

LOCAL AUTHORITY NOTICE 94**LEPHALALE LOCAL MUNICIPALITY
SPORTING FACILITIES BY-LAWS**

The Municipal Manager of Lephalale Local Municipality hereby in terms of section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) hereby publishes Lephalale Local Municipality Sporting Facilities by-laws as approved by its Council, as set out hereunder

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1. Definitions

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

"accessories" means an object or objects on or in a field, sporting area or course necessary for a particular sport to be performed, such as, but not limited to goal posts, a tennis net, or a flag, and any other feature or fixture;

"appurtenance" means any fitting, installation, appliance, device, instrument, apparatus, utensil, tool whatsoever in the premises, such as, but not limited to a lock, cock, tap, valve, pipe and includes any other appliance or any machine;

"equipment" means gear used by a person in a sporting activity, such as, but not limited to, a racket, bat, club or ball;

"municipality" means Lephalale Local Municipality;

"notice" means a notice as contemplated in section 4(5);

"official" means an official appointed in terms of section 4(2);

"organised sporting activity" means a sporting activity that is organised or controlled by an organisation, and includes a practice or training session;

"organization" means a sport club, educational institution, or association of people, and includes a group or sport club established by the municipality, which sport club or association or group can be joined by a member of the public;

"prescribed fee" means the fee as contemplated in section 6;

"sporting activity" means an activity pursued in a sporting facility; and

"sporting facility" means any land, area, premises, building or structure, or part of any land, area, premises, building or structure, which is administered or controlled by the municipality and which is designated, demarcated, or set aside for a sporting activity such as, but not limited to a sporting arena, a stadium, a pitch, a field, a ring, a dome, an amphitheatre, a tennis or squash court a complex of such courts, a soccer, cricket, or rugby field or a complex of such fields, a public swimming pool, a golf links or course, an ice rink, or any combination of such facilities, and includes facilities surrounding and normally supplementary to a sporting facility.

2. Purpose

(1) The purpose of this by-law is:

- (a) to continually assess the use and potential use of existing sporting facilities;
- (b) to maintain existing sporting facilities and develop new sporting facilities; and
- (c) to control and administer sporting facilities in a manner corresponding to its integrated environmental and tariffs policies.

3. Application of by-law

- (1) This by-laws apply to all sporting facilities under the control and administration of the Lephale Local Municipality.

CHAPTER 1

ADMINISTRATION, ACCESS, FEES AND PROHIBITED BEHAVIOUR

4. Administration, control over and maintenance of sporting facilities

- (1) The municipality may establish a body or sport committee with the aim of advising the municipality on matters such as, but not limited to the management, integration and control of sporting facilities, and may approach sport bodies active in the municipal area to elect from their members representatives to serve on the body or committee, and the body or committee, once established, must determine and define its functions, powers and procedures, and the municipality may elect to establish a club or group for any group activity on or in a sporting facility.
- (2) All sporting facilities must be administered by the municipality in accordance with this by-law, and the municipality must appoint an official to enforce the provisions of this by-laws.
- (3) The municipality may, in the interests of the community, and in terms of its powers and functions in applicable legislation, acquire land or a building with the aim of developing sporting facilities, or dispose of existing sporting facility or any rights thereto.
- (4) A person who makes use of sporting facilities does so subject to the provisions of this by-law and in terms of conditions as may be determined by the municipality, or subject to any conditions which the municipality may impose in terms of section 9 in the instance where the sporting facilities are hired.
- (5) A notice posted by the municipality in terms of this by-law –
 - (a) must be clearly visible and readable;
 - (b) must be posted in a conspicuous place;
 - (b) must be written in the language or languages as the municipality may determine; and
 - (c) may contain a graphic representation to convey meaning.
- (6) Where an organized sporting activity is not organized or controlled by the municipality, a municipal employee may be present.
- (7) The municipality must maintain a programme which contains the dates and particulars of all sporting activities to be engaged in the sporting facilities, including the dates and particulars of reservations of a particular sporting facility for use by an organization.
- (8) Subject to the terms and conditions stipulated in any contract of hire, and subject to any applicable national laws, no person –
 - (a) may sell any alcoholic beverage on the premises of a sporting facility without first obtaining express approval for that activity from the municipality;

- (b) may bring his or her own supply of alcoholic beverages on or into a sporting facility without written authority from an authorised official; or
 - (c) who is under 18 years of age may buy or be served with, or is allowed to consume any alcoholic beverage, and the organisation in charge of the sporting facility is responsible for ensuring the strict observance at all times of this provision.
- (9) If the municipality permits the sale or consumption of alcohol on or in a sporting facility, the sale or consumption is subject to the following conditions:
- (a) no alcoholic beverage may be served in a glass bottle, glass cup or other container made of glass;
 - (b) beer, cider and alcoholic cordials may be served in cans, kegs, or plastic cups only; and
 - (c) the organization must maintain good order within the sporting facility.
- (10) The municipality may close, for such period as the municipality deems necessary, a sporting facility under the following circumstances:
- (a) The sporting facility is substantially unusable due to –
 - (i) destruction;
 - (ii) severe damage; or
 - (iii) the absence of municipal services;
 - (b) the sporting facility constitutes a danger to human life or property;
 - (c) a situation of emergency has arisen which renders such closure necessary or desirable.
- (11) The municipality may at any time temporarily close a sporting facility to members of the public for purposes of repair or maintenance, or if the sporting facility has been hired to an organized group, or for any other reason in the municipality's discretion.

5. Access to sporting facilities and storage facilities

- (1) The municipality must by notice posted at or near the entrance to a sporting facility indicate the hours during which the sporting facility may be used by members of the public.
- (2) The municipality, at all times, reserves the right of access to a sporting facility, and an official may instruct a person who has contravened a provision of this by-law to leave the sporting facility or premises immediately and should the person fail to observe the instruction, the official may remove or cause the person to be removed from the sporting facility or premises.
- (3) The municipality has the right to determine the maximum capacity of a sporting facility, and an official must, once the maximum capacity has been reached, refuse further access into the sporting facility by:
 - (a) closing all entrances to the sporting facility;

- (b) posting, at one or more entrances, a notice on which it is stated that the sporting facility is closed and that further access to the sporting facility is prohibited; and
 - (c) if necessary, barring access to the sporting facility by means of the construction, at all entrances to the sporting facility, of blockades, fences, barriers or similar means.
- (4) Where storage facilities for the storage of clothes or items are available on the premises of a sporting facility, only a person who intends engaging in a sporting activity for which provision is made in the sporting facility, may –
- (a) ask the official in charge of the sporting facility for a container in which to store his or her clothes or personal items, and should a container be available the official must provide it to the person free of charge for the period during which the person is engaging in the sporting activity; and
 - (b) deposit the container for safekeeping at a place designated by the official may direct and the official must in return give to the person a token bearing a mark by means of which the container is identified.
- (5) The official must, when the person surrenders the token, return the container and its contents to the person.

6. Admission fees and other fees

- (1) The municipality may, in accordance with its tariff policy, prescribe –
- (a) a deposit or fees to be charged for admission to or the hire or use of a sporting facility or equipment; and
 - (b) such other fees as are contemplated in the municipal tariff policy, and may vary in whole or in part.

7. Prohibited behavior in or on sporting facility or its premises

- (1) No person may –
- (a) enter into an sporting facility or any part thereof otherwise than by an entrance designated for that purpose;
 - (b) enter or remain inside a sporting facility, without permission, or at any time other than during the hours when such sporting facility is open to members of the public, or when access to the sporting facility has been denied;
 - (c) smoke in a sporting facility, except in an open air sporting facility, such as golf links, or in those areas in the sporting facility which have been specifically designated for this purpose, as indicated by notices to that effect;
 - (d) wear unsuitable apparel for the sporting activity in which he or she is engaged in, and a person must observe the instructions of an official if asked to change his or her apparel to suit the particular sporting activity;
 - (e) wear footwear that may damage the surface of a sporting facility in any manner;

- (f) attend or engage in a sporting activity if dressed indecently or if undressed, except in a change room or ablution facility set aside for use by a person of the same sex;
- (g) relieve himself or herself in any part of the sporting facility other than in the ablution facilities provided for that purpose and for use by members of his or her own sex;
- (h) excluding a child under the age of five years, use change rooms, places of ablution, cubicles, or any other facilities set aside for a particular sex if he or she is not of that particular sex;
- (i) simultaneously share with another person of a different sex change rooms, places of ablution, cubicles, or any other facilities;
- (j) enter or remain in any area of the sporting facility, which area is reserved for the use of persons of the other sex;
- (k) use a change room, place of ablution, cubicle or any other facility for longer than is reasonably necessary to undertake an activity intended to be undertaken in the change room, place of ablution, cubicle, or other facility;
- (l) use profane or indecent language or behave in any other manner which constitutes a nuisance or unacceptable behavior towards other persons inside or on a sporting facility;
- (m) destroy, damage or deface any part of a sporting facility, accessories or equipment;
- (n) discard rubbish such as, but not limited to bottles, plastic cups and plates, tin cans, paper, fruit and rinds, or any other object that may interfere with the cleanliness of the sporting facility in any other place in a sporting facility than in a container provided for that purpose;
- (o) annoy, endanger, injure or harm any other person inside a sporting facility, whether such person is engaging in a sporting activity or not;
- (p) in any manner, interfere with the substance covering the surface of a sporting facility, such as, but not limited to turf, sand, or gravel;
- (q) light any fire or do any act which may cause any substance or thing to catch fire inside a sporting facility, or which does not comply with the municipality's fire protection regulations;
- (r) drive, draw, or propel a vehicle, whether motorized or not, except a perambulator or wheel chair, or walk upon or recline on lawn on the premises of a sporting facility, except if allowed to do so by a notice of the municipality on the premises;
- (s) ride or use in or on a sporting facility a bicycle, roller blades, roller skates, a skateboard, a tricycle or any similar form of transport or amusement, except in a sporting facility which specifically provides for the riding of bicycles;
- (t) without the prior written consent of an official, sell, hawk, advertise, offer for sale or offer for purchase or exhibit any article for sale, lease or hire, distribute a pamphlet, book, handbill or other written or printed matter inside a sporting facility or in the immediate vicinity of the entrance thereto;

- (u) neither inside nor outside a sporting facility, obstruct, resist or in any manner interfere with an official in the execution of his or her duties or the exercise of any authority in terms of these by-laws;
- (v) tamper with or in any manner interfere with an appurtenance in or on the premises of a sporting facility;
- (w) bring into or keep on a sporting facility an animal, except a guide dog, without the prior consent of the municipality, unless the sporting activity engaged in involves the use of animals;
- (x) bring or keep into or on a sporting facility a traditional weapon, firearm, or any other dangerous weapon, and should a person be found, before admission or after admission to the sporting facility, to be in possession of a traditional weapon, firearm, or any other dangerous weapon –
 - (i) the person must, if he or she insists on entering or remaining in the sporting facility, surrender the traditional weapon, firearm, or dangerous weapon to an official on request of the official;
 - (ii) the official must keep in a storage facility, if such facility is available on the premises of the sporting facility, the traditional weapon, firearm, or dangerous weapon in custody for the period during which the person is on the premises of the sporting facility; and
 - (iii) the official must return the traditional weapon, firearm, or dangerous weapon to the person when the person leaves the premises of the sporting facility, however, if a storage facility as contemplated in (ii) is not available, the person may not enter into or remain in or on the sporting facility and must observe an instruction by the official to the effect that he or she may not enter the sporting facility or that he or she must immediately leave the premises;
- (y) erect or attempt to erect any enclosure, tent or similar construction, stall, booth, stand, screen, fence, or drive into the ground any peg or spike without the permission of the official in charge of the sporting facility;
- (z) behave or conduct himself or herself in a manner which may prejudice good order;
- (aa) bring into or onto the premises of a sporting facility any substance or matter which may endanger the safety of people in the sporting facility, or which may be used to disrupt proceedings at or spoil the peaceful enjoyment of the sporting facility;
- (bb) behave or conduct himself or herself in a manner which may disrupt a sporting activity; or
- (cc) willfully fail to comply with a lawful instruction given by an official.

CHAPTER 2**ORGANIZED SPORTING ACTIVITIES****8. Organized sporting activities**

- (1) Organized sporting activities may be organized and controlled by organizations, municipal staff, or other persons such as, but not limited to free lance instructors.
- (2) An organization to which a sporting facility or a portion thereof has been allocated for use at regular times, must ensure that only its members make use of the sporting facility at those times, and should it be impossible for the members of an organization to make use of the sporting facilities at those times, the organization must notify beforehand the official in charge of the sporting facility, and should an organization fail to do so, the municipality may suspend or cancel the organization's further use of the sporting facility.
- (3) An organization may not, without the permission of the official in charge, alter the programme, and should an organization do so, the municipality may suspend or cancel the organization's further use of the sporting facility.
- (4) A person who, for whatever reason, has been suspended from participating in an organized sporting activity, may not enter the sporting facility in which the sporting activity from which he or she has been suspended, are undertaken, and may only enter the sporting facility once the suspension has been raised, and should a person enter the sporting facility in breach of this subsection, he or she commits an offence.

9. Reservation and hiring of sporting facilities

- (1) The municipality reserves the right to set aside or hire out, for the purpose of organized sporting activities, a sporting facility on occasions for special purposes on such conditions as it may prescribe and the municipality may charge a deposit and a fee, as determined in its tariff for the use of the sporting facility, or may make it available free of charge on such occasions or grant free admission to selected persons.
- (2) The representative of an organization that wishes to hire for use, a sporting facility for the purpose of hosting an organized sporting activity, must lodge an application form to reserve the sporting facility, and for these purposes must –
 - (a) complete the necessary application form and comply with all the other requirements and conditions which are specified in the application form;
 - (b) lodge two copies of the application form at the Municipal Manager's offices; and
 - (c) obtain the municipality's approval before the organisation makes use of the sporting facility.
- (3) An application must be lodged within the time prescribed by the municipality.
- (4) The application must contain the following:
 - (a) particulars of the sporting facility, or part thereof intended to be used;
 - (b) particulars of the period for which the sporting facility is required;

- (c) particulars of the date and time when the sporting facility will be occupied and vacated;
 - (d) particulars of the expected number of people who will be attending the organized sporting activity;
 - (e) particulars of the intended use of sporting facility;
 - (f) an undertaking by the organisation that has lodged the application that the organization will comply with all conditions imposed by the municipality and with the provisions of this by-law;
 - (g) an indemnity that the municipality is not liable for any loss, damage or injury, direct or indirect, arising out of the organization's use of the sporting facility; and
 - (h) an indemnity against any claim made by a member of the public against the municipality resulting from the use of the premises while under the control of the organization, which indemnity extends to any expense which the municipality may incur in relation to any such claim.
- (5) The municipality, when it considers the application, may have, in addition to other relevant factors, due regard to the following:
- (a) the principles and objectives of this by-law;
 - (b) that the sporting facility may be used for lawful purposes only;
 - (c) that the use of the sporting facility will not constitute a nuisance or annoyance to other users of another part of the sporting facility which has not been hired by the organisation, or to the occupiers of neighbouring premises; and
 - (d) that the use of the sporting facility will not constitute a danger to any person or property or negatively affect the environment.
- (6) The municipality may approve the use of the sporting facility subject to any condition it may deem expedient, or disapprove the use of sporting facility and provide the applicant with reasons.
- (7) The municipality must, within seven days after the application form has been lodged, in writing notify the organisation if the application has been approved or disapproved, and –
- (a) if the application is disapproved, the municipality must supply to the organisation with the reasons why the application was refused; or
 - (b) if the application is approved, the municipality must forward a notice of approval and one set of the application form to the organisation, and must specify in the notice of approval the conditions to which the use of the sporting facility is subject.
- (8) The municipality must keep a register which is open to public inspection at all reasonable hours and which contains the following particulars of the sporting facility for the use of which approval was granted:
- (a) the application which was made to the municipality for the use of the sporting facility;
 - (b) the name and address of the organisation;

- (c) the date of the application;
 - (d) the prescribed deposit and fee for the use of the sporting facility, if a fee is payable; and
 - (e) the conditions relating to the use of the sporting facility.
- (9) An organisation may not, before the municipality's approval has been received advertise or announce the sporting activity for which it has lodged an application.
- (10) The municipality may, before it approves an application, require of an organization that wishes to make use of a sporting facility to take out, with an insurance company approved by the municipality –
- (a) insurance in an amount approved by the municipality to cover any structural damage which may occur to the sporting facility whilst being used by the organization; and
 - (b) public liability insurance in respect of the death or injury of any person that may occur during or as a consequence of an organized sporting activity undertaken during the period of hire.

10. Cancellation, postponement or extension of reservation

- (1) An organisation who has lodged an application for the reservation of a sporting facility, may cancel the application, and where the organisation has paid the deposit or fee as contemplated in section 9(8)(d), the municipality will determine the percentage of the paid deposit or fee to be refunded to the organisation.
- (2)
- (a) After approval has been given by the municipality, an organisation may apply for the postponement of the reservation to a later date.
 - (b) Approval by the municipality of the postponement does not result in a penalty or forfeiture of any deposit or fee already paid.
 - (c) Postponement may be refused if the sporting facility has been reserved for the use by another organisation or the municipality.
- (3) An organisation may apply for an extension of the period of use of the sporting facility, and –
- (a) the application for extension must be in writing and lodged at the Municipal Manager's offices; and
 - (b) the sporting facility must be available, in that the municipality has not reserved the sporting facility for the use by another organisation.
- (4) The municipality may at short notice or otherwise cancel the hire of the sporting facility under the circumstances contemplated in section 4(10), or should the municipality require the sporting facility for municipal purposes at the same time, however, the municipality may refund the deposit or fee that have already been paid to it in respect of the reservation.
- (5) Should the municipality decide to cancel a reservation, the municipality must, within a reasonable time notify, in writing, the organisation of its decision, however, in the instance

where a notice is given in terms of subsection (4), the notice is deemed to be effective as from the date on which the destruction or damage took place.

- (6) Subject to the provisions of subsection (4), an organisation has no claim against the municipality for loss of use of the sporting facility or for damage arising from a cancellation in terms of subsection (4).
- (7) The municipality reserves the right to cancel a booking should the sporting facility be required for municipal purposes at the same time, and the municipality is not liable to pay compensation to the organisation should the municipality, for these purposes, cancel a booking, however, the municipality may refund the deposit or fee that have already been paid to it in respect of the application.

11. Termination of hire

- (1) On termination of the hire the organisation and the official must, for the purpose of assessing the conditions of the premises or amenities, inspect the premises or amenities.
- (2) The organisation must –
 - (a) return the sporting facility to the municipality in the condition as when they were hired out to the organisation;
 - (b) repair any damage or breakages;
 - (c) comply with any instructions by the municipality in respect of the cleaning of the sporting facility; and
 - (d) vacate the sporting facility within the period stated in the application form, and should the organisation fail to comply with –
 - (i) subsection 2 (a), (b) or (c), the municipality may replace, repair or make good any breakages, broken, missing or damaged appurtenances, appliances or any other object on the sporting facility, and recover the costs from the organisation; or
 - (ii) subsection 2(d), the municipality may levy an additional fee for the period during which the organisation occupies the sporting facility after the expiry of the period stipulated in the application form.

12. Duties of organisation

- (1) Before an organisation commences to use the sporting facility, a representative of the organisation must inspect the sporting facilities, and should he or she find that buildings, structures, accessories or equipment in and on the sporting facilities are in a state of disrepair, he or she must immediately report this fact to the municipality, and failure to do so is deemed as an acceptance by the organisation that the facilities are in a proper condition.
- (2) The organisation must take all reasonable measures to ensure that its members and persons attending a sporting activity, as participants, visitors or spectators comply with section 7 and, furthermore –

- (a) may not use the sporting facilities for any other purpose than that for which approval was given;
- (b) may not use sporting facilities for which approval was not given;
- (c) may not use the sporting facilities unless it has fully paid the fees, if stipulated;
- (d) may not sub-let the sporting facilities;
- (e) may not allow another organisation to use the sporting facilities;
- (f) may not without the approval of the municipality first having been obtained, cede, pledge or renounce in favour of another organisation any of the rights or obligations under these by-laws;
- (g) may not allow any accessories or any other property of the municipality to be removed from the sporting facilities;
- (h) may not allow a person to drive or screw nails, screws or similar objects into the walls, doors, accessories, or in any other place or into any object belonging to the municipality, in the sporting facilities;
- (i) may not allow a person to apply paint to any window or on any accessory or other object belonging to the municipality, on the premises;
- (j) may not interfere or tamper with any electrical installation or appliance on the sporting facility;
- (k) must ensure that persons attending a sporting activity for which purpose the organisation has hired the use of the sporting facilities, behave in a seemly manner and do not cause a nuisance to other users of the sporting facilities or neighbouring premises;
- (l) if it has on its request been supplied, by the municipality, with equipment for use during the sporting activity, may not remove the equipment from the sporting facility;
- (m) may not allow a person or cause a person to bring onto, or may not allow to be kept on, or may not undertake or allow any activity onto or in the sporting facility any matter, thing or activity which may invalidate or invalidates any insurance policy of the building or facility or which may increase or increases the premium;
- (n) must, before vacating the sporting facility, remove any article affixed or erected by it, such as, but not limited to flags, advertisements, posters, notices, signs and decorations;
- (o) should the sporting activity requires the use of ushers, provide the ushers;
- (p) must control the admission of people to the sporting facility, and, if applicable, the sale of tickets;
- (q) must ensure that at no time overcrowding takes place, and must adhere to the conditions, in the notice of approval, regarding the number of seats and persons allowed;

- (r) may not allow the sale of food or soft drinks in the sporting facility without the municipality's consent;
- (s) ensure, at all times, that the sporting facilities are kept in a clean, sanitary and tidy condition;
- (t) must take the necessary precautions to keep drains, water installations, and sewage pipes clean and free of blockages, and must maintain these in such condition;
- (u) may not park or store or allow to be parked or stored any vehicle or object which may hamper the uninhibited access to or exit from an entrance, passage, building or structure;
- (v) may not allow the parking of vehicles anywhere else in the sporting facility except than in the demarcated parking areas;
- (w) must comply any instruction issued by an official;
- (x) may not allow the bringing into or keeping in the sporting facility or affixing onto anything in the sporting facility any object which is unsafe or which, due to its weight or size, may damage the sporting facility;
- (y) must, subject to the section 10, strictly adhere to the specific times contemplated in section 9 allocated to it by the municipality for the use of the sporting facility or any part thereof; and
- (z) may not, without the prior permission of the official, relay amplified sound through a music or public address system, and should permission be granted, the volume must be moderate and the loudspeakers must be positioned so that the sound is audible in the sporting facility only so as not to cause a nuisance outside the sporting facility.

CHAPTER 3

MISCELLANEOUS PROVISIONS

13. Enforcement

- (1) An official may, for the purpose of the safety of all persons using a sporting facility, whether as player or spectator or otherwise, and for ensuring that law and order is observed, search any –
 - (a) person who wishes to enter the sporting facility;
 - (b) container which a person wishes to bring into the sporting facility; and
 - (c) vehicle which a person intends to drive in to or on the sporting facility.
- (2) The official may confiscate –
 - (a) liquor;
 - (b) a traditional weapon, firearm, or any other dangerous weapon; or

- (c) any substance or matter which may endanger the safety of people in the sporting facility, or which may be used to disrupt proceedings at or spoil the peaceful enjoyment of the sporting facility, found as a result of the search conducted in terms of subsection (1), and must return to the person that which was confiscated from him or her when he or she leaves the sporting facility.
- (3) If the official finds an unlawful substance as a result of the search contemplated in subsection (1), he or she must immediately alert the South African Police Services, or if he or she is appointed as a peace officer in terms of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), he or she may act in terms of the Act.

14. Indemnity

- (1) Any person, including a child, whether or not accompanied by a parent, tutor or guardian, and including a mentally or physically handicapped person, whether or not accompanied by another person, visiting or using the premises of a sporting facility, including any appliance, equipment, apparatus or storage facility thereon, does so at his or her own risk and the municipality shall not be liable for any personal injury or loss of or damage to the property of such person, howsoever arising, which such person may suffer while on the premises, for whatever reason, of a sporting facility.

15. Appeal

Any person may in terms of section 62(4)(b) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), appeal to the Municipal Manager against any decision.

16. Exemptions

- (1) Any person may by means of a written application, in which the reasons are given in full, apply to the municipality for exemption from any provision of this by-law.
- (2) The municipality may –
- (a) grant an exemption in writing and the conditions in terms of which, if any, and the period for which such exemption is granted must be stipulated therein;
 - (b) alter or cancel any exemption or condition in an exemption; or
 - (c) refuse to grant an exemption.
- (3) An exemption does not take effect before the applicant has undertaken in writing to comply with all conditions imposed by the municipality under subsection (2)(a), however, if an activity is commenced before such undertaking has been submitted to the municipality, the exemption lapses.
- (4) If any condition of an exemption is not complied with, the exemption lapses immediately.

17. Offences and Penalty

- (1) A person who or an organisation which fails to comply with the provisions of this by-law shall upon conviction, be liable to a fine or in default of payment, to imprisonment, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment.

18. Repeal of By-laws

- (1) By-laws on Sporting Facilities previously made by the municipality or its constituent predecessors in respect of any portion of the area of the Lephalale Local Municipality are hereby repealed in so far as they are inconsistent with the provisions of this by-law.

19. Short title and commencement

- (1) This by-law is called Lephalale Local Municipality Sporting facilities By-Law and commence on the date of publication thereof in the *Provincial Gazette*.