

DEPARTMENT OF TRADITIONAL AND LOCAL GOVERNMENT AFFAIRS

PROVINCIAL GOVERNMENT NOTICE

No., 2015

I, under powers vested in me by section 14(2) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), and after having consulted the Minister of Provincial and Local Government Affairs and Organised Local Government in the Province, hereby make the standard By-laws contained in the Schedule hereto.

Signed at _____ on this ___ day of _____ Twenty Fifteen.

N DUBE

Member of the Executive Council of the Province of KwaZulu-Natal responsible for local government

BY-LAWS RELATING TO THE HIRE OF PUBLIC HALLS, ROOMS AND SPORTSFIELDS

Be it enacted by the Council of the Mandeni Municipality, and approval of the Member of the Executive Council responsible for local government in terms of Section 156 of the Republic of South Africa Act No. 108 of 1996, read with section 11 of the Local Government: Municipal Systems Act No. 32 of 2000, as follows:

1. Definition

Unless the context indicates differently, the words used in the bylaws as follows shall have the meanings as defined:

“Caretaker” means the person appointed by the Municipality from time to time to take care of the centre;

“Deposit” means the deposit, as set out in the tariff of charges, which is payable to safeguard the Municipality against breakages, which deposit shall be refunded after the function if it happens that no damage has been either to the hall or its requirements;

“Hall” shall mean any hall which belongs to the Municipality and which is made available to the public for private use and room shall have a corresponding meaning;

“Hirer” means the person who signed the application and agreement form for the hire of the hall and if the form is signed on behalf of a club, school, firm, church or other organisation, also such club, school, firm, church or organisation.

“Municipality” means the Mandeni Municipal Council and includes the Mayor, Political Office Bearers, Political Structures, Municipal Manager and any Official who has delegated powers in terms of Section 59 of the Local Government Municipal Systems Act (Act 32 of 2000);

“Municipal Manager” means the person appointed in terms of Section 82 of Government Municipal Structures Act 1998, (Act 117 of 1998)

2. Letting

- (1) Applications for the hire of the hall or room shall be dealt with in the order in which they are received.
- (2) Persons who apply for the hire of the hall or room shall close in writing to the Municipal Manager and complete the prescribed application and agreement form.

- (3) The person who signed the application form on behalf of the club, school, church, firm or other organisation, shall be jointly and severally responsible with such organisation, whether criminally or civilly for the observance of these bylaws.
- (4) The Municipality reserves the right to refuse to let the hall or room without assigning its reasons therefore or to cancel any booking thereof:-
 - (a) If the intended function does not meet with the approval of the Municipality or
 - (b) If the hall or room, furniture or equipment is, in the opinion of the Municipal Manager, likely to be damaged by persons attending the function or
 - (c) If the hall or room is required for a purpose which, in the opinion of the Municipal Manager, should take precedence.
- (5) In the event of a refusal or cancellation as intended in subsection (4), no compensation (excepting the refunding of the appropriate hall fee and deposit) shall be payable to the hirer for any loss which he may suffer by reason of such refusal or cancellation.

3. Payment of charges

- (1) No reservation shall be confirmed unless the full hire fee plus the required deposit is paid at the time of the application for reservation, and no tickets, invitations or notices may be printed or distributed until such time as the reservation has been accepted.
- (2) The hirer should not be allowed to enter into occupation of the hall unless and until the full hire fee has been paid
- (3) The hirer should comply with the notices as displayed by the Municipality or as per instruction given by the delegated official of the Municipality.
- (4) The hiring of any hall includes the use of the hall as well as the kitchen, rooms and equipment thereof including the site on which it is situated.
- (5) The hire fee, as set out in the tariffs of charges, shall be payable in advance and includes the usual cleaning of the building, caretaker's fees and lighting as well as the use of the available facilities, equipment and seating.
- (6) The Municipality may grant the use of the hall free of charge on such occasions, as it may deem advisable and in the public interest.

4. Postponement and Cancellation

- (1) The hirer shall be responsible for all arrangements in connection with the admission of the public to the hall or room, the sale of tickets, the provision of ushers and all such staff and officials (including police and protection officials) as may be necessary to ensure that the function takes place in a controlled and orderly manner.

- (2) The hall or room shall be let to the hirer on the condition that there shall be extraordinary crowding and that the number of persons allowed into the hall or room shall be limited to the available seating accommodation. When the available seating accommodation has been occupied, the hirer shall prohibit the admission of any person in order to prevent that such seating accommodation is exceeded.
- (3) No persons shall be allowed to congregate or gather in the passages, aisles or doorways of the facility hired in terms of these bylaws.

5. Offences

Any person who

- Contravenes or fails to comply with any provisions of these by-laws
- Fails to comply with any lawful instruction given in terms of these by-laws; or
- Obstruct or hinders any authorised official in the execution of his her duties under these by-laws

Shall be guilty of an offence and shall be liable on conviction to a fine not exceeding R1000 or imprisonment for a period not exceeding 1 month

Short title and commencement

These by-laws shall be called the Community Facilities By-laws

These by-laws shall come into effect on.....