Johannesburg, South Africa

Culture and Recreation By-law, 2004

Legislation as at 21 May 2004

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Johannesburg
South Africa

Culture and Recreation By-law, 2004

Published in Gauteng Provincial Gazette 179 on 21 May 2004

Commenced on 21 May 2004

[This is the version of this document from 21 May 2004 and includes any amendments published up to 4 September 2026.]

The Municipal Manager of the City of Johannesburg Metropolitan Municipality hereby, in terms of Section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the Culture and RecreationBy-laws for the City of Johannesburg Metropolitan Municipality, as approved by its Council, as set out hereunder.

Chapter 1
Library and information services

1. Definitions and interpretation

(1) In this Chapter, unless the context otherwise indicates-

"**audio-visual material**" means any film, record, compact disc, stiffy, audio book, language course, audio and video cassette, including digital video material, and any gramophone record available for use in or borrowing from, a library, whether the property of, or on loan to, the Council for that purpose;

"**child**" means a person under the age of fourteen years who has never been married; Council" means –

(a) the Metropolitan Municipality of the City of Johannesburg established by Provincial Notice No 6766 of 2000 dated I October 2000, as amended, exercising its legislative and executive authority through its municipal Council; or

(b) its successor in title; or

(c) a structure or person exercising a delegated power or carrying out an instruction, where any power in these by-laws has been delegated or sub-delegated, or an instruction given, as contemplated in section 59 of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000); or

(d) a service provider fulfilling a responsibility under these by-laws, assigned to it in terms of section 81(2) of the Local Government: Municipal Systems Act (Act No. 32 of 2000) or any other law, as the case may be."

"**Director**" means the Director: Library and information services and his or her assistant or delegate;

"**indigent person**" means any person in circumstances of poverty whose total household income does not exceed R800-00 per month or, in the case of a pensioner or person dependent on grants, where the household income does not exceed R1080-00 per month;

"**lending period**" means a period during which a member or visitor is permitted to retain any borrowed library material;

"**librarian**" means an official employed by the Council who exercises control of and manages a library or a section thereof, and includes any assistant to a librarian;

"**library**" means any public library administered and maintained by the Council.

"**library material**" means all books, periodicals, newspapers, prints, pictures, documents, posters and printed music, and audio-visual material, regardless of whether it is the property of or on loan to the Council, which is available to be perused, studied, copied in, or borrowed from, a library;

"**library week**" means a period of seven days or more during a year determined by the Library and Information Association of South Africa, during which information services are promoted;

"**member**" means any person or organisation registered as a member of the library;

"**multimedia library**" means a library dedicated to to the provision and presentation of information in any two or more of written, visual, audiovisual and electronic forms, and includes any facility within that library that are capable of presenting information in such formats;

"**organisation**" means a non-profit-making institution or company, or a cultural association having a constitution;

"**pensioner**" means any person over the age of 60 years;

"**prescribed fee**" means a fee determined by the Council by resolution in terms of section 10G(7)(a)(ii) of the Local Government Transition Act, 1993 (Act No. 209 of 1993), or any other applicable legislation;

"**resident**" means a person who resides in, is a property owner or rate payer, or who is employed within or is registered with an educational institution within the area of jurisdiction of the Council;

"**specialised library material**" means library material which needs special equipment in order to access the content of such material or the use of which is likely to inconvenience other patrons of a library if utilised within a library;

"**the library**" means the totality of public libraries, with their contents, administered and maintained by the Council;

"**visitor**" means a person residing, working or studying for a period of not more than three continuous months within the area of jurisdiction of the Council.

(2) If any provision in these by-laws vests or imposes any power, function or duty of the Council in or on an employee of the Council and such power, function or duty has in terms of section 81(2) of the Local Government: Municipal systems Act, 2000 (Act No. 32 of 2000), or any other law been assigned to a service provider, the reference in any such provision to such employee must be read as a reference to the service provider or, where applicable, an employee of the service provider authorised by it.

2. Admission to library buildings

(1) Subject to the provisions of subsection (2), and of section 19, any person admitted to a library may use the facilities of that library during official library hours: Provided that if a person wishes to borrow library material, that person must first become a member of the library and pay the prescribed fee for membership.

(2) A librarian may

(a) in his or her discretion determine the maximum number of persons that may be allowed in any part of the library at any given time and may exercise the necessary access control for that purpose;

(b) for any reasonable cause, instruct a member or other person to leave the library.

3. Membership

(1) Application for membership or visitor's rights must be made on a form prescribed by the Council.

(2) The Council may –

(a) grant membership of the library to any resident, or any resident as a representative of any organisation or similar body, duly authorised by that organisation or body, and every such resident must –

(i) pay the prescribed fee for membership; and

(ii) undertake to abide by the policies adopted by the Council from time to time for the conduct of the business of the library;

(b) subject to such conditions as it may determine from time to time, grant membership of the library to a child if his or her parent or guardian consents thereto in writing and undertakes to ensure the observance by the child of the provisions of these By-laws;

(c) grant membership of the library to a person who is not a resident on conditions determined by the Council from time to time;

(d) admit a person residing, working or studying in the area of jurisdiction of the Council for a period of not more than three months, as a visitor if –

(i) the particulars determined by the Council or the Director are submitted by such person;

(ii) such person pays the prescribed fee; and

(iii) a librarian approves the application,

and upon such admission, the visitor has all the rights and privileges, and is subject to the same obligations and duties, as a member;

(e) exempt any applicant for membership who is an indigent person wholly or partially from the payment of the prescribed fee for membership.

(3) (a) A library membership card must be issued to each member authorising that member to borrow from the library such quantity of library materials as may be determined by the Council from time to time.

(b) Additional membership cards, entitling a member to borrow further quantities of library material may be issued to a member in the discretion of a librarian.

(4) A membership card is valid from its date of issue to the date of expiry stated thereon and the membership of a person to whom such a card has been issued lapses after the expiry of that period, unless it is renewed prior to the expiry date.

(5) A member who wishes to cancel his or her membership of the library must –

(a) notify a librarian in writing;

(b) return the membership card or cards concerned; and

(c) simultaneously return all borrowed library material in his or her possession to a librarian.

(6) If library material is not returned in terms of subsection (5)(c), the person concerned is be liable in terms of section 8(2), read with the necessary changes.

(7) If a member changes his or her address, the member must notify the Director thereof in writing within thirty days after the change has taken place.

(8) If a membership card is lost, the member must forthwith notify a librarian in writing, and -

(a) the librarian must, on payment of the prescribed fee, issue a duplicate card;

(b) should a lost membership card subsequently be found by the member, any duplicate card must be returned to the librarian immediately; and

(c) notwithstanding the provisions of section 8(a) a member is not liable in terms of that section for any library material borrowed against a lost membership card after the date of such notice.

4. Loan of library material

(1) Library material which is not available for removal from a library on loan in any reference or special library must be determined by the Director and a notice specifying such material must be displayed at the inquiry desk of each library.

(2) (a) Library material borrowed from a library is the responsibility of the member against whose membership card it was borrowed.

(b) If a member borrows material from a library, that member must ascertain whether or not the material is visibly damaged, and if so, must draw a librarian's attention to the damage and the librarian must record particulars of the damage on the date sheet and sign it.

(c) If a member returns damaged library material, he or she is responsible for making good the damage, or paying the prescribed fee in respect of damaged library material, unless the damage was recorded in terms of paragraph (b).

(d) No person may be in possession of library material outside a library unless it has been lent to him or her in terms of a membership card.

(3) A librarian may refuse to make damaged library material available for borrowing, but if such material is made available for borrowing, the particulars of the damage must first be recorded in terms of section 4(2)(b).

(4) A member may, upon payment of the prescribed fee, request that any library material which may be lent out not available at a library, but which is available at another library or a library not operated by the Council, be obtained from that source and made available or loaned to that member.

(5) The loan of audiovisual-material or items from student service, is subject to the payment of the prescribed fee.

(6) Library material bearing the distinguishing insignia of the Council or any of its predecessors or the isignia of the Gauteng Provincial Government, with no indication on it that it has been officially discarded or sold, remains the property of the Council or of the Gauteng Provincial Government, as the case may be.

5. Return of library material

(1) A member must return borrowed library material not later than the last day of the lending period .

(2) If the library material concerned is not required by any other member, the librarian may extend the lending period of that material for a further lending period.

(3) A member who fails to return library material by the end of the lending period or an extention thereof allowed by a librarian, may not keep it for more than seven days after receipt of a written notice from a librarian that the library material is to be returned to that library.

6. Overdue library material

(1) If a member fails return library material borrowed against a membership card within the lending or extended lending period contemplated in section 5, he or she is liable for payment to the Council of the prescribed fees for every period of seven days or portion thereof during which the member fails to return the library material, unless -

(a) good cause is shown to the satisfaction of a librarian;

(b) the return date falls within a library week or other period when the library concerned is closed to the public for any reason; or

(c) any other period of grace is given by the Director;

(2) Every librarian must ensure that the rules and prescribed fees for overdue and lost library material are displayed at a prominent place in the library.

7. Reservation of library material

(1) A member may reserve library material available for borrowing, which will then be held available for the member, provided payment of the prescribed fee therefor is made in advance.

(2) No library material will be held available for a period longer than the period specified by the Director.

8. Lost and damaged library material

(1) It must be stated on every membership card that if a member damages or loses library material, the member will be liable in terms of subsection (2) for payment to the Council of the prescribed fee therefor.

(2) Library material not returned within one hundred days from the date of borrowing must be regarded as lost, and the member who borrowed it last is liable for the replacement cost thereof or the prescribed fee, at the discretion of the Director.

(3) The particulars of a member who has failed to return library material outstanding for a period longer than that stated in subsection (2) must, if the Council is unable to retrieve that library material from the member, despite reasonable efforts to do so, be entered on a central register of unreturned library material, together with the details of the material concerned, any unpaid prescribed fee due by the member, and such particulars must be circulated to every library, and the member's privilege of borrowing material from the library is suspended until that library material is returned to a library or payment is made as contemplated in subsection (2).

(4) Any lost or damaged library material remains the property of the Council or the Gauteng Provincial Government, as the case may be, even if replacement cost or the prescribed fee in respect thereof has been paid to the Council.

(5) If damaged library material returned by a member is found to be repairable, the member must pay the costs of repair incurred by the Council, before being permitted to borrow any further library material.

9. Handling of library material

A member who has borrowed library material or is using library material in the library must –

(a) keep the library material in a clean condition;

(b) prevent the library material from being damaged in any way;

(c) ensure that the library material is not mutilated, defaced, marked or creased;

(d) ensure that no part of that library material, or any protective coverings or identification thereof as the property of the Council or the Gauteng Provincial Government, is removed; and

(e) ensure that the library material is not lent to any other person.

10. Exposure of library material to notifiable and infectious diseases

(1) No person suffering from a notifiable medical condition proclaimed in terms of section 45 of the Health Act, 1977 (Act No. 63 of 1977), may borrow or handle library material, and no member may

allow any other person suffering from such medical condition to handle or come in contact with library material lent to that member, if such handling or contact would expose others to the danger of infection or any form of health hazard.

(2) The provisions of subsection (1) also apply to any person supervising or in charge of a child known by such person to be suffering from a medical condition, contemplated in that subsection.

(3) A notice with examples of notifiable medical conditions must be displayed at a prominent place in a library.

(4) Any person in possession of library material which to that person's knowledge has been exposed to a notifiable medical condition, must immediately advise a librarian that the library material has been so exposed.

11. Library material for special and reference purposes

(1) Specialised library material may be used only in areas of a library specifically demarcated for that purpose, and no such material may be removed from that part of a library without the permission of a librarian.

(2) No person in possession of library material drawn from the reference section of a library may keep it for longer than ten minutes after a librarian has requested its surrender.

12. Reproduction of library material and objects and use of facsimile facilities

(1) Any person may use the facsimile and photocopier facilities of a library subject to –

(a) payment of the prescribed fee; and

(b) the furnishing by him or her of a declaration in writing, if requested by a librarian, that the purpose for which the facsimile or photographic reproduction is required, falls within the exceptions to the protection of literary, dramatic, musical and artistic works specified in the Copyright Act, 1978, (Act No. 98 of 1978).

(2) A librarian must display the relevant sections of the legislation referred to in subsection (1) (b), in a prominent place in the library.

(3) The permission of a librarian must be obtained before any library material or object in the library is reproduced by means of a photograph, motion picture, transparency or any other means.

(4) In granting or refusing permission in terms of subsection (2), a librarian may take cognisance of the possibility of damage being caused to the material or object as a result of it being handled for the purposes of making the reproduction, and may impose any condition reasonably necessary to prevent damage being caused to the material or object.

13. Library hours

The hours determined by the Council during which any library will be open to the public, must be displayed on a notice at the entrance to the library concerned and must specify –

(a) the days on and hours during which the library will be open and closed; and

(b) the hours during which the use of such library or any section thereof will be restricted to adults or children.

14. Hire and use of auditoria and lecture rooms or library space

(1) The Council may hire out to any member or other person, any auditorium, lecture room or other area within a library complex against the payment of the prescribed fee therefor, for the purpose of holding a lecture, debate or presentation or staging of an exhibition or filming or programming a sequence of scenes requiring a library background or which incorporates the use of library material.

(2) Application for the hire of any such facility must be made in writing to the Director.

(3) Notwithstanding the provisions of subsection (1), any facility contemplated in that subsection, may be made available without payment of a prescribed fee –

(a) to any organisation supporting the provision of library services;

(b) for any activity which the Council may either generally or specifically determine.

15. Internet viewing stations

Any person may utilize an internet viewing station at a library, where such facilities are made available by the Council, provided he or she -

(a) pays the prescribed fee therefor;

(b) obtains prior permission from a librarian; and

(c) observes the maximum period of use determined by a librarian;

(d) abstains from loading personal software on to any hardware comprising an internet viewing station;

(e) agrees to and does bear the cost of repairing any damage caused intentionally or negligently to the internet equipment while being operated by him or her; and

(f) agrees to and does observe the Council's policy on e-mail and internet usage, which must be displayed at each internet viewing station.

16. Hiring of multimedia library space

(1) A multimedia library may be made available to any person applying therefor against payment in advance of the prescribed fee.

(2) Any person who wishes to hire a multimedia library must make an advance reservation with the librarian in charge thereof.

(3) The hiring of a multimedia library is subject to such conditions as the Director may determine.

17. Performing arts library

(1) Subject to the provisions of subsection (2), all printed music in a performing arts library must be made available for loan free of charge to registered adult members and organizations.

(2) Orchestral and bulk vocal scores may be made available for loan only to orchestras, school libraries and choirs upon written application and against payment of the prescribed fee.

(3) Material not for loan may be determined by the Performing Arts Librarian in his or her discretion.

18. Availability of by-laws and notices

A copy of these By-laws must be available for inspection, and a notice to that effect must be displayed at a prominent place, in every library and be brought to the attention of any library user when necessary.

19. Conduct in libraries

(1) Any person who -

(a) conducts or engages in excessively loud conversation in any part of a building housing a library in a manner which causes or is likely to cause annoyance to any other person in that library;

(b) uses abusive or otherwise objectionable language or behaves in an abusive, objectionable or disorderly manner, in a library;

(c) hampers, disturbs, obstructs or harasses any other person in the legitimate use of a library;

(d) damages any part of a library building or its contents;

(e) furnishes a false name or address to a librarian for the purpose of entering any part of a library or for obtaining any benefit or privilege;

(f) enters or remains in a library while knowingly suffering from any notifiable medical condition proclaimed in terms of section 45 of the Health Act, 1977, or while under the influence of intoxicating liquor or habit-forming drugs;

(g) smokes, eats, drinks or sleeps in any part of a library where these activities are forbidden; or

(h) contravenes any other provision of these By-laws, may be ordered by a librarian to leave that library, and if he or she refuses to do so, may be removed from that library by the use of reasonable and necessary force.

Chapter 2
Arts and culture and community centre facilities

Part 1 – Hire and use of community, arts and culture facilities

20. Definitions and interpretation

(1) In this Chapter, unless the context otherwise indicates-

"**art**" means all forms and traditions of dance, drama, music, music theatre, visual arts, crafts, design, written and oral literature, film, video, traditional and community art, all of which serve as means for individual and collective creativity and expression through performance, execution; presentation, exhibition, transmission and study and artistic has a corresponding meaning;

"**artist**" means any person who is involved in the creation or production of art, music, dance, theatre, craft, films, video, traditional and community art, musical theatre and literature;

"**appurtenance**" means any installation or appliance on or in the premises and includes, without derogating from the generality of the foregoing, any key, lock, window, toilet pan, basin, water tap and fitting;

"**authorised official**" means an official of the Council who has been authorized by it to administer, implement and enforce the provisions of these By-laws;

"**centre**" means a building or premises owned or operated by the Council, whether incorporating a community hall or not, at which group activities of an indoor sporting, cultural or recreational nature can be pursued;

"**Council**" bears the same meaning as defined in section 1;

"**culture**" means the dynamic totality of distinctive, spiritual, material, intellectual and emotional features which characterise a. society or a social group and includes language and heritage conservation and further includes any museum, archive, library, historical site and monument and cultural has a corresponding meaning;

"**cultural activity**" means any cultural function, meeting, festival, flea market and exhibition and any other cultural activity;

"**facility**" means any art and cultural facility under the administration and control of the Council and includes all appurtenances;

"**group activity**" means –

(a) for the purposes of Part 1 of this Chapter, an activity or function of an artistic or cultural nature, in which several members of a group of persons having an interest in the nature of that activity, participate either together or in subgroups or serially; and

(b) for the purposes of Part 2 of this Chapter, an activity or function of an artistic, cultural or indoor sporting nature, in which several members of a group of persons having an interest in the nature of the activity, participate either together or in sub-groups, or serially, whether as individuals or in teams;

"**hirer**" means any person who applies, pays and obtains approval for the use of premises or a facility;

"**premises**" means any land, building or structure or any portion of land, building or structure on or in which art and cultural activities regulated by these By-laws take place or on which a centre has been constructed and includes any facility in or on the premises;

"**prescribed fee**" bears the same meaning as defined in section 1;

"**property**" means the land on which any building or structure of the Council is situated;

21. Rights and status of artists

The Council must recognise the right of all artists to practise their respective forms of art and enjoy their right to freedom of expression through such medium, subject ot the provision of any law.

22. Co-operation between council departments

(1) Every department of the Council having jurisdiction over or responsibility for any multi-purpose community premises must cooperate with any other such department in ensuring that –

(a) the premises is properly maintained in a state fit for the purposes for which it was designed and is used; and

(b) no part of the premises is made available to or hired out to more than one person at the same time.

(2) The Council's Department of Arts Culture and Heritage must coordinate the co-operation contemplated in subsection (1).

23. Application for hiring of premises

(1) Any person wishing to apply for the hiring of premises must–

(a) submit an application on the form prescribed by the Council for this purpose; and

(b) submit such application form to the Arts and Culture Office of the Council not less than 42 days prior to the date on which the premises are first required by the applicant.

(2) The Council may refuse to hire out any premises in terms of subsection (1), or cancel any hiring thereof if –

(a) the premises are to be, or being, used for any unlawful purpose; or

(b) the premises being applied for are required by the Council for municipal purposes during the same time.

(3) The Council may in its discretion refund all the prescribed fees that have already been paid to it in respect of the application concerned.

(4) The hirer is limited to the use of the premises specified in the application form.

(5) The premises so hired may not, except with the prior written permission of the Council, be used for any purpose other than the purpose indicated on the application form.

(6) No premises hired out by the Council may be used for the purpose of conducting any form of religious worship, unless the express written permission of the Council for such use has been given in writing: Provided that –

(a) such use may be made of the premises only at the times specified in the agreement of hire or letter of approval; and

(b) the Council is entitled to refuse its approval unless it is satisfied that such use will not, by reason of singing, chanting, acclamation or other form of noise-producing worship, constitute an undue interference with the amenities normally enjoyed by other occupants of the building or occupants of any neighbouring building.

24. Prescribed fees

A prescribed fee, if determined by the Council, is payable for premises,

services and facilities provided by the Council in terms of these By-laws.

25. Payment of fees

No person is permitted to use any premises hired unless the prescribed fee has been fully paid: Provided that the Council may exempt any person or organisation, on good cause, from the payment of portion or all of the prescribed fee.

26. Period of hire

Notwithstanding any determination made by the Council regarding the dates and period for which the premises may be hired, the Council may allow the hirer reasonable access to the premises prior to the commencement date of the period of hire, to enable the hirer to make the necessary preparations and arrangements in or on the premises.

27. Adjustment of period of hire

(1) Any person who makes an application for the hire of premises in terms section 23 may, subsequent to the approval of such application, apply for the postponement of such hiring to a later date, without penalty or forfeiture: Provided that the postponement may be refused if the premises have in the meantime been hired for use by another person or is required by the Council on the dates to which the postponement is sought.

(2) Any person who has made an application for hiring of premises may cancel such application and if -

(a) an application is cancelled 30 days or longer prior to the commencement date of the period of hire, the hirer must receive a full refund of the prescribed fee already paid;

(b) an application is cancelled more than 15 days but less than 30 days prior to the commencement date of the period of hire,, the hirer must receive a 50% refund of the prescribed fee already paid; or

(c) an application is cancelled 15 days or less prior to the commencement date of the period of hire, the hirer is not entitled to receive any refund of the prescribed fee already paid.

(3) Provided the premises concerned have not in the meantime been hired for use on the date concerned by any other person a person who has hired premises may extend the period of hire of that premises upon written application to the Council as contemplated in section 23, except that a period of 42 days' notice is not required .

28. Joint hire

(1) The Council may let any premises or part thereof to different hirers for simultaneous use and in such a case, each hirer must use all the ancillary facilities which serve the different parts of the premises in common, 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 those facilities without infringing on the rights of use by other users.

(2) The provisions of this Part of these By-laws, read with the necessary changes, apply to the joint users of the hired premises.

29. Sub-letting

A hirer may not sub-let the hired premises, or any part thereof, to any other person nor may the hirer cede, pledge or renounce in favour of another person any of his rights or obligations under these By-laws, nor allow any other person to occupy the premises, without the prior written permission of the Council.

30. Condition of premises

(1) The hirer must inspect the hired premises, including any installation, appliance, fitting, accessory and furniture, on or in the premises before he commences to use such installation, appliance, fitting, accessory and furniture and if the hirer finds that any installation, appliance, fitting, accessory or furniture on the premises are not in a proper state of repair, the hirer must report this fact to the Council in writing.

(2) If the hirer fails either to inspect the premises or to report any defects found, in terms of subsection (1), it is deemed that upon commencement of occupation by the hirer, everything in the premises was in a proper state of repair.

31. Duties of the hirer

A person hiring premises from the Council -

(a) must keep and maintain the premises hired out and return them to the Council in the same order and condition as when they were hired out;

(b) must take all reasonable steps to keep every sewerage pipe, water tap and drain within or serving the premises free from obstruction or blockage as a result of the hirer's activities;

(c) must at all times keep the premises in a clean, tidy and sanitary condition;

(d) may not affix or attach to the premises any notice or other matter without the prior written permission of the Council and must upon the termination of the hire, remove every such attachment;

(e) may not obscure any plate glass window by painting or otherwise;

(f) may not drive any screw or nail into a wall or partition or door of the premises;

(g) may not change or interfere with or overload any electrical installation in or on the premises;

(h) may not remove or take out from the premises any furniture or other articles whatsoever belonging to the Council;

(i) may not obstruct, interfere or tamper with any thermostat or air conditioning appliance in the premises or any building in which the premises are located;

(j) may not introduce or install any unsafe or heavy article, furniture, fiting, appliance or equipment which, in the opinion of an authorised official could damage the premises or any part thereof without the permission of that official and subject to any conditions imposed by that official, to ensure the safety of the premises and any person using them;

(k) may not install in the premises any air conditioning or ventilating unit or equipment without the prior written permission of the Council;

(l) may not permit the storage of any motor vehicle or other movable item of any description on any pavement outside an entrance hall, staircase or passage of the premises;

(m) may not do anything on the premises, nor allow anything to be done in non-compliance with any reasonable instruction given or issued by an authorised official; and

(n) may not park any vehicle nor allow the parking of any vehicle by any of the hirer's employees, invitees, agents, directors or other representatives anywhere on the premises except in properly demarcated parking bays on the premises as pointed out by an authorised official.

32. Advertisements and decorations

(1) No person who has applied for the hire of premises may publicly announce or advertise any function or event in respect of which an application for the hire of such premises in terms of section 23 has been made, before the Council has notified that person in writing that the application has been approved.

(2) Every hirer must, before vacating the hired premises or the termination of the period of hire for any reason whatsoever, remove every poster, notice, decoration, flag, emblem, sign and other form of advertisement or direction erected or affixed by him or her, and make good any damage caused by such removal

33. Admissions and sale of tickets

The hirer is responsible for all arrangements in connection with the admission of the members of the public to any function or event on or in the hired premises, the provision of ushers and other persons necessary to control the admission of persons to the premises, and the sale of tickets.

34. Overcrowding

(1) No overcrowding of the premises or facilities is allowed at any time during the hirer's function or event and the hirer must comply with the Council's requirements prescribing the maximum number of persons allowed on the premises during the function or event.

(2) Without detracting from the general requirements referred to in subsection (1), the hirer may not allow more persons admission to the premises than the number of available seats or, if seating is not provided, the maximum number of persons prescribed by notice on the premises or as stipulated in the agreement of hire.

35. Sale of refreshments

(1) No person may sell refreshments or food stuffs on or in any hired premises during any function or event for which they have been hired, without the prior written permission of the Council.

(2) The Council may permit the sale of refreshments or foodstuffs by any person as it may approve after it has received a written application to sell such items, and the Council may allocate sufficient accommodation to that approved person, wherein trading stock, furniture, equipment, installations and books necessarily required for trading may be accommodated.

(3) The provisions of subsections (1) and (2) do not apply if the supply and sale of refreshments or foodstuffs is an integral part of the function or event of the hirer.

36. Services

(1) The nature of the municipal services to be provided to the hired premises by the Council is at the sole discretion of the Council.

(2) The Council may take such steps as it may consider necessary in its discretion for the proper maintenance and operation of any common areas in or on the hired premises.

(3) An authorised representative of the Council may attend the hirer's function or event to ensure compliance with any provision of this Part.

(4) A hirer is not entitled to the official services of any authorised official or other representative of the Council who attends the hirer's function or event in terms of subsection (3). (5) A hirer is not entitled to receive gratuitous cleaning or other service from the Council in connection with the hirer's activities during the preparation for, or during, a function or event.

37. Cancellation due to destruction of premises

(1) The Council may cancel the hire of premises if(a) the premises are destroyed or are damaged to such an extent that they are substantially unusable;

(b) there is such damage to the premises that, although paragraph

(a) does not apply, the premises have been rendered substantially unusable because of the absence of access or supply of any necessary municipal service or amenity; or

(c) there is destruction of damage to the premises or any part thereof or to any neighbouring building, whether or not the hired premises are involved, and the Council decides not to proceed with the hire of the premises 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 Council to the hirer within a reasonable period after the event referred to in subsection (1) giving rise to the cancellation.

38. Cancellation due to non-compliance

(1) The Council may at any time cancel the hire of premises if the hirer contravenes or fails to comply with any provision of this Part.

(2) A cancellation in terms of subsection (1) is without prejudice to any right or claim which the Council may have against the hirer under any provision of these By- laws or at common law.

39. Termination of period of hire

(1) Upon the termination of the period of hire for any reason, the hirer must return the premises and the facilities to the Council in good order and condition and must make good and repair or replace at his or her own cost on demand of the Council any damage or breakage or missing article or, in the alternative, reimburse the Council for the cost of repairing, making good or replacing any broken, damaged or missing article.

(2) (a) Every hirer must vacate the hired premises after termination of the period of hire within the period specified in the application form or agreement of hire.

(b) If a hirer fails to comply with the provisions of paragraph (a), he or she is liable to pay a further prescribed fee, for the additional period during which the hirer remains in occupation of the premises after the termination of the period of hire.

(c) The provisions of this subsection do not preclude the Council from taking lawful steps to procure the eviction of any such hirer from the premises.

(3) (a) A hirer must comply with every reasonable and lawful instruction of the Council or an authorized official in respect of the cleaning of the premises when the hirer vacates the premises.

(b) An authorised official may elect to undertake the cleaning of all crockery and cutlery used by the hirer.

(4) A hirer must comply with all reasonable and lawful instructions of the Council or an authorized official in respect of the vacation of the premises and the return of the facilities concerned.

40. Fire hazards and insurance

(1) A hirer may not at any time bring or allow to be brought or kept on the premises, nor do or undertake nor permit to be done or undertaken in or on the premises, any matter, thing or activity whereby a fire or any other insurance policy relating to the building concerned may become or becomes void or voidable or whereby 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 that subsection, the Council may, in its discretion, allow the activity concerned to continue and recover from the hirer the amount due in respect of any additional insurance premiums and the hirer must pay such amount immediately on notification from the Council or the insurance company to the effect that such additional premiums have been charged.

(3) The Council may at any time in its discretion require the hirer to take up insurance of the premises hired with an insurance company approved by the Council, against loss or damage by fire or any other cause during or as a result of any function or event for which the premises are hired.

41. Storage facilities

The Council is not responsible for providing facilities 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 the function or event concerned.

42. Equipment

(1) A hirer who requests the Council to supply any equipment for use during a function or event, may use such equipment only with the permission of the Council and under the supervision of an authorised official.

(2) If a hirer causes damage to the equipment referred to in subsection (1), or removes or causes the equipment to be removed from the premises without permission or, having removed it with permission, fails to return it, the hirer is liable for the repair or replacement costs thereof.

43. Right of entry

(1) Subject to the provisions of applicable national and provincial legislation, an authorized official or another authorised representative of the Council, or service provider may enter hired premises at any reasonable time-

(a) to inspect the premises and carry out any repairs, alterations, additions, modifications or improvements on or in the premises.

(b) in order to ensure that the conditions of hire of the premises and the provisions of this Part are being complied with.

(2) An authorised official, other authorised representative of the Council, or a service provider is entitled to erect scaffolding, hoardings and building equipment in, at, near or in front of hired premises as well as such other devices required by law or which the Council's architects may certify is necessary to carry out the activities contemplated in subsection (1)(a).

44. Inspection

Upon the conclusion of all the hirer's activities at the termination of the period of hire or at the cancellation of the hire in terms of any provision in this Part, an authorised official and the hirer or his or her nominee must inspect the premises, for the purpose of assessing any damage or loss and compliance with the provisions of this Part.

45. Regulations

A hirer must comply with the Council's security and fire protection regulations which may from time to time be in force in respect of the premises concerned.

46. Nuisance

(1) No person attending or intending to attend any function or event in or on hired premises, may conduct himself or herself in an unseemly or obnoxious manner or cause a nuisance or annoyance to any other person in or user of the premises, or to any occupier of any other part of the building or neighbouring building.

(2) An authorised official may, during any function or event of a hirer, instruct the hirer to remove from the premises any person who is in a state of intoxication or who is acting in contravention of subsection (1). (3) An authorised official may, during any function or event of a hirer, direct the hirer to prevent the entry on or into the hired premises by any person who is in a state of intoxication or who is acting in contravention of subsection (1).

Part 2 – Community centres

47. Group activities

(1) Every participant in a group activity must be a registered member of the centre at which such activity takes place.

(2) Notwithstanding the provisions of subsection (1), a member may introduce a guest participantand every guest must be registered with an authorised official upon arrival, and, if no authorised official is then present, the particulars of the guest must be entered in a register kept at the centre for that purpose.

(3) Unless permission to do otherwise has been granted by the authorised offial in charge of a centre, a group activity may only take place under the supervision of an authorised official.

(4) A group activity may only take place at times allocated for that activity by the authorised official in charge of the centre.

48. Membership

(1) Membership of a centre is valid for one calendar year, from January to December of each year, or for the remaining portion of such year after the date of approval of an application for membership.

(2) Membership may be renewed at the end of each year for the following year.

(3) Resignation from membership during the course of a year does not entitle a member to a refund of any protion of the prescribed membership fee.

49. Membership fees

(1) In determining prescribed fees for membership, the Council may differentiate between the prescribed fees payable by members of different centres and between classes of membership, which are dependent on the nature of the activity which a member wishes to pursue.

50. Use of centres for religious or personal purposes

(1) The Council may determine, either specifically or generally, the times when and the conditions under which any portion of a centre may be set aside for exclusive use by members of one sex only, whether in accordance with religious observance or for any other reason.

(2) The Council may also determine which portions of a centre may be so set aside at such times.

51. Dress code

Any member and his or her guest must at all times be suitably attired for participation in the activity they propose to pursue, and without derogating from the generality of this requirement, no participant may wear any shoes or other footwear which, in the opinion of the authorised official in charge of, or supervising, the activity may cause damage to any part of the floor of a centre.

52. Conduct of children

Unless the group activity in which a child under the age of 14 years is participating is a session specially arranged for young participants, every such child must be accompanied to the centre and must at all times be under the control and supervision of a parent or other adult, and such parent or adult is responsible for the conduct of such child while present in the centre.

53. Application of certain sections of part 1 of chapter 2 to centres

The provisions of sections 22 to 29, 31, 34 to 37, 39 to 42, 45 and 46 read with the necessary changes, apply to the hire, operation and use of centres.

54. Application of certain sections of part 1 of chapter 3 to centres

The provisions of sections 75 to 95 read with the necessary changes, apply to the operation and use of centres.

Chapter 3
Recreation and sport

Part 1 – Camping and caravan parks

55. Definitions and interpretation

(1) In this Part any word or expression defined in section –20, bears that meaning and, unless the context otherwise indicates -

"**ablution room**" means a room or facility set aside for persons lawfully present in a camping ground to wash themselves or to take a bath or shower;

"**calendar year**" means the period 1 January to 31 December of any year;

"**camping ground**" means any area of land which has been set aside by the Council for use as a camping ground or as a caravan park, or as both;

"**camping site**" means an area of land in extent 10.75 square metres situate within the boundaries of a camping ground;

"**camping officer**" means the Director of Parks or his duly authorised representative and includes an authorised official in charge of a camping ground;

"**caravan**" means a vehicle or similar portable, movable or towable structure having no foundation other than wheels and jacks, which is designed and constructed so as to permit human occupation for dwelling or sleeping purposes and includes a mobile home, trailer, travel trailer and camper van;

"**caravan site**" means a site set aside and designated by a camping officer in a camping ground as an area for the parking of a caravan, with or without a side tent, and a motor vehicle for towing purposes;

"**permit holder**" means the person to whom a permit is issued in respect of a camping site or caravan site;

(2) Section 1 (2) applies equally to this Part.

56. Lighting of fires prohibited

No person may camp or light a fire for the purpose of camping upon any open space vested in, or under the control of, the Council, except on a camping site.

57. Permits

(1) Any person who wishes to makes use of a camping site or caravan site may do so only under and by virtue of a permit to do so.

(2) A permit to occupy a camping or caravan site must be obtained from a camping officer, and is valid for the period specified therein.

(3) Every permit holder and any person accompanying him or her must at all times comply with the conditions specified in the permit concerned and the provisions of this Part.

58. Extension of permits

Subject to the provisions of this Part, the period of validity of a permit may be extended at the discretion of a camping officer if the site concerned has not previously been allocated to another party for the period in respect of which the extension is required.

59. Limitation on the period of occupancy of a camping site

No permit holder may occupy a camping site for a period longer than 30 days in all in any consecutive period of 12 months.

60. Allocation and use of sites

(1) A camping site is allocated in the discretion of the camping officer in charge and may only be used for the purpose of a camping holiday and no building or structure whatsoever may be erected thereon other than a tent for the bona fide use of the permit holder and his or her party.

(2) A caravan site is allocated in the discretion of the camping officer in charge and may, subject to the provisions of subsection (4), only be used for the parking of a caravan and one towing vehicle.

(3) A caravan parked on a caravan site may only be used to house the permit holder and his or her party.

(4) The provisions of subsection (2) do not preclude the erection of a side tent which is attached to a caravan on a caravan site.

61. Proper use of roads and pathways

In proceeding to and from a camping site, a permit holder or members of a permit holder's party must travel over the established roads within the camping ground and may not drive any vehicle across other camping sites or other areas.

62. Reservation of sites

(1) A camping or caravan site may be reserved in advance, but such reservation lapses if the person making the reservation does not present himself or herself to the camping officer in charge on or before the first day of the period of the reservation and pay the prescribed fee.

(2) No refund of any prescribed fee paid in advance will be made in respect of a camping or caravan site reserved but not occupied.

63. Right of refusal to issue or renew permits

A camping officer may refuse to issue or renew a permit to any person whom he or she reasonably suspects to be under the influence of intoxicating liquor or habit forming drugs.

64. Obligations of permit holders

A permit holder–

(a) must take all precautions to prevent the creation of any nuisance prejudicial to public health or the peaceful enjoyment by others of the camping ground and its facilities;

(b) may not by act or omission cause or permit such a nuisance to exist on his or her camping or caravan site;

(c) must make camp or park a caravan on a site allocated in his or her permit and pointed out by the camping officer;

(d) must comply with any reasonable instruction of the camping officer as to the manner of making camp or parking a caravan or towing vehicle;

(e) must ensure that the camping or caravan site alloted in his or her permit is kept in a clean and sanitary condition;

(f) may not deposit nor permit to be deposited any litter, rubbish or refuse, whether within or outside the allocated camping or caravan site, except in places which may be set apart for that purpose by the Council.

(g) is responsible for the maintenance of good order and decency on his or her camping or caravan site and may not allow anything therein to interfere with the comfort and convenience of other campers;

(h) must voluntarily vacate the camping or caravan site on the expiry or cancellation of his or her permit failing which he or she may be ejected from the camping ground by a camping officer without notice.

65. Cancellation of permits

If a permit holder or any member of his or her party commits a breach of any provision in this Part, a camping officer may, after having considered any reasons advanced by such permit holder as to why that camping officer should not act in terms of this section, cancel his or her permit.

66. Access and loitering by members of the public prohibited

No person, other than a permit holder or a member of a permit holder's party or a bona fide guest of a permit holder, may enter, or loiter in or about, any camping ground.

67. Site to be left in a clean condition

Every permit holder vacating a camping or caravan site must-

(a) leave that site in a clean and tidy condition and take steps to have all rubbish generated, deposited in a rubbish bin provided for that purpose; and

(b) fill in any hole made in the ground by him or her or any member of his or her party.

68. Washing of clothes and utensils and preparation of foodstuffs

No permit holder or a member of his or her party may wash clothes, clean household utensils, fish, vegetables or the like or prepare food, except at a place set aside for that purpose or a place which a camping officer may indicate.

69. Trading without permission

(1) No person may carry on any trade or business at any camping ground without the prior written permission of the Council.

(2) No person may hawk or expose for sale any goods whatsoever within the precincts of any camping ground without the prior written permission of the Council.

70. Damage to vegetation or property

(1) No person may cut down or damage any tree, shrub or other plant or unnecessarily disturb any vegetation within any camping ground.

(2) No person may wilfully or negligently damage any tap, toilet; notice board or any other property belonging to the Council in a camping ground.

71. Instructions of camping officer to be complied with

Any person, must promptly observe and comply with any lawful instruction of a camping officer concerning any camping ground, and no unauthorised person may remain therein after having been requested to leave by a camping officer or authorised official.

72. Registration and use of firearms

(1) No firearm may be brought into a camping ground, except for the personal protection of a permit holder and his or her party.

(2) Any firearm must be declared and registered with a camping officer upon arrival at the camping ground, and if not required for personal protection, may be impounded by a camping officer and must be returned to the owner upon departure from the camping ground.

73. Protection of wild life

(1) No person may shoot, trapp or in any way injure or interfere with any animal, bird or fish in a camping ground.

(2) No person may fish in a camping ground, except in a river or dam where a notice permitting fishing is displayed, and only if the person concerned holds a valid licence to fish issued in terms of any applicable law.

74. Special requirements regarding caravan parks and caravans

(1) A permit holder may only use hooks or pegs approved by a camping officer, to fasten or anchor a caravan or side tent.

(2) No person may bathe or shower in any place other than an ablution room.

(3) (a) No permit holder who has been issued with a permit for a period of less than 14 days, may subject to the provisions of paragraph (b) keep any animal in a caravan or on a caravan site except with the prior written permission of a camping officer, who may refuse such permission on grounds of the size, nature, or behaviour of the animal concerned, and any such permission may be withdrawn without notice if the animal concerned misbehaves or causes a nuisance to any other occupant of the camping ground;

(b) For the purposes of paragraph (a), an animal does not include a small dog standing less than 25 centimetres at the shoulder, a cat, canary, budgerigar or parakeet or similar caged bird that does not utter disturbing sounds, turtle, tortoise, goldfish or similar fish type, or other pet which is unlikely to cause a nuisance.

(4) No person occupying a caravan site may make undue noise or, without the prior permission of a camping officer, play any musical instrument in the camping ground, and no television set, radio, gramophone, tape recorder or other device for the reproduction or broadcast of recorded sound may be operated

(a) outside a caravan; or

(b) inside a caravan except at a level of output that is unlikely to cause a nuisance or disturbance to any other occupant of the camping ground.

(5) Any electrical generator powered by an internal combustion engine must be of such design that the noise of the engine is sufficiently muffled as not to cause a disturbance to any other occupant of the camping ground and may not be operated between the hours of 20h00 and 06h00.

(6) If a chemical toilet is used in a caravan, the permit holder must ensure that it is free of any offensive odour and that it is emptied and cleaned regularly.

Part 2 – Sport facilities

75. Definitions and interpretation

(1) In this Part, any word or expression defined in section 20, bears that meaning and, unless the context otherwise indicates-

"**group activity**" means any sporting activity involving, or conducted by, an organised body of people which body can be joined by any member of the public who is eligible for membership, and "group" has a corresponding meaning;

"**local sport facility**" means any sport facility which falls within the area of jurisdiction of the Council;

"**notice**" means a clearly visible notice in the official languages determined by the Council as contemplated in section 21(2) of the Local Government: Municipal Systems Act, 2000, or any graphic icon depicting notification to members of the public;

"**sporting activity**" means any game or recreational activity pursued in a sport facility, and includes practice and training sessions;

"**sport facility**" means any area, building or structure which is designated or set aside for a sporting activity and which is owned, managed or controlled by the Council, including but not limited to a stadium, a tennis court or tennis court complex, a squash court or squash court complex, a swimming pool, a golf course or an ice rink, or any combination of such facilities, and the surrounding and ancillary facilities associated with any such sport facility;

76. Administration

(1) Subject to the Council's statutory duty to use the resources of the Council in the best interest of the local community, as envisaged in Section 4(2)(a) of the Local Government: Municipal Systems Act, 2000, all local sport facilities must be administered by or on behalf of the Council in accordance with this Part: Provided that nothing in this Part may be interpreted so as to prevent the Council from disposing of any local sport facility or any rights thereto, in accordance with applicable legislation.

(2) The use and enjoyment of the local sport facilities by the local community or by any other person are subject to such terms and conditions as may be determined by the Council from time to time, and subject also to such terms and conditions, not inconsistent with this Part, which are contained in any agreement of hire or lease entered into between the Council and any individual or group.

(3) Despite the right of the local community to the use and enjoyment of the local sport facilities, the Council is entitled to hire out any local sport facility on a regularly recurring or specific basis for any purpose whatsoever.

77. Access conditions

(1) No person, other than an authorised official or any other person duly authorised by such official, may enter or be admitted into any local sport facility or any part thereof otherwise than by an entrance designated for that purpose.

(2) The right of access to any local sport facility is reserved by the Council at all times and an authorised official may refuse admission to any person or instruct any person to leave a local sport facility forthwith if such person behaves or conducts him/herself in a manner which is considered by the authorised official to be prejudicial to good order or contrary to, or disruptive of, the generally accepted rules for the sporting activity concerned.

(3) In the event of a person contemplated in subsection (1), refusing to leave a sporting facility voluntarily when instructed to do so, the authorised official is entitled to eject such person forcibly from the local sport facility, with or without the assistance of security personnel or a member of the South African Police Services or a member of any other police force, if available.

(4) The Council has a discretion to determine the maximum capacity of any local sport facility, and an authorised official, or any other person designated by him or her, may, once the maximum capacity has been reached, refuse further access to that facility by closing every entrance to the facility and, if necessary, by the construction of barriers at any entrance thereto, and by displaying a notice prohibiting further access to the facility, once such maximum capacity has been reached.

(5) For the purpose of ensuring that law and order is observed and for the safety of persons patronising or using a local sport facility, an authorised official has the power to –

(a) search any person wishing to enter that facility;

(b) search any container of whatever kind which such person proposes to bring into or on to that facility;

(c) search any motor vehicle which it is proposed to drive into or onto that facility;

(d) seize any item or object being carried by any person or revealed by any such search which, in the opinion of the authorised official –

(i) is a substance the possession of which is prohibited by any law;

(ii) is or could become a dangerous weapon;

(iii) contains intoxicating liquor; or

(iv) might otherwise be used to disrupt the peaceful enjoyment of that facility by persons lawfully admitted thereto;

(6) With the exception of any substance referred to in subsection (5) (d)(i), any object seized in terms of paragraph (d), must be returned to the person concerned, upon request, at his or her departure from the local sport facility.

(7) (a) The Council must, display conspicuous notices at or near every entrance gate, indicate the hours during which a local sport facility is open to members of the public.

(b) The Council may at any time temporarily close a local sport facility to members of the public for purposes of repair, maintenance, hire to a group, or for any other reason, in the Council's discretion.

(c) No unauthorised person may enter or remain inside, a local sport facility, at any time other than during the hours when that sport facility is open to members of the public or during any period when that facility is closed in terms of paragraph (b).

78. Smoking

Subject to any other law, and save for an open air local sport facility, such as and open air stadium or a golf course, no person may smoke in a local sport facility except in any portion thereof which has been designated for that purpose, as indicated by a notice to that effect.

79. Alcoholic beverages

(1) Subject to the terms and conditions stipulated in any agreement entered into between the Council and a hirer of a local sport facility, and subject to any other law, no person may –

(a) sell any alcoholic beverage on the premises of a sport facility without the prior written permission of the Council; or

(b) bring his or her own supply of alcoholic beverage on or into a local sport facility without the prior written permission of an authorised official.

(2) If the sale and consumption of alcohol on or in a local sport facility is permitted by the Council, such sale or consumption is on condition that –

(a) beer, cider and alcoholic cordials of all descriptions is served only in a can, keg, or plastic cup, and no alcoholic beverage may be served in a glass bottle; and

(b) no person who is under 18 years of age is served or allowed to consume any alcoholic beverage and the hirer of a sport facility or the person in charge thereof, as the case may be, is responsible for ensuring that this age limit restriction is observed.

80. Duties of hirer

A hirer of a local sport facility is responsible for the maintenance of good order and socially acceptable behaviour within the sport facility and must ensure that the sport facility is left in the same condition it was in when he or she was given possession thereof, failing which the hirer is liable for the cost to the Council of repairing any damage to, or cleaning, that facility.

81. Dress code

(1) Every person who participates in a sporting activity must wear appropriate apparel for that activity and an authorised official who is of the opinion that any person is not appropriately clothed, may instruct that any additional item of apparel be worn for a particular sporting activity by that person.

(2) No person may wear shoes or other footwear which may damage the surface of a local sport facility in any manner and an authorised official may instruct that they be removed forthwith and, if the person concerned refuses to comply with such instruction, may prohibit such person from participating in the activity concerned.

(3) If the conduct of a person not participating in a sporting activity is such that his or her shoes are likely to cause damage to a local sport facility while wearing such shoes an authorised official may eject the person concerned from the premises and debar him or her from re-entry until such shoes have been removed.

82. Hiring of sport facilities

(1) The hiring of a local sport facility must be arranged by prior reservation with an authorised official and must be recorded in a register kept by an authorised official for that purpose and, depending on the length of the period for which the facility is to be hired, may be on a first-come-firstserved basis.

(2) The purpose for which the local sport facility is to be hired must be disclosed to the authorised official with whom the reservation is made, who may refuse the reservation if such purpose is, in his or her opinion, illegal or contrary to the policy of the Council or is likely to result in violence or possible damage to that facility or to other property.

(3) The terms and conditions of the hiring of a local sport facility must be contained in a written agreement, which must be signed by both the hirer and the authorised official at least 7 days prior to the date of commencement of the proposed hiring, or such shorter period as may be agreed upon with the authorised official, against payment by the hirer of a prescribed fee as confirmation of the reservation.

(4) No agreement for the hiring of a local sport facility may be entered into with any minor, unless properly assisted by his or her parent, guardian or tutor, and the authorised official is, in his or her discretion, entitled to require any applicant for hire to produce proof of age.

(5) The agreement contemplated in section 79(1) constitutes proof of reservation and the hirer must produce it at any stage whilst making use of the local sport facility if he or she is required by an authorised official to do so.

(6) A hirer of a local sport facility on which any alcoholic beverage is served is responsible for ensuring that the age limit restriction contemplated in section 79(2) (b) is observed at all times.

(7) A hirer of a local sport facility must take out an insurance policy with an insurance company approved by the Council, in an amount likewise approved, to cover any structural damage which may occur to the sport facility whilst being used by the hirer, and may also be required by the Council to take out public liability insurance, likewise approved, in respect of the death of, or injury to, any person that may occur during or as a consequence of any activity taking place during the period of hire.

83. Reservation of sport facilities by the council

(1) Notwithstanding any other provision of this Part, the Council may –

(a) for any period reserve any local sport facility for the holding of any specific sporting activity or competition and may during any such period or on any other day reserve to itself the right of admission to that facility and determine a fee for admission to that facility;

(b) reserve any local sport facility either permanently or for such period as it deems fit.

(2) Except insofar as is provided otherwise in subsection (1), the provisions of this Part, read with the necessary changes, remain applicable to a local sport facility reserved in terms of subsection (1) and to any person visiting or using it while it is being used for the purpose for which it was reserved.

84. Group activities

(1) Each participant in a group activity must be registered as a member of the group concerned, or be a bona fide guest of the group, introduced as a member; and the Council may determine a prescribed fee for the hire of a sport facility if it is used by guests in addition to the registered members of a group.

(2) (a) Each member of a group making use of a local sport facility must be issued with a membership card either by the group, or by the Council, if the Council elects to establish a club or group for any group activity on or in that sport facility.

(b) Any member who fails to produce his or her membership card when requested to do so by an authorised official, may be refused admission.

(c) The holder a of membership card may not transfer it or allow it to be used by any other person.

(3) If any membership card issued by the Council is lost, it will be replaced at the cost of the member.

(4) A membership card must be renewed annually and, if issued by the Council, the prescribed fee therefor must be paid;

(5) Any group activity may be organised and controlled by an authorised official, free lance instructor, volunteer or any other person, and an authorised official may be present in any instance where the activity is not controlled or organised such official.

(6) Every group must strictly adhere to the specific period allocated to it by an authorised official for the use of a local sport facility or any part thereof, and if the use is extended beyond such period, an additional prescribed fee becomes payable.

(7) If a local sport facility or any part thereof has been allocated to a group, either for a group activity or for any other purpose, that group must ensure that it or its members make regular use of its allocated period and that if any group is for any reason unable to use its allocated period, the authorised official who is in charge of the sport facility must be notified beforehand.

(8) If the use of a local sport facility has been allocated to a group for a specific activity, that group is prohibited from engaging in any other type of activity on or in the sport facility concerned during the allocated period unless prior permission to do so has been obtained from an authorised official in charge of the sport facility concerned.

(9) A group may not transfer its allocated period to any other group or person, and any alteration in the local sport facility programme must be negotiated and agreed with an authorised official in charge of the sport facility concerned.

(10) (a) A group may be instructed by an authorised official to cancel their regular activities on a particular day due to any circumstances, including repairs and maintenance, which may require temporary closure of the whole or part of a local sport facility.

(b) An authorised official must give prior written notice to an affected group of a proposed instruction in terms of paragraph (a).

(c) Notwithstanding the provision of paragraph (b), an authorised official may cancel at short notice any regular activity if, in his or her opinion, a situation of emergency has arisen which renders such cancellation necessary or desirable.

(11) Notwithstanding anything to the contrary contained in this Part, it is competent for an authorised official to suspend or terminate with immediate effect the use of a local sport facility by any person or group whose conduct or behaviour is, in the opinion of that official, prejudicial to good order or the generally accepted rules of the group activity concerned.

(12) Any person whose participation in a group activity or use of a local sport facility is suspended in terms of subsection (11), is barred from entering into the local sport facility concerned or participating in the group activity concerned until the suspension is raised by an authorised official.

85. Public decency

(1) (a) No person may be present in or on any local sport facility, except in a change room or ablution facility specifically set aside for use by persons of the same sex, in a state of undress or any other state which is indecent or harmful in any way to the morals of any other person present in or on the sport facility at the time.

(b) An authorised official may instruct any person to refrain from contravening paragraph (a) and such person must comply with the reasonable requirements of that official so as to remove the cause of contravention, and failing such compliance, that person may be ejected from the sport facility and denied re-entry until the offending state of undress or other state contemplated in paragraph (a) has been remedied.

(2) No person may relieve him or herself in any part of a local sport facility other than in the ablution facilities specifically provided for that purpose and for use by members of his or her own sex.

(3) Any cubicle, change room and place of ablution set aside for persons of one sex may not be used by any person of the other sex and no person, other than a child not exceeding the age of five years, may enter any part of the premises which is reserved for the use of persons of the other sex.

(4) No person may occupy a change room for longer than is reasonably necessary to change into different attire.

(5) No person may use profane or indecent language or behave in an indecent manner or in any other manner which, constitutes a nuisance or hinders or interferes with the ejoyment of a local sport facility by other persons, and, if that person persists in such conduct after having been instructed by an authorised official to desist, he or she may be ejected forthwith from the sport facility by that official.

86. Clothing and personal effects

(1) Subject to the availability of an appropriate storage facility within the premises of a local sport facility, a person who has changed into appropriate attire in order to participate in a sporting activity may place his or her clothing, possessions and effects in a container provided for the purpose by an authorised official, and may deposit such container for safekeeping in the change room or any other place which an authorised official may direct.

(2) The authorised official must give a disc or other token bearing a number or other distinguishing mark by means of which the container may be identified, to the person concerned.

(3) Notwithstanding the provisions of subsection (2), a scholar intending to participate in a group activity organised by his or her school or a voluntary schools association, may present his or her clothing, possessions and effects for deposit in terms of this section in a neat bundle only.

(4) The authorised official must return a container or bundle referred to in subsection (1) or (3) with all its contents to the person surrendering the appropriate disc in exchange therefor.

87. Prescribed fees

The person concerned must pay the appropriate prescribed fee for admission to, or hire or use of, any local sport facility and any other prescribed fee contemplated in this Part.

88. Generally prohibited conduct

No person may –

(a) wilfully or negligently destroy, damage or deface any part of a sport facility, including any feature, fixture, fitting or appliance contained therein or any article supplied by the Council for use in a local sport facility;

(b) throw, deposit or drop or cause to be thrown, deposited or dropped any refuse, glass, tin, paper, fruit, fruit peals, sharp object or any other object that is perishable, offensive or that may interfere with the cleanliness of a local sport facility or that may cause annoyance, danger, injury or accident to any other person inside a sport facility; other than inside a refuse bin or container provided by the Council for that purpose;

(c) remove or in any way interfere with any gravel, sand, sod, turf, mould or other substance covering the surface of a local sport facility;

(d) except where special provision therefor has been made by the Council, light any fire or do any act which may cause any substance or thing to catch fire inside a local sport facility;

(e) walk upon or recline in any flowerbed or lawn on the premises of a local sport facility or draw, drive or propel thereon any vehicle or machine of whatsoever nature in contravention of any prohibitory notice displayed in a conspicuous place therein or thereon;

(f) encroach upon or build any enclosure, make any hole, or erect or place any peg, spike, tent, booth, screen, stand, swing or any other building, erection or structure of on or within a local sport facility, without written authority from an authorised official;

(g) except in any place and at any time prescribed by these or any other Bylaws or by a notice displayed at the entrance to a local sport facility, drive, draw or propel any vehicle within a local sport facility-

(a) other than a wheelchair, whether propelled by electrical power or not, or perambulator propelled by hand and used solely for the conveyance of an invalid or a child;

(ii) except in any place where access of vehicles is allowed; or

(i) in excess of the speed limit indicated by a notice displayed in the local sport facility.

(h) sell, hawk, advertise, place any advertisement, offer or expose any article for sale or hire or distribute any pamphlet, book, handbill or other written or printed matter inside a local sport facility without the prior written permission of an authorised official;

(i) tamper with or in any way interfere with the action or function of any lock, cock, tap, valve, pipe or other appliance or any machine in a local sport facility.

(j) otherwise do anything which may endanger the safety of others or constitute a nuisance, obstruction or annoyance to member of the public, either inside or outside a local sport facility.

89. Animals

Unless where otherwise allowed by a notice displayed in a conspicuous place at the entrance to a local sport facility, or the sport facility is designed or has been hired out for an activity that necessarily involves the presence of animals, no animal other than a guide dog may be brought into a local sport facility, without the prior written permission of an authorised official.

90. Infectious diseases

No person who is suffering from or is in quarantine for any infectious or contagious disease may enter or seek admission to any local sport facility.

91. Firearms and traditional weapons

No firearm or traditional weapon may be brought into a local sport facility, unless, subject to the availability of a safe or other appropriate storage facility at the entrance to a local sport facility, it is surrendered to an authorised official for safe keeping and must be collected from that official when leaving the local sport facility.

92. Disturbance by sound systems

No amplified music or sound relayed through a public address system is allowed in a local sport facility without the prior permission of an authorised official and then only in an area specified by that official and any sound system must be positioned in such a way that sound travels to the interior of the sport facility with volume at a moderate level so that it will not disturb the peace and quiet of the surrounding community.

93. Sale of food and refreshments

No person may, without the prior written permission of the Council and, subject to compliance with anyother law, prepare or sell food or refreshments within a local sport facility or in the immediate vicinity of an entrance thereto.

94. Filming and photographs

(1) No person may without the prior written permission of an authorised official film or take a photograph for reward or anticipated profit, on or in a local sport facility.

(2) Written permission must be obtained from the Council for the filming of commercial material or documentaries, which is subject to payment of a prescribed fee.

Sport advisory forum 95. The Council may establish a sport forum or sport council to assist and advise it in connection with the management of any or all of its local sport facilities, and sport representatives and members of groups may be elected to serve on such a body.

96. Chapter 4 miscellaneous definitions and interpretation

(1) In this Chapter, unless the context otherwise indicates, “authorised official” and “Council” bears the same meaning as defined in section 20.

(2) Section 1 (2) applies equally to this Part.

97. Animals in facilities

(1) Subject to any provision to the contrary contained in these By-laws, no dog, except a guide dog accompanying a blind person, or other pet may be brought into the premises of any facility contemplated in these by-laws, except with the prior written permission of an authorised official or other employee of the Council in charge of the facility concerned.

(2) Permission in terms of subsection (1) may not be granted in respect of –

(a) any area inside, or occupied by, any building or structure;

(b) the premises of any swimming pool; or

(c) any area where the presence of dogs or other pets are prohibited by a notice displayed by the Council.

(3) Any dog in respect of which permission has been granted in terms of subsection (1) must while it is on the premises concerned, at all times be on a leash and under control by its owner or other person in charge of the dog.

(4) Any excretion left by a dog on premises contemplated in this section, must immediately be removed by the owner or person in charge and be deposited in a waste receptacle provided by the Council or removed from the premises.

98. Liability for acts and omissions

Neither the Council nor an employee of the Council is liable for anything done or omitted whilst acting in terms of or for the purposes of these By-laws, unless –

(a) the Council or employee is expressly made liable in terms of the by-laws;

(b) the Council or employee is delictually liable at common law; or

(c) the Council or employee expressly accepts liability in terms of an agreement with the person alleging such liability.

99. Offences and penalties

Any person who –

(a) contravenes or fails to comply with any provision of these By-laws;

(b) fails to comply with any notice issued or displayed in terms of these By-laws; or

(c) fails to comply with any lawful instruction given in terms of these By-laws; or

(d) who obstructs or hinders any authorised official, other official or representative, of the Council in the execution of his or her duties under these By-laws,

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, and in the case of a continuing offence, to a further fine or in default of payment to imprisonment not exceeding one (1) day for every day during the continuance of such offence after a written notice has been issued by the Council requiring the discontinuance of such offence, and for a second or subsequent offence he shall be liable on conviction to a fine or in default of payment to imprisonment for a period not exceeding 6 months. Repeal 100. The By-laws set out in Schedule 1 to theses By-laws, are hereby repealed, to the extent set out in that Schedule.

Schedule 1

By-laws repealed

Number and year	Name of By-laws	Extent of Repeal
Administrator's Notice 441 dated 21 August 1940	City of Johannesburg: Golf Course By-laws	Whole
Administrator's Notice 81 dated 3 February 1954	Municipality of Roodepoort-Maraisburg: Camping By-laws	Whole
Details of notice could not be established	Camping By-laws as applied by the Midrand Municipality	Whole
Details of notice could not be established	Caravan Park By-laws as applied by the Midrand Municipality	Whole

Number and year	Name of By-laws	Extent of Repeal
Administrator's Notice 287 dated 5 April 1955	City of Johannesburg: By-laws for the Regulation of Tennis Grounds	Whole
Administrator's Notice 295 dated 14 May 1958	Transvaal Board for the Development of Peri-Urban Areas: Camping Site By-laws as applied by the Sandton Municipality	Whole
Administrator's Notice 218 dated 23 March 1966	Standard Library By-laws as applied by the Midrand Municipality	Whole
Administrator's Notice 643 dated 24 August 1966	Johannesburg Municipality: Swimming Pool By-laws	Whole
Administrator's Notice 796 dated 19 October 1966	Roodepoort Municipality: Adoption of Standard Library By-laws promulgated by Administrator's Notice 218 dated 23 March 1966	Whole
Administrator's Notice 934 dated (Year could not be established)	Roodepoort Municipality: Caravan Park By-laws	Whole
Administrator's Notice 311 dated 8 March 1972	Johannesburg Municipality: Public Library By-laws	Whole
Administrator's Notice 815 dated 15 May 1974	Randburg Municipality: Hall and Community Centre By-laws	Whole
Administrator's Notice 1060 dated 2 September 1981	Sandton Municipality: By-laws Relating to the Hire of Halls	Whole
Government Notice R.2610 dated 2 December 1983 under section 27 (2A) of the Black Local Authorities Act, 1982 (Act 102 of 1982) read with section 13(3) of the Local Government Transition Act, 1993 (Act No 209 of 1993)	By-laws relating to Libraries as applied by the Municipalities of Alexandra, Diepmeadow, Dobsonville and Soweto	Whole

Number and year	Name of By-laws	Extent of Repeal
Government Notice R.1449 dated 13 July 1984 under section 27 (2A) of the Black Local Authorities Act, 1982 (Act 102 of 1982) read with section 13(3) of the Local Government Transition Act, 1993 (Act No 209 of 1993) as amended by Administrator's Notice 188 dated 17 April 1991	By-laws relating to Public Swimming Pools as applied by the Municipalities of Alexandra, Diepmeadow, Dobsonville and Soweto	Whole
Government Notice R.1450 dated 13 July 1984 under section 27 (2A) of the Black Local Authorities Act, 1982 (Act 102 of 1982) read with section 13(3) of the Local Government Transition Act, 1993 (Act No 209 of 1993) as amended by Administrator's Notice 187 dated 17 April 1991	By-laws relating to Communal Halls and Recreational Grounds as applied by the Municipalities of Alexandra, Diepmeadow, Dobsonville and Soweto	Whole
Government Notice R.2011 dated 6 September 1985 under section 27 (2A) of the Black Local Authorities Act, 1982 (Act 102 of 1982) read with section 13(3) of the Local Government Transition Act, 1993 (Act No 209 of 1993) as amended by Administrator's Notices 1620 dated 28 October 1987, 1881 dated 9 December 1987 and 748 dated 29 June 1988	City Council of Soweto: By-laws relating to the making of Charges for Services and the use of Facilities	Whole
Local Authority Notice 2825 dated 3 August 1994	Sandton Town Council – Adoption of Standard By-laws promulgated by Administrator's Notice 254 dated 16 June 1993	Whole
Local Authority Notice 1841 dated 5 August 1998	Northern Metropolitan Local Council: Swimming Pool By-laws	Whole
Details of notice could not be established	Roodepoort Municipality; Swimming Bath By-laws	Whole
Local Authority Notice 1840 dated 5 August 1998	Northern Metropolitan Local Council: Public Library By-laws	Whole