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# Mbizana South Africa

## Control of Public Recreational Facilities By-law, 2009

[Published in Eastern Cape Provincial Gazette 2042 on 27 February 2009](#)

**Commenced on 27 February 2009**

*[This is the version of this document from 27 February 2009  
and includes any amendments published up to 1 March 2023.]*

It is notified according to section 13 of the Local Government Municipal Systems Act, 2000 ([Act No.32 of 2000](#)) that the Mbizana Municipal Council publishes the Control of public recreational facilities By-laws as set out below:

### 1. Definitions

In these By-laws, unless the context otherwise indicates:-

"**animal**" means animal of the animal kingdom;

"**Municipal Council**" means the Mbizana Municipal Council and any officer to whom the Municipality has delegated the powers, functions and duties vesting in the Municipality in relation to these By-laws;

"**Municipality**" means the Mbizana Local Municipality;

"**Municipal entertainment facilities**" means parks, public halls, stadia, sports grounds and Municipality;

"**recreational facilities**" means Municipal entertainment facilities;

### 2. Application of the By-laws

- (1) These By-laws will apply within the area of jurisdiction of the Municipal area, from the date of promulgation.
- (2) These By-laws will not apply in the Municipality in so far as they relate to matters with regard to which there are replacing provincial or national legislation in force in the Municipality to the extent that such replacing legislation deals with the matters.

### 3. Planning of recreation facilities

The Municipality will, when planning such facilities for sport and recreation ensure that special consideration is given to the accessibility of such facilities to sports people and spectators with disabilities.

### 4. Financing and development of recreation facilities

- (1) The Municipality may form partnership with other related sport organisation that have an interest in sport and recreation and mass participation, in order to:-
  - (a) enlist financial assistance towards the expansion of mass participation in sport and recreation programmes and services; and
  - (b) provide physical facilities for sport and recreation.
- (2) The Municipality will ensure that-
  - (a) women;

- (b) the youth attending school and those who are no longer attending school;
- (c) the disabled;
- (d) senior citizen; and
- (e) neglected rural areas within the area of the Municipality; receive priority regarding programmes for development and delivery of sport and recreational facilities

## 5. Environment, sport and recreation

All sport and recreation activities must be conducted in such a way that the environment is not adversely affected.

## 6. Control of recreation facilities

- (1) The Municipality must control, manage maintain the recreation facilities within its Municipal area:
- (2) The Municipality may-
  - (f) construct and erect such roads, bridges, buildings, dams, fences, breakwaters, seawalls, boathouse, landing stages, mooring places, swimming pools, oceanariums and underwater tunnels and carryout such other works as it may consider necessary for the control, management or maintenance of the facilities;
  - (g) take such steps as will ensure the security of visitors, the animal and plant life and the preservation of the facilities premises and the animals and vegetation therein in a natural state;
  - (h) provide meals and refreshments for visitors to the facilities;
  - (i) carry on any business or trade for the convenience of visitors to parks and other recreational facilities;
  - (j) supply any other service for the convenience of visitors to the recreational premises;
  - (k) establish, erect, equip and maintain any building, structured or depot required for the use of the premises;
  - (l) determine such charges which are to be paid in respect of permission to enter or reside in a recreational premises;
  - (m) authorise any person to carry on, subject to such conditions and to the payment of such charges as the Municipality considers fit any a activity, except the sale of liquor, which in terms of this subsection may be carried on by the Municipality;
  - (n) the Municipality may temporarily lease or in any other manner make available any land, building, structure or other facility which has been acquired or erected in terms of these By-laws to another person for the purpose and on the conditions agreed upon with that person.

## 7. Restriction on entry into or residence in parks and recreation facilities and prohibition of certain acts therein

- (1) No person other than an officer or employee acting under the authority of the Municipality may-
  - (o) enter or reside in a park, sporting facility or public hall without the permission of the Municipality or any officer or employee authorised to grant such permission,
  - (p) convey into or within a park, sporting facility, public or any place of public entertainment or be in possession of any weapon, explosive trap or poison;

- (q) within a park or sporting facility hunt or otherwise wilfully or negligently kill or injure any animal;
- (r) within a park or sporting facility take, damage or destroy any egg or nest of any bird, or take honey from a beehive;
- (s) wilfully or negligently cause a veldt fire, or any damage to any object of geological archaeological, historical, ethnological, oceanographic, education or other scientific interest in park, public hall or any place of public amusement;
- (t) introduce any animals or permit any domestic animal to stray into or enter a place of public amusement;
- (u) cut, damage, remove or destroy any tree or any part thereof, dry firewood, grass or other plant (including any marine plant) in a place of amusement;
- (v) remove seed from any tree or other plant within a place of public amusement without the permission of the Municipality or any officer or employee authorised to grant such permission;
- (w) feed any animal in a park or sporting facility;
- (x) drive a motor vehicle in a place of amusement without a valid driver's licence, or permit any other person to drive a motor vehicle in a place of public amusement without a valid driver's licence.

#### **8. Purpose for which permission to enter or reside in a recreational premises may be granted**

- (1) The permission to reside or enter a recreational premises or public hall other than in a normal course of a recreational activity may be granted subject to such conditions as may be deemed necessary and must be granted only for the purpose of:-
  - (c) health, educational or recreational or matters incidental thereto;
  - (d) transacting any lawful business with or concerning any person within the premises;
  - (e) enabling any person in the employ of the government or of any provincial administration to carry out any official duty.

#### **9. Sale of food**

- (1) Save where otherwise provided in these By-laws a person authorised to utilise entertainment facilities or to whom any other service mentioned in these By-laws has been rendered by the Municipality must be liable to the Municipality for the tariff charge in respect thereof.
- (2) Any person desiring to utilise any entertainment facility of the Municipality must apply therefore in a form prescribed by the Municipality seven days in advance.
- (3) A minimum of ten percent of the gate takings must be charged for the use of public entertainment facilities provided by the Municipality.
- (4) The Municipality may exempt any person or organisation from paying the charge mentioned in subsection (3).
- (5) The payment contemplated in subsection (3) must be made to the Municipality within a period of three days after the event.
- (6) The Municipality may determine any other charge payable for the use of its facilities in terms of these By-laws.

- (7) Any person who fails to any the charges contemplated in this section in respect of services rendered by the Municipality must be guilty of an offence.

## **12. Safety measures to b observed**

The Council must maintain public entertainment facilities in accordance with the provision of the Disaster Management Act, Act of 2000.

## **13. Repeal**

- (1) Any law applicable in the jurisdiction of the Municipality and which relates to the control of recreational facilities is repealed to the extent that it conflicts with these By-laws.
- (2) Repeal is effective from the promulgation of these By-laws.

## **14. Short title and commencement**

These By-laws must be called Control of Public Recreational Facilities By-laws and will come into effect after being published in the *Provincial Gazette*.