

**AGENDA of the
Portfolio Committee : Community Services
23 October 2018
(Also the agenda for the Mayoral Committee Meeting : 31 October 2018)**

**4.
OVERSTRAND MUNICIPALITY DRAFT EVENTS BY-LAW**

11/1/B

L Wallace

(028) 313 5031

Hermanus Administration

27 August 2018

1. Executive Summary

The purpose of this report is for Council to approve the proposed Overstrand Municipality: Events By-law terms of sections 11(3)(e); 12 and 14 of the Local Government: Municipal Systems Act No 32 of 2000 (as amended) – (the “MSA”).

The proposed By-law is hereby introduced as made provision for in terms of sections 11(3)(e) and 12(3) of the MSA as well as Council’s By-law on Rules of Order for Internal Arrangements PN 7188 of 2013.

The necessary consent was obtained to publish the proposed By-law in the media in order afford the public an opportunity to make representations.

2. Service Delivery and Budget Implementation Plan - IGNITE

Directorate: Community Services

3. Compliance with Strategic Priorities

Provision of democratic, accountable and ethical governance

The encouragement of structured community participation in the matters of the municipality

Promotion of tourism, economic and social development

4. Delegated Authority

None

5. Legal Requirements

Constitution of the Republic of South Africa 1996;

Local Government: Municipal Structures Act No 117 of 1998;

Local Government: Municipal Systems Act No 32 of 2000;

Overstrand Municipality By-law on Rules of Order for Internal Arrangements: P.N 7188 of 2013.

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6. Background/Discussion/Evaluation/Conclusion

Background

In addition to the introductory note in paragraph 1 of this Item, the Overstrand Municipality decided to propose the By-law in order to ensure that events take place safely and securely in a co-ordinated manner through a clear collaboration between Law Enforcement, Fire Services, South African Police Services and other relevant emergency and safety organisations.

Included in said motivation is the aim of the By-law the regulation of the holding of events in a manner that ensures the proper management thereof within the jurisdiction of the Overstrand Municipality, given the municipality's recognition of the fact that the hosting of events constitutes a significant part of its competitive strategy as well as the enhancement of social and cultural cohesion in communities and to support urban rejuvenation and economic growth.

Process followed

Sections 11(3)(e), 12 and 14 of the MSA entitles a municipality to exercise its legislative or executive authority by developing and adopting by-laws and does section 12(3)(b) read with section 16 of the MSA require community (public) participation with regard to the affairs of a municipality.

In view of the above draft By-law was advertised for Public Participation purposes on 16 November 2017 and on extension on 11 January 2018 in the Gansbaai Courant; the Hermanus Times; and the Overstrand Herald, and was placed on Municipal notice boards as well as the official website of the municipality.

In all (fourteen) representations were received and considered and would it appear that in most instances an extension of the participation period was requested, which was subsequently granted and effected. The comments and suggestions were generally positive and constructive and.

Council members have also been afforded reasonable notice of the proposed By-law and as stated above.

It is therefore recommended that the By-law be adopted by the Council. Please refer to the proposed By-law attached as Annexure A.

Finally the provisions of the By-law on Rules of Order for Internal Arrangements have been complied with.

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Discussion

A workshop (as required by Council) was held on Monday, 17 September 2018 to discuss this new proposed by-law. The following additions/alterations to the draft by-law were requested by Council at the workshop, which are also included in the document (indicated in bold), namely:

- ✓ By adding **Disaster Management, Traffic Services** (Page 2).
- ✓ By removing the wording marches and replace with **actions** (Page 4 & 7).
- ✓ By clearly marking the third provision in section 15(a) as **(iii)**, and changing the fourth provision to **(iv)** (Page 16)
- ✓ By amending the wording under section 9 from Hermanus Tourism to **Overstrand** Tourism (Page 19)

7. Financial Implications

None

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

None

10. Annexures

Annexure A: Proposed By-law

Annexure B: Notice nr.153/2017 – Published in local newspaper on 16 November 2017

Annexure C: Notice nr.153/2017 – Published in local newspaper on 11 January 2018

RECOMMENDATION TO THE COUNCIL:

1. that, in terms of section 156(2) of the Constitution of the Republic of South Africa, 1996, read with section 11(3)(m) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) the By-law on Events **be adopted**; and
2. that, in terms of section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) the By-law on Events be published promptly in the Provincial Gazette, and if deemed feasible, also in the local newspapers to bring the contents of the By-law to the attention of the local community.

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RESPONSIBLE OFFICIAL :

L WALLACE

TARGET DATE FOR IMPLEMENTATION :

**DATE OF PROMULGATION IN
GOVERNMENT GAZETTE**

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**4.
OVERSTRAND MUNICIPALITY DRAFT EVENTS BY-LAW**

**11/1/B
L Wallace (028) 313 5031 Hermanus Administration
27 August 2018**

**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON
23 OCTOBER 2018, WHICH COMMITTEE RECOMMENDED AS FOLLOWS:**

RECOMMENDATION TO THE COUNCIL:

1. that, in terms of section 156(2) of the Constitution of the Republic of South Africa, 1996, read with section 11(3)(m) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) the By-law on Events **be adopted**; and
2. that, in terms of section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) the By-law on Events be published promptly in the Provincial Gazette, and if deemed feasible, also in the local newspapers to bring the contents of the By-law to the attention of the local community.

RESPONSIBLE OFFICIAL :

L WALLACE

TARGET DATE FOR IMPLEMENTATION :

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GOVERNMENT GAZETTE**

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OVERSTRAND MUNICIPALITY: EVENTS BY – LAW**PURPOSE AND OBJECTIVE**

WHEREAS the Overstrand Municipality recognizes that the hosting of events is a significant part of its competitive strategy and acknowledges that events have an important role to play in enhancing cultural and social cohesion in communities, support urban rejuvenation and economic growth;

WHEREAS the Overstrand Municipality recognizes the importance of environmental protected areas within our area of jurisdiction, and will give due regard to these areas when considering event applications;

WHEREAS the Overstrand Municipality wishes aims to regulate the holding of events in a manner that ensures the proper management thereof;

WHEREAS the Overstrand Municipality wishes to support the coordination and collaboration between all role players, including rate payer's associations, local tourism, and other external bodies, to promote partnerships and to enhance the effect of events within the area of jurisdiction of the Municipality, including on environmental sensitive areas.

AND WHEREAS the Overstrand Municipality wants to ensure that events happen safely and securely in a coordinated manner through a clear collaboration between Law Enforcement, Fire Services, the South African Police Services, **Disaster Management, Traffic Services** and any other relevant emergency and safety organization;

AND NOW THEREFORE, BE IT ENACTED by the Overstrand Municipality, as follows: -

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CHAPTER 1**DEFINITIONS AND APPLICATION****1. Definitions**

In this by – law, unless the context otherwise indicates -

“authorized official” means any peace officer authorized in terms of section 334 of the Criminal Procedures Act , 1977 (Act 51 of 1977), as amended, or any employee of the Municipality, who is authorized to enforce to provisions of this By – law;

“Municipality” means the Overstrand Municipality and includes reference to any duly delegated and/ or appointed officials and / or service providers in terms of service level agreements with the Municipality;

“Municipal Manager” means the person appointed as Municipal Manager in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

“Event Coordinator” is the area manager for the area in which the event will be held, and who will be responsible for the facilitation, coordination and approval or rejection of event applications.

“council” means the council of the Overstrand Municipality or any political structure, political office bearer, councillor or any staff member acting under council’s delegated or sub-delegated authority;

“Event” -

- a sporting, recreational or entertainment event, including live acts, held outside the venue or building, or which by their nature, size or impact are considered outside the normal use parameters for the venue ;
- an educational, cultural or religious event;

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- a business event including marketing, public relations and promotional, or exhibition events;
- a charitable event, including any conference, organisational or community event;
- filming which is of such a nature that it may have an impact on vehicular or pedestrian traffic or may attract crowds, or;
- any similar event;
- Hosted at a stadium, venue or along a route or within their respective precincts

But exclude:

- actions falling under the provisions of the Regulation of Gatherings Act (Act 205 of 1993) as amended, for which a system of approval is already in place and funerals and funeral processions;
- events held at a purpose built venue or the grounds of any school, playground, place of worship, hotel conference center, stadium, athletic field, arena, auditorium or similar permanent place of assembly when used for events normally held in such venue;
- Events regulated by the Safety at Sport and Recreation Events Act, 2010 (Act 2 of 2010).
- A private event hosted by a natural person, including family and community events held at private property or purpose built venues, subject to any other legislation;
- events of fewer than 50 persons where there is no amplified sound or no temporary structures to be used;
- Weddings held at a wedding venue established for the purpose of weddings or at a community hall or similar entertainment facility, and wedding processions, which falls outside the boundaries of an environmentally protected area;
- Cultural rituals held by the various cultural groups and families in the community.
- Funerals and funeral processions;

"Events Committee" A committee represented by officials from affected municipal departments who meet on an ad hoc basis to consider event applications and ultimately make recommendations to the Event Coordinator;

"Event Organiser(s)" An event organiser, in relation to an event, is any person or legal entity who plans, is in charge of, manages, supervises, holds an event and / or sponsorship rights to or in any manner controls or has a material interest in the hosting of an event and includes any person who holds themselves out to be and / or conduct themselves in a manner which one would reasonably equate to that of the activities of an event organiser, provided that such person shall be at least 18 years of age, and possess the necessary capacity, resourcing and events related experience to organise the event

"Events Policy" means the event policy of the Overstrand Municipality;

"Law Enforcement Officer" includes officials of the Municipality involved in law enforcement and traffic services;

"Permit" means a permit issued by the Event Coordinator for the holding of events;

"Public place" means —

- any public land, square, public swimming bath, public resort, public recreation site, zoological, botanical or other public garden, park or hiking trail, including any portion thereof and any facility or apparatus therein or thereon, as well as any public open space, public road, road reserve, lake, dam, or river;
- any public building, structure, hall, room or office including any part thereof and any facility or apparatus therein, which is the property of, or possessed, controlled or leased by the Municipality and to which the general public has access, whether on payment of admission fees or not;
- Subject to the provisions of any National or Provincial Environmental law including, any ordinances or parts thereof not repealed; the National Environment Management Act (NEMA); The National Environmental

Biodiversity Act (NEM:BA); National Environmental Protected Areas Act (NEM:PAA) including any promulgated Rules, Regulations, Norms and Standards any amendment thereto and published in the Government Gazette, and including the Constitution of the designated Authority in respect of the protected area and the recommendations of the officially appointed Advisory Board:- a nature conservation area including — (i) nature reserves; (ii) protected natural areas; (iii) nature conservation worthy areas; (iv) natural open spaces;"

"Purpose-built venue", means a building, structure, or premises, specifically built and suitable equipped as a venue, for the holding of specific events, on a premises zoned specifically to be used as venue for events;

"Stakeholder" includes any person, organization or body who is affected or has a role to play in the management or holding of an event;

"This By-law" includes the Schedules hereto;"

"Venue" means any open space, enclosed or semi-enclosed temporary structure or permanent structure zoned and constructed in terms of the Municipalities zoning scheme and any other applicable legislation –

- within which a temporary or permanent structure may be erected, where an event is to be hosted; and
- which, for the purposes of any categorization, designation and certification of an event may consist of —(i) seating for spectators, attendees or an audience; or (ii) a field of play or a permanent or temporary podium or other area within a venue, reserved for the purposes of hosting an event;

"Venue owner" means any person or legal entity that, now or in the future, will directly or indirectly own, lease, rent, acquire or exercise the powers of an owner or occupier of a venue used for events.

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"Ward committee" means the ward committee's as established by Overstrand Municipality from time to time and chaired by the respective appointed ward councillor's.

2. Application of this By-law

- (a) This By-law applies to any event held within the area of jurisdiction of Overstrand Municipality, including events held both on private land and public places, provided that where an event is held on private land, subject to any other applicable legislation, it has an impact on the resources of the Overstrand Municipality and the surrounding community.
- (b) This By – law does not apply to:
 - (i) **actions** falling under the provisions of the Regulation of Gatherings Act (Act 205 of 1993) as amended, for which a system of approval is already in place and funerals and funeral processions;
 - (ii) events held at a purpose built venue or the grounds of any school, playground, place of worship, hotel conference center, stadium, athletic field, arena, auditorium or similar permanent place of assembly when used for events normally held in such venue;
 - (iii) Events regulated by the Safety at Sport and Recreation Events Act, 2010 (Act 2 of 2010).
 - (iv) A private event hosted by a natural person, including family and community events held at private property or purpose built venues, subject to any other legislation;
 - (v) events of fewer than 50 persons where there is no amplified sound or no temporary structures to be used;
 - (vi) Weddings held at a wedding venue established for the purpose of weddings or at a community hall or similar entertainment facility, and wedding processions, which falls outside the boundaries of an environmentally protected area;
 - (vii) Cultural rituals held by the various cultural groups and families in the community.

- (viii) Funerals and funeral processions.
- (c) Notwithstanding subsection (2), the Events Coordinator or Law Enforcement Officer may:
 - (i) when the Law Enforcement Officer or Events Coordinator finds that this by-law is, or likely to be, contravened by an event organizer; or
 - (ii) when a stakeholder affected by the impact and risk attached to an event files a complaint with the law enforcement officer, issue a compliance notice to the event organizer in terms of section 8 and act in terms of this by-law.
- (d) Purpose-built venues are excluded from this by-law in respect of events normally held in such venue, provided that –
 - (i) this exclusion does not apply to events or parts of events held outside the venue or building, or which by their nature, size or impact are considered outside the normal use parameters for the venue; and
 - (ii) owners or managers of purpose-built venues submit an application to the events permit office for approval of their events programmes which shall be valid for one year.
 - (iii) The Event Coordinator may, from time to time, issue directives regarding specific or special application process for any specific or special event which may vary in respect of the criteria referred to in section 6.

CHAPTER 2

APPLICATION PROCESS, REQUIREMENTS, DECISIONS AND ENFORCEMENT

- 3. **Submission of applications for approval to hold or stage events**
 - (a) A formal application to stage an event must be prepared by the Event organizer and submitted to the Events Coordinator:
 - (i) by a person that is at least 18 years old or older;

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- (iii) in a form and manner prescribed by the Events Coordinator;
 - (iv) by or on behalf of a person with the necessary means and resources;
 - (v) Within the time frames prescribed in schedule 1 of this by – law;
- (b) The application must contain all the information required on the application form and any additional information required by the Municipality. Failure to provide the necessary required information may result in an application not being considered by the municipality.

4. Requirements and conditions

- (a) No person may hold or stage any event without obtaining a permit referred to in section 5(c) save as provided herein.
- (b) An application for an event must comply with the provisions of this by-law and contain such information as indicated in the prescribed application form as set out in schedule 2;
- (c) The Event Organizer may not advertise the planned event before an application is submitted to the Municipality, and the Event Coordinator informed the Event Organizer that the application has been approved in terms of section 5(a).
- (d) The Event Coordinator must, in terms of the event policy depending on the nature of the event, ensure that consultation take place with the Events Committee, which will include an official from the municipalities environmental services department, and with any other relevant stakeholder, including the relevant ward councilor;
- (e) The Event Coordinator must satisfy him or herself by written documentation that, relevant land use zoning regulations, environmental legislation and; all health and safety regulations are complied with; that adequate public liability insurance cover, appropriate indemnity cover is obtained for an event by the Event Organizer. Similarly where an activity which may put the public at risk will be triggered, proof of appropriate specialized risk insurance, blanket liability or work cover must be provided to the Events Coordinator by the Event Organizer.

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- (f) The Council must, as part of its budgeting process in terms of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003), determine tariffs and deposit payable for events;
- (g) The Municipality shall not, in respect of any planning for an event, application, approval or permit issued for an event in terms of this by-law, be held liable for any –
 - a) damage to or loss of any property of the Event Organizer; or
 - b) costs incurred by an Event Organizer or any third party.
- (h) The Event Organizer, or the Venue Owner be liable for the cost of any service provided by the Municipality for or in respect of an event.

5. Decisions on events

- (a) The Events Coordinator must either approve or decline an application for an event in terms of this by law on receipt of the recommendation from the Events Committee;
- (b) Once a decision has been taken in terms of subsection (1) the applicant must be informed thereof in writing by the events coordinator.
- (c) Where an application for an event has been approved, the Events Coordinator must issue a permit, specifying the conditions applicable to the event;
- (d) Where an application for an event has been declined, reasons for the decision must be communicated to the applicant in writing, and the applicant informed of his right to appeal the decision in terms of section 62 of the Municipal Systems Act.
- (e) The Event Organizer must make sure that the permit is available at the venue for inspection at all stages and at all times of the event, as well as that any additional licenses, including liquor licenses be clearly displayed in public, on a waterproof board, at the venue, throughout the event, indicating the type of license utilized for the event.

6. Criteria

- (a) The Event Coordinator must ensure that applications for staging an event are considered in accordance with the following criteria, where applicable:
- (i) the type and size of an event;
 - (ii) impact of the event in terms of the strategic fit to the Events policy;
 - (iii) impact of the event on municipal services including services relating to noise control, traffic, parking, local amenities, public places, health and all incidental services affected by the holding of the event logistical aspects, as well as marketing, economic, social and environmental objectives.
 - (iv) the proposed use of the land complies with the applicable zoning scheme and any conditions applicable there under. This will include a proper investigation of the land use zones in any area where the proposed event is to be held;
 - (v) the safety and security risk management of the event in respect of the event plan, logistics, location, site design and other activities taking place near or at the event venue and other threats to the event. This risk management assessment will include, but not be limited to obtaining details of the evacuation routes, emergency plans, site plans of access, and the inference of public open spaces;
 - (vi) return on investment of the event, in cases where the event is sponsored fully or partly by the Overstrand Municipality; and
 - (vii) the event complies with all applicable legislation.
 - (viii) The impact of the event on environmental protected areas.
- (b) The Events Coordinator may impose reasonable conditions to the permit to protect the environment and the health, safety, and welfare of the public pertaining to:
- (i) Location, and hours during which the event may be held;
 - (ii) Sanitation, ablution facilities and availability of water;
 - (iii) Security and crowd management;
 - (iv) Parking and traffic issues;

- (v) Emergency and medical services;
- (vi) Clean up of premises and surrounding area and waste disposal;
- (vii) Insurance;
- (viii) Lighting;
- (ix) Fire Services and safety;
- (x) Temporary construction, barricades and fencing;
- (xi) Removal of advertising and promotional materials after the event;
- (xii) Noise levels;
- (xiii) Any other conditions pertaining to the Event;
- (xiv) The environmental impact

7. Holding of an event

- (a) Event Organizers whose applications have been approved in terms of this by-law are responsible for the event and must ensure that —
 - (i) the event is held in compliance with the provisions of this By – law, the conditions imposed by the Events Coordinator and does not contravene any law, including environmental legislation;
 - (ii) the conduct of persons attending an event and the activities undertaken or carried out at the event do not negatively impact on affected communities, and the environment during such event;
 - (iii) any compliance notice issued by the events coordinator in terms of section 8 is complied with.

8. Compliance notice

- (a) When the Event Coordinator or a law enforcement officer finds that a provision of this by-law is contravened by an Event Organizer or that a condition has arisen that has the potential to lead to a contravention of this by - law or any other law, he or she
 - (i) may issue a compliance notice to the Event Organizer;
 - (ii) or may, on receipt of information from an authorised official relating to the contravention of this by-law or any other law in respect of the holding or staging of an event, issue a compliance notice to the Event Organizer.

- (b) A notice issued in terms of subsection (1) must state —
 - (i) the provision of the by-law that is being contravened or will be contravened if the transgression is allowed to continue;
 - (ii) the measures that must be taken to rectify the condition; and
 - (iii) the time period in which the notice must be complied with.
- (c) If a person on whom notice was served in terms of subsection (1), fails to comply with the requirements of the notice, the Event Coordinator, a law enforcement Officer or an authorised official may, for the purposes of this by-law, take such steps as may be necessary to rectify the condition at the cost of the event organiser.
- (d) A person who fails to comply with a compliance notice issued in terms of subsection (1) commits an offence.
- (e) The Municipality shall, in respect of a person who fails to comply with a compliance notice in respect of one or more events keep a record of non – compliance, consider any appropriate action as may be required, and require an increased deposit from the person for future events to be held or staged by such person.

9. Inspections and right of access

- (a) The Events Coordinator, an authorised official or a law enforcement officer must conduct inspections of a venue after the submission of an application, as well as during and after the staging or holding of an event to determine compliance with this by-law, and the conditions made subject to the approval of an event application;
- (b) The Event Coordinator or a law enforcement officer has a right of access to or over any venue for the purposes of —
 - (i) doing anything authorised or required to be done by the Overstrand Municipality under this by-law;
 - (ii) ascertaining whether there is or has been a contravention of the provisions of this by-law, and the conditions made subject to the approval of the event application;
 - (iii) enforcing compliance with the provisions of this by-law.

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- (c) An Event Coordinator, an authorized official, or a law enforcement officer must, by notice in writing served on the owner or occupier of any property, require such owner or occupier to provide, on the day and at the hour specified in such notice, access to such property to a person and for a purpose referred to in subsection (2).

10. Suspension and revocation of permit

- (a) The Events Coordinator may, where the Event Organizer fails to comply with a compliance notice issued in terms section 8, by notice in writing to the event organizer —
 - (i) suspend the permit immediately until the Event Organizer has complied with the compliance notice;
 - (ii) revoke the permit and take such steps as may be necessary in terms of this By-law, and the Event Organizer shall be liable for any costs incurred thereby; or
 - (iii) on receipt of information from a Law Enforcement Officer or an authorized official relating to failure to comply with a compliance notice, suspend or revoke the permit of an Event Organizer
- (b) The Municipality may, where the Event Coordinator has acted in terms subsection (1), withhold the deposit paid by the Event Organizer for an event as security for the payment of such costs.

CHAPTER 3

11. General Provisions

Agreements and Partnerships

- (a) The Municipality may enter into such agreements and partnerships with Event Organizer's as may be necessary for the holding and management of events in terms of this by – law;

- (b) The Municipality may, under an agreement or partnership contemplated in subsection (1) provide support either logistically, financially, or both to specific events which are aligned to the strategic objectives of the Municipality;
- (c) The agreements contemplated in subsection (1) must provide for service levels which must be met in order to ensure compliance with this By – law and the Municipal Finance Management Act, 2003 (Act 56 of 2003).

12. Delegations

- (a) The Events Coordinator may delegate any powers conferred on him or her either in whole or in part under this by – law to any other competent official of the Municipality;
- (b) The Municipal Manager may appoint competent officials in the employ of the Municipality as authorized officials to enforce the provisions of this by – law.

13. Right of Appeal

- (a) Parties to a dispute arising from a conflict in terms of this by - law must attempt to resolve such conflict before exercising the right of appeal contemplated in subsection
- (b) The Event Organizer may appeal against a decision where his or her application to hold an event has been declined.
- (c) An appeal may be lodged in writing with the Municipal Manager in terms of section 62 of the Municipal Systems Act.
- (d) The application which is a subject of appeal must be decided in terms of section 5, and the applicant notified of the reasons of the decision, before lodging an appeal within the time frame set out in section 62 of the Municipal Systems Act.

14. Indemnity

- (a) The Event Organizer must provide —
 - (i) evidence, to the satisfaction of the Event Coordinator, of appropriate indemnity cover; and

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- (ii) where an activity which may put the public at risk will be involved, evidence to the satisfaction of the Event Coordinator of appropriate specialized risk insurance, blanket liability or work cover.
- (d) The Municipality shall not be liable for any costs, including any damage or loss, incurred or suffered as a result of an event held without an approval in terms of this by-law.

15. Offences and penalties

- (a) Any person who –
 - (i) holds an event without a permit, in contravention of section 4(a);
 - (ii) is an Event Organizer and whose application to hold an event has been approved, fails to comply with any provision of this by-law, any condition made subject to the approval of the event application, or contravenes a provision of any other law for which the Municipality is responsible for implementation and enforcement, in contravention of section 7(a);
 - (iii) fails to ensure that the conduct of persons attending an event and the activities undertaken or carried out at an event do not disturb the neighboring community, residents, or the environment in contravention of section 7(b);
 - (iv) fails to ensure compliance with a notice issued by the Events Coordinator or a Law Enforcement Officer in terms of section 8(a), in contravention of section 7(c), shall be guilty of an offence.
- (b) A person who commits an offence in terms of this by-law shall, on conviction, be liable –
 - (i) in the case of an offence referred to in subsection (1) (a) or (b), to a fine as the court may deem fit to impose or to imprisonment for a period not exceeding twelve months, or to both such fine and such imprisonment;
 - (ii) in the case of an offence referred to in subsection (1) (c), to such fine as the court may deem fit to impose or to imprisonment for a period not exceeding five years, or to both such fine and such imprisonment;

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- (iii) in the case of an offence referred to in subsection (1)(d), to such fine as the court may deem fit to impose or to imprisonment for a period not exceeding 10 years, or to both such fine and imprisonment.

16. Schedules

The Schedules form part of this by-law through incorporation by reference.

17. Short Title

This by – law is called the Overstrand Municipality: Events by – law, and will take effect on the date of publication hereof.

Schedule 1

Schedule of events application timeframes

Subject to applicable criteria, the following timeframes below will apply:

Crowd Size / No of Participants	Minimum time for submission of an application by the Event Organizer before the date of the Event	Minimum Time for the Municipality to respond to an application for staging an event
Small: 50 to 500	1 month	10 working days
Medium: 501 to 2000	2 months	15 working days
Large: 2001 to 5000	3 months	30 working days
Very large: 5001 above	6 months	60 working days

NOTE

- (1) The timeframes do not include events applications where a land use planning approval is required i.e. where an event is to be held on land which is not appropriately zoned. In such instances, the time frames for a very large event will apply
- (2) All food vendors irrespective of the size of the event are compelled to comply with all applicable laws, including the provision of licenses and certificates of applicability;

- (3) Any event which involves an application for a temporary land use departure and where the departure has not been granted must follow the appeal process as outlined in the Municipalities Land Use Management by – law.
- (4) Adherence to the minimum submission time by the Event Organizer, merely relate to the submission of the application, and does in no way have a bearing on the assessment of the application.

Schedule 2

Events requirements listing

The requirement listing will be dependent on the size and risk profile of the event. The Municipality may request additional information as determined by the type, and profile of the event.

- (1) Description of event: including type, date, venue, locality and number and profile of participants.
- (2) Event Programme: full details and times, plus contact details for person responsible for each aspect of event.
- (3) Layout of event: including stages, marquees, catering, venue operation centre etc.
- (4) Zoning confirmation of the permitted land use or land use planning approval where necessary.
- (5) Transport and Traffic Management Plans, which may include where applicable, proposed road closures, route plan, parking, optimal public transport utilization, emergency access routes. The format of the Transport and Traffic Management Plans will be as prescribed by the Municipality.
- (6) Crowd Management Plan.
- (7) Emergency and Contingency Plans: including medical, security, emergency, facility, evacuation.
- (8) Event Communication Plan: including ticket selling strategy, accreditation.
- (9) Community Participation Plan: including but not limited to contact with Councilors/s; Community/ Residents organizations / associations and business

A19/19

associations, advisory bodies, other organs of state, societies, and **Overstrand** Tourism. The level of engagement in terms of this plan will be dependent on the type, size, risk and locality of the event;

- (10) Environmental Management Plan, including a rehabilitation plan, financial guarantee, or any applicable environmental or heritage permission.
- (11) Integrated Waste Management Plan (including immediate precinct).
- (12) Vendors/Caterers: list of details, and use of liquid petroleum gas.
- (13) Health requirements including: certificates of acceptability, vendor licenses, ablution facilities or mobile toilets.
- (14) Completed application forms for: noise exemption and amplified sound (including public participation) and erection of stages/marquees.
- (15) Sound Engineers Report
- (16) Proof of submission of an application for liquor licence/s, fireworks application, civil aviation application as per the specific of the type of event;
- (17) Overstrand Municipalities services requirements: including electricity, water, waste management plan (during and after the event), transport, roads and storm water.
- (18) Indemnity forms and public liability insurance confirmation.
- (19) Written approval from venue owner/venue manager to the applicant authorizing the event organizer to the use of the facility/venue to host the event.
- (20) An assessment by the Fire Chief relating to the fire risk associated with the event.

**OVERSTRAND MUNICIPALITY
DRAFT BY-LAW RELATING TO THE STAGING OF EVENTS**



Notice is hereby given that the municipality intends adopting the abovementioned by-law.

The public is invited in terms of Section 12 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) to submit representations in connection with the proposed by-law on or before 15 December 2017 to the Municipal Manager (for attention Lionel Wallace) at the under-mentioned address or fax number.

The proposed by-law will be available for perusal during office hours at the Offices of the Area Managers in Gansbaai, Stanford, Hermanus and Kleinmond; all public libraries in the Overstrand; the municipality's corporate head office in Hermanus and on the official website at www.overstrand.gov.za.

Persons who cannot write can visit the Offices of the Area Managers in Gansbaai, Stanford, Hermanus or Kleinmond during office hours where such persons will be assisted to transcribe their comments or representations. The designated officials for the respective municipal areas are as follows:

Gansbaai, Stanford: F Myburgh

Hermanus: D Kearney

Kleinmond: D Lakey

**C GROENEWALD
MUNICIPAL MANAGER**

Overstrand Municipality
PO Box 20
HERMANUS
7200
Fax number: 028 313 8931
Notice number: 153/2017

**OVERSTRAND MUNISIPALITEIT
KONSEPVERORDENING INSAKE DIE AANBIEDING VAN GELEENTHEDE**

Kenningsgewing geskied hiermee dat die munisipaliteit voornemens is om bovermelde verordening te aanvaar.

Die publiek word ingevoelge artikel 12 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet 32 van 2000) genooi om voor of op 15 Desember 2017 by ondervormelde adres of faksnommer aan die Munisipale Bestuurder (vir aandag Lionel Wallace) vertoë te rig in verband met die beoogde verordening.

Die konsepverordening sal ter inligting gedurende kantoorure beskikbaar wees by die kantore van die Area bestuurders in Gansbaai, Stanford, Hermanus en Kleinmond; alle openbare biblioteke in die Overstrand; die munisipaliteit se korporatiewe hoofkantoor in Hermanus asook op die amptelike webwerf by www.overstrand.gov.za.

Personne wat nie kan skryf nie, kan die Area bestuurders in Gansbaai, Stanford of Hermanus gedurende kantoorure besoek, waar sodanige persone bygestaan sal word om hul kommentaar of vertoë op sifrif te stel. Die aangewese amptenare vir die onderskeie munisipale areas is soos volg:

Gansbaai, Stanford: F Myburgh

Hermanus: D Kearney

Kleinmond: D Lakey

**C GROENEWALD
MUNISIPALE BESTUURDER**

Overstrand Munisipaliteit
Posbus 20
HERMANUS
7200
Faksnommer: 028 313 8931
Kennisgewingsnommer: 153/2017



**OVERSTRAND MUNICIPALITY
DRAFT BY-LAW RELATING TO THE STAGING OF
EVENTS**

Notice is hereby given that the municipality intends adopting the above mentioned by-law. The public is invited in terms of Section 12 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) to submit representations in connection with the proposed by-law on or before 15 December 2017 to the Municipal Manager (for attention Lionel Wallace) at the under-mentioned address or fax number. The proposed by-law will be available for perusal during office hours at the Offices of the Area Managers in Gansbaai, Stanford, Hermanus and Kleinmond, all public libraries in the Overstrand; the municipality's corporate head office in Hermanus and on the official website at www.overstrand.gov.za. Persons who cannot write can visit the Offices of the Area Managers in Gansbaai, Stanford, Hermanus or Kleinmond during office hours where such persons will be assisted to transcribe their comments or representations. The designated officials for the respective municipal areas are as follows:

**C GROENEWALD
MUNICIPAL MANAGER**

Overstrand Municipality
PO Box 20
HERMANUS
7200
Fax number: 028 313 8931

Notice number: 153/2017

**UNASIPALA WASE OVERSTRAND
UMTHETHO KAWASIPALA OXULULUMENE
NAMAQONGA EZIGANEKO**

Esi sisazizo esazisa ngenjongo kamasipala yokwamkela lomthetho ugentha. Uluhlu luyameywa ngokwemigqo yeCandelo 12 likaRhulumente wasekhaya: umthetho we-2000 zikalasipala, 2000 (umthetho 32 wonyaka we-2000) ukuba kungenise izimvo ngokuxulumene nomthetho ochwanyayo kamasipala ngemibala okanye phambi kwe 15 Disemba 2017, zingeniswe kumiphathi kaMasipala (kunyetha, iqwelasele, ngu Lionel Wallace) kule dilesi okanye kule nombolo yefaksi ekhankanywe ngazantsi. Lo mthetho uchwanyayo uyakufumaneka ukwenzela ukuba ujongiswe uphononongwe ngamazetha omsebenzi kwi-ofisi zabaphathi bengingqi e Gansbaai, Stanford, Hermanus nase Kleinmond; kuwo orke amakhala eluntu lwenwadi; aseOverstrand; kwifisi ezinkulu zeziko loshishino zikamasipala ino eHermanus; kunyetha kwi-website apha: www.overstrand.gov.za. Abantu abangakwaziyo ukubhala banga ndwendwela i ofisi zabaphathi bengingqi ezise Gansbaai, Stanford, Hermanus nase Kleinmond apho banokufumana umcebisi loku bhala izimvo zabo. Amagosa akumdawo eziphaphazelekayo zika masipala ame ngolu hlobo lulandelayo:

**C Groenewald
UMPHATHI KAWASIPALA**

uMasipala waseOverstrand
PO Box 20
HERMANUS
7200
Inombolo yefaksi: 028 313 8931

Inombolo yeesaziso: 153/2017

**OVERSTRAND MUNICIPALITEIT
KONSEPVERORDENING INSAKE DIE AANBIEDING
VAN GELEENTHEDE**

Kennisgewing gesied hiertoe dat die munisipaliteit voornemens is om bovermelde verordening te aanvaar. Die publiek word ingevoel artikel 12 van die Wet op Plaaslike Regeering: Munisipale Stelsels, 2000 (Wet 32 van 2000) geroep om voor of op 15 Desember 2017 by ondervermelde adres of faksnummer aan die Munisipale Bestuurder (vir aandag Lionel Wallace) verhoë te rig in verband met die beoogde verordening. Die konsepverordening sal ter inligting gedurende kantoorure beskikbaar wees by die kantore van die Area bestuurders in Gansbaai, Stanford, Hermanus en Kleinmond; alle oopbare biblioteke in die Overstrand; die munisipaliteit se korporatiewe hoofkantoor in Hermanus asook op die amptelike webwerf by www.overstrand.gov.za. Persone wat nie kan skryf, nie, kan die Area bestuurders in Gansbaai, Stanford of Hermanus gedurende kantoorure besoek, waar sodanige persone bygestaan sal word om hul kommentaar of verhoë op skrif te stel. Die aangewese amptenare vir die onderskeie munisipale areas is soos volg:

**C GROENEWALD
MUNISIPALE BESTUURDER**

Overstrand Munisipaliteit
Posbus 20
HERMANUS
7200
Faksnummer: 028 313 8931

Kennisgewingnummer: 153/2017

C GROENEWALD
MUNISIPALE BESTUURDER
MN. 153/2017

2/3

KLEINMOND SKRYNWERKERS



Ingeboude Slaapkamer, Kombuis, ens.

Ben-Louis Fourie : 083 330 8049

Faks: 086 266 1160

Email: kleinmondskrynwerke@live.co.za

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OVERSTRAND



OVERSTRAND MUNICIPALITY DRAFT BY-LAW RELATING TO THE STAGING OF EVENTS

Notice is hereby given that the municipality intends adopting the abovementioned by-law.

The public is invited in terms of Section 12 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) to submit representations in connection with the proposed by-law on or before 15 December 2017 to the Municipal Manager (for attention Lionel Wallace) at the under-mentioned address or fax number.

The proposed by-law will be available for perusal during office hours at the Offices of the Area Managers in Gansbaai, Stanford, Hermanus and Kleinmond; all public libraries in the Overstrand; the municipality's corporate head office in Hermanus and on the official website at www.overstrand.gov.za.

Persons who cannot write can visit the Offices of the Area Managers in Gansbaai, Stanford, Hermanus or Kleinmond during office hours where such persons will be assisted to transcribe their comments or representations. The designated officials for the respective municipal areas are as follows:

Gansbaai, Stanford: F Myburgh
Hermanus: D Kearney
Kleinmond: D Lakey

C GROENEWALD
MUNICIPAL MANAGER
Overstrand Municipality
PO Box 20
HERMANUS
7200
Fax number: 028 313 8931
Notice number: 153/2017

OVERSTRAND



UMASIPALA WASE OVERSTRAND UMTHETHO KAMASIPALA ONKULUMENE NAMAQONGA EZIGANEKO

Esi sisazizo esazisa ngenjongo kamasipala yokwamkela lomthetho ungentla.

Uluntu luyamerywa ngokwemigaqo yeCandelo 12 likaRhulumente waseKhaya: uMthetho weNkqubo zikaMasipala, 2000 (uMthetho 32 wonyaka we-2000) ukuba lungenise izimvo ngokunxulumene nomthetho ucetywayo kamasipala ngomhla okanye phambi kwe 15 Disemba 2017, zingeniswe kuMphathi kaMasipala (ithunyelwa iqwalaseliwe ngu Lionel Wallace) kule dilesi okanye kule nombolo yefeksi ekhankanywe ngezantsi.

Lo mthetho ucetywayo uyakufumaneka ukwenzela ukuba ujongisiswe, uphononongwe ngamaxsha omsebenzi kwi-ofisi zabaphathi bengingqi e Gansbaai, Stanford, Hermanus nase Kleinmond; kuwo onke amathala oluntu lwencwadi aseOverstrand; kwi-ofisi ezinkulu zeziko loshishino zikamasipala ino eHermanus kunye nakwi website apha: www.overstrand.gov.za.

Abantu abangakwaziyo ukubhala banga ndwendwela i ofisi zabaphathi bengingqi ezise Gansbaai, Stanford, Hermanus nase Kleinmond apho banokufumana uncedo loku bhala izimvo zabo. Amagosa akwindawo ezichaphazelekayo zika masipala ame ngolu hlobo lulandelayo:
Gansbaai, Stanford: F Myburgh
Hermanus: D Kearney
EKleinmond: D Lakey

C Groenewald
UMPHATHI KAMASIPALA
uMasipala waseOverstrand
PO Box 20
HERMANUS
7200
Inombolo yefeksi: 028 313 8931
Inombolo yesaziso: 153/2017

OVERSTRAND



OVERSTRAND MUNISIPALITEIT KONSEPVERORDENING INSAKE DIE AAN- BIEDING VAN GELEENTHEDE

Kennisgewing geskied hiermee dat die munisipaliteit voornemens is om bovermelde verordening te aanyaar.

Die publiek word ingeolge artikel 12 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet 32 van 2000) genooi om voor of op 15 Desember 2017 by ondervermelde adres of faksnommer aan die Munisipale Bestuurder (vir aandag Lionel Wallace) vertoe te rig in verband met die beoogde verordening.

Die konsepverordening sal ter inligting gedurende kantoorure beskikbaar wees by die kantore van die Area bestuurders in Gansbaai, Stanford, Hermanus en Kleinmond; alle openbare biblioteke in die Overstrand; die munisipaliteit se korporatiewe hoofkantoor in Hermanus asook op die amptelike webwerf by www.overstrand.gov.za.

Persone wat nie kan skryf nie, kan die Area bestuurders in Gansbaai, Stanford of Hermanus gedurende kantoorure besoek, waar sodanige persone bygestaan sal word om hul kommentaar of vertoe op skrif te stel. Die aangewese amptenare vir die onderskeie munisipale areas is soos volg:
Gansbaai, Stanford: F Myburgh
Hermanus: D Kearney
Kleinmond: D Lakey

C GROENEWALD
MUNISIPALE BESTUURDER
Overstrand Munisipaliteit
Posbus 20
HERMANUS
7200
Faksnommer: 028 313 8931
Kennisgewingnommer: 153/2017



OVERSTRAND MUNISIPALITEIT
VOORGESTELDE KONSEP BELEID EN VERORDENING VIR BYEENKOMSTE

Munisipale kennisgewings 152/2017 en 153/2017 verwys.

Ten einde belanghebbendes 'n geleentheid te bied om verdere kommentaar oor die konsep-verordening en beleid te lewer, word die sperdatum verleng vir die indien van sodanige kommentaar tot **12 Februarie 2018**. Beide die konsepbeleid en -verordening is op die Munisipale Webwerf (www.overstrand.gov.za) beskikbaar.

Alle belanghebbende partye word dus uitgenooi om hul geskrewe kommentaar tydens die verlengde publieke deelnametydperk in te dien.

Enige navrae kan gerig word aan die Senior Bestuurder, Regsdienste, (Tel: 028-313 5031, wallace@overstrand.gov.za).

Munisipale Kennisgewing Nr. 152/2017
 Munisipale Kennisgewing Nr. 153/2017

OVERSTRAND MUNICIPALITY
PROPOSED DRAFT EVENTS POLICY AND BY-LAW

Municipal Notices 152/2017 and 153/2017 refer.

In order to grant interested parties a further opportunity to provide representations on the draft policy and by-law, the deadline for submission of same is extended until **12 February 2018**. Both the draft policy and by-law are available on Overstrand Municipality's Municipal Website (www.overstrand.gov.za).

All interested parties are thus invited to provide their written representations during the extended public participation period.

Any enquiries can be directed to the Senior Manager, Legal Services, (Tel: 028-313 5031, wallace@overstrand.gov.za).

Municipal Notice No. 152/2017
 Municipal Notice No. 153/2017

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HERMANUS Notices Kennisgewings

OVERSTRAND

OVERSTRAND MUNISIPALITEIT
VOORGESTELDE KONSEP BELEID EN VERORDENING VIR BYEENKOMSTE

Munisipale kennisgewings 152/2017 en 153/2017 verwys.

Ten einde belanghebbendes 'n geleentheid te bied om verdere kommentaar oor die konsep-verordening en beleid te lewer, word die spierdatum verleng vir die indien van sodanige kommentaar tot 12 Februarie 2018. Beide die konsepbeleid en -verordening is op die Munisipale Webwerf (www.overstrand.gov.za) beskikbaar.

Alle belanghebbende partye word dus uitgenooi om hul geskrewe kommentaar tydens die verlengde publieke deelname tydperk in te dien.

Enige navrae kan gerig word aan die Senior Bestuurder, Regsdienste, (Tel: 028-313 5031, lw@laca@overstrand.gov.za).

Munisipale Kennisgewing Nr. 152/2017
Munisipale Kennisgewing Nr. 153/2017

OVERSTRAND MUNICIPALITY
PROPOSED DRAFT EVENTS POLICY AND BY-LAW

Municipal Notices 152/2017 and 153/2017 refer.

In order to grant interested parties a further opportunity to provide representations on the draft policy and by-law, the deadline for submission of same is extended until 12 February 2018. Both the draft policy and by-law are available on Overstrand Municipality's Municipal Website (www.overstrand.gov.za).

All interested parties are thus invited to provide their written representations during the extended public participation period.

Any enquiries can be directed to the Senior Manager, Legal Services, (Tel: 028-313 5031, lw@laca@overstrand.gov.za).

Municipal Notice No. 152/2017
Municipal Notice No. 153/2017



Die Black Leaves Boys lyk hier heel in hul skik met hulle oorwinning vir die dag, nadat hulle in 'n naelbytstryd in die finaal met die Young Maori's afgereken het.



Links is JW Human van die Benchwarmers blitsig aan die gang met die bal.



OVERSTRAND MUNISIPALITEIT
VOORGESTELDE KONSEP BELEID EN VERORDENING VIR
BYEENKOMSTE

Munisipale kennisgewings 152/2017 en 153/2017 verwys.
Ten einde belanghebbendes 'n geleentheid te bied om verdere kommentaar oor die konsep-verordening en beleid te lewer, word die sperdatum verleng vir die indien van sodanige kommentaar tot **19 Februarie 2018**. Beide die konsepbeleid en -verordening is op die Munisipale Webwerf (www.overstrand.gov.za) beskikbaar. Alle belanghebbende partye word dus uitgenooi om hul geskrewe kommentaar tydens die verlengde publieke deelnametydperk in te dien.

Enige navrae kan gerig word aan die **Senior Bestuurder, Regsdienste**, (Tel: 028-313 5031, lwallace@overstrand.gov.za).

Munisipale Kennisgewing Nr. 152/2017
Munisipale Kennisgewing Nr. 153/2017



OVERSTRAND MUNICIPALITY
PROPOSED DRAFT EVENTS POLICY AND BY-LAW
Municipal Notices 152/2017 and 153/2017 refer.

In order to grant interested parties a further opportunity to provide representations on the draft policy and by-law, the deadline for submission of same is extended until **19 February 2018**. Both the draft policy and by-law are available on Overstrand Municipality's Municipal Website (www.overstrand.gov.za).

All interested parties are thus invited to provide their written representations during the extended public participation period.

Any enquiries can be directed to the **Senior Manager, Legal Services**, (Tel: 028-313 5031, lwallace@overstrand.gov.za).

Municipal Notice No. 152/2017
Municipal Notice No. 153/2017



Die spelers in aksie tydens die Touchies Toernooi.



**KLEINMOND
SKRYNWERKERS**



Ingeboude Slaapkamer, Kombuiskaste, ens.

Ben-Louis Fourie : 083 330 8049

Faks: 086 266 1160

Email: kleinmondskrynwerke@live.co.za