

*STEVE TSHWETE LOCAL
MUNICIPALITY*



COMMUNITY HALLS BY-LAWS

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These by-laws are intended to provide for standard procedures and guidelines to be followed for the leasing/ hiring of community halls throughout the MP 313 area, to regulate the application procedure for hiring the community halls and to provide for matters connected therewith.

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CHAPTER 2

Schedule 1

STEVE TSHWETE LOCAL MUNICIPALITY: COMMUNITY HALLS BY- LAWS

1. **Definitions**

In these by-laws, unless the context indicates otherwise –

'Amateur'- means a person who or an association of persons whose members receive no pecuniary gain or remuneration from the function, occasion or purpose for which the community hall has been hired.

'Authorised official'- means the Council employee who has been assigned the responsibility for attending to any matter dealing with the community halls.

'Community halls'- means Mhluzi Community Hall, Eastdene Community Halls, Nasaret Community Hall, Kwazamokuhle Community Hall, Hendrina's Council Chamber and Parlour and any of the community halls or part thereof under the control and jurisdiction of the Council.

'Charitable Organisation' - means an institution or organisation for helping those in need that is registered as a non- profit organisation in terms of the Non-Profit Organisations Act 71 of 1997 or a public benefit organisation established in terms of section 18 A of the Income Tax Act 58 of 1962.

'Council'- means the Steve Tshwete Local Municipality, and includes an officer of the Municipality duly empowered by the Municipality to exercise or perform the powers, functions and duties of the Municipality under these by-laws.

'Lessee'- means the person who has signed the prescribed official application form and entered into a prescribed lease agreement for hiring a hall and if signed on behalf of a club, firm, company or any other institution, also such club, firm, company or institution and **"hirer"** has a corresponding meaning.

'National/ Provincial Departments' - means the departments under the National Assembly as contemplated in Chapter 4 of the Constitution and the departments under the Provincial Legislature as contemplated in Chapter 6 of the Constitution.

'Office hours' - means the Council's official working hours on Mondays to Fridays.

'Official on duty'- means the officer of the Council appointed to take responsibility in respect of the administration of the community hall.

'Organised Local Government' - means an organisation recognised in terms of section 2(1) of the Organised Local Government Act, 1997 (Act 52 of 1997), to represent local government nationally or provincially.

'Professional'- means a person who or an association of persons whose members receive remuneration or pecuniary gain for services or for taking part in any function, performance, occasion or purpose for which municipal hall has been hired.

'Umbrella Organisations'- means the art and culture, sports and recreation, welfare, elderly and education organizations that are registered with the Council in terms of the Council Policy on financial assistance for donations.

'Welfare organisation'- means a welfare organisation which is registered in terms of section 13 (1) or which is deemed to be registered in terms of section 13 (4) of the National Welfare Act 100 of 1978.

2. Community halls available for hire

- (1) The Council may hire out the community halls to hirers for functions and other purposes approved by the Council.
- (2) The hiring of the community hall includes the use of the available facilities, that is dressing rooms, kitchen, lighting installation, seating accommodation, parking area and ablution facilities.

3. The availability of the community hall free of charge

- (1) The community hall may be made available free of charge to registered welfare organisations, organised local government, Independent Electoral Commission and National/Provincial Departments subject to the following:
 - (a) that the event is to benefit the community.
 - (b) that no admission fees are charged at the event.
 - (c) that the registered welfare organisation pay the prescribed refundable deposit.
 - (d) that National and Provincial Departments submit a letter of undertaking that they will take the responsibility for any damages that might occur with the utilisation of the hall.

- (2) The community hall may be made available free of charge to a Councillor for Council's duties.
- (3) Should the organisations mentioned in section 3 (1) wish to utilise the hall more than four (4) times a month, the matter be referred to Council for consideration.

4. Fees for hiring community halls

- (1) The charges payable by hirers shall be those set out in Schedule 1.
- (2) In the event of a dispute or doubt arising as to which tariff of fees shall apply to any particular class or function for which the community hall is to be hired, the decision of the Council shall be final.
- (3) Charity organisations, schools, education institutions, churches, weddings, funeral services and sport clubs affiliated to the Umbrella Body shall be levied an amount as prescribed in Schedule 1 provided that the prescribed deposit is paid.
- (4) Cultural organisations shall be levied an amount prescribed in Schedule 1 provided that the prescribed deposit is paid, however the organisation will be allowed to utilise the hall free of charge for three (3) rehearsals and the time of each rehearsal be equivalent to the hours originally booked.

5. Refusal by Council to lease the community halls

- (1) The Council may refuse to let the community hall, and may cancel any agreement thereof if the community hall is required for other purposes which in the opinion of the Council, should take precedence, in which case no expenses already incurred by the hirer will be paid by Council.
- (2) The Council may refuse to let the community hall for any gathering if there is any danger of damage resulting at such gathering to the building or its furniture.
- (3) The Council may refuse to let the community hall and/or cancel any booking when it is of the opinion:
 - (a) that any bookings prior and/or during the time of event could expose Council property to any risk whatsoever.

- (b) that any bookings or events which are not morally supported by the community and might negatively affect the Council's image.
 - (c) that an applicant has booked frequently to an extent that other potential users are prejudiced from using the hall.
 - (d) that Council requires a hall for a certain event.
- (4) In the event of the Council cancelling any booking of the hall in terms of these by-laws, the Council shall refund to the hirer without interest the fees paid to the Council.

6. Application procedure for hiring the community hall

- (1) Any person wishing to hire any community hall, shall complete the prescribed official application form and the prescribed lease agreement and the signatory shall be deemed to be the hirer.
- (2) Application shall be dealt with on first come, first serve basis provided that no application for the hire of any community hall shall be made more than 12 months in advance without the approval of the Council.
- (3) Applications for hiring the community halls shall be dealt with only during office hours.
- (4) Any organisation wishing to make use of the hall at a reduced fee must submit an application in writing.

7. Payment of fees, postponement and cancellation of reservation

- (1) The fees shall be payable in full on application and shall include the usual cleaning, seating accommodation, and services.
- (2) In the event of a hirer wishing to postpone a reservation until another date he/she, may do so, if such other date is available, on payment of an amount as prescribed in Schedule 1.
- (3) In the event of a hirer wishing to cancel a reservation, the Council shall refund to the hirer the fees paid by him in terms of Schedule 1, less 5% which the Council shall retain to cover administration costs and loss of revenue.

8. Conditions of reservation

- (1) No reservation shall be made unless payment is made in terms of these by-laws and no tickets shall be distributed or any public announcement made until the reservation has been accepted for that purpose.
- (2) The community hall shall be let to the hirer on the express condition that no overcrowding thereof shall take place.
- (3) The community hall shall be hired on the express condition that in the case of any dispute the decision of the Council shall be final.
- (4) All activities or usage related to the hiring of the hall shall be subject to all relevant legislation and municipal by-laws.

9. Duties and obligations of the hirer

- (1) The hirer shall be responsible for all arrangements in connection with the admission of the public, the provisions of ushers, police and such staff as may be deemed necessary to control the admission of persons and the sale of tickets.
- (2) The hirer shall be responsible for payments of any extra hours incurred during any hiring.
- (3) Should any defect exist or apparently exist in the community hall hired or appurtenances, the defect shall be specifically pointed out by the hirer to the official on duty, prior to the commencement of the function concerned, failing which everything shall be deemed to be free from defects, and it shall be the responsibility of the hirer to leave the community hall in such condition.
- (4) The hirer shall have the right to reserve admission to the community hall hired by him/her.
- (5) Where, in the opinion of the Council, the nature of a function or assemblage in the community hall renders it desirable for a fireman or firemen to be present, such attendance shall be compulsory, and the charge shall be for the cost of the hirer.
- (6) When the available seating accommodation has been occupied, the hirer shall prevent the admittance of any further person/s.

- (7) The hirer of any hall shall duly comply with all the provisions of these by-laws which may be applicable to such hall, including its use, and he/she shall not permit any contravention thereof.
- (8) If the hirer, in the opinion of the Council, contravenes or permits or causes any other person to contravene any provision of these by-laws, the Council shall have the right to cancel the hire of the hall at any time and no compensation shall be payable by the Council for any loss sustained by the hirer or any other person, and no refund of any charges, deposits or other amounts paid shall be made to the hirer by the Council as a result of such cancellation.

10. Responsibility in the event of damages

- (1) The hirer shall be liable for any loss, breakage or other damage of any nature whatsoever to any hall, fittings, fixtures or any other property of the Council, whether inside the hired hall or whether in or attached to the building during the period for which the hall is hired.
- (2) In the event of the damage, the damage shall be recovered from the deposit and in the event of the damage exceeding the amount of the deposit, the hirer shall also be liable for the excess of the damage.

11. Council not liable for the loss, defects, accidents breakdown or installations

- (1) The Council shall not be liable for any loss to the hirer in consequence of any failure or defect to the installations.
- (2) The Council is not responsible for any injuries suffered by the hirer or any person allowed into the hall by the hirer as a result of bad lighting or slippery steps or floor or any other cause whatsoever, and the Council will not be liable for its negligence or the negligence of an employee with regard to the conditions of such steps or floors or any other part of the building of such hall.
- (3) The hirer undertakes hereby to indemnify the Council against any other claims for damages arising out of any injuries as mentioned in section 11 (2), suffered by mentioned persons or any other person occupying such hall during the mentioned period of lease.

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12. Attendance by the Official on duty

- (1) The attendance of the official on duty at the community hall shall be required solely for attending to the Council's interests and his/her services shall not be at the hirer's disposal.

13. Authorised official

- (1) An authorised official of the Council may enter the community hall at all times for official purposes.

14. Manipulation of and tampering with appliances

- (1) Appliances shall be manipulated only by the official on duty or other authorised official appointed by the Council.

15. Pre and post inspection of community halls

- (1) Pre-hall inspection shall be done by the official on duty and the hirer before the usage of the hall by the hirer.
- (2) Post-hall inspection shall be done by the official on duty and the hirer after the usage of the hall by the hirer.

16. General Provisions

- (1) The hirer shall comply with the provisions of the Copyright Act, 1978 (Act 98 of 1978) and any other legislation applicable if he/she hires the hall for music performance, music exhibition, stage performance, adaption, bioscope, cartoon or cinematographic film.
- (2) The hirer indemnifies and hold harmless the Council from and against any claim, damages or otherwise and for costs, including costs between attorney and client that may be made against the hirer by reason of any infringement by the hirer of the Copyright Act, 1978 (Act 98 of 1978) and any other legislation applicable in respect of the usage of the hall for the purposes mentioned in section 16 (1)

17. Selling of liquor

- (1) Whenever it is desired to sell liquor at a function, the hirer shall make application to the Council in writing for the permission to establish a bar, and this permission shall be granted only to holders of liquor licenses and upon payment of the fees as stipulated in Schedule 1 to these by-laws; such permission shall be granted to the hirer of the community hall only for the duration of the function for which the community hall is hired, not exceeding one day and the evening thereof.
- (2) The bar will only be permitted upon the granting of approval of the liquor license by the Council.
- (3) Any portion of the community hall allocated for a bar shall be cleaned and left clean by the hirer immediately succeeding the termination of the hiring, failing which the official on duty shall take steps to remove all goods and property placed in the community hall by the hirer at the risk of the hirer and have the community hall properly cleaned at the expense of the hirer.

18. Display of advertisements

- (1) No outside posters, notices, decorations, flags, pictures or advertisements shall be allowed on any part of the community hall or notice boards without the written consent of the Council.

19. Prohibited acts

- (1) No intoxicating liquor may be brought into the community hall without the written permission of the Council.
- (2) Use of portable paraffin stoves, gas cylinder and flammable substances in any part of the community hall is prohibited.
- (3) The hirer shall not be permitted in any way to decorate the community hall except with the sanction of the Council and no nails or screws shall be driven into the walls, floors, ceilings or fittings, curtains nor any attachment made thereto, except at points where provision therefore has been made by the Council.
- (4) No furniture or article of any description shall be moved or taken out of the community hall without the sanction of the official on duty.

- (5) Smoking is prohibited in the hall.
- (6) No equipment (tables and chairs) that are utilized at the halls shall be made available to the public for use elsewhere.
- (7) No agreement may be entered into with a person under the age of 21 for the hiring of the community hall.
- (8) No firearm is allowed in the community hall.

21. **Penalty Clause**

An infringement of any provision of these by-laws or any neglect to comply therewith shall be an offence and liable on conviction to a fine not exceeding R5000,00 or imprisonment of not more than six months or both such fine and such imprisonment.

22. **Repeal of by-laws**

The following by-laws are hereby repealed:

- (a) Municipality of Middelburg – Town Hall By-Laws as published under Administrator's Notice 67 of 29 January 1958.
- (b) Municipality of Middelburg : By-Laws for the regulating of the Community Halls in Eastdene and Nasaret as published under Administrator's Notice 433 of 23 1983.

23. **Short title**

These by-laws are called: Community Halls By - Laws and its provisions will come into operation on a date fixed by proclamation in the Provincial /Gazette.

CHAPTER 2 Schedule 1

Page Break

Tariff of fees payable in respect of matters related to the community halls as determined by Council as amended from time to time in accordance with section 75 (A) of the Local Government: Municipal Systems Act 32 of 2000, as amended.

- 1. A fixed deposit of R200, 00 (Refundable provided no damages and/or losses incurred).
- 2. A general tariff of R 20,00 per hour or part thereof including the preparation period stage and after the function.

3. A tariff of R 50,00 per hour or part thereof when using the hall between 24:00-6:00.
4. A tariff of R 100,00 for hosting a bar per occasion.
5. A tariff of R 10,00 per hour or part thereof to charity organisations, schools, education institutions, churches, funerals services and sport clubs provided that the prescribed deposit is paid.
6. A tariff of R 10,00 per hour or part thereof to cultural organisations provided that the prescribed deposit is paid, however that the organisation be allowed to utilize the hall free of charge for three (3) rehearsals be equivalent to the hours originally booked.