
MUNICIPAL NOTICES • MUNISIPALE KENNISGEWINGS

MUNICIPAL NOTICE 100 OF 2018

ETHEKWINI MUNICIPALITY: FILM BY-LAW, 2018

NOTICE IS HEREBY GIVEN that the eThekwini Municipal Council has enacted, by way of resolution in terms of section 12 of the Local Government: Municipal Systems Act, 32 of 2000, the Film By-law, 2018 contained hereunder.

Mr S. C. Nzuzi
City Manager

City Hall
Dr Pixley Ka-Isaka Seme Street
Durban

Dated: 2018-08-30

ETHEKWINI MUNICIPALITY: FILM BY-LAW, 2018



Adopted by Council on the: 2018-06-28

FILM BY- LAW, 2018

To facilitate and regulate filming within the eThekwini municipal area, to provide for the issuing of a film permit; to provide for filming in environmental sensitive areas; to provide for the use of municipal services during filming; to provide for the duties of film permit holder, location manager or nominated official; to provide for prohibitions, offences and penalties and to provide for matters incidental thereto.

PREAMBLE

WHEREAS the Municipality has executive authority in respect of, and has the right to administer the local government matters listed in Parts B of Schedule 4 and 5 relating to local tourism, local amenities, public places and control of public nuisances;

WHEREAS the Municipality recognises the role that filming plays in the economy of eThekwini;

WHEREAS the Municipality adopts a developmental approach to filming within a well-managed municipal area, consideration must also be given to—

- (a) the promotion of social and economic development;
- (b) the promotion of a safe and healthy environment;
- (c) municipal planning;
- (d) learning and development of human capital; and
- (e) the management of public places and public roads;

WHEREAS the Municipality recognises the need to promote the establishment of eThekwini Municipality as a dynamic, creative, innovative cost-effective production centre for all forms of entertainment media products, where the film and media sector contributes significantly to the economy and to the international profile of eThekwini Municipality and all its citizens;

WHEREAS the Municipality is committed to facilitating the processing of applications for permission to carry out filming in its area of jurisdiction, and to ensure that such facilitation occurs through the Durban Film Office, a division of the Economic Development Investment Promotion Unit within the eThekwini Municipality's Sustainable Development and City Enterprise Cluster;

WHEREAS the Municipality recognises the need to build co-operation and partnerships between key local and international players and establish linkages and synergies with provincial and national programmes;

AND WHEREAS the Municipality intends to continue providing a facility, through the Durban Film Office, for the processing of applications for filming, while continuing to act within the constraints of the Constitution and existing legislation;

NOW THEREFORE the Municipal Council of eThekweni Metropolitan Municipality, acting in terms of section 156 read with Schedules 4 Part B and 5 Part B of the Constitution of the Republic of South Africa, and read with section 11 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), hereby makes the following By-law:

TABLE OF CONTENTS

1. Definitions
2. Interpretation of the By-law
3. Application of By-law
4. Control of filming
5. Application for filming
6. Filming on roads
7. Children on set
8. Procedure for use of animals on set
9. Special effects
10. Filming in environmental sensitive areas
11. Use of municipal services
12. Use of municipal property
13. Duty of permit holder, location manager or nominated authority
14. Insurance
15. Prohibitions
16. Compliance notice
17. Recovery of costs
18. Right of entry and inspection
19. Offences

20. Penalties
21. Delegations
22. Appeals
23. Short title and commencement

Schedule A: time frames

Definitions

1. In this By-law, unless the context indicates otherwise—

“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, 1977 (Act No. 51 of 1977);
- (b) municipal or metropolitan police officer as contemplated in the South African Police Service Act, 1995 (Act No. 68 of 1995); and
- (c) such employees, agents, delegated nominees, representatives and service providers of the municipality as are specifically authorised by the municipality in this regard: Provided that for the purposes of search and seizure, where such person is not a peace officer, such person must be accompanied by a peace officer;

"child" means any person under the age of 18 years and **"children"** has a corresponding meaning;

“child performer” means a child under the age of 18 years employed or contracted as an actor or performer in a motion picture or live theatrical production, or in a radio or television production or similar production for commercial media;

“coastal area” means the land that constitutes the coastal zone of a coastal municipality;

“Constitution” means the Constitution of the Republic of South Africa, 1996;

“DMOSS” means Durban Metropolitan Open Space System, a system of open spaces incorporating areas of high biodiversity value (private and public owned) composed of a variety of habitat types linked together in an ecologically viable network;

“Durban Film Office” means the office within eThekweni Municipality falling part of the Economic Development Cluster and responsible for matters regarding films and filmmaking including the granting of filming permits and **“Film Office”** has a corresponding meaning;

“environmental impact assessment” means a systematic process of identifying, assessing and reporting environmental impacts associated with a proposed development activity;

“environmental management programme” means a practical programme that provides a description of the methods and procedures for mitigating and monitoring impacts, as well as containing environmental objectives and targets needed to reduce or eliminate negative environmental impacts;

“environmental sensitive areas” means land and water areas containing natural features or ecological functions, and structures, building and landscapes of such significance as to warrant their protection in the best long-term interest of the people and environment of eThekweni Municipality, and includes: -

- (a) Open space areas within DMOSS, identified as having significant biodiversity value;
- (b) Wetlands;
- (c) Rivers and Riparian Areas;
- (d) Floodplains;
- (e) Estuaries;
- (f) Coastal Dune System, Rocky Shores and Intertidal Zones;
- (g) Municipal Conservation Areas; and
- (h) Sites of historical and cultural significance and value to eThekweni Municipality;

“filming” means the recording of moving or still images, whether on film or video tape, digitally or by any other means, and all film-related activities attendant thereto but excludes –

- (a) the video recording of a wedding ceremony or other private celebrations or event for the purposes of making a video record thereof for its participants;
 - (b) street interviews, press conferences or the recording of current affairs or news for immediate release including reporters, photographers or cameramen in the employ of a newspaper, news service, or similar entity engaged in on-the-spot print media, publishing or broadcasting, of news events concerning those persons, scenes or occurrences which are in the news and of general public interest;
 - (c) family videos;
 - (d) studio filming; and
 - (e) filming activities, whether motion or still photography, conducted on private property, facilities or buildings, including open spaces where dedicated parking or government services are not required,
- and **“film production assignment”** has the corresponding meaning;

“film-related activities” means all activities attendant to filming, including but not limited to—

- (a) interruption of traffic on public roads, public parking or pedestrians on sidewalks for the purpose of carrying out a film production assignment;
- (b) the running of wires or cables across or over sidewalks or public roads for the purpose of carrying out a film production assignment;
- (c) activities that are conducted on beaches, beach or launch sites, coastal areas, public launch sites, vehicle launch sites or stadiums for the purpose of carrying out a film production assignment;
- (d) the use of generators, tripods or camera dollies on sidewalks, public roads or public parking for the purpose of carrying out a film production assignment;
- (e) activities that have an impact on public parking and public open spaces and environmentally protected areas for the purpose of carrying out a film production assignment;
- (f) filming activities that will generate noise and air pollution;
- (g) use of animals on set for the purpose of carrying out a film production assignment;
- (h) filming activities that will impact on a municipal property; and
- (i) any other activity that may be determined by the Municipality as being undertaken for the purpose of carrying out a film production assignment;

“film permit” means a permit issued in terms of section 5 of this By-law;

“location code of conduct” means a set of regulatory guidelines that are considered binding and applicable on any person who is a member of the film production assignment taking place in a specified location within the eThekweni Municipality;

“location manager” means a member of the film crew responsible for–

- (a) finding and securing locations to be used;
- (b) obtaining all needed fire, police and other governmental permits; and
- (c) coordinating the logistics involved for the production to successfully complete its necessary work,

and is also the face of the production to the community and responsible for addressing the issues that may arise due to the production's impact on the community;

“municipal council” or **“council”** means the eThekweni municipal council, a municipal council referred to in section 157(1) of the Constitution;

“municipal property” means property owned by, leased by or under the control of the Municipality;

“Municipality” means eThekweni Municipality, a category A municipality as envisaged in terms of section 155(1) of the Constitution of the Republic of South Africa;

“notification letter” means a letter issued by the permit holder or production company to residents or businesses in an area where filming is going to take place informing them about the intended film production assignment and “concurrency letter” has a corresponding meaning;

“permit holder” means a person who has been issued with a film permit in terms of this By-law;

“person” means a natural or juristic person, and includes an organ of state;

“production company” means a company that provides a physical basis for works in the various categories such as film, television, radio, performing arts and new media art;

“public place” means any square, park, recreation ground, sportsground, sanitary lane or open space which has–

- (a) in connection with any subdivision or layout of land into erven, been provided, reserved or set apart for the use by the public, or the owners or occupiers of such erven, whether or not it is shown on a general plan, plan of subdivision or diagram;
- (b) at any time been dedicated to the public;
- (c) been used by the public without interruption for a period of at least 30 years;
- or
- (d) at any time been declared or rendered as such by the Municipality or other competent authority;

“special effects” means an illusion created for films and television by props, camerawork or computer graphics;

“stunt” means an unusual and difficult physical feat or an act requiring a special skill performed for artistic purposes usually on television, theatre, cinema or film; and

“unusual requests” means permit application requesting permission to conduct out of the ordinary filming activities that will require extended consultation with government departments, communities and regulatory guidelines.

Interpretation of the By-law

2. If there is a conflict of interpretation between the English version of this By-law and a translated version, the English version prevails.

Application of By-law

3.(1) This By-law applies to all filming which occurs within the jurisdiction of the eThekweni Municipality.

(2) If filming or film-related activities by a production company takes place in an area that forms part of Ingonyama Trust Board, the production company must notify the Chief of the area and seek his or her approval.

(3) The approval contemplated in terms of sub-section (2), must be communicated to the Durban Film Office three days before such filming takes place.

Control of filming

4. (1) No person may carry out or undertake any filming on municipal property or in a public place—

- (a) without a valid film permit issued by the Durban Film Office on behalf of the Municipality;
- (b) otherwise than in accordance with any applicable legislation; and
- (c) unless he or she acts in accordance with any terms and conditions, as may be determined by the Municipality subject to subsection (2).

(2) The provisions of subsection (1) also apply to film-related activity on municipal property or in a public place where the actual recording of the film takes place on land other than municipal property or a public place.

(3) The Municipality may exercise its rights to access or intervene in a film production assignment if there is an emergency.

Application for filming

5.(1) Any person who intends to conduct filming within the eThekweni Municipality must submit an application to the Durban Film Office.

(2) The application for a film shoot must include, but is not limited to, the submission of the following documents:

- (a) film permit application form;
- (b) public liability insurance;
- (c) signed copy of the location code of conduct;
- (d) indemnity form;
- (e) notification letter
- (f) proof of payment of a fee referred hereto in subsection (3) if applicable; and
- (g) any other document or information that may be requested by the Durban Film Office depending on the nature of the shoot.

(3) The Durban Film Office may request any person who intends to carry out or conduct filming on municipal property or in a public place, to pay a fee in order to carry out such filming within eThekweni Municipality.

(4) An application to conduct a film production assignment referred hereto in subsection (1) by any person, must be submitted to the authorised official in accordance with the timeframes detailed in Schedule A of this By-law.

(5) The production company shall be responsible for applying for approvals, authorisations, and permits that may be required in terms of all relevant—

- (a) international treaties of which the state is a signatory;
- (b) national legislation;
- (c) provincial legislation; and
- (d) municipal legislation.

(6) Upon receipt of an application for a permit, the Durban Film Office must issue written confirmation of acknowledgement of receipt of the application within 48 hours;

(7) The Durban Film Office must—

- (a) request any person who intends to carry out or conduct a film production assignment to provide notification letters to businesses, occupants, residents, vendors or adjacent properties notifying them of the activity intended; and
- (b) instruct such person to provide proof that the notification letters were served accordingly to all affected individuals and businesses.

(8) The notification letters as envisaged in subsection 7, must include—

- (a) full particulars of the name, address, occupation and contact details of the permit holder;
- (b) full particulars of the person who will be in charge of the filming, if such a person is not an applicant;
- (c) full details of such locations where the filming is intended to be carried out, the proposed starting and finishing times and the number of persons, vehicles, implements or other apparatus that will be used; and
- (d) general details of—
 - (i) the filming activities to be carried out;
 - (ii) roads or other municipal services that might be temporarily closed during the shoot; and

(iii) contacts of the Durban Film Office in case of any need to enquire about the film.

(9) All applications for filming may be approved by the Durban Film Office depending on the nature, the risk and size of the film as it may be determined in terms of the Schedule A.

(10) The Durban Film Office may modify the time period for assessment and response of an application for a film permit as set out in Schedule A of this By-law, where the nature of the application demands coordination of 'unusual' requests.

(11) The Durban Film Office must notify accordingly any person who has applied for a film permit if the times for assessment and response are modified in terms of subsection 10.

(12) The Durban Film Office must consider any application for filming and may-

- (a) approve it subject to conditions;
- (b) request that additional information be furnished within a specified time frame; or
- (c) reject the application and provide reasons thereof.

Filming on roads

6.(1) Any person who intends to use National or Provincial roads that are situated within the Municipality for filming, must file such request with the Provincial Department of Transport as well as the South African National Roads Agency Limited for consideration, clearance and approval.

(2) Any application referred hereto in terms of subsection (1), after it has been approved by the said agencies, must be submitted to eThekweni Metropolitan Police Service where such approval by the said agencies may affect the flow of traffic within the municipality.

(3) An authorisation to film on a municipal road by any person, must be submitted to eThekweni Metropolitan Police Service and must include the following information:

- (a) a proposed plan and diagram indicating the actions to be taken by the film company to minimize risks to motorists and traffic flow;
- (b) the nature and extent of traffic management required;
- (c) a clear identification on the impact on traffic flow;
- (d) alternate traffic routes;
- (e) the impact on residents;

- (f) the impact on businesses; and
- (g) the date and time that the filming is set to take place.

Children on Set

7. (1) Any person who intends to employ a child performer on set must–

- (a) comply with the Basic Conditions of Employment Act, 1997 (Act 75 of 1997); and
- (b) obtain authorisation where applicable.

(2) Any person that has been granted permission by the National Department of Labour to use a child performer on set must–

- (a) attach such permission with the application for filming; and
- (b) produce as proof, the consent by either the parents of the child or the legal guardian.

Procedure for use of animals on set

8.(1) Any person who intends to use animals in a film shoot must comply with legislation regulating keeping and use of animals.

(2) The Municipality may consult the services of the local animal welfare organisations to assess proposed filming involving the use of animals when necessary.

Special effects

9.(1) The production company must inform the Durban Film Office of any special effects, stunts and fireworks that will be used during the film production assignment.

(2) A letter of permission issued by the South African Police Service to use guns, ammunition, explosives, flammable liquids, or incendiary devices must be submitted to the Durban Film Office by the production company on application for the permit.

(3) The permit holder must ensure that a warrant officer of the South African Police Service, Emergency Medical Rescue Services and an authorised official from the Fire Department, is on set where there is a use of special effects, stunts or guns.

(4) Any person who intends to use fireworks in a film shoot must obtain authorisation from the Chief Inspector of Explosives of the South African Police Service and comply with all the requirements as set out in terms of the Explosives Act, 1956 (Act No.26 of 1956) and any by-law of the Municipality regulating the use of fireworks.

(5) Any person who intends to use remotely piloted aircrafts while filming for commercial outcome, interest or gain must register such aircraft with the South African Civil Aviation Authority and comply with part 101 of the South African Civil Aviation Regulations, 2011.

Filming in Environmental Sensitive Areas

10.(1) The Durban Film Office may require the production company to conduct an environmental impact assessment or compile and implement an Environment Management Programme if the Municipality deems the film shoot to have a potential adverse impact on the environment.

(2) This By-law does not absolve the production company from complying with any other applicable national or provincial environmental legislation.

(3) Any person who intends to conduct filming on adjacent or in close proximity to an environmental sensitive area may be required to –

- (a) compile and implement an Environmental Management Programme, where such filming is a micro, small or medium shoot; or
- (b) conduct an Environmental Impact Assessment, where such filming is a large or very large shoot.

(4) The Environmental Management Programme or Environmental Impact Assessment referred to in subsection (3), must be submitted to eThekweni Municipality: Environmental Planning and Climate Protection Department for approval.

(5) Where an environmental authorisation is required in terms of the National Environmental Management Act, 2007 (Act No. 7 of 2007), its Impact Assessment Regulations and listing notices or specific environmental management Acts, this may be submitted in lieu of the Environmental Impact Assessment or Environmental Management Programme in terms of this By-law.

(6) The Municipality may require compliance with any norm or standard for film shooting in environmentally sensitive areas.

(7) The Municipality may prohibit filming in certain conservation areas having significant and sensitive biodiversity attributes.

Use of Municipal Services

11.(1) The Durban Film Office or the production company may request the services of the Municipal departments on set including—

- (a) Disaster Management;
- (b) Health;
- (c) Metropolitan Police Service;
- (d) Fire;
- (e) Cleansing and Solid Waste; or
- (f) any other relevant department.

(2) The Durban Film Office may prescribe a fee, charge or tariff for the use of Municipal services as provided in terms of subsection (1) and such fee, charge or tariff will be payable by the production company.

Use of Municipal Property

12. Any person who intends to use municipal buildings and facilities for filming may do so in terms of the Municipality's by-law regulating the use of municipal premises and facilities.

Duty of permit holder, location manager or nominated authority

13. The permit holder, location manager or nominated authority must –

- (a) be present on set at all times;
- (b) produce the film permit on demand by the Durban Film Office or an authorised official;
- (c) ensure that there is minimum disruption to businesses, residents and institutions during the film production assignment;
- (d) ensure proper site security and safety;

- (e) ensure that waste generated by the film production assignment is dealt with in accordance with the Municipality's by-law regulating waste removal;
- (f) advise the Durban Film Office of the name, position, organisation, address, telephone number, fax number and e-mail address of the location manager should there be any change in this information as identified in the film permit;
- (g) ensure that safety officers are on set and all relevant health and safety permits are available;
- (h) ensure that the area has been left in a neat and tidy condition at the end of each shoot;
- (i) advise if there are any changes or deviation in filming or conditions as per the approved permit; and
- (j) ensure that all those involved in filming comply with the Municipality's By-laws at all times.

Insurance

14.(1) The production company must provide evidence to the satisfaction of the Municipality of appropriate—

- (a) indemnity cover against third party liability claims; and
- (b) specialised risk insurance inter alia, blanket liability or work cover, where stunts, special effects, pyrotechnics or any other activity which may put the public at risk is involved.

(2). The Municipality shall not be liable for damages or compensation arising from filming or film-related activities conducted by the production company or anything lawfully done in good faith by the Municipality or any authorised official thereof in terms of this By-law.

Prohibitions

15.(1) A permit holder must not do or permit to be done anything which may—

- (a) constitute a nuisance;
- (b) cause damage to any property;
- (c) cause injury to the occupants of neighbouring or adjacent premises; or
- (d) constitute a breach of any by-law, or other legislation or rules of any other competent authority including those pertaining to special events, parks, cemeteries, traffic, signs, parking and noise.

(2) A film permit is not transferable from one—

- (a) person to another;
- (b) event to another;
- (c) date and time to another; or
- (d) location to another,

without the written permission of the Municipality.

(3) Any film permit issued in terms of this By-law is only applicable for that film and will expire as prescribed on the permit issued.

Compliance notice

16.(1) The Durban Film Office may issue a compliance notice to any person who has contravened any provisions of this By-law or a condition of the permit.

(2) A compliance notice contemplated above must—

- (a) identify the person to whom it is addressed to;
- (b) indicate the provision of the relevant By-law that is being contravened or will be contravened if the condition is allowed to continue;
- (c) indicate the steps the person must take and the period within which such steps must be taken to rectify the contravention; and
- (d) direct the person's attention to the following:
 - (i) that the person could be prosecuted for and convicted of an offence;
 - (ii) that on conviction, the person will be liable for the penalties as provided for; and
 - (iii) that in addition to any fine which may be imposed, the Municipality may recover any costs it may have incurred in rectifying the contravention, as provided for under section 17.

(3) If the person, on whom a notice was served in terms of subsections(1), fails to comply with the requirements of the notice, the Municipality must—

- (a) immediately stop the filming or cause such filming to cease;
- (b) charge the permit holder, location manager or person in charge of filming in terms of section 19 of this By-law; and
- (c) confiscate material used for filming in compliance with the Criminal Procedure Act, 1977(Act No. 51 of 1977).

Recovery of Costs

17. (1) If a permit holder, location manager or nominated authority contravenes any provision of this By-law and fails or refuses to cease the contravention, or to take steps to rectify the contravention, the Durban Film Office may take those steps itself and recover the costs from the permit holder, location manager or nominated authority.

(2) The costs referred hereto in subsection (1) is in addition to any fine which may be imposed on the permit holder, location manager or nominated authority.

(3) The Durban Film Office acting in terms of subsection (1) is discretionary and dependant on—

(a) each case of non - compliance; and

(b) it having the necessary resources available to act under such circumstance,

:Provided that subsection (1) does not create a positive duty on the Municipality to take steps to rectify every case of non-compliance.

Right of Entry and inspection

18.(1) An authorised official of the Municipality may, for any purpose connected with the enforcement of this By-law, at all reasonable times and without prior notice enter any public or private place –

(a) where a film production assignment is being carried out; or

(b) if he or she has reasonable grounds to suspect that a film production assignment is being carried out,

in order to carry out such examination, inquiry or inspection as he or she may deem necessary.

Offences

19.(1) A person commits offence if he or she—

(a) contravenes any provisions of this By-law;

(b) terminates or allows the insurance to lapse or fails to notify the Municipality if such insurance is still in existence as required by section 14 of this By-law;

(c) provides the Municipality with false information;

- (b) contravenes any conditions, restrictions or prohibitions imposed in terms of this By-law or the film permit;
- (c) obstructs, hinders, or in any manner interferes with an authorised official who is acting or entitled to act in terms of this By-law; or
- (d) fails to obey any lawful instruction or direction given to him or her in terms of this By-law.

Penalties

20.(1) Any person who is convicted of an offence under this By-law shall be liable to a fine of an amount not exceeding R100 000 or to imprisonment for a period not exceeding 5 years, or to both such fine and imprisonment.

(2) In the case of a continuing offence, an additional fine of an amount not exceeding R500.00 or imprisonment for a period not exceeding 10 days, for each day on which such offence continues or both such fine and imprisonment, will be imposed.

Delegations

21.(1) Subject to the Constitution and applicable national and provincial laws, any—

- (a) power, excluding a power referred to in section 160(2) of the Constitution;
- (b) function; or
- (c) duty,

conferred, in terms of this By-law, upon the Council, or on any of the Municipality's other political structures, political office bearers, councillors or staff members, may be delegated or sub-delegated by such political structure, political office bearer, councillor, or staff member, to an entity within, or a staff member employed by, the Municipality.

(2) The delegation in terms of sub-section (1) must be effected in accordance with the system of delegation adopted by the Council in accordance with section 59(1) of the Local Government: Municipal Systems Act, 2000 (Act No.32 of 2000), subject to the criteria set out in section 59(2) of said Act.

(3) Any delegation contemplated in this section must be recorded in the Register of Delegations, which must contain information on the—

- (a) entity or person issuing the delegation or sub-delegation;
- (b) recipient of the delegation or sub-delegation; and
- (c) conditions attached to the delegation or sub-delegation.

Appeals

22.(1) A person whose rights are affected by a decision taken by an authorised official in terms of this By-law may appeal against that decision in terms of the Appeals provision contained in the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) by giving written notice of the appeal and reasons to the municipal manager within 21 days of the date of the notification of the decision.

(2) Where a conviction has been secured by a court of law and the accused wishes to appeal such conviction, the appeal must take place in terms of the court's appeal process.

Short title and commencement

23. This By-law is called the eThekweni Municipality: Film By-law, 2018 and takes effect six months from the date of the publication thereof or on such earlier date as may be determined by the publication of a commencement notice in the Provincial Gazette.

SCHEDULE A**TIME FRAMES FOR PERMIT APPLICATION ASSESSMENT AND RESPONSE**

Type	Size	Minimum assessment and response timeframes
Micro shoot	8 or less cast and crew, 1-3 vehicles and no traffic intervention required	24 hours or less
Small shoot	9 – 15 cast and crew, 4-6 vehicles and no traffic intervention required	24 hours or less
Medium shoot	16 – 30 cast and crew, 11- 30 vehicles	48 hours
Large shoot	31 – 60 cast and crew, 16- 30 vehicles	48 hours
Very large shoot	More than 60 people, more than 31 vehicles	Longer than 48 hours

ISAZISO SOMPHAKATHI

UMTHETHO KAMASIPALA WEZAMAFILIMU KA-2018

LESI ISAZISO sokuthi uMkhandlu kaMasipala waseThekwini usuthathe isinqumo ngokwesigaba 12 soMthetho Wohulumeni Basekhaya, i-Municipal Systems Act (uMthetho ongunombolo 32 ka-2000), sokushaya uMthetho kaMasipala Wezamafilemu, ka-2018 oqukethwe lapha ngezansi.

Mnu. S.C. Nzuz
iMenenja yeDolobha

City Hall
Dr Pixley Ka-Isaka Seme Street
Durban

Usuku: 2018-08-30

UMASIPALA WASETHEKWINI: UMTHETHO KAMASIPALA WEZAMAFILIMU, KA-2018



Uphasiswe uMkhandlu mhla ka: 2018-06-28

UMTHETHO KAMASIPALA WEZAMAFILIMU, 2018

Wokuhlela nokulawula ukuqoshwa kwamafilimukuMasipala waseThekwini, wokuhlinzekela umhlahlandlela wazo zonke izinhlobo zokuqoshwa kwamafilimu ezingenzeka endaweni engaphansi kukaMasipala waseThekwini kanye nokuhlinzekela okunye okuphathelene nakho.

ISENDLALELO

NJENGOBA uMasipala unegunya elisemthethweni, futhi enelungelolokulawula izindaba zohulumeni basekhaya ezibalulwekwiNgxenye B kaSheduli 4 no-5 eziphathelene nezokuvakasha kumasipala, izakhiwo zikamasipala, izindawo zomphakathi kanye nokulawula izinto eziwuhlupho emphakathini;

NJENGOBA uMasipala ulihlonipha iqhaza elibanjwe imboni yezamafilimu emnothweni waseThekwini;

NJENGOBA uMasipala ulemukela uhlelo lokuthuthukiswa kwezamafilimu ngendlela ehlelekile ezindaweni ezingaphansi kukamasipala, kumele kuphinde kubhekelelwe –

- (a) ukugqugquzelwa kokuthuthukiswa komphakathi nezomnotho;
- (b) ukukhuthazwa kwezindawo eziphephile nezinempilo;
- (c) ukuhlela kukamasipala;
- (d) ukufunda nokuthuthukisa amakhono abantu; kanye
- (e) nokuphathwa kwezindawo zomphakathi nemigwaqo yomphakathi;

NJENGOBA uMasipala ubona kunesidingo sokuba kugqugquzelwe ukukhula kukaMasipala waseThekwini njengesikhungo ezinezihlelo ezinhlobonhlobo, esiqhamuka namasu amasha nesinokonga ezinhlelweni zaso ezahlukahlukene eziphathelene nezobumnandi nezokusakaza, lapho umkhakha wezamafilimu nezokusakaza uyoba negalelo elibonakalayo emnothweni nasekugqanyisweni kukaMasipala waseThekwini nezakhamuzi zawo emhlabeni jikelele;

NJENGOBA uMasipala uzibophezele ukuhlelela ukucutshungulwa kwezicelo zezimvume zokuqopha amafilimu ezindaweni zikamasipala; nokuqinisekisa ukuthi lokho kuhlela kwenzeka eHhovisi laseThekwini Lezamafilimu elingaphansi koMnyango wakwa Economic

Development Investment Promotion ongena ngaphansi kweKlasta yakwa Sustainable Development and City Enterprise,

NJENGOBA uMasipala usibona isidingo sokwakha ubambiswano nokusebenzisana phakathi kwabantu ababambe iqhaza kule mboni abakumasipala nabasemhlabeni jikelelenokuxhumanisa kanjalo nokwakha ubudlelwano phakathi kwezinhlelo zesifundazwe nezikazwelonke;

NJENGOBA uMasipala ehlose nokuqhubeka ngokuhlinzeka ngezinsiza, esebenzisa iHhovisi laseThekwini Leazamafilimu, ukusebenza izicelo zokwenza amafilimu, futhi ebe ezama ukusebenza ngaphansi kwezimiso zoMthethosisekelo kanye neminye imithetho esebenzayo;

NANJENGOBA uMasipala ehlose ukuqhubeka nokuhlinzeka ngosizolokufakwa kwezicelo zokuqopha amafilimu, ngesikhathi esifanayo kulandelwa imigomo yoMthethosisekelo neminyeimithetho esebenzayo njengamanje;

MANJE NGAKHO-KE, uMkhandlu kaMasipala waseThekwini, ngokwesigaba 156 sifundwa noSheduli 4 iNgxenywe B no 5 iNgxenywe B zoMthethosisekelo weRiphabhlikhiyaseNingizimu Afrika, futhi sifundwa nesigaba 11 soMthetho Wohulumeni Basekhaya Wezihlelo Zomasipala, 2000 (uMthetho No. 32 ka 2000), ushaya lo Mthetho kaMasipala olandelayo:

OKUQUKETHWE

1. Izincazelo
2. Ukuhunyushwa koMthetho kaMasipala
3. Ukusebenza koMthetho kaMasipala
4. Ukulawulwa kokuqoshwa kwamafilimu
5. Isicelo sokuqopha ifilimu
6. Ukuqopha ifilimu emigwaqeni
7. Izingane ekuqoshweni kwamafilimu
8. Inqubo yokusebenzisa izilwane ekuqoshweni kwamafilimu
9. Izithombe zokuzakhela
10. Ukuqopha ifilimu ezindaweni ezizwelayo ngokwemvelo
11. Ukuhlolwa Komthelela Emvelweni

12. Ukusetshenziswa kwamasevisikaMasipala
13. Ukusetshenziswa kwempahla kaMasipala
14. Ijokalomnikazi wemvume umenenja wendawo noma oqokiwe onegunya
15. Umshwalense
16. Okungavunyelwe
17. Isaziso sokuthobela umthetho
18. Ukukhokhiswa izindleko
19. Ilungelo Lokungena Nokuhlola
20. Amacala
21. Izinhlawulo
22. Ukudluliselwa kwamandla
23. Ukudluliswa kwecala
24. Isihloko esifingqiwe nokuqala kokusebenza komthetho kamasipala

ISheduli A: Izikhathi

Izincazelo

1. Kulo Mthetho kaMasipala, ngaphandle uma ingqikithi isho okwehlukile –

“umsebenzi ogunyaziwe”kushiwo umuntu ogunyazwe ukuba aqinisekise ukulandelwa kwezinhlinzekozalo Mthetho kaMasipala, okubandakanya phakathi kokunye –

- (a) iphoyisa lomthethookukhulunywe ngalo esigabeni 334 soMthetho Wenqubo Yokuqulwa Kwamacala Obugebengu, 1977 (uMthetho No. 51 ka 1977);
- (b) iPhoyisa loMkhandlu noma likaMasipala njengoba kuhlinzekwe eMthethweni Wamaphoyisa aseNingizimu Afrika, 1995 (uMthetho No. 68 ka 1995); kanye
- (c) nalabo basebenzi, ama-ejenti, okudluliselwe kubo amandla, izithunywa kanye nabaqashwe ngumasipala njengoba besuke begunyazwe umasipala ukwenza lokhu: Kuncie ekutheni uma inhloso kungukusesha noma ukushaqa impahla, uma lowo muntu engelona iphoyisa lomthetho, kumele lowo muntu aphekezelwe yiphoyisa lomthetho;

"ingane"kushiwo noma yimuphi umuntu oneminyaka engaphansi kweyi-18 kanti igama **"izingane"**linencazelo efanayo;

“ingane engumlingisi”kushiwo ingane eneminyaka engaphansi kweyi-18 eqashiwe noma enenkontileka yokulingisa noma yokucela kumabonakude noma emdlalweni

wasetiyetha, noma emsakazweni noma emdlalweni kamabonakude noma emdlalweniothi mawube njalo oyisikhangiso;

“indawo esogwini” kushiwoizindawo ezisogwini kumasipala osogwini lolwandle;

“UMthethosisekelo”kushiwo uMthethosisekelo weRiphabliki yaseNingizimu Afrika ka 1996;

“DMOSS” kushiwoiDurban Metropolitan Open Space System, uhlelo lwezindawo ezivulekile ezifaka nezindawo zezinga eliphezulu lokubaluleka kwempilokwahlukana kwemvelo(ezinabanikazi noma ezomphakathi) okuhlala izinhlobo ezahlukene zemvelo ezihlanganiswe indawo evumela inhlaliswanobudlelwane enhle;

“IHhovisi LaseThekwini Lezamafilimu”kushiwo ihhovisi likaMasipala waseThekwini elingaphansi kweCluster Yokuthuthukiswa Komnotho futhi elibhekele izinto ezithinta ezamafilimu kanye nokuqoshwa kwamafilimu kanti igama **“IHhovisi Lezamafilimu”** linencazelo efanayo;

“ukuhlola umthelela kwezemvelo” kusho uhlelo lokuhlonza, ukuhlaziya kanye nokubika umthelela kwezemvelo ohambisana nalowo msebenzi wentuthuko ehlongozwayo;

“uhlelo lokusingatha ezemvelo” kusho uhlelo olunikeza incazelo yezindlela nezinqubo zokubhekana kanye nokwalusa imithelela, futhi oluqukethe izinhloso namathagethi ezemvelo adingekayo ukunciphisa noma ukuqedanya imithelela emibi kwezemvelo;

“izindawo ezizwelayo ngokwemvelo” kusho izindawo ezingumhlaba namanzi ezinemvelo engathunazekile noma ezinomsebenzi osemqoka kwezemvelo nokuphilisana kwayo, kanye nezakhiwo nomhlaba obaluleke kakhulu ukuba ungavikelwa ukuze kusizakale isizukulwane esizayo sabantu nemvelo kuMasipala waseThekwini, futhi zifaka: -

- (a) Izindawo ezivulekile ezingena kwi DMOSS, ezibonakala njengezisemqoka emvelweni nempilokwahlukana kwayo;
- (b) Amaxhaphozi;
- (c) Imifulanotshalovikelo lwezindawo;
- (d) Izinkwazi;

- (e) Izizalo zemifula;
- (f) Uhlelo lwezindunduma zasogwini, usebe olunamatshekanye nezindawo ezicashe emagagasini;
- (g) Izindawo zikaMasipala ezongiwe; kanye neziza ezisemqoka ngokomlando namasiko kuMasipala waseThekwini; kanye
- (h) Nezisa ezisemqoka emlandweni nasemasikweni kuMasipala waseThekwini.

“ukuqopha ifilimu”kushiwo ukuqopha izithombe ezinyakazayo noma ezimile, kungaba yifilimu noma ividiyo, ngedijithali nanoma yiziphi ezinye izindlela, kanye nazo zonke izinto ezithinta amafilimu kodwa akubandakanyi—

- (a) ukuqoshwa kwevidiyo yomshado noma eminye imicimbi yangasese okwenziwa kuyo ividiyo yalabo ababambe iqhaza kuphela;
- (b) ukuqopha izingxoxo emgwaqeni, imibuthano yabemithombo yezindaba noma ukuqopha izindaba ezenzekayo ezizosakazwa okubandakanya izintatheli, abathatha izithombe bephephandaba, abezindaba noma abamaphephandaba, abashicileli noma abasakazayo nabacoshela izindaba ezithinta bona, izigemegeme ezisezindabeni nalezo ezithinta umphakathi;
- (c) amavidiyo emindeni;
- (d) ukuqopha ifilimuyasestudiyo; kanye
- (e) nokuqopha ifilimu, okungaba izithombe ezinyakazayo noma ezimile, okwenziwaezindaweni ezizimele, noma emabhilidini azimele, okubandakanya izindawo ezivulekile okungadingeki indawo yokupaka noma amasevisi kahulumeni,

kanti amagama **“ukuqoshwa kwefilimu”** noma **“umsebenzi wokuqoshwa kwefilimu”** anencazelo efanayo;

“imisebenzi ephathelene nezamafilimu”kushiwoyonke imisebenzi ehambisana nokuqoshwa kwamafilimu ebandakanya phakathi kokunye –

- (a) ukuphazamiseka kokuhamba kwezimoto emigwaqeni yomphakathi, ezindawenizokupaka zomphakathi noma zabahamba ngezinyawo onqenqemeni lwemigwaqo ngenhloso yokuqopha ifilimu;
- (b) ukunqamulisa izintambo zikagesi noma amakhebuli onqenqemeni lomgwaqo noma emigwaqeni yomphakathi ngenhloso yokuqopha ifilimu;
- (c) okwenziwa emabhishi, esihlabathini solwandle nasezindaweni okuqoshelwa kuzo ezisogwini, izindawo zomphakathi, izindawo zezimoto, izinkundla zezemidlalo ngenhloso yokuqopha ifilimu;

- (d) ukusebenzisa amajeneretha, izitende zamakhamera noma onodoli onqenqemenilomgwaqo lapho kuhamba khona abantu, emigwaqeni yomphakathi noma ezindaweni zokupaka zomphakathi ngenhloso yokuqopha ifilimu;
- (e) imisebenzi ephazamisa izindawo zokupaka zomphakathi kanye nezindawo zomphakathi ezivulekile nezindawo ezivikelelwe zemvelo ngenhloso yokuqopha ifilimu;
- (f) ukuqopha ifilimu ezoba nomsindo nokungcoliseka komoya;
- (g) ukusebenzisa izilwane lapho kuqoshwa ifilimu;
- (h) ukuqoshwa kwefilimu okuzoba nomthelela empahleni kamasipala; kanye
- (i) nanoma yikuphi okunye uMasipala anganquma ukuthi kwenziwa ngenhloso yokuqopha ifilimu;

“imvume yefilimu”kushiwo imvume ekhishwa ngokwesigaba 5 salo Mthetho kaMasipala;

“indlela yokuziphatha endaweni yokuqopha”kushiwoimikhombandlelaebophezela futhi esebenza kuwona wonke umuntu oyingxenywe yokuqoshwa kwefilimu eqoshwayo endaweni ethile kuMasipala waseThekwini;

“imenenja yendawo yokuqopha”kushiwo ilungu labaqophi befilimu elinejoka–

- (a) lokuthola nokuqinisekisa ukutholakala kwezindawo ezizosetshenziswa;
- (b) lokuthola zonke izimvume zokushisaumlilo, zamaphoyisa nezinye izimvume zikahulumeni; kanye
- (c) nokudidiyela zonke izidingo ukuze kuqoshwe ngempumelelo ifilimu, futhi elingubuso bokuqoshwa kwefilimu emphakathini futhi okuyilo eliyobhekana nakho konke ukukhuluma okungavela ngenxa yomthelela wokuqopha emphakathini;

“umkhandlu kamasipala” noma**“umkhandlu”**kushiwo umkhandlu kamasipala waseThekwini, umkhandlu kamasipala okukhulunywe ngawo esigabeni 157(1) soMthethosisekelo;

“impahla kamasipala”kushiwo impahla eqashiswa, elawulwa noma okungekaMasipala;

“**uMasipala**”kushiwo uMasipala waseThekwini, uMasipala oseMkhakheni A njengoba kuvela esigabeni 155 (1) soMthethosisekelo weRiphabhlikhi yaseNingizimu Afrika;

“**incwadi yesaziso**”kushiwo incwadi ekhishwe umnininivume noma inkampani eqophayoayinikezaizakhamizi noma abamabhizinisi endaweni lapho kuzoqoshwa khona ifilimu, ebazisa ngenhloso yokuzoqopha ifilimu kanti “incwadi yokubambisana” inencazelo efanayo;

“**umnininivume**”kushiwo lowo onikwe imvume yokuqopha ifilimu ngokwalo Mthetho kaMasipala;

“**umuntu**”kushiwo umuntu phaqa noma umuntu ngeso lomthetho, kubandakanya uhlaka lombuso;

“**imali enqunyiwe**”kushiwo izimali ezikhokhwayo noma amatharifuanqunywe noma abekwenguMasipala akhokhelwa ukuqoshwa kwamafilimu ngokoMthetho Wohulumeni Basekhaya Wezinhlaka Zomasipala, 2000 (uMthetho No. 32 ka 2000);

“**inkampani eqophayo**”kushiwo inkampani eyenza imisebenzi yokuqopha emikhakheni ehlukeni njengakumafilimu, umabonakude, umsakazo, imidlalo yasesitejinakwezobuciko bekhompyutha kanti igama“**inkampani eqopha ifilimu**” linencazelo efanayo;

“**indawo yomphakathi**”kushiwo noma yisiphi isigcawu, ipaki, inkundla yokuzithokozisa, inkundla yezemidlalo, umzila noma indawo evulekile –

(a) uma umhlaba usikwe noma ukudwetshwe waba yiziza, ohlinzekelwe noma obekelwe ukusetshenziswangumphakathi, ngabanikazi bawo nomangabanelungelo lokuwusebenzisa, kungakhathalekile ukuthi ukhonjisiwe epulanini eyejwayelekile, ipulani yokusikwa iziqephu komhlaba noma kwibalamdwebo;

(b) enikelwe ukuze isetshenziswengumphakathi nganoma yisiphi isikhathi;

(c) ekade isetshenziswa umphakathi ngaphandle kokuphazamiseka esikhathini esiyiminyaka engama-30; noma

(d) nganoma yisiphi isikhathi emenyazelwe noma ekhishwe uMasipala noma abanye abanegunya;

“**izithombe ezinongiwe**”kushiwoizithombe ezingelona iqiniso ezakhelwe ifilimu ngemidwebo yokuzakhela, amakamera noma ezakhiwe kwikhompyutha;

“**isigemeleme**”kushiwo isenzo esingejwayelekile nokungelula ukusenza noma isenzo okudingeka ikhono elithilelobuciko ikakhulukazi kumabonakude, ethiyetha esinema noma kwifilimu; futhi

“**izicelo ezingajwayelekile**”kushiwo ukufaka isicelo semvume yokuqopha ifilimu esingale kwendlela ejwayelekile yokuqopha ifilimu esizodinga ukubonisana okwengeziwe neminyango kahulumeni, imiphakathi kanye nemikhombandlela elawulayo.

Ukahunyushwa koMthetho kaMasipala

2. Uma kuba nokushayisana kokushiwo ngumbhalo ohunyushiwe walo Mthetho kaMasipala nowesiNgisi, kuyosebenza owesingisi.

Ukusebenza koMthetho kaMasipala

3.(1) Lo Mthetho kaMasipala usebenza kukho konke ukuqoshwa kwamafilimu okwenziwa endaweni engaphansi kukaMasipala waseThekwini.

(2) Uma ukuqopha ifilimu noma imisebenzi ephathelene nezamafilimu kwenziwa yinkampani eqophayo endaweni engena ngaphansi kweNgonyama Trust Board, inkampani eqophayo kumele yazise iNkosi yakuleyo ndawo ukuze ithole imvume kuyo.

(3) Imvume okukhulunywa ngayo esigatshaneni (2), kumele yaziswe iHhovisi laseThekwini Lezamafilimu kusasele izinsuku ezintathu ngaphambi kokuba kuqale ukuqoshwa kwefilimu.

Ukulawulwa kokuqoshwa kwamafilimu

4.(1) Akukho muntu oyoqopha ifilimu endaweni kamasipala noma endaweni yomphakathi–

(a) ngaphandle kwemvume esemthethweni ekhishwe yiHhovisi laseThekwini Lezamafilimu nome ekhishwe egameni likaMasipala;

(b) ngaphandle kokulandela noma yimuphi umthetho osebenzayo;

(c) nangaphandle uma enza ngokulandelaimigomo nemibandela, eyobekwa nguMasipala kuncike esigatshaneni(2).

(2) Okushiwo yisigatshana (1) kuyasebenza futhinasebenzini ephathelene nokuqoshwa kwamafilimu endaweni kamasipala noma endaweni yomphakathi ngisho lapho kuqoshwa ifilimu endaweni okungeyona ekamasipala noma eyomphakathi.

(3)UMasipala ungasebenzisa amandla akhe okungena noma okungenelela ngesikhathi kuqoshwa ifilimu uma kunesimo esiphuthumayo.

Ukufaka isicelo sokuqopha ifilimu

5.(1) Noma ngubani ofisa ukuqopha ifilimu kuMasipala waseThekwini kumele afake isicelo eHhovisi LezamaFilimuLaseThekwini.

(2) Isicelo sokuqoshwa kwefilimu kumele sifake phakathi kokunye, le mininingwane engezansi:

- (a) ifomu lesicelosemvume yokuqopha ifilimu;
- (b) umshwalense wezindleko ezingadaleka emphakathini;
- (c) ifomu elinquma ingcuphe elindelekile;
- (d) ikhophi esayiniwe yendlela yokuziphatha endaweni yokuqopha;
- (e) ifomu lokuzihlangula;
- (f) isaziso esikhishelwe izindawo ezingomakhelwane;
- (g) ubufakazi bokukhokhwa kwemali okukhulunywe ngayo esigatshaneni (3) uma kudingekile; kanye
- (h) nanoma yimiphi eminye iminingwane noma ulwazi olungadingwa yiHhovisi LezamaFilimu LaseThekwini kuye ngobunjalo bokuqopha.

(3) iHhovisi laseThekwini LezamaFilimulingacela noma ubani ofisa ukuqopha ifilimu endaweni kamasipala noma yomphakathi ukuba akhokhe imali ethile ukuze akwazi ukwenza lokho kuqopha kuMasipala waseThekwini.

(4) Isiphi isicelo sokuqopha ifilimu okukhulunywe ngaso esigatshaneni (1) esifakwa yinoma imuphi umuntu, kumele sihanjiswe kumsebenzi ogunyaziwe ngokulandelaizikhathi ezibekwe kuSheduli A walo Mthetho kaMasipala.

(5) Inkampani eqophayoinejoka lokufaka isicelo sezimvume, ukugunyazwa namaphemithi okuyodingeka ngokuhambisana nazo zonke –

- (a) izivumelwano zomhlaba lapho izwe eliyilungu elisayinile khona;
 - (b) imithetho kazwelonke;
 - (c) imithetho yesifundazwe;
 - (d) nemithetho kamasipala.
- (6) Uma selamukele isicelo semvume, iHhovisi laseThekwiniLezamafilimu kumele libuyiseleimpendulo ebhalwe phansi yokuthi lisamukele isicelo engakedluli amahora angu-48 ejwayelekile okusebenza;
- (7) IHhovisi laseThekwini Lezamafilimu kumele–
- (a) ucele noma ngubani ofisa ukuqopha ifilimu ukuba anikeze abamabhizinisi, abahlali, izakhamuzi, abadayisi noma abasendaweni engomakhelwaneincwadi yesazisoebazisa ngokuzokwenziwa; bese
 - (b) eyalela lowo muntu ukuba alethe ubufakazi bokuthi izincwadi zesaziso uzihambisile kubo bonke abathintekayo kanye nabamabhizinisi.
- (8) Izincwadi zesazisookukhulunywe ngazo esigatshaneni 7, kumele zibhalwe –
- (a) imininingwane egcwele yegama, ikheli, umsebenzi kanye nemininingwane yomnimumvume.
 - (b) imininingwane egcwele yalowo oyoqopha ifilimu, uma lowo muntu kungeyena umfakisisicelo;
 - (c) imininingwane ephelele yalezo zindawo okuhlelwe ukuba kuqoshwe kuzo ifilimu, izikhathi okuhlelwe ukuba kuqalwe nokuzoqedwa ngazo kanye nesibalo sabantu, izimoto, nokunye okuzosetshenziswa;
 - (d) nemininingwane ejwayelekile –
 - (i) yezinto ezizokwenziwa lapho kuqoshwa ifilimu;
 - (ii) imigwaqo noma amanye amasevisi kamasipala azovalwa okwesikhashana ngesikhathi kuqoshwa;
 - (iii) nemininingwane yokuxhumana yeHhovisi Lezamafilimu LaseThekwini uma kukhona isidingo sokubuza ngefilimu.
- (9) Zonke izicelo zokuqopha ifilimu zingagunyazwa yiHhovisi laseThekwini Lezamafilimukuncike ekutheni ngezanhloboni, ingcuphe kanye nobungako befilimu njengoba kunqunyiwe ngokukaSheduli A.

(10) IHhovisi laseThekwini Lezamafilemulingashintsha isikhathi sokucubungula nokuphendula isicelo sokuqoshwa kwefilimu njengoba kubekiwe kuSheduli A walo Mthetho kaMasipala, uma uhlobo lwesicelo luhlanganisa nezicelo 'ezingejwayelekile'.

(11) iHhovisi laseThekwini Lezamafilemu kumele lazise lowo ofake isicelo semvume yokuqopha ifilimu uma izikhathi zokucutshungulwa nokuphendulwa kwesicelo sakhe seziguquliwe njengoba kushiwo esigatshaneni 10.

(12) UMasipala kumele ucubungule noma yisiphi isicelo sokuqopha ifilimu futhi –

- (a) ungasivuma ngaphansi kwemibandela ethile;
- (b) ungacela ukuthi kulethwe olunye ulwazi olwengeziwe, ngesikhathi esibekiwe; noma
- (c) usichithe isicelo bese unikeza nezizathu zalokho.

Ukuqopha ifilimu emigwaqeni

6.(1) Noma ngabe ubani ofisa ukusebenzisa imigwaqo Kazwelonke noma yeziFundazwe engaphansi kukaMasipala ukuqopha ifilimu, kumele afake isicelo eMnyangweni Wezokuthutha nakwa-South African National Roads Agency Limited ukuze sicutshungulwe, semukelwe bese sigunyazwa.

(2) Noma isiphi isicelo okukhulunywe ngaso lapha ngokwesigatshana (1), uma sesigunyaziwe yilezo zinhlaka ezifanele kumele sithunyelwe eThekwini Metropolitan Police Service uma lokho kugunyaza kwalezo zinhlaka kungaphazamisa ukuhamba kwezimoto kumasipala.

(2) Isicelo semvumeyokuqopha ifilimu emigwaqeni kaMasipala, kumele sihanjiswa eThekwini Metropolitan Police Service futhi kumele sifake lokhu okulandelayo:

- (a) uhlelo oluhlongoziwe kanye nomdwebo oveza lokho okuzokwenziwa yinkampani yezamafilemu ukwehlisa ingcuphe kubasebenzisi zimoto kanye nokuhamba kwezimoto;
- (b) ubunjalo nobungako bokulawulwa kwezimoto obudingekayo;
- (c) ukuveza okucacile ngomthelela ekuhambeni kwezimoto;
- (d) imizila okuyochezukelwa kuyo;
- (e) umthelela kubahlali;
- (f) umthelela emabhizinisini;
- (g) nosuku nesikhathi okuzoqalwa ngaso ukuqoshwa kwefilimu.

Izingane Efilimini

7. (1) Noma ngabe ubani ofisa ukusebenzisa ingane ukulingisa efilimini kumele–

- (a) ahlonipheuMthetho Wemigomo Ejwayelekile Yokusebenza, 1997 (uMthetho 75 ka 1997); futhi
- (b) atholeimvume uma kudingeka.

(2) Noma ngabe ubani onikwe imvume nguMnyango Wezabasebenzi Kazwelonke yokusebenzisa ingane njengomlingisi efilimini kumele –

- (a) anamathisele leyo mvume encwadini yesicelo sokuqopha ifilimu; bese
- (b) eveza njengobufakazi, imvume yabazali bengane noma yombheki wengane osemthethweni.

Inqubo yokusebenzisa izilwane efilimini

8..(1) Noma ngabe ubani ofisa ukusebenzisa izilwane ekuqopheni ifilimu kumele athobele nemithetho kanye nemithethonqubo ephathelene nokugcina kanye nokusebenzisa izilwane.

(2) UMasipala angacela usizo lwezinhlangano zendawo ezibhekelele inhlalakahle yezilwane ukuba zizobheka uma kuqoshwa ifilimu ebandakanya ukusetshenziswa kwezilwane uma kunesidingo.

Izithombe ezinongiwe

9.(1) Inkampani eqophayo kumele yazise iHhovisi laseThekwini Lezamafilimu nganoma yiziphi izithombe ezinongiwe, izigemeleme neziklwibhisi ezizosetshenziswa ngesikhathi kuqoshwa ifilimu.

(2) Incwadi yemvume ekhishwa yi-South African Police Service yokusebenzisa izibhamu, izithunyisi, iziqhumane, uketshezi olunga noma okuhambisana nalokhu kumele ihanjiswe eHhovisi laseThekwini Lezamafilimu yinkampani eqophayo ngesikhathi ifaka isicelo semvume.

(3) Umnikazi wemvume kumele aqinisekise ukuthi kunephoyisa le-South African Police Service, umsebenzi we-Emergency Medical Rescue Services kanye nomsebenzi ogunyaziwe ovela eMnyangweni Wezemililo, uma kuqoshwa izithombe ezinongiwe, izigemeleme noma ngezibhamu.

(4) Noma ngabe ubani ohlela ukusebenzisa iziklwibhisi uma kuqoshwa ifilimu kumele athole imvume ye-Chief Inspector of Explosives of the South African Police Service bese ehlonipha zonke izidingo ezibekwe ngokoMthetho Weziqhumane ka1956 (uMthetho No.26 ka 1956) kanye neminye imithetho kaMasipala elawula ukusetshenziswa kweziklwibhisi.

(5) Noma ngabe imuphi umuntu ofisa ukusebenza indiza elawulwa ngerimothi ngesikhathi eqopha ifilimu noma isikhangiso, kumele abhalise leyo ndiza kwa South African Civil Aviation Authority futhi athobele ingxenye 101 yeSouth African Civil Aviation Regulations, 2011.

Ukuqopha ifilimu ezindaweni ezizwelayo ngokwemvelo

10.(1) IHhovisi laseThekwini Lezamafilimu lingacela ukuba inkampani eqophayo ihlole umthelela kwezemvelo noma ihlanganise futhi isebenziswe Uhlelo Lokusingatha Ezemvelo uma uMasipala ebona sengathi ukuqoshwa kwefilimu kungase kube nomthelela omubi kwezemvelo.

(2) Lo Mthetho kaMasipala awugunyazi inkampani eqophayo ukuba ingathobeli noma imiphi eminye imithetho yezemvelo kazwelonke noma yesifundazwe.

(3) Noma imuphi umuntu ofisa ukuqopha ifilimu lapho noma maqondana noma eduze kwendawo ezwelayo ngokwezemvelo kungadingake ukuba –

- (a) ahlanganise futhi asebenzisa Uhlelo Lokwengamela Ezemvelo, uma lokho kuqopha ifilimu kusezingeni elincanyana, elincane noma eliphakathi nendawo; noma
- (b) Ahlole Umthetho Kwezemvelo (EIA), lapho lokho kuqopha ifilimu kusezingeni elikhudlwana noma elikhulu kakhulu.

(4) Uhlelo Lokwengamela Ezemvelo noma Ukuhlola Umthelela Kwezemvelo okukhulunywe ngakho esigatshaneni (3), kumele kuthunyelwe kuMasipala waseThekwini, emnyangweni wakwa- Environmental Planning and Climate Protection ukuze balugunyaze.

(5) Lapho kudingeka igunya ngokwezemvelo ngokuhambisana noMthetho kaZwelonke Wokusingatha Ezemvelo, uNational Environmental Management Act, 2007 (Act No. 7 ka 2007), iMithethonqubo yawo Yokuhlola Umthelela Kwezemvelo kanye nezaziso ezifanele noma imithetho ethile yokusingatha ezemvelo, indawo yalokhu ingathathwa umbiko

wokuHlola Umthelela Kwezemvelo noma Uhlelo Lokusingatha Ezemvelo ngokwalo Mthetho kaMasipala.

(6) UMasipala angadinga ukuba kuthotshelwe noma imaphi amazinga namaqophelo okuqopha ifilimu ezindaweni ezizwelayo ngokwemvelo.

(7) UMasipala angavimba ukuqopha ifilimu ezindaweni ezithile zokongiwa kwemvelo ezisemqoka ngokwemvelo nempilokwahlukana kwayo.

Ukusetshenziswa kwamasevisi kaMasipala

11.(1) IHhovisi laseThekwini Lezamafilimu noma inkampani eqophayoingacela usizo kule Minyango elandelayo kaMasipala–

- (a) owakwaDisaster Management;
- (b) owakwaHealth;
- (c) owakwaMetro Police;
- (d) owakwaFire;
- (e) owakwaCleaving and Solid Waste;
- (f) nanoma yimuphi omunye umnyango othintekayo.

(2) IHhovisi laseThekwini Lezamafilimu linganquma imali ebizwayo noma itharifu ngokusebenzisa amasevisi kaMasipala njengoba kuhlinzekelwe esigatshaneni (1) kanti leyo mali ebizwayo noma itharifu iyokhokhwa yinkampani eqophayo.

Ukusetshenziswa Kwezindawo zikaMasipala

12.Noma ngubani ohlela ukusebenzisa amabhilidi nezakhiwo zikamasipala ukuqopha ifilimu angakwenza lokho ngokulandela umthetho kaMasipala olawula ukusetshenziswa kwezindawo zikamasipala.

Amajokaomninimvume, imenenja yendawo noma umuntu oqokiwe

13.(1) Umninimvume, imenenja yendawo noma umuntu oqokiwe kumele –

- (a) abe khona zikhathi zonke lapho kuqoshwa khona;
- (b) akhiphe imvume yefilimu uma ifunwa yiHhovisi Lezamafilimu LaseThekwini noma umsebenzi ogunyaziwe;
- (c) aqinisekise ukuthi kuba nokuphazamiseka okuncane emabhizinisini, kubahlali nasezikhungweni ngesikhathi kuqoshwa ifilimu;
- (d) aqinisekise ukuvikeleka nokuphepha kwendawo;

- (e) aqinisekise ukuthi udoti owakheke kuqoshwa uyaqoqwangokuhambisana noMthetho kamasipala wokuqoqwa kukadoti;
- (f) azise iHhovisi laseThekwini Lezamafilemuigama, isikhundla, inhlango, ikheli, inombolo yocingo, inombolo yefeksi kanye ne-imeyili yemenenja yendawo yokuqopha uma kwenzeka kuba khona ushintsho kule mininingwane njengoba ibhaliwe kwimvume yokuqopha ifilimu;
- (g) apha the izimvume ezidingekayo zezempilo nezokuphepha;
- (h) aqinisekise ukuthi uma sekuqediwe indawo ishiywa ihlanzekile; futhi
- (i) aveze uma kuba khona ushintsho noma ukuchezuka kwimibandela yokuqopha ifilimu ekhishelwe imvume.
- (j) aqinisekise ukuthi bonke abayingxenywe yefilimu bathobela lo Mthetho kaMasipala ngaso sonke isikhathi.

Umshwalense

14.(1) Inkampani eqophayo kumele ihlinzeke ubufakazi ngendlela egculisa uMasipalabokuthi

–

- (a) kunekhava yomshwalense wesimangalo esifakwa wumuntu wesithathu; kanye
- (b) nomshwalense wengcuphe obandakanya ikhava yawo wonke umsebenzi nezimangalo ezingaba khona, lapho kukhavwa isigemegegeme, izithombe ezinongiwe, izigamekonezinye izenzo ezingabeka umphakathi engozini.

(2). UMasipala angeke athwale izindleko zokulimala noma zokunxephezela kwanoma yini engenzeka ngesikhathi kuqoshwa ifilimu noma kwenziwa imisebenzi ephathelene nezamafilemu okwenziwa yinkampani eqophayo kanye nanoma yini enye eyenziwe ngokusemthethweni noma ngesihe nguMasipala noma omunye umsebenzi ogunyaziwe kaMasipala ngakwalo Mthetho kaMasipala.

Okungavunyelwe

15.(1) Umnikazi wemvume akumele enze noma avumele noma yini –

- (a) ezokuba wuhlupho;
- (b) ezolimaza noma iyiphi impahla;
- (c) ezolimaza abahlali bezindawo ezingomakhelwane noma ezincikene; kanye

(d) nezokwephula noma yimuphi umthetho kamasipala noma eminye imithetho yanoma yibaphi abasemagunyeni okubandakanya leyo ephathelene nemicimbi ekhethekile, ezamapaki, amathuna, ezemigwaqo, izimpawu, ezokupaka nomsindo.

(2) Imvume yefilimu ayedluliselwa isuka—

- (a) komunye umuntu iya komunye;
- (b) komunye umcimbi iya komunye;
- (c) kolunye usuku nesikhathi iya kolunye; noma
- (d) kwenye indawo iya kwenye,

ngaphandle kwemvume ebhalwe phansi evela kuMasipala.

(3) Noma iyiphi imvume yefilimu ekhishwe ngokwalo Mthetho kaMasipala isebenza kuleyo filimu kuphela futhi iyophelelwa yisikhathi njengoba kuyobe kubekiwe kuleyo mvume ekhishiwe.

Isaziso sokuthobela umthetho

16.(1) UMasipala ungakhipha isaziso sokuthobela umthetho uma kunezinsolo eziqinile zokuthi lokho okushiwo yilo Mthetho kaMasipala kungenzeka kungalandelwa umnikazi wemvume noma ngumuntu obhekelele ukuqoshwa kwefilimu noma kungephulwaimibandela okungaholela ekwepulweni kwalo Mthetho kaMasipala.

(2) Isaziso sokuthobela umthetho okukhulunywa ngaso esigatshaneni (1) kumele—

- (a) sisho lowo muntu esibhekiswe kuye;
- (b) siveze umyalelo woMthetho kaMasipala owephuliwe noma ozokwepulwa uma isimo sivunyelwa ukuqhubeka;
- (c) sisho izinyathelo lowo muntu okumele azithathe kanye nesikhathi okumele zithathwe ngaso yilowo muntu ukulungisa lesimo; futhi
- (d) sikhumbuze lowo muntu lokhu okulandelayo:
 - (i) ukuthi umuntu angashushiswa futhi alahlwe yicala; futhi
 - (ii) uma elahlweyicala, lowo muntu uyohlawuliswa njengoba kuhlinzekiwe.

(3) Uma umuntu onikezwe isaziso ngokwesigatshana (1), ehluleka ukuthobela okushiwoyisaziso, kumele uMasipala—

- (a) umise ngokushesha ukuqoshwa kwefilimu noma wenze kungabe kusaqhutshekwa;

(b) ubeke icala umnikazi wemvume noma obhekelele ukuqoshwa kwefilimu ngokwesigaba 19 salo Mthetho kaMasipala; futhi

(c) kushaqwe impahla esetshenziselwa ukuqopha ifilimu ngokulandela uMthetho Wenqubo Yokuqulwa Kwamacala Obugebengu ka 1977(uMthetho No. 51 ka 1977).

Ukukhokhiswa Izindleko

17. (1) Uma umnikazi wemvume ephula noma yikuphi okushiwo yilo Mthetho kaMasipala futhi ehluleka noma enqaba ukukuyeka lokho, noma ukuthatha izinyathelo zokulungisa lesi simo, iHhovisi laseThekwini Lezamafilimu yilona eliyothatha lezo zinyathelo bese libiza izindleko zalokho kumnikazi wemvume.

(2) Izindleko okukhulunywe ngazo esigatshaneni (1) zingaphezu kwenhlawulo engakhokhiswa umnimumvume.

(3) IHhovisi laseThekwini Lezamafilimu uma lithatha isinyathelo ngokwesigatshana (1) linelungelo lokuzinqumela futhi kuncika –

(a) kulelo nalelo cala lokungathotshelwa komthetho; kanye

(b) nokuthi unazo yini izinsiza ezidingekayo ukuze kulungiswe lesi simo,

:Kuncike ekutheni isigatshana (1) asithwesi uMasipala ijoka lokuthi kumele usukumele lesi naleso sigameko sokungathotshelwa komthetho.

Ilungelo Lokungena Nokuhlola

18.(1) Umsebenzi ogunyaziwekaMasipala, ngenhloso yokuqinisekisa ukuthotshelwa kwalo Mthetho kaMasipala, noma yingasiphi isikhathi futhi ngaphandle kokubikezela, angangena endaweni yomphakathi noma noma ezimele –

(a) lapho kuqoshwa khona ifilimu; noma

(b) uma enezinsolo ezinqala zokuthi kunefilimu eqoshwayo,

ukuze akwazi ukuhlola, buze imibuzo noma aphenye uma ebona kufanele.

Amacala

19.(1) Umuntu wenza icala uma–

(a) ephula izinhlinzeko zalo Mthetho kaMasipala;

(b) ekhansela noma eyekelela umshuwalense uze uphelelwe yisikhathi noma ehluleka ukwazisa uMasipala ukuthi lowo mushuwalense usekhona yini njengoba kudingekangokwesigaba 14 salo Mthetho kaMasipala;

- (c) enikeza umasipala ulwazi olungamanga;
- (b) ephula noma yimiphi imibandela, izivimbelo noma okwenqatshelwe okubekwe ngokwalo Mthetho kaMasipala;
- (c) ephazamisa, evimba noma ethikameza nganoma iyiphi indlela umsebenzi ogunyaziwe owenza umsebenzi wakhe ngokwalo Mthetho kaMasipala; noma
- (d) ehluleka ukuthobela noma yimuphi umyalelo osemthethweni noma okuthiwa makakwenze ngokwalo Mthetho kaMasipala.

Izinhlawulo

20.(1) Noma ngubani olahlwa yicala ngaphansi kwalo Mthetho kaMasipala uyohlawuliswa imali engeqi ku-R100 000 noma agwetshwe agqunywe ejele isikhathi esingeqi eminyakeni emihlanu, noma kokubili inhlawulo nejele.

(2) Esimweni secala eliqhubekayo, kuyokwengezwa inhlawulo engeqi ku-R500.00 noma izinsuku ejele ezingeqi kwezinyishumi, kulolo nalolo suku okuqhubeka ngalo icala noma kokubili inhlawulo nejele.

Ukudluliselwa kwamandla

21.(1) Kuncike kuMthethosisekelo kanye nemithetho kazwelonke neyesifundazwe esebenzayo, noma yimaphi –

- (a) amandla, ngaphandle kwamandla okukhulunywe ngawo esigabeni 160(2) soMthethosisekelo;
- (b) umsebenzi; noma
- (c) amajoka,

ngokwalo Mthetho kaMasipala, okunikwe uMkhandlu noma uhlaka lwezepolitiki lukaMasipala, abasezikhundleni zepolitiki, amakhansela noma abasebenzi angadluliselwa yilolo hlaka lwezepolitiki, abasezikhundleni zezepolitiki, yikhansela, noma umsebenzi, ohlakeni noma kumsebenzi oqashwe uMasipala.

(2) Ukudluliselwa kwamandla ngokwesigatshana (1) kumele kwenziwe ngokuhambisana nohlelo lokudluliselwa kwamandla olwemukelwanguMkhandlu ngokuhambisana nesigaba 59(1) soMthetho Wezinhlalo Zomasipala Wohulumeni Basekhaya ka 2000 (uMthetho No.32 ka 2000), kuncike kwinqubo ebekwe esigabeni 59(2) salo mthetho.

(3) Noma yikuphi ukudluliselwa kwamandlaokukhulunywe ngakho kulesi sigaba kumele kuqoshwe kuRejista Yokudluliselwa Kwamandla, okumele ibe nalolu lwazi–

- (a) uhlaka noma umuntu odlulisela amandla;
- (b) okudluliselwa kuyena amandla; kanye
- (c) imibandela ehambisana nokudluliselwa kwamandla.

Ukwedluliswa kwamacala

22.(1) Umuntu omalungelo akhe aphuliwe ngesinqumo esithathwe ngumsebenzi ogunyaziwe ngokwalo Mthetho kaMasipala angadlulisa icala mayelana naleso sinqumo ngokwezinhlinzeko zokudluliswa kwamacala eziqukethwe uMthetho Wezinhlelo Zomasipala Wohulumeni Basekhaya ka 2000 (uMthetho No. 32 ka 2000) ngokubhala isaziso sokwedlulisa icala kanye nezizathu asibhekise kwimenenja kamasipala ezinsukwini ezingu-21 kusukela osukwini aziswe ngalo ngesinqumo.

(2) Uma kuyinkantolo yomthetho elahle lowo muntu ngecala futhi efuna ukudlulisa icala ngesinqumo senkantolo, kumele kulandelwe uhlelo lokudluliswa kwamacala lwasenkantolo.

Isihloko esifingqiwe nokuqala kokusebenza koMthetho kaMasipala

23.Lo Mthetho kaMasipala ubizwa ngokuthi uMthetho kaMasipala waseThekwini WezamaFilimu ka 2016 futhi uqala ukusebenza emuva kwezinyanga eziyisithupha kusukela ngosuku oyoshicilelwa ngalo noma nganoma iluphi usuku olungaphambi kwalokhooluyonqunywangokuthi kushicilelwe isaziso kwiGazethi yesiFundazwe.

ISHEDULI A**IZIKHATHI ZOKUFAKA, UKUHLOLA NOKUPHENDULAISICELO SEMVUME**

Uhlobo	Ubungako	Izikhathi zokuhlola nokuphendula
Ifilimuencane kakhulu	abalingisi nabasizi abayi -8noma ngaphansi, izimoto eziyi 1 -3 awukho umngenelelo wokuhamba kwezimoto odingekayo,	Amahora angama -24 noma ngaphansi
Ifilimuencane	4kuya ku-6 wezimoto kanye no-9 -15 wabalingisi nabasizi, awukho umngenelelo wokuhamba kwezimoto odingekayo	Amahora angama -24 noma ngaphansi
Ifilimuephakathi	11 - 30wezimonto kanye no-16 – 30 wabalingisi nabasizi,	Amahora angama -48
Ifilimu enkulu	16-30 wezimoto kanye no-31 – 60wabalingisi nabasizi,	Amahora angama -48
Ifilimu enkulu kakhulu	Izimoto ezingaphezu kwama-31 kanye nabalingisi nabasizi abangaphezu kwama-60	Amahora angaphezu kwangama -48