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# City of Cape Town: 2010 FIFA World Cup By-law

WHEREAS:

Section 156(1) of the Constitution confers on the City the power to make by-laws for the effective administration on matters which it has the right to administer;

The City of Cape Town, as a host City for the 2010 FIFA World Cup wishes to adopt a by-law for the efficient running of the Competition in Cape Town;

NOW THEREFORE, BE IT ENACTED by the City of Cape Town, as follows: -

## Chapter 1 Preliminary provisions

### 1. Definitions

In this By-law the following terms shall bear the following meanings, unless the context otherwise indicates -

**"accreditation"** means accreditation in terms of the Accreditation Systems and Procedure Annex;

**"Accreditation Systems and Procedure AIUlex"** means the accreditation systems and procedures of FIFA, that will be applicable to the Competition;

**"Advertisement"** means a visual representation including but not limited to a sign, illustration, object, mark, symbol or device of any kind which is in a public place or which is visible to the public from in a public place or which is visible to the public from any public place 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;

**"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;

**"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;

**"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 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;

**"air pollution"** means, as defined by the National Environment Management: Air Quality Act, 2004 (Act No. 39 of 2004); **"approval"** means approval by the City including by an authorised official, and **"approve"** has a corresponding meaning; **"authorised official"** means a person authorised to implement the provisions of this By-law, including but not limited to—

- (a) peace officers as contemplated in section 334 of the Criminal Procedure Act, 1961 (Act No. 51 of 1977);
- (b) members of the South African Police Services or Metropolitan Police Officers as contemplated in the South African Police Services Act, 1995 (Act No. 8 of 1995);
- (c) such employees, agents, delegated nominees, representatives or service providers of the City as are specifically authorised by the City in this regard;

**"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;

**"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;

**"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;

**"broadcast rights holders"** shall mean a person, that has acquired from FIFA, directly or indirectly, any part of the broadcast rights; **"City"** means the City of Cape Town established in terms of the Local Government: Municipal Structures Act 1998 (Act No. 117 of 1998);

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

**"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; **"commercial affiliate"** means any FIFA partner, FIFA World Cup sponsor, national supporter and branded licensee;

**"Competition"** means the 2010 FIFA World Cup South Africa TM which is scheduled to be contested from 11 June to 11 July in the year 2010 in the Republic of South Africa, under the governance of FIFA, including all matches and official events;

**"Competition marks"** means—

- (a) the official emblem;

- (b) any official Competition mascot;
- (c) any official Competition poster;
- (d) any official Competition 'look' designs;
- (e) two or three dimensional representations of the FIFA World Cup trophy; and
- (f) any Competition-related designations including trade marks and marks as defined in the Trade Marks Act, 1993 (Act No.194 of 1993);

**"Controlled Access Site"** means—

- (a) the locations of the matches including without limitation, the stadium;
- (b) the locations of the official events;
- (c) any other areas in respect of which admission is regulated by accreditation;
- (d) accreditation centres;
- (e) official training sites;
- (f) team hotels;
- (g) the official hotels for the FIFA delegation;
- (h) FIFA fan parks; and
- (i) any other area within the area of jurisdiction of the City, designated or demarcated by the City by notice in the press as a Controlled Access Site and shall include private property located therein;

**"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;

**"Exclusion Zone"** means the controlled zone situated immediately outside the outer perimeter of the stadium, as designated or demarcated by the City, including private property located therein;

**"FIFA"** means Fédération Internationale De Football Association;

**"FIFA Delegation"** means with respect to the Competition, the following persons—

- (a) FIFA staff and the staff of all FIFA subsidiary companies;
- (b) members of FIFA's internal official committees;
- (c) guests of FIFA; and
- (d) all other individuals who are nominated by FIFA as being a member of the FIFA delegation;

**"FIFA fan park"** means a fan park to be established by the City under the auspices

and guidance of FIFA;

**"FIFA Member Association"** means any national football association officially affiliated to FIFA;

**"FIFA partner"** means a person to which FIFA grants the most comprehensive package of available marketing rights;

**"FIFA World Cup sponsor"** means a person to which FIFA grants the second most comprehensive package of available marketing rights;

**"final draw"** means the official draw ceremony for the Competition, by means of which the Participating Member Associations are allocated to Competition groups;

**"goods"** means any items or stock displayed or kept by a street trader for the purpose of selling;

**"intersection"** means any intersection as defined in the regulations promulgated in terms of the National Road Traffic Act, 1996 (Act No. 93 of 1996);

**"litter"** includes any receptacle, container or other matter, which has been discarded or abandoned or left behind;

**"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);

**"marketing rights"** means all advertising, promotional, marketing, merchandising, licensing, franchising, sponsorship, hospitality, publishing, and any other rights or associated commercial opportunities other than the media rights related to or in connection with the Competition;

**"match"** means each and every football match in its entirety, including extra time and penalty kick phases, of the Competition, including training matches and any delayed or deferred matches and replays;

**"media"** means all members of the written press, photographers and electronic media entitled to media accreditation;

**"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;

**"Metropolitan Police Service"** means the metropolitan police service as contemplated in the South African Police Services Act, 1995 (Act No. 8 of 1995);

**"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;

**"notice in the press"** means a notice published in the three official languages in newspapers circulating within the City;

**"nuisance"** means—

- (a) 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;
- (b) 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;
- (c) any accumulation of refuse, offal, manure or other matter which is offensive or injurious or dangerous to health;
- (d) any public building which is so situated, constructed, used or kept as to be unsafe or to be injurious or dangerous to health;
- (e) any occupied dwelling for which no proper and sufficient supply of pure water is available within a reasonable distance;
- (f) 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;
- (g) 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;
- (h) any area of land kept or permitted to remain in such a state as to be offensive;
- (i) 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);
- (j) any act or condition which interferes with
  - (i) the health or well-being of a person or the general public;
  - (ii) the use and enjoyment by an owner or occupier of his or her property;
  - (iii) the use and enjoyment by a member of the public of a public place;

**"official emblem"** means any official logo or official device of the Competition;

**"official events"** means any organisational, social, cultural and other official functions, ceremonies and draws staged, hosted or organised by the LOC or FIFA in connection with the Competition;

**"official training site"** means a venue within the jurisdiction of the City 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 City;

**"owner"** in relation to a sign includes the owner of immovable property or 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;

**"Participating Member Association"** means any FIFA Member Association whose representative Team has qualified to participate in the Competition;

**"person"** means a legal person which includes a natural person, partnership, firm, corporation, corporation trust, unincorporated association, joint venture, company and close corporation;

**"premises"** means an erf, stand, land, lot, plot, agricultural holding, farm portion or similar land entity, or any building or improvements thereon, registered in a deeds registry;

**"prohibited area"** in relation to street trading, 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;

**"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;

**"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 City;

**"public place"** means—

- (a) any public land, square, public swimming bath, public resort, public recreation site, zoological, botanical or other public garden, park or hiking trail, including any portion thereof and any facility or apparatus therein or thereon, as well as any public open space, public road, road reserve, reserve street, lake, dam, or river;
- (b) any public building, structure, hall, room or office including any part thereof and facility or apparatus therein, which is the property of, or possessed, controlled or leased by the City and to which the general public has access, whether on payment of admission fees or not;
- (c) any nature conservation area including—
  - (i) nature reserves;
  - (ii) protected natural areas;
  - (iii) nature conservation worthy areas;

- (iv) natural open spaces;

**"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);

**"recreation"** or "recreational" means any leisure activity;

**"restricted area"** in relation to street trading, means any area declared in terms section 6A(2) of the Businesses Act, 1991 (Act No. 71 of 1991) to be an area in which street trading is restricted;

**"SAFA"** means South African Football Association;

**"safety and security plan"** means the safety and security plans to be implemented by the City during the Competition; "services" includes any advantage or gain for consideration or reward;

**"Sign"** means—

- (a) any method of displaying writing, letters, numbers, figures, objects, Competition Marks, photographs, symbols or illustrations, 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 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
- (b) any method of displaying writing, letters, numbers, figures, objects, Competition Marks, photographs, symbols or illustrations which 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, hand held signs, banners, 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 City road traffic signs and City street name signs;

**"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 place;

**"stadium"** means any stadium within the geographical area of jurisdiction of the City 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;

**"street furniture"** means any furniture installed by, or on behalf of the City on a public place;

**"street trader"** means a person selling goods and includes a seller, peddler or hawker and also—

- (a) 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
- (b) a person to whom a stand has been leased or allocated by the City and for as long as such person is carrying on the business of street trading on it;

**"street trading"** means the selling of any goods in a public place;

**"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; "team hotel" means a hotel and any other location providing accommodation within the area of jurisdiction of the City, for a team;

**"term"** means the period as specified in the Schedule;

**"ticket"** means the evidential item representing that the ticket holder has the right to enter a stadium to attend a particular match 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;

**"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;

**"traffic-free zone"** means as defined in section 1 of the 2010 FIFA World Cup South Africa: Special Measures Act, 2006 (Act No. 11 of 2006);

**"verge"** means a verge as defined in the National Road Traffic Act, 1996 (Act No. 93 of 1996); and

**"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.

## **2. Application of the by-law**

- (1) For the purpose of this By-law 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 this By-law and as amended or re-enacted from time to time.
- (2) To the extent that conflicts may arise between the existing by-laws of the City and this By-law, the provisions of this By-law shall prevail.

## **3. Purpose of the by-law**

The purpose of this By-law is to enable the City, during the term, to—

- (a) regulate advertising;
- (b) administer Controlled Access Sites;
- (c) regulate special events and the administer, manage and maintain neatness of public open spaces;
- (d) adopt appropriate traffic guidance, management and control measures, 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
- (e) regulate street trading.

## **Chapter 2 Principal provisions: advertising**

### **4. Application and approval**

For the purposes of this Chapter approval shall mean approval in terms the City of Cape Town: Outdoor Advertising and Signage By-law published in Provincial Gazette Extra-Ordinary 5801 dated 5 December 2001 or any subsequent by-law replacing that By-law.

### **5. Ambush marketing and unlawful advertising**

- (1) A member of the Metropolitan Police Service may enforce the provisions of the

Merchandise Marks Act, 1941 (Act No.17 of 1941), in so far as it relates to the powers of an inspector to combat ambush marketing—

- (a) during the final draw and for a period of one week immediately prior to and one week immediately following the final draw;
  - (b) during the period of the Competition and for a period of two weeks immediately prior to the first match and two weeks immediately following the final match;
  - (c) in the following areas—
    - (i) at any Controlled Access Site, or
    - (ii) within a one kilometre radius of the venue of the final draw, or of a stadium or as demarcated by the City Manager;
    - (iii) within a 100 meter radius of a FIFA fan park or as demarcated by the City Manager; and
    - (iv) at any place visible from a public road, as designated by the City Manager by means of appropriate signage, leading to the venue of the final draw or to a stadium, and within two kilometres from the perimeter of the final draw venue or stadium, as the case may be or as demarcated by the City Manager.
- (2) Notwithstanding paragraphs (a), (b) and (c) of subsection (1), nothing contained in this By-law shall derogate from the powers granted to a member of the Metropolitan Police Service under the Merchandise Marks Act, 1941 (Act No. 17 of 1941).
- (3) No person shall, except with the prior approval of the City Manager, and to the extent applicable and within the area of jurisdiction of the City, conduct any advertising activity on any public advertising media—
- (a) during the final draw and for a period of two weeks immediately prior to the final draw;
  - (b) during the period of the Competition and for a period of 15 working days immediately prior to the first match and 5 working days immediately following the final match;
  - (c) in the following areas—
    - (i) immediately outside or surrounding airports;
    - (ii) in or immediately outside or surrounding main train stations;
    - (iii) within a radius of the central business district of the area of jurisdiction of the City demarcated by the City Manager in consultation with FIFA; and
    - (iv) to the extent the City 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 City and to the stadium.

- (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 City Manager granted specifically with regard to the Competition.

## **6. 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 which—

- (a) constitutes a danger to any person or property;
- (b) is so placed or contains an element which distracts the attention of drivers in a manner likely to lead to unsafe driving conditions;
- (c) is illuminated to the extent that it causes discomfort to or inhibits the vision of approaching pedestrians or drivers;
- (d) is attached to a road traffic sign or signal;
- (e) combined with a road traffic sign or signal obscures a road traffic sign or signal;
- (f) creates confusion with a road traffic sign or signal;
- (g) interferes with the functioning of a road traffic sign or signal or creates a road safety hazard;
- (h) 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;
- (i) projects over a pedestrian or cycle circulation route, unless the clear height of such sign is approved by the City Manager;
- (j) obstructs a fire escape or fire fighting equipment; or
- (k) is placed closer than the minimum clearance prescribed by the City Manager with regard to overhead power lines.

## **7. Design and construction**

- (1) Advertising structures in a Controlled Access Site or an Exclusion Zone shall be designed and constructed according to applicable South African Bureau of Standards ("SABS") approved standards.
- (2) Every sign in a Controlled Access Site or an Exclusion Zone in which electricity is used, including electronic and illuminated signs, must -

- (a) have power cables and conduits containing electrical conductors positioned and fixed in such a manner that they are not unsightly;
  - (b) be designed in such a manner that the sign is not a fire risk;
  - (c) be provided with an external switch in an accessible position and at a height of least three metres from the ground by means of which the electricity supply to the sign may be switched off;
  - (d) be wired and constructed in accordance with and subject to the provisions of all applicable laws and regulations; and
  - (e) be installed and erected by a qualified electrician.
- (4) No person shall erect, maintain or display a sign, billboard or an advertising structure in a Controlled Access Site or an Exclusion Zone which interferes or is detrimental with the functioning of the natural environment.

## **8. Maintenance**

All signs in Controlled Access Sites and Exclusion Zones 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.

## **9. Removal and impoundment of signs**

- (1) Subject to section 5, the City Manager 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 5(1)(c)(i) and (ii) be entitled to do the following:
- (a) 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, provided that the provisions of this paragraph shall not apply to encroachments and projections approved by the City Manager in terms of the By-law Relating to the Management and Administration of the City of Cape Town's Immovable Property;
  - (b) to serve a notice on the responsible person to remove or cease such sign, billboard or advertisement if it is displayed in contravention of the City of Cape Town: Outdoor Advertising and Signage By-law;
- (2) In event of failure to comply with a notice to remove a sign, billboard, advertising structure or advertisement, the City may endeavour to obtain a court order for the removal or cessation thereof.

## **Chapter 3**

## **Principal provisions: controlled access sites**

### **10. Designation of controlled access sites and exclusion zones**

- (1) The City Manager may, by notice in the press, designate an area, as a Controlled Access Site. (2) The City Manager may, by notice in the press, designate an area as an Exclusion Zone.

### **11. General prohibition applicable to controlled access sites**

No person shall—

- (a) smoke, eat, drink or sleep in any Controlled Access Site where these activities are forbidden;
- (b) 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;
- (c) remove any object or part thereof or any fixture, fitting or equipment from a Controlled Access Site;
- (d) bring any animal except guide dogs or animals assisting authorised officials in the execution of their duties into any Controlled Access Site;
- (e) use abusive or otherwise objectionable language or behave in an abusive, objectionable or disorderly manner in a Controlled Access Site;
- (f) hamper, disturb, obstruct or harass any person using or entering any Controlled Access Site;
- (g) damage or indirectly cause damage to any part of a Controlled Access Site or its contents or equipment;
- (h) spill or drop any substance that may cause danger or harm to any user of a Controlled Access Site;
- (i) commit any act of vandalism including but not limited to painting, defacing or marking any part of any Controlled Access Site;
- (j) lie, sit, stand, congregate or walk, in a manner that otherwise causes an obstruction of any nature whatsoever, within any Controlled Access Site;
- (k) 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;
- (l) urinate, excrete or commit an act of public indecency within any Controlled Access Site;



- (m) 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;
- (n) 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
- (o) throw any object, of any nature whatsoever, within or onto a Controlled Access Site.

## **12. Exclusion zone**

Subject to section 5, no person shall conduct business activities on a match day in the Exclusion Zone except with the approval of the City Manager granted specifically with regard to the Competition, provided that this prohibition shall not apply to persons who, in respect of their normal business activities, may lawfully conduct a business located on private property at the date of commencement of this By-law.

## **Chapter 4**

### **Principal provisions: public place and city beautification**

## **13. City beautification for competition**

- (1) The City Manager will appeal to 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, to take all necessary measures at their own cost to cover or conceal such construction sites from public view.
- (2) The City Manager 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.
- (3) No person shall deface any wall, structure or building in a any street or public place or visible from such street or public place by writing, painting, or placing any symbols, pictures or sign thereon, during the Competition.

## **14. General prohibition relating to public places and city beautification**

No person shall at a special event—

- (a) cause or commit a nuisance;
- (b) use abusive or otherwise objectionable language or behave in an abusive, objectionable or disorderly manner towards any other user;

- (c) hamper, disturb, obstruct or harass any other person;
- (d) damage or indirectly cause damage to any infrastructure, plant, equipment, fixtures, fittings, buildings or structures;
- (e) smoke, eat, drink or sleep where these activities are forbidden;
- (f) spill or drop any substance that may cause danger or harm to persons;
- (g) interfere with any works being performed or the installation of any equipment, plant or infrastructure;
- (h) remove or damage any object or part of any fixture, fitting, equipment, plant or infrastructure;
- (i) commit any act of vandalism including but not limited to painting, defacing or marking any infrastructure, plant, equipment, fixtures, fittings, buildings or structures;
- (j) lie, sit, stand, congregate or walk so as to cause a wilful obstruction, or otherwise cause any obstruction, of any nature whatsoever;
- (k) tout or solicit a driver of a motor vehicle who parks a motor vehicle for the purpose of or under pretext of looking after or watching over the motor vehicle;
- (l) urinate, spit or excrete except in a facility specifically designed for and provided that purpose or otherwise commit an act of indecency;
- (m) beg or solicit money;
- (n) deposit or leave or cause to be left any object which may endanger or cause harm;
- (o) carry, brandish or otherwise display or use any weapon, traditional weapon or any other object that may cause harm;
- (p) throw any object, of any nature whatsoever;
- (q) enter any area to which access has been restricted or prohibited;
- (r) bathe, wade or swim in or wash himself, an animal or any object, including clothing in any water or body;
- (s) make, light or otherwise start a fire except in a facility specifically designed for and provided for that purpose;
- (t) camp or reside; and
- (u) perform any action prohibited in terms of any notice or sign erected by the City.

## **15. Access restriction**

The City Manager may restrict the general access to and use of any public open

space in order to—

- (a) protect a public open space;
- (b) reduce vandalism or the destruction of City property at any public open space;
- (c) develop or undertake any activity which it reasonably considers necessary or appropriate to achieve the purposes of this By-law in preparation for the Competition.

## **16. Waste**

No person shall in a public open space—

- (a) deposit, dump, discard or dispose of any waste, other than in a receptacle provided by the City for that purpose; or
- (b) deposit or dispose of any waste or pollute in a manner which may detrimentally impact on any water body.

## **17. Vehicles**

No person shall in a public open space—

- (a) except at times specified and on roads or pathways provided by the City Manager, drive, draw or propel any vehicle other than a bicycle or a vehicular device used by a person with disability;
- (b) drive, draw or propel any vehicle of whatsoever nature in excess of 40 (forty) kilometres per hour; or
- (c) park any vehicle of whatsoever nature, except in designated area or other area where parking is otherwise permitted by the City Manager.

## **18. Vegetation and animals**

No person shall without the express authorisation of the City Manager, within a public open space—

- (a) disturb, damage, destroy or remove any tree, shrub or other vegetation;
- (b) affix, place, arrange or create any advertisement of whatever nature anywhere within a public open space;
- (c) plant any vegetation;
- (d) alter the slope or drainage pattern so as to interfere with the access of water, air or nutrients to any tree or other plant;
- (e) 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;
- (f) ride a horse, except—
  - (i) in an area designated by the City Manager for that purpose; and
  - (ii) a person who in the performance of his or her official duties, patrols such public open spaces on horseback;
- (g) 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;
- (h) walk any dog where—
  - (i) walking a dog in such a public open space is prohibited by the City Manager by notice or sign; or
  - (ii) such dog, while walking within a public open space is not at all times under the control of a person walking such dog.

## **19. Use of public open spaces**

- (1) No person shall, within a public open space—
  - (a) use the public open space in a way that unfairly restricts or prevents other users from enjoying that public open space; or
  - (b) except within a public open space or part thereof, which has been let to a person by the City Manager for that purpose, sell, hawk, offer or display any goods or articles for sale or hire;
- (2) No person may undertake any event or a special event which will or may be used for the purposes of the Competition unless specifically authorised by the City Manager.

## **Chapter 5**

### **Principal provisions: public roads and traffic guidance**

## **20. General prohibition in respect of public roads**

- (1) No person shall during the Competition—
  - (a) 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 approval of the City Manager, provided that the prohibition shall not apply to the South African Police Services or the Metro Police in execution of their duties;
  - (b) use any material or goods that are likely to cause any damage or harm to any person or of a public road or to harm any of its users including but not limited to

pedestrians, cyclists, motorcyclists and motorists;

- (c) spill or drop any substance on or over or across a public road including but not limited to discharging any water, chemical or oil substance, that may in any way endanger or harm any road users including but not limited to pedestrians, cyclists, motorcyclists and motorists;
  - (d) interfere with any works being carried out by the City or any authorised service provider or third party on a public road or in relation to any City services including digging holes, trenches, pits or tunnels on or under any public road; or painting, defacing or marking any public road;
  - (e) commit any act of vandalism including but not limited to painting, defacing or marking any part of a public road;
  - (f) hamper, disturb, obstruct or harass any public road user including but not limited to any pedestrian, cyclist, motorcyclist or motorist using or entering any public road;
  - (g) cause any animal to stray or walk onto a public road, excluding guide dogs and animals assisting an authorised official in law enforcement duties;
  - (h) 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;
  - (i) 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;
  - (j) beg on a public road.
- (2) No person shall during the Competition, except with the approval of the City Manager—
- (a) push or otherwise convey any trolley on a public road within an Exclusion Zone or at a Controlled Access Site;
  - (b) 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; or
  - (c) park or leave any vehicle of any nature whatsoever including but not limited to a 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.

## **21. General prohibitions in respect of road traffic control**

- (1) No person, other than an authorised official, shall direct any form of traffic by means of any visible or audible signal.

- (2) No person may drive or park a vehicle or in a traffic-free zone unless a token authorising the presence of the vehicle in that traffic-free zone has been validly issued and obtained and is visibly displayed on the vehicle.
- (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.
- (4) No person shall except with the approval of the City Manager, park or cause to be parked any vehicle of whatsoever nature in a demarcated space without paying, where applicable, the appropriate amount or inserting the appropriate token or card in the applicable parking meter for the required parking period.

## **22. General prohibitions in respect of parking**

The City Manager 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—

- (a) 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—
  - (i) VIPs;
  - (ii) teams; and
  - (iii) match officials, including referees;
- (b) restrict the right to use certain demarcated spaces and other parking areas inside the stadium as close as possible to the stadium building, and where required for service providers, to the following persons:
  - (i) the FIFA delegation;
  - (ii) members of the LOC delegation;
  - (iii) commercial affiliates;
  - (iv) broadcast rights holders;
  - (v) FIFA guests; and
  - (vi) service providers;
- (c) 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.

## **23. Instructions by authorised officials**

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 or safety on a match day -

- (a) instruct any person to refrain from using a public road; and
- (b) instruct any person to remove his or her vehicle whether parked, stationary or in transit, from a public road.

## **24. Road closure action by city manager**

The City Manager may, after giving appropriate notices in the press, close temporarily any public road, street or thoroughfare vested in the City for purposes of traffic control, management or guidance 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 or Controlled Access Site.

## **Chapter 6** **Principal provisions: street trading**

## **25. Approval for street trading**

For the purposes of this Chapter approval shall mean approval in terms of by-laws adopted by the City in terms of the Businesses Act, 1991 (Act No. 71 of 1991), or any legislation or law replacing such by-law or legislation.

## **26. Conduct of street traders in general and during the course of trading**

- (1) A street trader shall not, for the term—
  - (a) occupy any part of a public place with his or her property or goods, except to the extent approved by the City Manager;
  - (b) on conclusion of his or her daily business activities, leave any or all of his or her property and goods in public place;
  - (c) place his or her property or goods on a public place except for the purposes of setting up a stand prior to commencing trade or for the purposes of conducting street trading;
  - (d) place or stack his or 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;
  - (e) attach any object by any means to any public place, 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 place;
- (f) make a fire in any place or in circumstances where it could cause injury or loss person, building, vehicle, or street furniture, unless authorized to prepare foodstuffs by utilizing open-flame fire or gas-fired implements;
  - (g) stay overnight at the place of his or her street trading business;
  - (h) erect any structure for the purpose of providing shelter at the place of his or her street trading business except to the extent approved by the City Manager;
  - (i) 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;
  - (j) carry on business, or take up a position, or place his or her property on a portion of a public place, in contravention of a sign or notice erected or displayed by the City Manager for the purpose of this By-law;
  - (k) store his or her property or goods in a manhole, storm water drain or a public bus or taxi shelter or under a publicly accessible tree;
  - (l) carry on street trading in such a manner as to—
    - (i) create a nuisance;
    - (ii) damage or deface the surface of a public place or any public or private property;
  - (m) 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 or her property and goods so as to permit the carrying out of any work or service in relation to a public place;
  - (n) display his or her goods or property on or in a public place except with the approval of the City Manager; or
  - (o) trade in foodstuffs without a valid certificate of acceptability issued in terms of the Regulations Governing General Hygiene Requirements for Food Premises and the Transport of Food (GNR.918 of 30 July 1999).
- (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.

## **27. Conduct of a street trader with regard to ensuring place of trading is kept clean**

A street trader shall, for the term—



- (a) dispose of litter generated by his or her business in whatever receptacle is provided or approved by the City Manager for the public or at a dumping site of the City;
- (b) not dispose of litter in a manhole, storm water drain or other place not intended the disposal of litter;
- (c) 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;
- (d) ensure that no smoke, fumes or other substance causes air pollution;
- (e) ensure that no odour, or noise emanating from his or her activities causes a nuisance of any kind;
- (f) keep the area or site occupied by him or her for the purposes of such business clean and sanitary condition;
- (g) keep his or her property in a clean, sanitary and well maintained condition;
- (h) to the satisfaction of the City Manager, take such precautions in the course of conducting his or her business as may be necessary to prevent the spilling onto a public place, 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 place; and
- (i) ensure that on conclusion of his or 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.

## **28. Regulation of street trading**

- (1) No person shall, except with the prior approval of the City Manager granted specifically with regard to the Competition—
  - (a) carry on the business of street trading at any Controlled Access Site or Exclusion Zone during the term;
  - (b) carry on the business of street trading in a restricted area;
  - (c) carry on the business of street trading in a garden or park to which the public has right of access.
- (2) No person shall carry on the business of street trading—
  - (a) in a prohibited area;
  - (b) on a verge contiguous to an auto teller bank machine;
  - (c) on a verge contiguous to—

- (i) 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;
- (ii) a building belonging to or occupied solely by the state or the City;
- (iii) a church or other place of worship;
- (iv) a public place, except to the extent that the carrying on of such business permitted by a sign erected or displayed by the City Manager and in compliance therewith;
- (v) at a place where—
  - (aa) it causes obstruction of the entrance or exit from a building; and (b) it causes an obstruction of a fire hydrant or other municipal service;
- (vi) 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;
- (vii) on that half of a public road contiguous to a shop or that part of a building 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;
- (viii) on a stand or in any area demarcated by City Manager in terms of section 6A(3)(b) of the Businesses Act, 1991 (Act No. 71 of 1991), if he or she is not in possession of written proof that he or she has rented such stand or area from the City or that such stand has been allocated to him; nor shall he or she trade in contravention of the terms and conditions of such lease, permit or allocation; and
- (ix) within a reasonable distance from any Controlled Access Site, such distance as determined by the City Manager.

## **29. Restricted and prohibited trading areas**

The City may identify and demarcate restricted areas or prohibited areas in accordance with the Businesses Act, 1991 (Act No. 71 of 1991), or any by-law regulating informal trading.

## **30. Prohibition on persons under the age of sixteen**

- (1) No person under the age of sixteen years shall engage in the business of street trading in or near a public place.
- (2) Any person who or which employs or engages or requests a person referred to in

subsection (1) to conduct the business of street trading or to assist therewith shall be guilty of an offence.

## **Chapter 7**

### **Miscellaneous provisions**

#### **31. Powers of entry to request and inspect approvals**

- (1) An authorised official shall be entitled to request or inspect any approval granted in terms of this By-law.
- (2) Failure to furnish such approval by the owner or other holder thereof shall constitute an offence under these By-laws.

#### **32. Access rights and restrictions on controlled access sites**

- (1) The right of access to and use of a Controlled Access Site shall be regulated through accreditation and ticketing.
- (2) 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—
  - (a) an accredited person;
  - (b) a ticket holder; or
  - (c) any other person duly authorised or permitted to enter a Controlled Access Site, shall be permitted access to a Controlled Access Site.

#### **33. Instructions by authorised officials in respect of public open spaces**

An authorised official may instruct any person to leave a public open space if—

- (a) the authorised official reasonably believes that the person is contravening any provision of this By-law; and
- (b) such person fails to immediately terminate such contravention upon the instruction of that authorised official.

#### **34. Search and seizure powers of the city on public roads and in respect of contraventions on street trading**

- (1) Subject to section 5, an authorised official may in terms of the Criminal Procedure Act, 1977 (Act No. 51 of 1977) and subject to any other applicable legislation, search, remove or impound any goods, property, container, structure, materials, substance, shelter, tent vehicle of any nature whatsoever, whether or not unattended, which—
  - (a) he or 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 this By-law;

- (b) is left or parked at any unauthorised parking area;
  - (c) he or she finds in park or on a public place and which in their opinion constitutes infringement of this By-law, 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.
- (2) An authorised official 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.
  - (3) Any goods, property container, structure, materials, substance, shelter, tent or vehicle as contemplated in subsection (1) shall be marked in a suitable manner and kept in safe custody.
  - (4) The street trader whose goods, property, container, structure, material, substance, shelter or tent is impounded in terms of this By-law shall, before such goods, property, materials, substance, container, shelter, tent or vehicle is returned to him or her pay to the City the storage costs as determined by City Manager from time to time.
  - (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 City Manager.
  - (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 City to defray its costs and expenses with regard to the contravention, impoundment and storage.
  - (7) The City 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 subsection (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 City, should such goods, property, materials, substance, container, tent or vehicle be handed over in good faith to a person other than the owner thereof.
  - (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 City Manager.

### **35. Right to make representations**

Notices referred to in sections 9(1) (a) and (b), and 10(1) and (2) must—

- (a) state the date on which compliance is required;
- (b) afford the persons affected by such notice an opportunity to make representations not later than a date specified in the notice; and
- (c) the date of commencement of the notice.

### **36. Offences and penalties**

Any person who—

- (a) contravenes or fails to comply with any provision of this By-law;
- (b) 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 this Bylaw; or
- (c) omits, or neglects to do, or permits or suffers to remain undone, anything which according to the true intent and meaning of this Bylaw ought to be done at the time and in the manner therein provided; or
- (d) knowingly permits or allows any condition of things to exist or continue to exist contrary to this Bylaw; or
- (e) does not cease any action which that person is required to cease under this Bylaw or
- (f) fails or refuses, neglects to comply or continuously fails, refuses, neglects to comply even after notices of breach or lawful institutions have been issued in terms of this By-law; or
- (g) fails to comply with any notice, direction or conditions contained in any licence granted by the City Manager; or
- (h) 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 this By-law, 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, or in default of payment to a further period of imprisonment, for every day during the continuance of such offence after a written notice has been issued by the City Manager and served on the person concerned requiring the discontinuance of such offence.

### **37. Delegations**

- (1) The City Manager may delegate any of his or her powers and duties in terms of this By-law to any official of the City.

- (2) Any reference to the City Manager in this By-law shall be construed as reference to the official so delegated.

## **Chapter 8**

### **Final provisions**

#### **38. Short title**

This By-law is called the City of Cape Town: 2010 FIFA World Cup South Africa By-law, and shall operate for the term.



## **Schedules**

### **Term**

1. Final Draw — 13 November 2009 to 12 December 2009; and
2. World Cup — 21 April 2010 to 19 July 2010.