

BYLAWS RELATING TO PUBLIC MEETINGS AND GATHERINGS FOR NYANDENI MUNICIPALITY

1. DEFINITIONS

In these bylaws, unless the context otherwise indicates –

“Municipality” means the Nyandeni Municipality and its successors in law, and includes the Executive Committee or any other body acting by virtue of any power delegated to it in terms of legislation, as well as any officer to whom the Executive Committee has delegated any powers and duties with regards to these bylaws;

2. PERMISSION REQUIRED

No person shall hold, convene or organize or cause to be held convened or organized any public meeting, public gathering, procession, exhibition, performance or public address in any public street or public place or deliver or cause to be delivered any public address in any public street or public place unless –

- (1) the Municipality has under the hand of the Municipal Manager granted its permission in writing for the holding or delivery thereof; and
- (2) it is held or delivered in compliance with any condition, requirements or restriction imposed by the Municipality; and
- (3) it complies with all the laws in force in the Republic of South Africa.

3. APPLICATION FOR PERMISSION

- (1) Any person wishing to obtain the Municipality’s permission as in subsection (2) required shall deliver to the Municipality not less than 7 days, or such lesser period as the Municipality may in its discretion permit before the day on which the public meeting, public gathering, procession, exhibition, performance or public address concerned is to be held or delivered, a written application specifying –
 - (a) the nature thereof;
 - (b) the full names, addresses and telephone numbers of every holder; convenor and organism thereof and of every person intending to deliver an address;
 - (c) the date on which, time at which, and place at, or route along which it is to be held or delivered.
 - (d) the expected maximum duration thereof;
 - (e) in the case of a procession, the number of persons expected to take part; and
 - (f) particulars regarding any hand, musical instruments, device for the application of sound, vehicle or temporary structure to be used in conjunction therewith.
- (2) The Municipality may require such person to supply any additional information which it may consider necessary for the purposes of dealing with such application.

4. GRANT OR REFUSAL OF PERMISSION

- (1) The Municipality may grant its permission if all information required has been supplied in full and if it is satisfied at the holding or delivery of the public meeting, public gathering, procession, exhibition, performance or public address concerned is not likely to -

- (a) Endanger, obstruct or interfere with –
 - (i) pedestrian or vehicular traffic;
 - (ii) any public market, auction or fair; and
 - (iii) any other public meeting, gathering, procession, exhibition, performance or public address; or
 - (iv) lawful use by the public of any street or public place; or
 - (b) endanger or be injurious to public health.
- (2) The Municipality may, when granting its permission for the holding of any public meeting, public gathering, procession, exhibition or performance, or the delivery of any public address under this chapter, impose such conditions, requirements and restrictions as it may deem necessary in the public interests and may, without derogating from the generality of the foregoing in particular, limit the holding or delivery thereof to specified times or periods and to specify places or routes and prohibit or restrict the use of any band, musical instrument, device for the application of sound, vehicle or temporary structure in conjunction therewith.

5. EXEMPTION

The provisions of this chapter shall not apply to any funeral, wedding, military or police procession.

6. OFFENCES AND PENALTIES

Any person who -

- (a) contravenes or fails to comply with any provisions of these bylaws or of any term, condition, restriction, requirement, notice or order imposed or issued in terms thereof;.
- (b) resist, hinders, obstructs, molests or interferes with any officer or employee of the Municipality in the performance of his duties or the execution of his powers under these bylaws; or
- (c) cause or permits any other person to commit any of the aforesaid - shall be guilty of an offence and shall be liable upon conviction, to a fine not exceeding one thousand rand, or in default of payment of any fine, impose, imprisonment for a period not exceeding one year.

7. DAMAGES

Notwithstanding the stipulations continued in subsection (6) (Offences and Penalties) above, the Council shall hold responsible any person or organiser of a public meeting and gathering or participant in such gathering or procession for any damage to any property of the Council and shall claim the cost to repair such damage from such a person or organizer.

8. CONFLICT OF LAWS

If there is any conflict between these bylaws and any other bylaws of the council, these bylaws will prevail.