

eThekwini Municipality

## **2010 FIFA WORLD CUP SOUTH AFRICA BY-LAWS**

(Published in terms of Municipal Systems Act 32 of 2000)

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**PREAMBLE**

**WHEREAS:**

- A. FIFA, an association organised in accordance with Article 60 of the Swiss Civil Code, is both the world governing body of association football and the lawful owner of the world-wide Marketing Rights, Media Rights and all other commercial rights in respect of the Competition; and
- B. FIFA has selected the Republic of South Africa as the host country of the Competition and has appointed the SAFA as the member association with the responsibility to organise, stage and host the Competition in the Republic of South Africa; and
- C. SAFA has, pursuant to an agreement with the LOC, assigned all its rights and delegated all of its obligations to the LOC, to organise, stage and host the Competition; and
- D. The eThekweni Municipality was included as one of the identified Host Cities in the Bid and by virtue of such inclusion in the Bid has agreed to be a candidate for selection by the LOC and FIFA as one of the host cities in which Matches will be staged; and
- E. Following the selection of the eThekweni Municipality, it has assumed certain obligations with regard to the Competition and in particular, has agreed to ensure that appropriate by-laws are passed to enable the efficient running of the Competition. In this instance, the eThekweni Municipality is required to ensure that appropriate by-laws in the areas listed below are promulgated and implemented, and become effective for the Term to enable an orderly and efficient staging and hosting of the Competition:
- Advertising,
  - Controlled Access,
  - Public Open Spaces and City Beautification,
  - Public Roads and Traffic Guidance as well as
  - Street Trading.

**NOW THEREFORE, IN CONSIDERATION OF THE FOREGOING, THE FOLLOWING ETHEKWINI MUNICIPALITY 2010 FIFA WORLD CUP SOUTH AFRICA BY-LAWS ARE ADOPTED:**

**1. CHAPTER 1 - PRELIMINARY PROVISIONS**

**1.1. Definitions**

In these By-laws the following terms shall bear the following meanings, unless the context otherwise indicates -

- 1.1.1. **“Accreditation”** means accreditation in terms of the Accreditation Systems and Procedure Annex;
- 1.1.2. **“Accreditation Systems and Procedure Annex”** means the accreditation systems and procedures of FIFA, that will be applicable to the Competition;
- 1.1.3. **“Advertisement”** means a visual representation including but not limited to a Sign, illustration, object, mark, symbol or device of any kind which is visible to the public from, including but not limited to, any street or any public place or any other vantage point or which is under or over-hanging from any bridge, building or other structure, including sky writing, used for Advertising activity; or any combination of such elements with the object of transferring information;
- 1.1.4. **“Advertising”** means the act or process of notifying, warning, informing, displaying, making known or any other act of transferring information in a visual or oral manner;
- 1.1.5. **“Advertising Structure”** means any physical structure erected or positioned so as to display a Sign or Billboard, or to which a Sign or Billboard is attached;
- 1.1.6. **“Ambush Marketing”** means marketing, promotional, advertising or public relations activity in words, sound or any other form, directly or indirectly relating to the

Competition, and which claims or implies an association with the Competition and/or capitalises or is intended to capitalise on an association with, or gains or is intended to gain a promotional benefit from it to the prejudice of any sponsor of, the Competition, but which is undertaken by a person which has not been granted the right to promote an association with the Competition by FIFA and whose aforesaid activity has not been authorised by FIFA Competition.

- 1.1.7. “**Air pollution**” means, as defined by the National Environment Management: Air Quality Act, 2004 (Act No. 39 of 2004 ) any change in the composition of the air caused by smoke, soot, dust (including fly ash), cinders, solid particles of any kind, gases, fumes, aerosols and odorous substances;
- 1.1.8. “**Approval**” means approval by the Municipality including by an Authorised Official, and “**Approve**” has a corresponding meaning;
- 1.1.9. “**Authorised Official**” means a Person authorised to implement the provisions of these By-laws, including but not limited to –
- 1.1.9.1. peace officers as contemplated in section 334 of the Criminal Procedure Act, 1977 ( Act No. 51 of 1977);
  - 1.1.9.2. Municipal or Metropolitan Police Officers as contemplated in the South African Police Services Act, 1995 (Act No. 68 of 1995); and/or
  - 1.1.9.3. such employees, agents, delegated nominees, representatives and/or service providers of the Municipality as are specifically authorised by the Municipality in this regard;
- 1.1.10. “**Bid**” means the representations, warranties, assurances and promises set forth in the documents submitted by SAFA to FIFA in connection with the

Competition bid, including without limitation all assurances and undertakings submitted by the relevant governmental authorities supporting the bid and confirming support for the staging and hosting of the Competition;

- 1.1.11. “**Billboard**” means any screen, board or Sign supported by a freestanding structure which may be handwritten, hand drawn or hand painted, paper-posted, sign-written, pasted with vinyl or covered, pasted or written upon by a combination of such methods and which may feature special effects, which displays an Advertisement;
- 1.1.12. “**Branded Licensee**” means any Person, not being a FIFA Partner, FIFA World Cup Sponsor or National Supporter, to which FIFA grants the right to place any of the Competition Marks on products (and related product packaging and product advertising materials) which also bear the corporate identification or trademark of such Person;
- 1.1.13. “**Broadcast Rights**” means the right to broadcast, transmit, display, film and photograph the Competition, as well as all recordings thereof (or any part thereof) in any form and in all media now known or hereafter and the right to exploit the same;
- 1.1.14. “**Broadcast Rights Holders**” shall mean a Person, that has acquired from FIFA, directly or indirectly, any part of the Broadcast Rights;
- 1.1.15. “**By-laws**” means these eThekweni Municipality 2010 FIFA World Cup South Africa By-laws relating to Advertising; Controlled Access Sites; Public Open Spaces; Public Roads and Traffic Guidance; and City Beautification and Street Trading and includes any notices promulgated in terms hereof;

- 1.1.16. **“Clear Height”** means the minimum vertical distance from the ground, road or surface level, whatever the case may be, to the underside of a Sign;
- 1.1.17. **“Commercial Affiliate”** means any FIFA Partner, FIFA World Cup Sponsor, National Supporter and Branded Licensee;
- 1.1.18. **“Competition”** means either the 2009 Confederations Cup which is scheduled to be contested in 14 June to 28 June in the year 2009 in the Republic of South Africa or the 2010 FIFA World Cup South Africa™ which is scheduled to be contested from 11 June to 11 July in the year 2010 in the Republic of South Africa, which ever Competition is applicable, under the governance of FIFA, including all Matches and Official Events;
- 1.1.19. **“Competition Marks”** means -
- 1.1.19.1.the Official Emblem;
  - 1.1.19.2.any official Competition mascot;
  - 1.1.19.3.any official Competition Poster;
  - 1.1.19.4.any official Competition ‘Look’ designs;
  - 1.1.19.5.two or three dimensional representations of the FIFA World Cup trophy; and
  - 1.1.19.6.any Competition-related designations including trade marks and marks as defined in the Trade Marks Act, 1993;
- 1.1.20. **“Conservation Public Open Space”** means Public Open Space which is managed by or on behalf of the Municipality for conservation purposes, and includes any nature reserve, greenbelt, ravine, bird sanctuary and site of historic, ecological or archaeological value;
- 1.1.21. **“Controlled Access Site”** means –

- 1.1.21.1.the locations of the Matches including without limitation, the Stadium;
  - 1.1.21.2.the locations of the Official Events;
  - 1.1.21.3.any other areas in respect of which admission is regulated by Accreditation;
  - 1.1.21.4.Accreditation centres;
  - 1.1.21.5.Official Training Sites;
  - 1.1.21.6.Team Hotels;
  - 1.1.21.7.the official hotels for the FIFA Delegation;
  - 1.1.21.8.FIFA Fan Parks; and
  - 1.1.21.9.any other area within the area of jurisdiction of the Municipality, designated or demarcated by the Municipality as a Controlled Access Site and shall include private property;
- 1.1.22. **"Culture"** means the dynamic totality of distinctive, spiritual, material, intellectual and emotional features which characterise a society or a social group and includes the intangible aspects of inherited culture, which includes cultural tradition; oral history; performance; ritual; popular memory; skills and techniques; indigenous knowledge systems; the holistic approach to nature, society and social relationships; language and heritage conservation and further includes any museum, archive, library, historical site and monument and **"Cultural"** shall have a corresponding meaning;
- 1.1.23. **"Demarcated Space"** means a portion of a road or the road reserve which has been identified and demarcated as a place where a vehicle may be lawfully parked;

- 1.1.24. **“Environment”** means, as defined in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) as the surroundings within which humans exist and that are made up of –
- 1.1.24.1. the land, water and atmosphere of the earth;
  - 1.1.24.2. micro-organisms, plant and animal life;
  - 1.1.24.3. any part or combination of the above; and
  - 1.1.24.4. the physical, chemical, aesthetic and cultural properties and conditions of the foregoing that influence human health and well-being;
- 1.1.25. **“Exclusion Zone”** means the controlled zone situated immediately outside the outer perimeter of the Stadium, as designated or demarcated by the Municipality, including private property located therein;
- 1.1.26. **“FIFA”** means Fédération Internationale De Football Association;
- 1.1.27. **“FIFA Congress”** means the bi-annual congress of FIFA, being FIFA’s supreme body constituted by representatives of all FIFA Member Associations held [in conjunction with the Competition];
- 1.1.28. **“FIFA Delegation”** means with respect to the Competition, the following Persons –
- 1.1.28.1. FIFA staff and the staff of all FIFA subsidiary companies;
  - 1.1.28.2. members of FIFA’s internal official committees;
  - 1.1.28.3. guests of FIFA; and
  - 1.1.28.4. all other individuals who are nominated by FIFA as being a member of the FIFA Delegation;

- 1.1.29. **“FIFA Fan Park”** means a fan park to be established by the Municipality under the auspices and guidance of FIFA;
- 1.1.30. **“FIFA Member Association”** means any national football association officially affiliated to FIFA;
- 1.1.31. **“FIFA Partner”** means a Person to which FIFA grants the most comprehensive package of available Marketing Rights;
- 1.1.32. **“FIFA World Cup Sponsor”** means a Person to which FIFA grants the second most comprehensive package of available Marketing Rights;
- 1.1.33. **“Final Draw”** means the official draw ceremony for the Competition, by means of which the Participating Member Associations are allocated to Competition groups;
- 1.1.34. **“Goods”** means any items or stock displayed or kept by a Street Trader for the purpose of Selling, including animals as defined in the Animal Protection Act, 1962 (Act No. 71 of 1962);
- 1.1.35. **“Intersection”** means any intersection as defined in the regulations promulgated in terms of the National Road Traffic Act, 1996 (Act No. 93 of 1996);
- 1.1.36. **“Litter”** includes any receptacle, container or other matter, which has been discarded or abandoned or left behind by a Street Trader or his or her customers;
- 1.1.37. **“LOC”** means the 2010 World Cup Organising Committee, an association incorporated under Section 21 of the Companies Act, 1973 (Act No. 61 of 1973) (Registration No. 2005/029945/08);
- 1.1.38. **“Local Community”** in relation to the Municipality means that body of Persons comprising –

- 1.1.38.1. the residents within the area of jurisdiction of the Municipality;
- 1.1.38.2. the ratepayers of the Municipality;
- 1.1.38.3. any civic organisation and non-governmental, private sector or labour organisation or body which is involved in local affairs within the Municipality; and
- 1.1.38.4. Persons visiting the area of jurisdiction of the Municipality, including visitors to the Competition, who, because of their presence in that area, make use of services or facilities provided by the Municipality;
- 1.1.39. “**Marketing Rights**” means all advertising, promotional, marketing, merchandising, licensing, franchising, sponsorship, hospitality, publishing, and any other rights and/or associated commercial opportunities (other than the Media Rights) related to or in connection with the Competition;
- 1.1.40. “**Match(es)**” means each and every football match in their entirety (including extra time and penalty kick phases) of the Competition, including training matches and any delayed or deferred matches and replays;
- 1.1.41. “**Media**” means all members of the written press, photographers and electronic media entitled to media Accreditation;
- 1.1.42. “**Media Rights**” means the right to broadcast, transmit, display, film and photograph the Competition, as well as all recordings thereof (or any part thereof) in any form and in all Media now known or hereafter and the right to exploit such rights;
- 1.1.43. “**Municipality**” means –

- 1.1.43.1.the eThekweni Municipality established in terms of the Local Government: Municipal Structures Act 1998 (Act No. 117 of 1998);
- 1.1.43.2.its successors in title; or
- 1.1.43.3.a municipal owned entity or a delegated nominee fulfilling a responsibility under these By-laws, assigned to it in terms of section 81(2) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), or any other law, as the case may be;
- 1.1.44. **“Municipal Services”** means any municipal service provided or system conducted by or on behalf of the Municipality for the collection, conveyance, treatment or disposal of refuse, sewage or storm water or for the generation, impounding, storage, purification or supply of water, gas or electricity, or any other services that may be required for or in connection with the Competition;
- 1.1.45. **“National Supporter”** means a Person to which FIFA grants a package of specified Marketing Rights, such rights to be exercisable only in the Republic of South Africa;
- 1.1.46. **“Nuisance”** means:
- 1.1.46.1.any stream, pool, marsh, ditch, gutter, watercourse, cistern, watercloset, earthcloset, urinal, cesspool, cesspit, drain, sewer, dung pit, slop tank, ash heap or dung heap so foul or in such a state or so situated or constructed as to be offensive or to be injurious or dangerous to health;
- 1.1.46.2.any stable, kraal, shed, run or premises used for the keeping of animals or birds and which is so constructed, situated, used or kept as to be

offensive or to be injurious or dangerous to health;

1.1.46.3.any accumulation of refuse, offal, manure or other matter which is offensive or is injurious or dangerous to health;

1.1.46.4.any public building which is so situated, constructed, used or kept as to be unsafe or to be injurious or dangerous to health;

1.1.46.5.any occupied dwelling for which no proper and sufficient supply of pure water is available within a reasonable distance;

1.1.46.6.any factory or industrial or business premises not kept in a cleanly state and free from offensive smells arising from any drain, water closet, earth closet, urinal or any other source, or not ventilated so as to destroy or render harmless and inoffensive as far as practicable any gases, vapours, dust or other impurities generated, or so overcrowded or so badly lighted or ventilated as to be injurious or dangerous to the health of those employed therein or thereon;

1.1.46.7.any factory or industrial or business premises causing or giving rise to smells or effluvia which are offensive or which are injurious or dangerous to health;

1.1.46.8.any area of land kept or permitted to remain in such a state as to be offensive;

1.1.46.9.any other activity, condition or thing declared to be a nuisance by the Minister in terms of the provisions of the Health Act, 1977 (Act No. 63 of 1977);

1.1.46.10. an unreasonable interference with:

- 1.1.46.10.1. the health or well-being of a Person;
  - 1.1.46.10.2. the use and enjoyment by an owner or occupier of his or her property;
  - 1.1.46.10.3. the use and enjoyment by a member of the public of a Public Open Space;
- 1.1.47. **“Official Emblem”** means any official logo and/or official device of the Competition;
- 1.1.48. **“Official Events”** means any organisational, social, cultural and other official functions, ceremonies and draws staged, hosted or organised by the LOC and/or FIFA in connection with the Competition;
- 1.1.49. **“Official Training Site”** means a venue within the jurisdiction of the Municipality selected to host any Competition-related training sessions for a Team, including the surrounding and adjacent areas, parking facilities, media areas, concourses, fencing and entrances, under the control of the Municipality;
- 1.1.50. **“Organ of State”** means –
- 1.1.50.1. any department of State or administration in the national, provincial or local sphere of government; and
  - 1.1.50.2. any other functionary or institution –
    - 1.1.50.2.1. exercising a power or performing a function in terms of the Constitution of the Republic of South Africa Act, 1996 (Act No. 108 of 1996) or a provincial Constitution; or
    - 1.1.50.2.2. exercising a public power or performing a public function in terms

of any legislation, but does not include a court of law and a judicial officer;

- 1.1.51. **“Owner”** in relation to a Sign includes a Person who owns or leases the Advertising Structure applicable to a Sign, or will own or lease such Advertising Structure once it has been erected, and any Person who has a right to share in the ownership or lease of such Advertising Structure;
- 1.1.52. **“Parking Meter”** means a device for registering and visibly recording the period that a vehicle is permitted to occupy a Demarcated Space in accordance with the insertion of a coin, token, card or other Prescribed object therein and includes a post or fixture to which it is attached or permitted by valid road traffic signs specifying a permissible time period within which to park, or a device in which a coin can be inserted to produce a coupon to be displayed on a vehicle, that registers and visibly record the period that a vehicle is permitted to occupy a Demarcated Space to park;
- 1.1.53. **“Parking Period”** means that period of parking in a Demarcated Space which is permitted by the insertion into the Parking Meter allocated to such Demarcated Space of a coin, token, card or other object as Prescribed or permitted by valid road traffic signs specifying a permissible time period within which to park;
- 1.1.54. **“Participating Member Association”** means any FIFA Member Association whose representative Team has qualified to participate in the Competition;
- 1.1.55. **“Person”** means a legal person which includes a natural person, partnership, firm, corporation, corporation trust, unincorporated association, joint venture, company and close corporation;

- 1.1.56. **“Premises”** means an erf, stand, land, lot, plot, agricultural holding, farm portion or similar land entity registered in a deeds registry, or traditional land allotment;
- 1.1.57. **“Prescribed”** means prescribed by Municipal resolution;
- 1.1.58. **“Prohibited Area”** means a place declared in terms of section 6A(2) of the Businesses Act, 1991 (Act No. 71 of 1991) to be an area in which Street Trading is prohibited;
- 1.1.59. **“Property”** means in relation to a person carrying on the business of Street Trading any article, receptacle, vehicle or structure used or intended to be used in connection with such business;
- 1.1.60. **“Public Advertising Media”** means such Advertising media space (including, without limitation, light and electricity posts, and Advertising space on public buildings) as is owned, leased, administered by or under the direct control of the Municipality;
- 1.1.61. **“Public Amenity”** means -
- 1.1.61.1.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 Road, road reserve, reserve street, lake, dam, or river;
  - 1.1.61.2.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;

1.1.61.3.any nature conservation area including -

- 1.1.61.3.1. nature reserves;
- 1.1.61.3.2. protected natural areas;
- 1.1.61.3.3. nature conservation worthy areas;
- 1.1.61.3.4. natural open spaces;

1.1.62. **“Public Open Space”** means any land which –

1.1.62.1.is owned by an Organ of State; or

1.1.62.2.is let or over which an Organ of State has certain real rights arising from the filing in the Deeds Office or other registration office of a general plan of a township, agricultural holding or other division of land, or any alteration, addition to or amendment of such land approved by the Surveyor General, on which is marked the land to which the public has a common right of use; and

1.1.62.3.is controlled and managed by the Municipality; and

1.1.62.4.is either –

1.1.62.4.1. set aside in terms of any law, zoning scheme or spatial plan, for the purpose of public Recreation, conservation, the installation of public infrastructure or agriculture; or

1.1.62.4.2. predominantly undeveloped and open and has not yet been set aside for a particular purpose in terms of any law, zoning scheme or spatial plan;

1.1.62.4.3. used for public Recreational or Cultural purposes, and includes a

FIFA Fan Park, any park, botanical garden, sports ground and playground, libraries, multimedia libraries, museums, art centres, sports facilities, sports fields, sports centres, public gymnasiums and swimming pools, community halls, community centres and any place at which group activities of an indoor sporting, Cultural or Recreational nature can be pursued;

- 1.1.63. “**Public Road**” means a square, public street, avenue, road, sidewalk, an island located within a street, avenue or road, subway, avenue, bridge, walkway, public passageway and any thoroughfare shown on the general plan of a township or in respect of which the public has acquired a prescriptive or other right of way and which is more fully described in the National Road Traffic Act, 1996 (Act No. 93 of 1996);
- 1.1.64. “**Recreation**” or “**Recreational**” means any leisure activity;
- 1.1.65. “**Restricted Area**” means any area including public property, designated as such by the Municipality for the purpose of Street Trading during the Competition subject to such specific conditions and restrictions as the Municipality may deem fit;
- 1.1.66. “**SAFA**” means South African Football Association;
- 1.1.67. “**Safety and Security Plan**” means the safety and security plans to be implemented by the Municipality during the Competition;
- 1.1.68. “**Sell**” includes -
- 1.1.68.1.offer to render a service;
  - 1.1.68.2.barter, exchange or hire out;

1.1.68.3. display, expose, offer or prepare for sale;

1.1.68.4. store with a view to selling; or

1.1.68.5. provide a service for reward,

and "**Sale**" and "**Selling**" have corresponding meanings;

1.1.69. "**Services**" includes any advantage or gain for consideration or reward;

1.1.70. "**Sign**" means any method of displaying writing, letters, numbers, figures, objects, Competition Marks, photographs, symbols or illustrations, pamphlets, and includes but is not limited to a non-physical sign projected onto a building or other structure or in the air with the aid of modern technology (e.g. laser beams), which device, article or non-physical sign is visible or distributed in any way whatsoever from a road or public place, or any place whatsoever, for the purpose of advertising, providing information, Ambush Marketing or attracting the public to any place, public display, article or merchandise for sale, and whether the surface of the sign is attached to or forms part of a building, or is fixed to the ground or to a pole, tree, screen or hoarding, Person, vehicle or other movable object, or is displayed or distributed in any other way including but not limited to security signs, projecting signs, trailer signs, boundary wall signs, tourism signs, window signs, signs on buildings, sky signs, roof signs, flat signs, signs painted on walls and roofs of buildings, aerial signs, development signs, service facility signs, signs for sponsored road traffic projects, building wrap signs, construction site signs, tower and bridge signs, on-Premises business signs, signs at residential properties or community signs, forecourt signs, balcony, veranda, canopy and under-awning signs, functional signs by public bodies, real estate agent signs, electronic signs, signs for sale of goods or livestock, signs pulled or attached to or created by

vehicles or aircrafts including sky banners and sky writing, hand held signs, signs attached or incorporated into clothing, headgear, costumes, flags, spectator cheering articles or banners, and for the avoidance of doubt including any Billboard, but excluding road traffic signs and street name signs;

- 1.1.71. **“Special Event”** means a parade, procession, race, concert, show, exhibition, festival, ceremony, film shoot, photographic shoot or any other similar event of a sporting, Cultural or Recreational nature which requires, for that purpose, exclusive use of the whole or a part of a Public Open Space;
- 1.1.72. **“Stadium”** means any stadium within the geographical area of jurisdiction of the Municipality that will be used for purposes of the Competition, including the entire premises thereof inside the perimeter fence, the aerial space above such stadium premises, all parking facilities, hospitality areas, media zones, concession areas and commercial display areas;
- 1.1.73. **“Street Furniture”** means any furniture and fittings installed by, or on behalf of the Municipality on a Public Road for public use;
- 1.1.74. **“Street Trader”** means a Person selling Goods and includes a seller, peddler or hawker and also:
- 1.1.74.1.a Person who as principal, agent, assistant, subcontractor, employer or employee carries on the business of Street Trading or on behalf of whom or for whose benefit the business of Street Trading is carried on; and
  - 1.1.74.2.a Person to whom a stand has been leased or allocated by the Municipality and for as long as such Person is carrying on the business of Street Trading on it;

- 1.1.75. **“Street Trading”** means the Selling of any Goods by a Street Trader;
- 1.1.76. **“Team”** means any team which represents a Participating Member Association and which has qualified to participate in the Competition. References to **“Team”** shall include all squad members and coaches as stipulated in the 2010 Regulations as well as medical personnel and other auxiliary staff;
- 1.1.77. **“Team Hotel”** means a hotel and any other location providing accommodation within the area of jurisdiction of the Municipality, for a Team;
- 1.1.78. **“Term”** means the period as specified in the attached Term Schedule in Chapter 9;
- 1.1.79. **“Ticket”** means the evidential item representing that the Ticket Holder has the right to enter a Stadium to attend a particular Match and/or Official Event of the Competition and to obtain a particular seat allocated to the Ticket for that purpose in accordance with the Ticket terms and conditions and all applicable laws, and **“Ticketing”** shall have a corresponding meaning;
- 1.1.80. **“Ticket Holder”** means a Person who has the right in terms of a Ticket to attend a particular Match or Official Event and to obtain a particular seat allocated to the Ticket for that purpose;
- 1.1.81. **“Traffic-free Zone”** means as defined in section 7(1) (b) of the Special Measures Act, 2006 (Act No. 11 of 2006) any Public Road or area that is identified by the National Commissioner of the South African Police Service, after consultation with all other stakeholders, as a traffic-free zone and that is clearly marked in the prescribed manner as a traffic-free zone;
- 1.1.82. **“Trolley”** means a push trolley, push cart or any table, stand or basket on wheels;

- 1.1.83. “**Verge**” means a verge as defined in the National Road Traffic Act, 1996 (Act No. 93 of 1996); and
- 1.1.84. “**Waste**” means refuse and includes but not limited to any substance or article which a Person wishes to dispose of because it is unwanted, superfluous, broken, worn out, contaminated or otherwise spoilt and that has been discarded or has been accumulated or stored so that it can be discarded, reused, reclaimed or recycled.

## 1.2. Application of the By-Laws

- 1.2.1. To the extent that any notices, directives, instructions, regulations, policies or procedures issued by FIFA or the LOC will be administered and enforced by the Municipality and will or may create obligations binding on the Local Community, such notices, directives, instructions, regulations, policies or procedures shall be published by the Municipality as notices to these By-laws.
- 1.2.2. For the purpose of these By-laws a reference to any legislation shall be a reference to that legislation and the regulations promulgated there under, as at the date of promulgation of these By-laws and as amended or re-enacted from time to time.
- 1.2.3. These By-laws shall be construed as an addition to the Municipality’s existing by-laws relating to Advertising; Controlled Access Sites, Public Open Spaces and City Beautification; Public Roads and Traffic Guidance and Street Trading, if any, and to the extent that conflicts may arise between the Municipality’s existing by-laws relating to Advertising; Controlled Access Sites, Public Open Spaces and City Beautification; Public Roads and Traffic Guidance and Street Trading , if any, and these By-laws, the provisions of these By-laws shall prevail.

- 1.2.4. If any provision in these By-laws vests or imposes any power, function or duty of the Municipality in or on an employee of the Municipality, 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 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.

### **1.3. Purpose of the By-Laws**

- 1.3.1. The Municipality has the responsibility to manage, administer, maintain and implement these By-laws and ensure that all areas and activities outlined under subsection 1.1.15 hereof are effectively dealt with in accordance with these By-laws and notices thereto as well as any other applicable provincial and/or national legislation relevant to the staging and hosting of the Competition.
- 1.3.2. In this regard, the Municipality has the responsibility to ensure the following within its area of jurisdiction during the Term:
  - 1.3.2.1. the regulation of Advertising;
  - 1.3.2.2. the effective administration of Controlled Access Sites;
  - 1.3.2.3. the regulation of Special Events and the administration, management, maintenance and the general enhancement of neatness of Public Open Spaces;
  - 1.3.2.4. the appropriate traffic guidance, management and control measures are adopted, including the provision of Public Road users with all necessary information, such as, including but not limited to, information about actual and

anticipated road closures, detours, parking areas, Traffic-free Zones, and where possible, directions and suitable routes to and from Stadiums and Official Events to ensure the orderly and safe flow of traffic; and

1.3.2.5. the regulation of Street Trading.

## 2. **CHAPTER 2 – PRINCIPAL PROVISIONS: ADVERTISING**

### 2.1. **General Prohibitions**

2.1.1. No Person may, in any place owned, leased, administered by or under the Control of the Municipality -

2.1.1.1. engage in Ambush Marketing for the Term;

2.1.1.2. engage in any Advertising or erect and/or position any Advertising Structure without the prior Approval of the Municipality.

2.1.2. No Person shall, except with the prior Approval of the Municipality granted specifically with regard to the Competition, conduct any Advertising activity on any Public Advertising Media during the Term in the following areas, including on private property falling therein –

2.1.2.1. at any Controlled Access Site, or

2.1.2.2. within a one kilometre radius of a Stadium or as demarcated by the Municipality;

2.1.2.3. within a 100 (one hundred) meter radius of a FIFA Fan Park or as demarcated by the Municipality;

2.1.2.4. at any place visible from the principal public road(s), as designated by the Municipality by means of appropriate signage, leading to the venue of a Stadium, and within two kilometres from the perimeter of a Stadium, as the case may be or as demarcated by the Municipality; and

2.1.2.5. at any other area designated and/or gazetted by the Municipality.

- 2.1.3. No Person shall, except with the prior Approval of the Municipality granted specifically with regard to the Competition, and to the extent applicable and within the Municipality's jurisdiction, conduct any Advertising activity on any Public Advertising Media during the Term, in the following areas -
- 2.1.3.1. immediately outside or surrounding airports;
  - 2.1.3.2. in or immediately outside or surrounding main train stations;
  - 2.1.3.3. within a kilometre radius of the central business district of the area of jurisdiction of the Municipality or as demarcated by the Municipality; and
  - 2.1.3.4. to the extent the Municipality has jurisdiction, on the principal routes from the airport and main train stations to the central business district of the area of jurisdiction of the Municipality and to the Stadium.
- 2.1.4. No Person shall, during the Term erect, maintain, distribute or display a Sign or a Billboard at a Controlled Access Site or within an Exclusion Zone, without the prior written Approval of the Municipality granted specifically with regard to the Competition.

## 2.2. **Safety**

No Person shall erect, maintain, distribute or display a Sign, a Billboard or an Advertising Structure in a Controlled Access Site or an Exclusion Zone, in particular, or in any other area within the Municipality, in general, which –

- 2.2.1. constitutes a danger to any Person or property;
- 2.2.2. is so placed or contains an element which distracts the attention of drivers in a manner likely to lead to unsafe driving conditions;

- 2.2.3. is illuminated to the extent that it causes discomfort to or inhibits the vision of approaching pedestrians or drivers;
- 2.2.4. is attached to a road traffic sign or signal;
- 2.2.5. combined with a road traffic sign or signal obscures a road traffic sign or signal;
- 2.2.6. creates confusion with a road traffic sign or signal;
- 2.2.7. interferes with the functioning of a road traffic sign or signal or creates a road safety hazard;
- 2.2.8. obscures a pedestrian's or driver's view of pedestrians, road or rail vehicles and features of the road, railway or pavement such as junctions, bends and changes in width;
- 2.2.9. projects over a pedestrian or cycle circulation route, unless the Clear Height of such Sign is Approved by the Municipality;
- 2.2.10. obstructs a fire escape and/or fire fighting equipment;  
or
- 2.2.11. is placed closer than the minimum clearance Prescribed by the Municipality with regard to overhead power lines.

### 2.3. Design and Construction

- 2.3.1. Advertising Structures in a Controlled Access Site or an Exclusion Zone, in particular, or in any other area within the Municipality, in general, shall be designed and constructed according to applicable South African Bureau of Standards (“**SABS**”) approved standards.
- 2.3.2. Every Sign in a Controlled Access Site or an Exclusion Zone, in particular, or in any other area within the Municipality, in general, in which electricity is used, including electronic and illuminated Signs, must -

- 2.3.2.1. have power cables and conduits containing electrical conductors positioned and fixed in such a manner that they are not unsightly;
  - 2.3.2.2. be designed in such a manner that the Sign is not a fire risk;
  - 2.3.2.3. be provided with an external switch in an accessible position and at a height of at least three metres from the ground by means of which the electricity supply to the Sign may be switched off;
  - 2.3.2.4. be wired and constructed in accordance with and subject to the provisions of all applicable laws and regulations; and
  - 2.3.2.5. be installed and erected by a qualified and registered electrician.
- 2.3.3. No person shall erect, maintain or display a Sign, Billboard or an Advertising Structure in a Controlled Access Site or an Exclusion Zone, in particular, or in any other area within the Municipality, in general, which interferes or is detrimental with the functioning of the natural environment.

## 2.4. **Maintenance**

All Signs in Controlled Access Sites and Exclusion Zones, in particular, or in any other area within the Municipality, in general, shall be maintained by their Owners on proper regular basis, and the owner shall ensure that such signs are kept in a safe, neat and tidy manner.

### 3. **CHAPTER 3 - PRINCIPAL PROVISIONS: CONTROLLED ACCESS SITES**

#### **Designation of Controlled Access Sites and Exclusion Zones**

- 3.1. The Municipality may designate an area referred to in subsection 1.1.21, as a Controlled Access Site.
- 3.2. Designation of Controlled Access Sites will be indicated by the City Manager to the Local Community by means of public notices, local newspapers and/or Municipality's website.
- 3.3. The Municipality may designate an area, referred to in subsection 1.1.25 within its jurisdiction as an Exclusion Zone.
- 3.4. Designation of Exclusion Zones will be indicated to the Local Community by the City Manager by means of public notices, local newspapers and/or Municipality's website.

#### **3.5. General Prohibition Applicable to Controlled Access Sites**

No Person shall except with the written Approval of the Municipality -

- 3.5.1. smoke, eat, drink or sleep in any Controlled Access Site where these activities are forbidden;
- 3.5.2. interfere with any works being carried out, including but not limited to, installation of equipment, plant or infrastructure located within or upon a Controlled Access Site;
- 3.5.3. remove any object or part thereof or any fixture, fitting or equipment from a Controlled Access Site;
- 3.5.4. bring any animal except guide dogs or animals assisting Authorised Officials in the execution of their duties into any Controlled Access Site;
- 3.5.5. use abusive or otherwise objectionable language or behave in an abusive, objectionable or disorderly manner in a Controlled Access Site;

- 3.5.6. hamper, disturb, obstruct or harass any other Person using and/ or entering any Controlled Access Site;
- 3.5.7. damage or indirectly cause damage to any part of a Controlled Access Site or its contents or equipment;
- 3.5.8. spill or drop any substance that may cause danger or harm to any user of a Controlled Access Site;
- 3.5.9. commit any act of vandalism including but not limited to painting, defacing or marking any part of any Controlled Access Site;
- 3.5.10. lie, sit, stand, congregate or walk, in a manner that otherwise causes an obstruction of any nature whatsoever, within any Controlled Access Site;
- 3.5.11. tout or solicit a driver of a motor vehicle who parks a motor vehicle at a Controlled Access Site for the purpose of or under pretext of looking after or watching over the motor vehicle;
- 3.5.12. urinate, excrete or behave or act in manner that may be considered an act of public indecency within any Controlled Access Site;
- 3.5.13. deposit or leave or cause to be left any object which may endanger or cause harm to or be a Nuisance to any user of a Controlled Access Site;
- 3.5.14. carry, brandish or otherwise display or use within a Controlled Access Site any weapon, traditional weapon or any other object that may cause harm; or
- 3.5.15. throw any object, of any nature whatsoever, within or onto a Controlled Access Site, or
- 3.5.16. engage in Ambush Marketing.

### **3.6. Exclusion Zone**

- 3.6.1. No Person shall conduct business activities on a Match day in the Exclusion Zone except with the written Approval of the Municipality granted specifically with regard to the Competition.
- 3.6.2. No Person shall conduct any Ambush Marketing in the Exclusion Zone.

#### 4. **CHAPTER 4 - PRINCIPAL PROVISIONS: PUBLIC OPEN SPACES AND CITY BEAUTIFICATION**

##### 4.1. **City Beautification for Competition**

- 4.1.1. All Persons engaged in major construction during the Term which is visible to the public view and close to, major or concentrated transport centres or entertainment areas which will or may be used for the Competition, Controlled Access Sites and the Exclusion Zone, shall take all necessary measures at their own cost to cover and/or conceal such construction sites from public view to the satisfaction of the Municipality.
- 4.1.2. The Municipality shall have the right, to request any holder of any existing licence, permit, Approval or other authorisation to undertake any major public or major private construction works at, any concentrated transport centres or entertainment areas which will or may be used for the Competition, Controlled Access Sites and the Exclusion Zone which is in progress at the start of the Competition, to suspend any such construction works for the whole or any part of the Term, without any obligation on the part of the Municipality to compensate such holder, provided that that the period of any such suspension shall be added to the duration of that licence, permit, Approval or other authorisation following the termination of such suspension at the end of the Term.

- 4.1.3. No Person shall write, paint, or by any other means, display pictures, signs, writing or symbols in the area of jurisdiction of the Municipality during the Term which in the reasonable opinion of the Municipality amounts to graffiti.

## 4.2. General Prohibition

No Person shall at a Special Event or in a Public Open Space, in particular, or in any other area within the Municipality, in general, without the Approval of the Municipality -

- 4.2.1. cause a Nuisance to other users of a Public Open Space;
- 4.2.2. use abusive or otherwise objectionable language or behave in an abusive, objectionable or disorderly manner towards any other user of a Public Open Space;
- 4.2.3. hamper, disturb, obstruct or harass any other person using and/ or entering a Public Open Space;
- 4.2.4. damage or indirectly cause damage to any part of a Public Open Space or its infrastructure, plant, equipment, fixtures, fittings, buildings and/or structures;
- 4.2.5. smoke, eat, drink or sleep in a Public Open Space where these activities are forbidden;
- 4.2.6. spill or drop any substance that may cause danger or harm to any user of a Public Open Space;
- 4.2.7. interfere with any works being performed or the installation of any equipment, plant or infrastructure located within or upon a Public Open Space;
- 4.2.8. remove or damage any object or part of any fixture, fitting, equipment, plant or infrastructure from a Public Open Space;

- 4.2.9. commit any act of vandalism including but not limited to painting, defacing or marking any part of a Public Open Space or any infrastructure, plant, equipment, fixtures, fittings, buildings and/or structures erected, constructed, installed or otherwise located within or upon a Public Open Space;
- 4.2.10. lie, sit, stand, congregate or walk so as to cause a wilful obstruction, or otherwise cause any obstruction, of any nature whatsoever in a Public Open Space;
- 4.2.11. tout or solicit a driver of a motor vehicle who parks a motor vehicle at or immediately adjacent to a Public Open Space for the purpose of or under pretext of looking after or watching over the motor vehicle;
- 4.2.12. urinate or excrete except in a facility specifically designed for and provided by the Municipality for that purpose or otherwise act in any manner that may be considered an act of public indecency in a Public Open Space;
- 4.2.13. beg or solicit money in a Public Open Space;
- 4.2.14. deposit or leave or cause to be left any object which may endanger or cause harm to any user of a Public Open Space;
- 4.2.15. carry, brandish or otherwise display or use within a Public Open space any weapon, traditional weapon or any other object that may cause harm;
- 4.2.16. throw any object, of any nature whatsoever, within or onto a Public Open Space;
- 4.2.17. unlawfully enter a Public Open Space to which access has been restricted or prohibited;
- 4.2.18. cause a Nuisance including play loud or offensive music;

- 4.2.19. bathe, wade, or swim in or wash himself, an animal or any object, including clothing, in any water body located within or upon a Public Open Space;
- 4.2.20. make, light or otherwise start a fire except in a facility specifically designed for and provided by the Municipality for that purpose;
- 4.2.21. camp or reside;
- 4.2.22. perform any action prohibited in terms of any sign erected by the Municipality in a Public Open Space; and
- 4.2.23. consume any beverage from a glass container.

### **4.3. Access Restriction**

- 4.3.1. The Municipality may restrict the general access to and use of any Public Open Space in order to protect a Public Open Space or to reduce vandalism and/or the destruction of Municipality property at any Public Open Space.
- 4.3.2. The Municipality may restrict the general access to and use of any Public Open Space in order to develop or undertake any activity which it reasonably considers necessary or appropriate to achieve the purposes of these By-laws in preparation for the Competition.

### **4.4. Waste**

- 4.4.1. No Person shall -
  - 4.4.1.1. deposit, dump or discard any Waste, other than in a receptacle provided by the Municipality for that purpose, at a Public Open Space; or
  - 4.4.1.2. pollute or deposit any Waste in a manner which may detrimentally impact on any water body located upon or within a Public Open Space.

4.4.2. Every bar and/or restaurant shall ensure that its Waste containers do not overflow with Waste.

4.4.3. The Municipality shall have a right to enter any bar and/or restaurant for the purpose of removing an overflowing Waste container, at the owner's expense,

#### **4.5. Vehicles**

No Person shall -

4.5.1. except at times specified and on roads or pathways provided by the Municipality, drive, draw or propel any vehicle other than a bicycle or a vehicular device used by a person with disability at a Public Open Space;

4.5.2. drive, draw or propel any vehicle of whatsoever nature in excess of 40 (forty) kilometres per hour within a Public Open Space; or

4.5.3. park any vehicle of whatsoever nature in a Public Open Space, except in designated area or other area where parking is otherwise permitted by the Municipality at a Public Open Space.

#### **4.6. Vegetation and Animals**

No Person shall without the express authorisation of the Municipality, within a Public Open Space –

4.6.1. disturb, damage, destroy or remove any tree, shrub or other vegetation;

4.6.2. affix, place, arrange or create any Advertisement of whatever nature anywhere within a Public Open Space;

4.6.3. plant any vegetation;

4.6.4. alter the slope or drainage pattern so as to interfere with the access of water, air or nutrients to any tree or other plant;

- 4.6.5. capture or attempt to capture, chase, shoot at, injure, throw objects at, tease, molest or in any other way disturb any animal, fish, or bird or its nest or egg;
- 4.6.6. ride a horse, except -
  - 4.6.6.1. in an area designated by the Municipality for that purpose; and
  - 4.6.6.2. a Person who in the performance of his or her official duties, patrols such Public Open Spaces on horseback;
- 4.6.7. walk, carry, ride or bring an animal other than a horse or dog provided that the presence of such horse or dog is not prohibited within such Public Open Space;
- 4.6.8. walk any dog unless -
  - 4.6.8.1. walking a dog in such a Public Open Space is permitted by the Municipality; and
  - 4.6.8.2. such dog, while walking within a Public Open Space remains at all times under the control of a person walking such dog.

#### **4.7. Selling and Special Events**

- 4.7.1. No Person shall, within a Public Open Space –
  - 4.7.1.1. use the Public Open Space in a way that unfairly restricts or prevents other users of the Public Open Space from enjoying that Public Open Space; or
  - 4.7.1.2. except within a Public Open Space or part thereof, which has been let to a Person by the Municipality for that purpose, sell, hawk, offer or display any goods or articles for sale or hire;
- 4.7.2. No Person may undertake any event or a Special Event at a Public Open Space or in its surrounding

vicinity, which will or may be used for the purposes of the Competition, in particular, or in any other Public Open Space within the Municipality, in general, unless specifically authorised by the Municipality.

## 5. **CHAPTER 5 - PRINCIPAL PROVISIONS: PUBLIC ROADS AND TRAFFIC GUIDANCE**

### **5.1. General Prohibition in Respect of Public Roads**

#### 5.1.1. No Person shall during the Term -

- 5.1.1.1. erect or cause, or permit to be erected, or place any object including any banner, rope, wire, cord, pole, barbed-wire fence, railing, paling, wall or any other barrier or obstruction of any nature whatsoever upon, under, over or across any Public Road without the permission of the Municipality;
- 5.1.1.2. use any material or goods that are likely to cause any damage or harm to any part of a Public Road or to harm any of its users including but not limited to pedestrians, cyclists, motorcyclists and motorists;
- 5.1.1.3. spill or drop any substance on or over or across a Public Road including but not limited to discharging any water, chemical or petroleum substance, that may in any way endanger or harm any road users including but not limited to pedestrians, cyclists, motorcyclists and motorists;
- 5.1.1.4. interfere with any works being carried out by the Municipality or any authorised service provider or third party on a Public Road or in relation to any Municipality services including digging holes, trenches, pits or tunnels on or under any Public Road; or painting, defacing or marking any Public Road;
- 5.1.1.5. commit any act of vandalism including but not limited to painting, defacing or marking any part of a Public Road;

- 5.1.1.6. hamper, disturb, obstruct or harass any Public Road user including but not limited to any pedestrian, cyclist, motorcyclist and/or motorist using and/or entering any Public Road;
  - 5.1.1.7. cause any animal to stray or walk onto a Public Road, excluding guide dogs and animals assisting an Authorised Official in law enforcement duties;
  - 5.1.1.8. tout or solicit a driver of a motor vehicle who parks a motor vehicle in a Public Road at or near a place of entertainment for the purpose of or under pretext of looking after or watching over the motor vehicle;
  - 5.1.1.9. urinate, excrete or behave in a manner that may be considered an act of public indecency on a Public Road or within any Controlled Access Site;
  - 5.1.1.10. beg on a Public Road.
- 5.1.2. No person shall during the Term, except with the Approval of the Municipality:
- 5.1.2.1. push or otherwise convey any Trolley on a Public Road within an Exclusion Zone and/or at a Controlled Access Site, in particular, or in any other area within the Municipality, in general,;
  - 5.1.2.2. deposit or leave or cause to be left any sand, stone, earth, bricks, timber, lime, cement or other building or excavated material of whatsoever nature on any portion of a Public Road; and/or
  - 5.1.2.3. park or leave any vehicle of any nature whatsoever including but not limited to any car, bus, minivan, truck, bicycle, pedal-cycle, coaster, sled, motor cycle, caravan, trailer, cart, tractor or earth moving equipment, whether or not

unattended, on any Public Road other than in a Demarcated Space.

## 5.2. General Prohibitions in Respect of Road Traffic Control

- 5.2.1. No Person, other than an Authorised Official, shall direct any form of traffic by means of any visible or audible signal.
- 5.2.2. No Person may drive a vehicle of any nature whatsoever including but not limited to any car, bus, minivan, truck, bicycle, pedal-cycle, coaster, sled, motor cycle, caravan, trailer, cart, tractor or earth moving equipment into or within a Traffic-free Zone or park any such vehicle in that Traffic-free Zone unless a Prescribed notice authorising the presence of the vehicle in that Traffic-free Zone has been validly issued and obtained and is visibly displayed on the vehicle in the Prescribed manner.
- 5.2.3. No Person travelling upon any pedal cycle, motor cycle, coaster, sled, roller-skates, or any other similar device may cling to or attach himself or herself or such pedal cycle, coaster, sled, roller-skates or device to any other moving vehicle, upon a Public Road.
- 5.2.4. No Person shall, where applicable, except with the Approval of the Municipality, park or cause to be parked any vehicle of whatsoever nature in a Demarcated Space without paying the appropriate amount or inserting the appropriate token or card in the applicable Parking Meter for the required Parking Period.
- 5.2.5. No Person shall use or obstruct any emergency lane or any other special lane on any Public Road which have been demarcated by the Municipality for special use by the FIFA Delegation or any body, authority or Person during the Term.

- 5.2.6. No Person shall park, stop or otherwise obstruct any lane on any Public Road during the Term.

### 5.3. **General Prohibitions in Respect of Parking**

The Municipality shall be entitled to restrict public access to Demarcated Spaces and other parking areas in or around a Stadium or other Controlled Access Site on Match days or on the occurrence of Official Events, and in this regard shall be entitled to –

- 5.3.1. restrict the right to use certain Demarcated Spaces and other parking areas inside the Stadium and immediately outside the entrances thereof, to the following persons -

5.3.1.1. VIPs;

5.3.1.2. Teams; and

5.3.1.3. Match officials (including referees);

- 5.3.2. restrict the right to use certain Demarcated Spaces and other parking areas inside the Stadium perimeter as close as possible to the Stadium building and where required for the Service Providers to the following persons -

5.3.2.1. the FIFA Delegation;

5.3.2.2. members of the LOC delegation;

5.3.2.3. Commercial Affiliates;

5.3.2.4. Broadcast Rights Holders;

5.3.2.5. FIFA guests; and

5.3.2.6. services -providers;

- 5.3.3. restrict the right to use certain Demarcated Spaces and other parking areas inside the Stadium to

representatives of the Media and the Media shuttle service.

#### **5.4. Instructions by Authorised Officials**

5.4.1. An Authorised Official may, for purposes of implementing or giving effect to the Safety and Security Plan where the circumstances necessitate, and in the interests of ensuring or promoting traffic control and/or safety on a Match day -

5.4.1.1. instruct any Person to refrain from using a Public Road; and

5.4.1.2. instruct any Person to remove any vehicle of whatsoever nature, whether parked, stationary or in transit, from a Public Road.

5.4.2. Failure to adhere to any such instruction shall constitute an offence under these By-laws.

#### **5.5. Road Closure Action by Municipality**

The Municipality may, after giving appropriate notices as it may deem necessary, close temporarily any Public Road, street or thoroughfare vested in the Municipality for purposes of traffic control, management and/or guidance and/or for purposes of implementing or giving effect to the Safety and Security Plan whether or not in the vicinity of any Stadium, Official Event, FIFA Fan Park, Official Training Site, Exclusion Zone and/or Controlled Access Site.

## 6. CHAPTER 6 - PRINCIPAL PROVISIONS: STREET TRADING

### 6.1. Conduct of Street Traders in General and During the Course of Trading

6.1.1. A Street Trader shall not, for the Term –

- 6.1.1.1. occupy any part of a Public Road or Public Amenity with his/her Property or Goods, except to the extent Prescribed by the Municipality;
- 6.1.1.2. on conclusion of his/her daily business activities, leave any or all of his/her Property and Goods in a Public Road or Public Amenity;
- 6.1.1.3. place his/her Property or Goods on a Verge or Public Amenity except for the purposes of setting up a stall prior to commencing trade or for the purposes of conducting Street Trading;
- 6.1.1.4. place or stack his/her Property and Goods in such a manner that they do or may constitute a Nuisance or danger to any person or property, or are likely to injure any person or cause damage to property;
- 6.1.1.5. attach any object by any means to any Public Amenity, Verge, tree, parking meter, lamp-pole, electricity pole, telephone pole, telephone booth, post box, traffic sign, bench or any other Street Furniture in or on a Public Road or a Public Amenity;
- 6.1.1.6. make a fire in any place or in circumstances where it could cause injury or loss to a Person, building, vehicle, or Street Furniture, except Street Traders that are in possession of a Street Trading permit, authorizing them to prepare foodstuffs by utilizing open-flame fire or gas-fired implements;

- 6.1.1.7. sleep overnight at the place of his/her Street Trading business;
- 6.1.1.8. erect any structure for the purpose of providing shelter at the place of his/her Street Trading business;
- 6.1.1.9. interfere with the ability of a person using a Verge to view the goods displayed behind a shop display window, or obscure such goods from view;
- 6.1.1.10. carry on business, or take up a position, or place his or her Property on a portion of a Verge or Public Amenity, in contravention of a sign or notice erected or displayed by the Municipality for the purpose of these By-laws;
- 6.1.1.11. store his/her Property or Goods in a manhole, storm water drain or a public toilet, bus or taxi shelter or under a publicly accessible tree;
- 6.1.1.12. carry on Street Trading in such a manner as to –
  - 6.1.1.12.1. create a Nuisance;
  - 6.1.1.12.2. damage or deface the surface of a Public Road or Public Amenity or any public or private property;
- 6.1.1.13. create a traffic obstruction or obstruct access to pedestrian crossings, parking or loading bays or other facilities for vehicular traffic or pedestrians ignore, disobey or refuse a request by an Authorised Official to remove his/her Property and Goods so as to permit the carrying out of any work or service in relation to a Public Road or Public Amenity.

6.1.1.14. display his/her Goods or Property on or in a Public Amenity except with the approval of the Municipality;

6.1.1.15. conduct Ambush Marketing;

6.1.2. A Street Trader shall ensure that when liquefied petroleum gas is used during its activities of Street Trading that it shall comply with appropriate standards and requirements applicable in the use of such gas.

## **6.2. Conduct of A Street Trader with Regard to Ensuring Place of Trading is Kept Clean**

6.2.1. A Street Trader shall, for the Term –

6.2.1.1. dispose of Litter generated by his or her business in whatever receptacle is provided by the Municipality for the public or at a dumping site of the Municipality;

6.2.1.2. not dispose of Litter in a manhole, storm water drain or other place not intended for the disposal of Litter;

6.2.1.3. on request by an Authorised Official, move his or her Property and Goods so as to permit the cleansing of the area or site where he or she is trading, or the effecting of Municipal Services or for any other lawful reason;

6.2.1.4. ensure that no smoke, fumes or other substance causes Air Pollution;

6.2.1.5. ensure that no odour, or noise emanating from his or her activities causes a Nuisance of any kind;

6.2.1.6. keep the area or site occupied by him or her for the purposes of such business in a clean and sanitary condition;

- 6.2.1.7. keep his or her Property in a clean, sanitary and well maintained condition;
- 6.2.1.8. take such precautions in the course of conducting his or her business as may be necessary to prevent the spilling onto a Public Road or Public Amenity, or into a storm water drain, of any fat, oil or grease or any other substance that may be harmful to the general public and users of the Public Road or Public Amenity; and
- 6.2.1.9. ensure that on conclusion of his/her business for the day, the area or site occupied by him or her for the purposes of trade is free of Litter and must do so within the parameters of certain prescribed specific periods of time.

### **6.3. Prohibition on Street Trading**

- 6.3.1. No Person shall, except with the prior written Approval of the Municipality granted specifically with regard to the Competition,
  - 6.3.1.1. carry on the business of Street Trading at any Controlled Access Site or Exclusion Zone during the Term;
  - 6.3.1.2. carry on the business of Street Trading in a Restricted Area;
  - 6.3.1.3. carry on the business of Street Trading in a garden or park to which the public has a right of access.
- 6.3.2. No Person shall carry on the business of Street Trading -
  - 6.3.2.1. in a Prohibited Area;
  - 6.3.2.2. on a Verge contiguous to an auto teller bank machine;

### 6.3.2.3. on a Verge contiguous to -

- 6.3.2.3.1. a building declared to be a heritage resource in terms of the National Heritage Resources Act, 1999 (Act No. 25 of 1999); except where special permission has been granted in terms of the same legislation;
- 6.3.2.3.2. a building belonging to or occupied solely by the State or the Municipality;
- 6.3.2.3.3. a church or other place of worship;
- 6.3.2.3.4. a Public Amenity
- 6.3.2.3.5. except to the extent that the carrying on of such business is permitted by a sign erected or displayed by the Municipality and in compliance therewith;

### 6.3.2.4. at a place where -

- 6.3.2.4.1. it causes obstruction of the entrance or exit from a building;
  - 6.3.2.4.2. it causes an obstruction of a fire hydrant; and
- 6.3.2.5. on that half of a Public Road contiguous to a building used for residential purposes if the owner or person in control or any occupier of the building objects to it;
- 6.3.2.6. on that half of a Public Road contiguous to a shop or that part of a building in which business is being carried on by a Person who sells goods of the same nature as, or of a similar nature to, Goods being sold by the Street Trader if that Person objects to it;

6.3.2.7. on a stand or in any area demarcated by Municipality in terms of section 6A(3)(b) of the Businesses Act, 1991 ( Act No. 71 of 1991), if he/she is not in possession of written proof that he/she has rented such stand or area from the Municipality or that such stand has been allocated to him; nor shall he/she trade in contravention of the terms and conditions of such lease or allocation; and

6.3.2.8. within a reasonable distance from any Controlled Access Site, such distance being Prescribed by the Municipality.

#### **6.4. Restricted and Prohibited Trading Areas**

6.4.1. The Municipality may, in terms of section 6(A)(2) of the Businesses Act, 1991 (Act No. 71 of 1991), declare any place, including private property, falling within its area of jurisdiction as a Prohibited Area or a Restricted Area, with reference to -

6.4.1.1. certain specific periods during the Term;

6.4.1.2. the boundaries of Restricted Areas or Prohibited Areas;

6.4.1.3. the boundaries of a stand or area set apart for the purposes of carrying on the business of Street Trading;

6.4.1.4. any other category of restriction or prohibition against Street Trading, which the Municipality may prescribe.

6.4.2. The Municipality may identify and demarcate any such Restricted Area or Prohibited Area in any manner it deems appropriate.

#### **6.5. Prohibition on Persons under the Age of Sixteen**

- 6.5.1. No Person under the age of sixteen years shall engage in the business of Street Trading in or near a Public Road or Public Amenity.
- 6.5.2. Any Person who or which employs or engages or requests such a Person referred to in section 6.5.1 above, to conduct the business of Street Trading or to assist therewith shall be guilty of an offence.

## 6.6. Vicarious Liability

- 6.6.1. When a Person who is an employee, subcontractor, agent or assistant of another Street Trader performs any act or omission which constitutes an offence in terms of these By-laws, the latter Person shall be deemed to have committed the act or omission himself/herself/itself and where found liable shall be guilty of the same offence as the employee, subcontractor, agent or assistant unless he/she/it can prove that –
  - 6.6.1.1. in committing the act or omission the employee, subcontractor, agent or assistant was acting without his/her/its permission or knowledge;
  - 6.6.1.2. he/she/it took all reasonable steps to prevent the act or omission; and
  - 6.6.1.3. it was not within the scope of authority of the employee, subcontractor, agent or assistant to perform such act or omission.
- 6.6.2. The fact that an employer can prove that prior instructions forbidding the act or omission were issued to the employee shall not excuse him or her from liability for the employee's act or omission which subsequently amounted to a contravention of provisions under these By-laws.

## **7. CHAPTER 7 - MISCELLANEOUS PROVISIONS**

### **7.1. Powers of Entry to Inspect Premises**

- 7.1.1. An Authorised Official shall be entitled to demand, in relation to any Sign, Billboard, Advertising Structure or Advertisement erected, positioned, distributed or displayed in a Controlled Access Site, an Exclusion Zone or on any Public Advertising Media in the areas referred to in sections 2.1.2 and 2.1.3, in particular, or in any other area within the Municipality, in general, to inspect the Approval granted in respect of that Sign, Billboard, Advertising Structure or Advertisement, as the case may be.
- 7.1.2. Failure to furnish such Approval by the Owner or other holder thereof within a reasonable time shall constitute an offence under these By-laws.

### **7.2. Removal and Impoundment of Signs**

- 7.2.1. The Municipality shall, in relation to any Sign, Billboard, Advertising Structure or Advertisement erected, positioned, distributed or displayed in a Controlled Access Site, an Exclusion Zone or on any Public Advertising Media in the areas referred to in sections 2.1.2 and 2.1.3, in particular, or in any other area within the Municipality, in general, be entitled to do the following –
- 7.2.1.1. to direct the Owner of a Sign, Billboard, Advertising Structure or Advertisement that wholly or partially projects over or encroaches on any boundary of a Premises, whether public or private, by notice to remove the projecting or encroaching part or the whole of the Sign immediately. Failure to comply with the notice shall constitute an offence;
- 7.2.1.2. to remove or seize a Sign, Billboard or Advertisement or to serve a notice on the

responsible Person to remove or seize such Sign, Billboard or Advertisement if, in the opinion of the Municipality, such Sign, Billboard or Advertisement is detrimental to the environment or to the amenity of the neighbourhood, or is otherwise in contravention of these By-laws;

- 7.2.1.3. in removing or seizing such a Sign, Billboard or Advertisement, not be required to compensate any Person in any way for loss or damage resulting from its removal or seizure;
  - 7.2.1.4. if a Sign, Billboard, Advertising Structure or Advertisement constitutes a danger or is obscene, in the reasonable opinion of the Municipality, or is erected and/or positioned without prior Approval of the Municipality, the Municipality may, without serving any notice, carry out the removal or seizure of such Sign from a Premises, whether public or private;
- 7.2.2. Any costs incurred by the Municipality in removing, seizure, storing, or undertaking alterations to a Sign, Billboard, Advertising Structure or Advertisement may be recovered from the Owner of the Sign, Billboard, Advertising Structure or Advertisement;
- 7.2.3. The Owner of a Sign, Billboard, Advertising Structure or Advertisement that is removed by the Municipality may, except where court proceedings have been instituted against such Owner, apply to the Municipality within 7 (seven) days of the date of the removal or impoundment of the Sign, to have the Sign returned, subject to reimbursement of the Municipality's costs of removal, seizure and storage;
- 7.2.4. Should the Owner of any Sign, Billboard, Advertising Structure or Advertisement that is removed by the Municipality fail to collect such Sign, Billboard, Advertising Structure or Advertisement within 30

(thirty) days after a court case relating to such removal is finalised, the Municipality may destroy the Sign, Billboard, Advertising Structure or Advertisement or otherwise dispose of it as it deems fit;

- 7.2.5. The Municipality shall not be liable for damages of whatever nature arising from the impoundment, removal, seizure or disposal of any Sign, Billboard, Advertising Structure or Advertisement.

### **7.3. Access Rights and Restrictions on Controlled Access Sites**

The right of access to and use of a Controlled Access Site shall be regulated through Accreditation and Ticketing. Depending on the nature of the Controlled Access Site and the nature of the event being held at such Controlled Access Site, no Person other than –

- 7.3.1. an Accredited Person;
- 7.3.2. a Ticket Holder; or
- 7.3.3. any other Person duly authorised or permitted to enter a Controlled Access Site, and
- 7.3.4. an emergency response vehicle in terms of the National Road Traffic Act, 1996 (Act No. 93 of 1996),

shall be permitted access to a Controlled Access Site.

### **7.4. Instructions by Authorised Officials in Respect of Public Open Spaces**

- 7.4.1. An Authorised Official may instruct any Person to leave a Public Open Space if -
  - 7.4.1.1. the Authorised Official reasonably believes that the Person is contravening any provision of these By-laws, and
  - 7.4.1.2. such Person fails to immediately terminate such contravention upon the instruction of that Authorised Official.

7.4.2. Failure to adhere to such an instruction shall constitute an offence under these By-laws.

## **7.5. Search and Seizure Powers of the Municipality on Public Roads and in Respect of Contraventions on Street Trading**

7.5.1. Subject to any applicable legislation including without limitation the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000) and the Road Traffic Act 1989 (Act No 29 of 1989), an Authorised Official:

7.5.1.1. may search, remove and/or impound any Goods, Property, container, structure, materials, substance, shelter, tent vehicle of any nature whatsoever, whether or not unattended,:-

7.5.1.1.1. which he/she reasonably suspects of being used or are intended to be used or have already been used in or in connection with the business of Street Trading or a contravention of these By-laws;

7.5.1.1.2. left or parked at any unauthorised parking area;

7.5.1.1.3. which he/she finds in park or on a public road or public place and which in their opinion constitutes an infringement of these By-laws, whether or not such Goods, Property, container, structure, materials, substance, shelter, tent or vehicle which is in the possession of or under the control of any person at the time of such impoundment or removal;

7.5.1.2. shall perform all such functions as may be assigned to him/her by the Minister of Trade and Industry and any other responsible or designated authority.

- 7.5.2. An Authorised Official by virtue of section 1.1.9 shall issue a receipt from an approved receipt book to the person who appears to be in control of the Goods, Property, structure, materials, substance, container, shelter, tent or vehicle concerned.
- 7.5.3. Any Goods, Property container, structure, materials, substance, shelter, tent or vehicle as contemplated in subsection 7.5.1 shall be marked in a suitable manner and kept in safe custody.
- 7.5.4. The Street Trader whose Goods, Property, container, structure, material, substance, shelter or tent is impounded in terms of these by-laws shall, before such Goods, Property, materials, substance, container, shelter, tent or vehicle is returned to him/her pay to the Municipality the storage costs as determined by Municipality from time to time.
- 7.5.5. The owner thereof may claim any impounded Goods, Property, container, structure, materials, substance, shelter, tent or vehicle, on production of proof of ownership to the satisfaction of the Municipality.
- 7.5.6. Any Goods, Property, structure, materials, substance, container, shelter, tent or vehicle which has not been claimed within a period of three months from the date of impoundment, may be destroyed if of no commercial value, or sold by public auction and the proceeds thereof shall be retained by the Municipality to defray its costs and expenses with regard to the contravention, impoundment and storage.
- 7.5.7. The Municipality shall not be liable for compensation to any Person for damages arising out of the damage to or the loss of any Goods, Property, container, structure, materials, substance, shelter, tent or vehicle removed in terms of sub section 7.5.1 or sale thereof by public auction, and the owner of such Goods, Property, materials, substance, container, tent or

vehicle shall have no claim or right of redress against the Municipality, should such Goods, Property, materials, substance, container, tent or vehicle be handed over in good faith to a Person other than the owner thereof.

- 7.5.8. Any Goods of a perishable nature will only be kept for 24 hours from impoundment and will be disposed of at the discretion of the Municipality.
- 7.5.9. In addition to the foregoing, and without derogating therefrom, an Authorised Official shall have the powers, and may implement the procedures, which an inspector is empowered to undertake in terms of Section 4 of the Merchandise Marks Act, 1941, and the provisions of that section shall apply mutatis mutandis to goods seized and procedures followed by an Authorised Official in terms of this section.

#### **7.6. Offences and Penalties:**

Any Person who –

- 7.6.1. Contravenes or fails to comply with any provision of these By-laws;
- 7.6.2. Does, or causes to be done, or permits or suffers to be done, or is concerned in doing, anything whatsoever contrary to or otherwise than as provided by these Bylaws; or
- 7.6.3. Omits, or neglects to do, or permits or suffers to remain undone, anything which according to the true intent and meaning of these Bylaws ought to be done at the time and in the manner therein provided; or
- 7.6.4. Knowingly permits or allows any condition of things to exist or continue to exist contrary to these Bylaws; or
- 7.6.5. Does not cease any action which that Person is required to cease under these Bylaws; or

- 7.6.6. Fails or refuses, neglects to comply and/or continuously fails, refuses, neglects to comply even after notices of breach or lawful institutions have been issued in terms of these By-laws; or
- 7.6.7. Fails to comply with any notice, or direction, or conditions contained in any licence granted by the Municipality; or
- 7.6.8. Obstructs an Authorised Official in the execution or performance or attempted execution or performance of any duty to be discharged by such Authorised official in the exercise of any power conferred by these Bylaws;

is guilty of an offence and liable on conviction to a fine not exceeding Ten Thousand Rand (R10 000, 00) or in default of payment to imprisonment for a period not exceeding six (6) months, or both, and in the case of a continuing offence, to a further fine not exceeding Two Thousand Rand (R2 000,00), or in default of payment to imprisonment not exceeding one (1) month, for every day during the continuance of such offence after a written notice has been issued by the Municipality and served on the Person concerned requiring the discontinuance of such offence.

8. **CHAPTER 8 - FINAL PROVISIONS**

8.1. **Short Title and Commencement**

These By-laws shall be called the eThekwini Municipality 2010 FIFA World Cup South Africa By-laws, and shall operate for the Term.

## 9. **CHAPTER 9 - TERM SCHEDULE**

9.1 The Term Schedule of these By-laws shall be as follows:

9.1.1 All Chapters of these By-laws shall commence upon the adoption, hereof, by the Council and remain in effect for an indefinite period until the Municipality decides otherwise, except for the following clauses -

9.1.1.1 Clause 2.1.1.1, which shall commence upon the adoption of these By-laws by the Council and remain in effect until two weeks immediately after the completion of the Competition;

9.1.1.2 Clause 2.1.2.1, which shall commence upon designation of a particular area as a Controlled Access Site and remain in effect until two weeks immediately after the completion of the Competition;

9.1.1.3 Clause 2.1.2.3, which shall commence upon the finalisation and publishing of the boundaries of a FIFA Fan Park and remain in effect until two weeks immediately after the completion of the Competition;

9.1.1.4 Clause 2.1.3, which shall commence upon the adoption of these By-laws by the Council and remain in effect until two weeks immediately after the completion of the Competition;

9.1.1.5 Clause 2.1.4, which shall commence upon the adoption of these By-laws by the Council and remain in effect until two weeks immediately after the completion of the Competition;

9.1.1.6 Chapter 3, which shall commence upon designation of particular areas as Controlled Access Sites and/or Exclusion Zones and remain in effect until two weeks immediately after the completion of the Competition;

- 9.1.1.7 Clause 4.1.1, which shall commence upon the adoption of these By-laws by the Council and remain in effect until two weeks immediately after the completion of the Competition;
- 9.1.1.8 Clause 4.2.23, which shall commence upon the adoption of these By-laws by the Council and remain in effect until two weeks immediately after the completion of the Competition;
- 9.1.1.9 Clause 4.3.2, which shall commence upon the adoption of these By-laws by the Council and remain in effect until two weeks immediately after the completion of the Competition;
- 9.1.1.10 Clause 4.4.3, which shall commence upon the adoption of these By-laws by the Council and remain in effect until two weeks immediately after the completion of the Competition;
- 9.1.1.11 Clause 5.2.5, which shall commence upon the adoption of these By-laws by the Council and remain in effect until two weeks immediately after the completion of the Competition;
- 9.1.1.12 Clause 5.3, which shall commence upon the adoption of these By-laws by the Council and remain in effect until two weeks immediately after the completion of the Competition;
- 9.1.1.13 Clause 5.4, which shall commence upon the adoption of these By-laws by the Council and remain in effect until two weeks immediately after the completion of the Competition;
- 9.1.1.14 Clause 5.5, which shall commence upon the adoption of these By-laws by the Council and remain in effect until two weeks immediately after the completion of the Competition;

- 9.1.1.15 Clause 6.3.1, which shall commence upon the adoption of these By-laws by the Council and remain in effect until two weeks immediately after the completion of the Competition;
- 9.1.1.16 Clause 7.3, which shall commence upon the adoption of these By-laws by the Council and remain in effect until two weeks immediately after the completion of the Competition; and
- 9.1.1.17 Clause 7.5.1.2, which shall commence upon the adoption of these By-laws by the Council and remain in effect until two weeks immediately after the completion of the Competition.