

FILM FRIENDLINESS BY-LAW,

ARRANGEMENT OF SECTIONS AND SCHEDULES

CHAPTER 1 INTERPRETATION

1. Definitions
2. Objectives
3. Application of By-law

CHAPTER 2 FILMING IN AREA OF JURISDICTION OF MUNICIPALITY

4. Accreditation of municipality
5. Control of filming
6. Authorisation required for filming
7. Categorisation of film activity

CHAPTER 3 ADMINISTRATION

8. Appointment of municipal film representative
9. Powers, functions and duties of municipal film representative
10. Establishment of municipal film friendliness team
11. Composition of municipal film friendliness team
12. Powers, functions and duties of municipal film friendliness team
13. Establishment of municipal film-specific project team
14. Composition of municipal film-specific project team
15. Powers, functions and duties of municipal film-specific project team
16. Film database and register
17. Relationship with KwaZulu-Natal Film Commission

CHAPTER 4 PERMITS, INDEMNITY AND INSURANCE

18. Pre-application phase

19. Approvals, authorisations and permits required in terms of international treaties and other legislation
20. Permit requirements
21. Permit application procedure
22. Assessment of permit application
23. Notification of application to, and consultation with, third parties
24. Indemnity and insurance
25. Code of conduct

CHAPTER 5
DUTIES OF OTHER ROLE PLAYERS

26. Duties of film maker
27. Duties of public
28. Support provided by local business sector

CHAPTER 6
FEES AND TARIFFS

29. Fee and tariff structure

CHAPTER 7
SPECIFIC ARRANGEMENTS

30. Specific arrangements regarding use of children, animals, plants, firearms, explosives and other props in films
31. Specific arrangements regarding film locations
32. Prohibition on disclosure and publication of information
33. Labour matters
34. Disruption to residents and businesses
35. Medical requirements
36. Catering requirements
37. Clean-up

CHAPTER 8
COMPLIANCE, MONITORING AND REPORTING

38. Compliance
39. Power of entry

40. Dispute resolution
41. Monitoring by municipality
42. Monitoring by KwaZulu-Natal Film Commission
43. Reporting by municipality

**CHAPTER 9
GENERAL MATTERS**

44. Delegation and assignment
45. Offences and penalties
46. Short title

**SCHEDULE 1
COMMITMENT BY MUNICIPALITY**

**SCHEDULE 2
CONTACT DETAILS**

**SCHEDULE 3
PERMIT APPLICATION FORM**

**SCHEDULE 4
SUMMARY OF APPROVALS REQUIRED**

**SCHEDULE 5
SENSITIVE AREAS**

**SCHEDULE 6
FEES AND TARIFFS**

FILM FRIENDLINESS BY-LAW

To provide for the accreditation of the municipality as a film friendly municipality; to provide for the control over filming in the jurisdictional area of the municipality; to provide for the appointment, powers, functions and duties of the municipal film representative; to provide for the establishment, composition, powers, functions and duties of the municipal film friendliness team and the municipal film-specific project team; to provide for the issuance of film permits; to provide for the duties of other role players; to provide for the rate card, fee structure and reduction categories; to provide for specific arrangements; to provide for compliance, monitoring and reporting; and to provide for matters incidental thereto.

PREAMBLE

WHEREAS the KwaZulu-Natal Film Commission was established in terms of section 2 of the KwaZulu-Natal Film Commission Act, 2010 (Act No. 3 of 2010) and is a Schedule 3 Part C Provincial Public Entity in terms of the Public Finance Management Act, 1999 (Act No. 1 of 1999) with the mandate to promote and market the Province of KwaZulu-Natal as a global destination for film production and to develop, promote and market, locally and internationally, the film industry in the Province;

AND WHEREAS the South African film industry is one of the sectors with the highest contribution to the Gross Domestic Product;

AND WHEREAS the benefits of the recording of a film in the Province include investment of money into the local economy, employment opportunities, income to local businesses, and skills transfer to the provincial workforce;

AND WHEREAS the KwaZulu-Natal Film Commission presides over a large geographic area and has limited information about specific locations, services and skills available at local level;

AND WHEREAS municipalities in the Province do not possess the film-specific knowledge or information required to grow the sector;

AND WHEREAS the KwaZulu-Natal Film Commission has recognised the need for the creation of a film friendly environment within the Province to provide film makers with cross-sectoral support for film production;

AND WHEREAS there is a need for a standardised approach, rules and regulations for filming, and an agreed way for municipalities to respond to enquiries from film makers;

BE IT THEREFORE ENACTED by the council of the XXX Municipality, in terms of section 156 of the Constitution of the Republic of South Africa, 1996, read with section 11 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) as follows:–

CHAPTER 1 INTERPRETATION

Definitions

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

“**municipal manager**” means the person appointed by the council as the head of the administration of the council in accordance with section 54A of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);

“**council**” means the council of the municipality as contemplated in section 157 of the Constitution;

“**council land**” means any land the ownership of which is vested in the council or which is under the control of the council and includes–

- (a) public land: and
- (b) all other land administered or managed by an organ of state;

“**communal property association**” means communal property association registered in terms of section 8 of the Communal Property Association Act, 1996 (Act No. 28 of 1996);

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

“**working day**” means any day other than a Saturday, Sunday or public holiday;

“district municipality” means a category C municipality that has municipal executive and legislative authority in an area that includes more than one municipality, as contemplated in section 155(1)(c) of the Constitution;

“sensitive area” means an area contemplated in Schedule 6;

“environmental control officer” means a person who acts as an independent quality controller, appointed by xxx, who is responsible for monitoring and reporting on compliance with the commitments stated in an approved environmental management plan, all environmental concerns and associated environmental impacts;

“film” means a recording of moving or still images on film or video tape;

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

(a) 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;

(b) family videos;

(d) the video recording of a wedding ceremony or other private celebration or event for the purpose of making a video record thereof for its participants;

(e) studio filming; and

(f) 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”** has a corresponding meaning;

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

(a) the interruption of traffic on public roads;

(b) the interruption of pedestrian traffic on sidewalks;

(c) the installation of wires or cables across or over sidewalks or public roads;

- (d) the use of generators, tripods or dollies on sidewalks or public roads;
- (e) activities that have an impact on public parking, public open space or beaches;
- and
- (f) activities that generate noise or air pollution;

“film friendliness” means a pleasant and informed supportive working environment for the film industry, where making film is everyone’s business with the friendly provision of services to the filming sector;

“film maker” means the person responsible for the recording of a film, whether a natural or juristic person;

“health and safety plan” means a plan which addresses identified hazards and includes safe work procedures to mitigate, reduce or control the identified hazards;

“KwaZulu-Natal Film Commission” means the KwaZulu-Natal Film Commission established in terms of section 2 of the KwaZulu-Natal Film Commission Act, 2010 (Act No. 3 of 2010);

“local municipality” means a category B municipality that shares municipal executive and legislative authority in its area with a category C municipality within whose area it falls, as contemplated in section 155(1)(b) of the Constitution;

“local business” means a business physically situated within the area of jurisdiction of the municipality where a film is being recorded;

“local community” means the community residing within the area of jurisdiction of the municipality where a film is being recorded;

“location” means the temporary physical site within the area of jurisdiction of the municipality where a film is recorded;

“metropolitan municipality” means a category A municipality that has exclusive municipal executive and legislative authority in its area, as contemplated in section 155(1)(a) of the Constitution;

“municipal film representative” means the municipal film representative appointed in terms of section 8;

“municipal film friendliness team” means the municipal film friendliness team established in terms of section 10;

“municipal film-specific project team” means the municipal film-specific project team established in terms of section 13;

“municipality” means the XXX Municipality;

“prescribed tariff” means a tariff determined and imposed by the council in terms of Schedule 7;

“Provincial Gazette” means the Provincial Gazette of the Province of KwaZulu-Natal;

“Province” means the Province of KwaZulu-Natal;

“public land” means any land the ownership of which is vested in the national or provincial government or which is under the control of the national or KwaZulu-Natal provincial government;

“public property or facility” means a property or facility owned or managed by the council, KwaZulu-Natal provincial government or national government, and includes an open space;

“risk management plan” means a plan that sets out any risks associated with an activity in order to identify the steps needed to be taken to remove, reduce or control such risks;

“safety officer” means a person appointed in terms of section 4(4)(a) of the Safety at Sports and Recreational Events Act, 2010 (Act No. 2 of 2010) to assist with the planning and oversight of safety and security measures at certain events;

“SALGA KwaZulu-Natal” means the KwaZulu-Natal provincial structure of the South African Local Government Association;

“senior traditional leader” means any person who, in terms of customary law of the traditional community concerned, holds a traditional leadership position, and is recognised in terms of the Traditional Leadership and Governance Framework Act, 2003 (Act No. 41 of 2003) and the KwaZulu-Natal Traditional Leadership and Governance Act, 2005 (Act No. 5 of 2005);

“South African Local Government Association” means the South African Local Government Association recognised in terms of the Organised Local Government Act, 1997 (Act No. 52 of 1997), as the national organisation representing municipalities;

“studio filming” means filming activities, whether motion or still photography, recorded in a studio;

“tier 1 film activity” means a tier 1 film activity as contemplated in section 7(2);

“tier 2 film activity” means a tier 2 film activity as contemplated in section 7(3);

“tier 3 film activity” means a tier 3 film activity as contemplated in section 7(4);

“traditional community” means a community which–

- (a) resides within the area of jurisdiction of the municipality where a film is being recorded;
- (b) is subject to a system of traditional leadership in terms of that community’s customs; and
- (c) observes a system of customary law; and

“traditional council” means a traditional council established in terms of section 6 of the KwaZulu-Natal Traditional Leadership and Governance Act, 2005 (Act No. 5 of 2005).

Objectives

2. The purpose of this By-law is to standardise and simplify the process of obtaining approvals, authorisations and permits for film making throughout the Province and thereby–
- (a) attracting film productions; and
 - (b) growing the KwaZulu-Natal film industry and the local economy.

Application of By-law

3. This By-law–
- (a) applies to all areas which fall under the jurisdiction of the municipality and is binding on all persons to the extent applicable;
 - (b) does not derogate from the provisions of any other law; and
 - (c) binds the state.

CHAPTER 2

FILMING IN AREA OF JURISDICTION OF MUNICIPALITY

Accreditation of municipality

- 4.(1) The municipality must–
- (a) publish a Film Friendliness Policy which outlines the intention of the municipality to provide viable film services as part of its local government obligations;
 - (b) appoint a municipal film representative as contemplated in section 8;
 - (c) establish a film friendliness team as contemplated in section 10;
 - (d) set out a formal permit and approval issuance process with standard permit application forms and stipulated response times as contemplated in Chapter 4;
 - (e) ensure that infrastructure, permits and other municipal services are available promptly;
 - (f) publish the fees of all services available to the film industry as contemplated in section Schedule 7;
 - (g) publish a database of the range of locations, goods, services and labour available in the jurisdictional area of the municipality as contemplated in Schedule 3;
 - (h) publish a database of images of available locations and contact details of locations in the jurisdictional area of the municipality as contemplated in section 9(2);
 - (i) publish a Code of Conduct as contemplated in section 25;
 - (j) make the commitment contemplated in Schedule 1; and

(k) submit annual reports as contemplated in section 43, in order for it to be accredited as a Film Friendly municipality as contemplated in subsection (2).

(2) SALGA KwaZulu-Natal must, on an annual basis, certify and award a certificate to the municipality as a Film Friendly municipality if it complies with the criteria set out in subsection (1).

Control of filming

5.(1) A person may not record a film on council land in the jurisdictional area of the municipality—

(a) unless a permit has been issued by the municipal manager as contemplated in section 22; and

(b) otherwise than in accordance with such terms and conditions as may be determined by the municipal manager in the permit contemplated in paragraph (a).

(2) The provisions of subsection (1) also apply to film-related activities on council land where the actual recording of the film takes place on land other than council land.

Authorisation required for filming

6.(1) A person who intends to record a film for which permission is required in terms of section 5, must submit a written application to the municipal film representative within the timeframes contemplated in section 21.

(2) Any other person who—

(a) takes part in the recording of the film or any film-related activities; and

(b) falls under the control of the film maker contemplated in subsection (1),

must not also apply for permission as contemplated in subsection (1).

Categorisation of film activity

7.(1) The municipal film representative must categorise every film for which an application has been submitted in accordance with section 6 as a—

- (a) tier 1 (low impact) film as contemplated in subsection (2);
- (b) tier 2 (medium impact) film as contemplated in subsection (3); or
- (c) tier 3 (high impact) film as contemplated in subsection (4).

(2) A film contemplated in subsection (1) must be categorised as a tier 1 (low impact) film in the event that it complies with all of the following criteria:

- (a) it requires a–
 - (i) micro shoot involving–
 - (aa) less than eight persons; and
 - (bb) one to three vehicles; or
 - (ii) small-scale shoot involving–
 - (aa) nine to 15 persons; and
 - (bb) four to six vehicles;
- (b) no road closures are required;
- (c) no special effects, stunts or pyrotechnics are involved;
- (d) the application complies with the specified filming hours of 06:00 to 22:00;
- (e) the recording will last less than 24 hours;
- (f) minimum noise or lighting will be generated;
- (g) it does not take place in a sensitive area as contemplated in section 9(4);
- (h) no landform modification or vegetation removal is required; and
- (i) it does not require any structures or sets, including minor or portable props.

(3) A film contemplated in subsection (1) must be categorised as a tier 2 (medium impact) film in the event that it complies with all of the following criteria:

- (a) it requires a medium size shoot involving–
 - (i) 16 to 30 people; and
 - (ii) seven to 15 vehicles;
- (b) partial road closures or minimum road modifications are required;
- (c) the recording will last 24 to 48 hours; and
- (d) moderate noise or lighting will be generated.

(4) A film contemplated in subsection (1) must be categorised as a tier 3 (high impact) film in the event that it complies with all of the following criteria:

- (a) it requires a–
 - (i) large shoot involving–

- (aa) 31 to 60 persons; and
- (bb) 16 to 30 vehicles; or
- (ii) very large shoot involving—
 - (aa) more than 60 persons; and
 - (bb) more than 31 vehicles;
- (b) full road closure or modification of the road is required;
- (c) special effects, stunts or pyrotechnics are involved;
- (d) the recording will occur between the hours of 22:00 and 06:00;
- (e) the recording will last more than 48 hours;
- (f) a high degree of noise or lighting will be generated;
- (g) the recording will take place in a sensitive area as contemplated in section 9(4);
- (h) landform modification or vegetation removal is required; and
- (i) the recording requires the erection of structures or sets.

CHAPTER 3 ADMINISTRATION

Appointment of municipal film representative

8.(1) The municipal manager must appoint an employee of the council as the municipal film representative to be contacted by film makers, organs of state, businesses and the public regarding all matters relating to filming in the municipality.

(2) The contact information of the municipal film representative are as set out in Schedule 2 (Part A) and should be made available on the website.

Powers, functions and duties of municipal film representative

9.(1) The municipal film representative appointed in terms of section 8 is responsible for the following functions and duties:

- (a) coordination of film opportunities within the area of jurisdiction of the municipality;
- (b) receipt of applications contemplated in section 22 from film makers, and submission thereof to the municipal manager for approval within the timeframes prescribed in section 21;
- (c) receipt of parking plans from film makers, and submission thereof to the municipal traffic authority for approval;

- (d) receipt of applications for road closures from film makers, and submission thereof to the municipal traffic authority for approval;
- (e) receipt of the risk management plan and the health and safety plan, if applicable, from film makers, and submission thereof to the municipal health authority for assessment and approval;
- (f) monitoring of compliance to permit conditions as contemplated in section 41;
- (g) timeous communication and liaison with the film maker; and
- (h) undertaking of services in a professional and efficient manner.

(2) The municipal film representative must establish and maintain a database with following information relevant to the jurisdictional area of the municipality:

- (a) contact details of the municipal film friendliness team contemplated in section 10;
- (b) information relating to locations as contemplated in Schedule 2 (Part B), including the–
 - (i) name of the location;
 - (ii) GPS coordinates of the locations;
 - (iii) Google Maps Pins;
 - (iv) distance from the town centre to the location;
 - (v) distance from the King Shaka International Airport to the location;
 - (vi) name and contact details of the owner of the location; and
 - (v) any relevant access and usage information relating to the location; and
- (c) information relating to service providers who supply local goods and services required by the film industry in the format contemplated in Schedule 3.

(3) The municipal film representative must make the database contemplated in subsection (2) available to the KwaZulu-Natal Film Commission as and when requested.

(4)(a) The municipal film representative must compile, review and update the list of sensitive areas on annual basis at the end of the financial year of every year, and, if and when the need for updating the list arises, more frequently.

(b) The municipal manager must publish the updated list referred to in paragraph (a) by means of a notice in the *Provincial Gazette* within one month of such review, for application from the date of publication thereof and include a copy thereof on the website.

(5) Film makers, organs of state, businesses and the public must, in the respect matters relating to the specific locality where filming–

- (a) is taking place;
- (b) took place; or
- (c) is intended to take place,

contact the relevant municipal official as indicated in the table concerned as contained in Schedule 2 (Part B).

Establishment of municipal film friendliness team

10. The municipal manager must establish a municipal film friendliness team.

Composition of municipal film friendliness team

11.(1) The municipal manager must ensure that all key stakeholders from the film industry, the local community, the municipality, other stakeholders and the local media are represented as members of the municipal film friendliness team.

(2) The municipal manager must–

- (a) determine the composition of the municipal film friendliness team, taking into account the unique circumstances of the municipality; and
- (b) maintain a database of the contact details of the members of the municipal film friendliness team.

(3) The roles of the film friendliness team are:-

- (a) to discuss common issues that affect filming within the municipality
- (b) to act as an advocacy group that champions filming within the municipality

Establishment of municipal film-specific project team

12. The municipal film representative must establish a municipal film-specific project team to represent the municipality at the recording of a tier 2 film or a tier 3 film in the jurisdictional area of the municipality.

Composition of municipal film-specific project team

13. The municipal film representative must determine the composition of the municipal film-specific project team from officials of the council, taking into account the unique requirements of the film concerned.

Powers, functions and duties of municipal film-specific project team

14. The municipal film project team must ensure that relevant film procedures are followed and permit conditions are adhered to, and assist with communication between the film maker and local community and local businesses.

Film database and register

15.(1) The municipal film representative must establish and maintain a register of all film permit applications received and approved in accordance with section 21.

(2) The municipal film representative must–

- (a) publish an updated version of the register contemplated in subsection (1) on the municipal website on the first day of every financial year; and
- (b) submit an electronic copy of the register to the KwaZulu-Natal Film Commission on a quarterly basis.

Relationship with KwaZulu-Natal Film Commission

16.(1) The municipal film representative must receive all inquiries sent by the KwaZulu-Natal Film Commission on behalf of the film industry.

(2) The municipal film representative must–

- (a) coordinate with the KwaZulu-Natal Film Commission;
- (b) be available for liaison between the film maker and the KwaZulu-Natal Film Commission; and
- (c) allow the KwaZulu-Natal Film Commission to provide support to him or her.

CHAPTER 4
PERMITS, INDEMNITY AND INSURANCE

Pre-application phase

17 (1) The municipal film representative must inform the film maker of the times of the year that filming activities are restricted, and no-go locations due to environmental factors, such as seasonal breeding of birds and animals.

Approvals, authorisations and permits required in terms of international treaties and other legislation

18.(1) The film maker is responsible for applying for approvals, authorisations and permits that are 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.

(2) The municipal film representative must assist the film maker to identify and coordinate the approvals required by other legislation.

(3) In the event that the recording of the film falls under the ambit of the Safety at Sports and Recreational Events Act, 2010 (Act No. 2 of 2010), the film maker must ensure compliance with the provisions of such Act.

(4) The film maker must comply with the provisions of the Tobacco Products Control Act, 1983 (Act No. 83 of 1993) and may not advertise any tobacco products as defined in such Act.

Permit requirements

19.(1) A film maker may not use council land for the purpose of recording a film without prior permission from the municipal manager in the form of a permit: Provided that a permit is also required in instances where the recording of a film takes place on private property, facilities or buildings, including open spaces, where dedicated parking or government services are not required but which may impact on a municipal property or facility.

(2)(a) The film maker must, in addition to the film permit contemplated in subsection (1), also apply for additional permits for the following film-related activities:

- (i) the interruption of the traffic on a municipal road;
 - (ii) the installation of wires or cables running across or over sidewalks or municipal roads;
 - (iii) the use of generators, tripods or dollies on sidewalks or municipal roads;
 - (iv) the use of any public open space or nature reserve under municipal management;
- and
- (v) any other activities as may be determined by the municipal film representative from time to time.

(b) The film maker may elect to submit applications for the permits contemplated in paragraph (a) to the municipal film representative as contemplated in section 9(1).

(3) In the event that a tier three film is recorded on private land and will not impact on a municipal property or facility, the film maker must notify–

- (a) in writing, the–
 - (i) municipal film representative;
 - (ii) KwaZulu-Natal Film Commission; and
 - (iii) South African Police Service; and

(b) the local community,

of the proposed filming at least two working days prior to the commencement of the recording of the film.

(4) In the event that property zoned for residential purposes is utilised exclusively or predominantly for filming, the owner of the property must apply to the municipality for appropriate use designation in accordance with the applicable legislation.

Permit application procedure

20.(1) The film maker must complete and sign the application form set out in Schedule 4 and submit same to the municipal film representative, accompanied by all additional documentation that–

- (a) is referred to in the application form;
- (b) may be required by the municipal film representative; and
- (c) may be required in terms of any other law:

(2) The film maker must submit the completed application form to the municipal film representative at least–

- (a) three working days before the recording of a tier 1 film is due to commence;
- (b) three working days before the recording of a tier 2 film is due to commence; and
- (c) seven working days before the recording of a tier 3 film is due to commence.

(3) The municipal film representative must, within one working day from receipt of the permit application form as contemplated in subsection (1), confirm the availability of the location, and make a preliminary booking.

(4) The film maker must confirm the preliminary booking contemplated in subsection (2) within one working day, after which the preliminary booking will automatically expire.

Assessment of permit application

21.(1) The municipal film representative must categorise the film as a–

- (a) tier 1;
- (b) tier 2; or
- (c) tier 3,

film in accordance with section 7.

(2)(a) In the event that the municipal film representative receives an application relating to a tier 1 film, he or she must submit it within one working day to the municipal manager for approval.

(b) The municipal manager–

- (i) must–
 - (aa) process such application within one working day from receipt thereof; and
 - (bb) apply the standard conditions of approval as determined by him or her; and
- (ii) may require–
 - (aa) limited community notification as contemplated in section 23; and
 - (bb) medium monitoring as contemplated in section 41.

(3)(a) In the event that the municipal film representative receives an application relating to a tier 2 film, he or she must submit it within one working day to the municipal manager for approval.

(b) The municipal manager–

(i) must–

(aa) process such application within one working day from receipt thereof; and

(bb) apply more restrictive and location-specific conditions of approval; and

(ii) may require–

(aa) post-permit community notification as contemplated in section 23; and

(bb) on-set monitoring as contemplated in section 41.

(4)(a) In the event that the municipal film representative receives an application relating to a tier 3 film, he or she must submit it within one working day to the municipal manager for approval.

(b) The municipal manager–

(i) must–

(aa) process such application within a period of five working days;

(bb) apply more restrictive and location-specific conditions of approval;

(cc) consider relevant local environmental issues; and

(dd) require the appointment of an environmental control officer; and

(ii) may require–

(aa) a letter drop to affected businesses no later than two working days prior to the commencement of the recording of the film;

(bb) community consultation as contemplated in section 23; and

(cc) continuous on-set monitoring as contemplated in section 41.

(5) After classifying the film, the municipal film representative must assign the approved tariffs, processing timeframes, consultation and monitoring requirements relevant to the film.

(6) The municipal manager must take the following factors into account when considering an application for a permit:

(a) the provisions of the Constitution, principles of administrative law, and this By-law;

(b) other relevant legislation as contemplated in section 19 and Chapter 7; and

(c) the scale and nature of the impact of the filming activity upon–

(i) municipal service provisions;

(ii) the local community;

(iii) the local businesses;

(iv) other stakeholders;

- (v) the public at large; and
- (vi) the environment.

(7) The municipal manager may issue a film permit with or without conditions of approval.

(8) The permit issued is only valid for the dates specified therein.

(9)(a) In the event that the film maker wishes to amend the details or dates of the permit, he or she must submit an application to amend the permit to the municipal film representative, who must submit it to the municipal manager for approval.

(b) In the event that the municipal manager is satisfied that the application is substantially the same as the original application and that additional notification or consultation, as the case may be, has occurred, he or she must amend the permit as requested.

(10) If required to do so by the municipal manager, the film maker must submit a traffic management plan to him or her which describes the actions the film maker will take to minimise risks to motorists and disruption to traffic movement which contains at least the following information:

- (a) the nature of the road and its role in the local road hierarchy;
- (b) the time of the filming activity;
- (c) the nature and extent of traffic management required;
- (d) the envisaged impact on normal traffic flow and movement;
- (e) whether there are any other activities planned on the road at that time;
- (f) whether alternative routes are available for traffic; and
- (g) the impact on affected residents and businesses.

(11) In the event that the recording of a film–

- (a) takes place in a sensitive area as contemplated in Schedule 6; or
- (b) may cause damage to the environment,

the municipal manager may require that an environmental control officer be present on the location for the duration of the recording of the film: Provided that the film maker must be responsible for the appointment of the environmental control officer.

(12) The municipal film representative must provide a copy of the database of local goods and services contemplated in Schedule 3 to the film maker on issuance of the film permit by the municipal manager in accordance with subsection (7).

Notification of application to, and consultation with, third parties

22.(1) The municipal manager may require—

- (a) limited community notification for a tier 1 film;
- (b) post-permit community notification for a tier 2 film; and
- (c) the filmmaker to consult community through a letter drop ~~to affected businesses~~ no later than two working days prior to the commencement of the recording of a tier 3 film.

(2) In the event that a permit stipulates that the film maker must inform the local community, local businesses or traditional community, the—

- (a) municipal manager must, when issuing a permit in terms of section 22, stipulate the processes and procedures to be followed by the film maker; and
- (b) film maker must submit a copy of the notification, an indication of the extent of the notification, and a copy of any responses received thereto to the municipal film representative before he or she may commence with the recording of the film.

(3) The film maker must provide the details of its contact person to all stakeholders that he or she must inform as contemplated in subsection (1).

Indemnity and insurance

23.(1) The film maker must complete the municipality's indemnity form prior to approval of the permit application as contemplated in section 22.

(2) The film maker must provide proof, to the satisfaction of the municipal manager, of appropriate indemnity insurance cover relating to the recording of the film.

(3) In the event that stunts, special effects, pyrotechnics or any other activity which may put the public at risk are involved, the film maker must provide proof, to the satisfaction of the municipal manager, of appropriate specialised risk insurance, blanket liability or work cover, as the case may be.

Code of conduct

24.(1) The municipal film representative must publish a Code of Conduct for use by the film industry in the jurisdictional area of the municipality.

(2) The film maker must notify the staff and crew of the contents of the Code of Conduct contemplated in subsection (1), and ensure compliance therewith.

CHAPTER 5

DUTIES OF OTHER ROLE PLAYERS

Duties of film maker

25. In addition to the responsibilities contemplated in this By-law, the film maker must, during the recording of the film—

- (a) carry the film permit contemplated in section 22 with him or her at all times;
- (b) implement the—
 - (i) parking plan, as approved by the municipal traffic authority;
 - (ii) traffic management plan contemplated in section 22(10), as approved by the municipal traffic authority; and
 - (iii) health and safety plan and the risk management plan, as approved by the municipal health authority,

where applicable;

- (c) brief the cast, crew and other persons involved the recording of the film on the nature and practical application of the permit and approvals obtained relating to the film, as well as any conditions or requirements attached thereto;
- (d) ensure that all vehicles associated with the recording of the film comply with the traffic and parking regulations;
- (e) ensure that production personnel co-operate with the municipal traffic police to maintain efficient traffic flows and the safety of other road users;
- (f) ensure that pedestrian traffic is not obstructed at any time unless stipulated in the permit contemplated in section 22;
- (g) ensure that access to fire exits and utilities, such as electricity, water and telephone lines, and emergency vehicle access are not impeded;
- (h) maintain regular communication with the municipal film representative and report any damage to the location as soon as possible;

- (i) ensure that all litter is removed before the end of each day's filming;
- (j) abide by film industry safety practices, especially in relation to special effects, stunts and the use of firearms and weapons; and
- (k) adhere to the location filming hours approved, which includes the time required for the arrival and departure of cast and crew, and the setting up and dismantling of sets and equipment.

(2) After the recording of the film has been finalised, the film maker must—

- (a) ensure that the film location is cleaned and tidy and is left in its pre-filming condition as contemplated in section 37;
- (b) ensure that only those fixtures and fittings at the location requested or approved by the municipal film representative are left at the location;
- (c) submit a report to the municipal film representative if there were any damages; and
- (d) undertake a site inspection with the municipal film representative if so required by the municipal film representative.

(3)(a) The film maker is under no obligation to provide compensation to residents or businesses affected by the recording of a film, unless he or she has voluntarily agreed to do so: Provided that this does not preclude the payment of compensation to a resident or business owner for any damage caused to his or her person or property by the film maker or any other person involved in the recording of the film.

(b) The provisions of paragraph (a) also applies to the disruption of parking.

(4) The film maker is encouraged to procure local goods and services from the local service providers contemplated in the table of local goods and services in Schedule 3.

Duties of public

26. The—

- (a) local community;
- (b) senior traditional leader and traditional council in the case of a traditional community; and
- (c) communal property association, if any,

must assist the film maker to—

- (i) create a conducive and workable environment within the local community or traditional community area, as the case may be, where the film is being recorded; and
- (ii) access resources and services that are available within the community.

Support provided by local business sector

27. Local businesses as contemplated in Schedule 3 are encouraged to provide and supply the necessary local goods and services that might be required by the film maker: Provided that the necessary contractual arrangements for the provision of such goods and services must be concluded between the local business concerned and the film maker.

CHAPTER 6

RATE CARD, FEE STRUCTURE AND REDUCTION CATEGORIES

Fee and tariff structure

28.(1)(a) There is no administration fee payable for a film permit.

(b) The municipal film representative may charge a refundable deposit when the film maker submits an application in accordance with section 20. Provided that the municipal film representative may decide not to refund such deposit in the event that the film maker has not executed all filming activities as set out in his or her application for a film permit.

(2) The fees relating to municipal services and personnel are charged according to the municipal rate card, reduction categories and fee structure as set out in Schedule 7.

(3) The council must –

- (a) review, and, if it is in its opinion necessary, update the rate card, reduction categories and fee structure on an annual basis at the end of every financial year; and
- (b) publish the rate card, reduction categories and fee structure referred to in sub-item (a) by means of notice in the *Provincial Gazette* by not later than the end of the financial, for application in the following calendar year.

CHAPTER 7
SPECIFIC ARRANGEMENTS

Specific arrangements regarding use of children, animals, plants, firearms, explosives and other props in films

29. The film maker must comply with all relevant–

- (a) legislation contemplated in Schedule 5 (Part A);
- (b) applicable national and provincial legislation in addition to the legislation contemplated in paragraph (a);
- (c) applicable international treaties to which the state is a signatory; and
- (d) applicable municipal legislation.

Specific arrangements regarding film locations

30.(1) The film maker must comply with all relevant–

- (a) legislation contemplated in Schedule 5 (Part B);
- (b) applicable national and provincial legislation in addition to the legislation contemplated in paragraph (a);
- (c) applicable international treaties to which the state is a signatory; and
- (d) applicable municipal legislation.

(2) In the event that the film maker plans to use a road for the recording of a film, he or she may–

- (a) only close such road on a temporary basis and under the supervision of a traffic officer or municipal police officer;
- (b) only intermittently stop traffic for maximum intervals of xxxxxx minutes under the supervision of a traffic officer or municipal police officer: Provided that the area must be cordoned off in a manner that does not impede the free flow of traffic and pedestrians;
- (c) only remove a road traffic sign if authorised to do so by the municipal manager: Provided that such road traffic sign–
 - (i) may only be removed–
 - (aa) if a traffic officer is present; and
 - (bb) on the day of the recording of the film; and
 - (ii) must be replaced to its original position; and
- (d) not record the film on an arterial road or main road during the peak hours of 06h00 to 09h30 and 15h30 to 18h30.

(3) The film maker may apply to the municipal film representative for the hiring of parking bays.

(4) The film maker may not block off the storm water system–

- (a) without the prior written permission of the municipal manager; and
- (b) during periods of rain.

(5) The film maker may not drive any stakes for tents into the ground, excavate or film near 132kV overhead lines without a permit issued by the municipality's electricity department.

(6) In the event that the film maker plans to utilise dummy facades or other lightweight structures, such structures are deemed to be scaffolding and may only be utilised if the prior written permission has been obtained from the Department of Labour.

Prohibition on disclosure and publication of information

31. The film maker must comply with all relevant–

- (a) legislation contemplated in Schedule 5 (Part C);
- (b) applicable national and provincial legislation in addition to the legislation contemplated in paragraph (a);
- (c) applicable international treaties of which the state is a signatory; and
- (d) applicable municipal legislation.

Labour matters

32. The film maker must comply with all relevant–

- (a) legislation contemplated in Schedule 5 (Part D);
- (b) applicable national and provincial legislation in addition to the legislation contemplated in paragraph (a);
- (c) applicable international treaties of which the state is a signatory; and
- (d) applicable municipal legislation.

Disruption to residents and businesses

33. The film maker must ensure that–

- (a) there is minimum disruption to residents and businesses whilst recording of the film takes place, unless the residents or businesses concerned have provided their consent to disruptions;
- (b) the film crew, trucks and heavy vehicles do not park, obstruct or inconvenience the local community or local business activities;
- (c) residents and businesses have vehicular access to their residences and business premises;
- (d) noisy engines, such as generators, are–
 - (i) not placed near places of business, social activities or schools during the recording of the film; and
 - (ii) switched off at 22h00;
- (e) only authorised generators are used;
- (f) lighting is orientated away from neighbouring residents, unless such residents have provided their consent;
- (g) noise is kept at a minimum, especially before 07h00 and after 22h00; and
- (h) in the event that the film is recorded in a residential area, production vehicles only enter the residential area from the time specified in the permit.

Medical requirements

34.(1) The film maker must–

- (a) arrange that an appropriate emergency care practitioner is on standby for the recording of the film;
- (b) ensure that there is a first aid kit on set; and
- (c) in the event that stunts or pyrotechnics are carried out, ensure that the appropriate medical rescue equipment and fire fighting equipment are available on set.

Catering requirements

35. Every caterer who works on a film set must–

- (a) be in possession of a municipal certificate of acceptability and a business licence issued by the municipality; and
- (b) comply with the (national) Regulations Governing General Hygiene Requirements for Food Premises and the Transport of Food, 2012 (GN R962 in *Government Gazette* 35906 of 23 November 2012)

Clean-up

36. The film maker must ensure that–

- (a) the location is cleaned;
- (b) all waste and litter are removed and disposed of in an authorised manner; and
- (c) the location is returned to its original position, after the recoding of the film has been finalised.

CHAPTER 8

COMPLIANCE, MONITORING AND REPORTING

Compliance

37.(1) In the event that a provision of this By-law is contravened by a film maker or that a condition has arisen that has the potential to lead to a contravention of this By-law, the municipal film representative may issue a compliance notice to the film maker.

(2) A notice issued in accordance with subsection (1) must state the–

- (a) specific provision of this By-law that is being contravened or will be contravened if the condition is allowed to continue;
- (b) measures that must be taken to rectify the condition; and
- (c) time period in which the notice must be complied with.

(3) In the event that a film maker on whom notice was served in accordance with subsection (1), fails to comply with the requirements of the notice, the municipal film representative may take such steps as may be necessary to rectify the condition at the cost of the film maker.

(4) The municipal film representative must maintain a record of infringements in order to facilitate a review of permit approvals, conditions and monitoring systems.

Power of entry

38. The municipal film representative may enter, or authorise any other municipal official to enter, any location as may be necessary to–

- (a) monitor the recording of the film and related film activities, and to request a copy of any approval, authorisation or permit that has been granted to the film maker; and

(b) ensure that the film maker complies with all applicable legislation and conditions attached to the approvals, authorisations and permits contemplated in paragraph (a).

Dispute resolution

39.(1) The film maker must provide the municipal film representative with any information requested by him or her, as soon as is reasonably possible.

(2) The film maker and the municipal film representative must ensure open and effective communication between themselves.

(3) The film maker and the municipal film representative must attempt to reach a mutually satisfying resolution in the event of a dispute, before escalating the dispute to the KwaZulu-Natal Film Commission.

Monitoring by municipality

40. The municipal film representative must ensure that the film maker abides by the conditions attached to the permit contemplated in section 22–

- (a) during the recording of the film; and
- (b) after the recording the film.

Monitoring by KwaZulu-Natal Film Commission

41. The KwaZulu-Natal Film Commission may, after the recording of a film has been finalised, conduct a survey to assess the–

- (a) impact of the recording of the film on the local community, local businesses and traditional community, if applicable; and
- (b) customer satisfaction survey of the film maker.

Reporting by municipality

42.(1) The municipal film representative must, within 14 working days after the recording of the film has been finalised, submit a report to the council setting out–

- (a) how the production was executed; and

(b) the benefits that have accrued to the municipality in terms of local employment, local businesses, local spend, the marketing exposure value for the municipality, and otherwise.

(2) The municipal film representative must provide feedback to the KwaZulu-Natal Film Commission on a quarterly basis regarding the following information of every film recorded in the area of jurisdiction of the municipality:

- (a) name of the film maker;
- (b) title of the film;
- (c) number of crew on the film set;
- (d) location used;
- (e) total production budget, local spend and
- (f) budget spent by the municipality if any.

CHAPTER 9 GENERAL MATTERS

Delegation and assignment

43.(1) The municipal manager may delegate or assign any of his or her powers or assign any of his or her duties imposed by this By-law to the municipal film representative or any other official of the council.

(2) Any delegation or assignment contemplated in subsection (1)–

- (a) may be made subject to such conditions as the municipal manager may determine;
- and
- (b) must be in writing.

(3) The municipal manager may at any time withdraw a delegation or assignment in writing.

Offences and penalties

45. A person who contravenes a provision of this By-law, or fails to comply with one or more conditions imposed by the municipal film representative or a compliance notice legally issued in terms of this By-law, is guilty of an offence and liable on conviction to a fine not exceeding R xxx or to imprisonment not exceeding xxx months, or to both a fine and imprisonment.

Short title

46. This By-law is called the XXX Municipality Film Friendliness By-law, 2016.

SCHEDULE 1 COMMITMENT BY MUNICIPALITY

(Section 4(1)(j))

Commitment by municipality

1. The **xxx Municipality**, in order to give effect to the objective of film friendliness as contemplated in section 4 of this By-law, undertakes to commit its human and other resources to:

- (a) comply with this By-law, the Constitution of the Republic of South Africa, 1996 and all other applicable laws;
- (b) respect, maintain and ensure the confidentiality of all matters relating to an application for a permit contemplated in this By-law;
- (c) receive and process applications in a timely manner;
- (d) pre-identify and mandate municipal officials to process film applications;
- (e) apply full and due diligence in the consideration of each application;
- (f) assist, as far as possible, all applicants, to the extent necessary, in the completion of application forms that would after–
 - (i) submission thereof; and
 - (ii) subsequent consideration as prescribed in this By-law;have a high probability of resulting in the issuance of the necessary permit;
- (g) interact and liaise with film makers on a continuous basis;
- (h) provide information relevant to the application to the film maker on a continuous basis;
- (i) when requested, in writing provide information to the film maker concerned and stakeholders on the status of an application that has been submitted;
- (j) comply with the timeframes as regards the consideration of all applications in accordance with the provisions of this By-law;
- (k) provide information on local service providers, who are –
 - (i) registered with the **xxx Municipality** as providers of local goods and services; and
 - (ii) listed in Schedule 3 as local service providers,to every film maker who applies for a permit as contemplated in this By-law;

- (l) submit information and reports as required in terms of this By-law and other laws to the KwaZulu-Natal Film Commission and other organs of state; and
- (m)(i) consider and, if decided by the council, update the rate card, fee structure and reduction categories as contemplated in Schedule 7 on an annual basis at the end of every financial year; and
- (ii) publish the rate card, fee structure and reduction strategy referred to in paragraph (i) by means of a notice in the *Provincial Gazette* by not later than the end of November of such year, for application in the following calendar year.

SCHEDULE 2
CONTACT DETAILS

(Section 11(2))

Part A

Contact details of municipal film representative

1. The following table contains the relevant contact details of the municipal film representative:

Name of municipal film representative	Municipal Department	Contact telephone number	Contact fax number	Contact email address

Part B

Contact details of municipal officials in respect of specific locality

2. The following tables contain the relevant contact details of the municipal official responsible for the locality concerned:

(a) beaches and coastal areas:

Name of municipal official	Municipal Department	Contact telephone number	Contact fax number	Contact email address

(b) parks, zoos and open spaces:

Name of municipal official	Municipal Department	Contact telephone number	Contact number	fax	Contact email address

(c) fauna and flora:

Name of municipal official	Municipal Department	Contact telephone number	Contact number	fax	Contact email address

(d) roads and pavements:

Name of municipal official	Municipal Department	Contact telephone number	Contact number	fax	Contact email address

(e) electricity services, including street lights:

Name of municipal official	Municipal Department	Contact telephone number	Contact number	fax	Contact email address

(f) water and sanitation services

Name of municipal official	Municipal Department	Contact telephone number	Contact number	fax	Contact email address

(g) ambulance services:

Name of municipal official	Municipal Department	Contact telephone number	Contact number	fax	Contact email address

(h) firefighting services:

Name of municipal official	Municipal Department	Contact telephone number	Contact fax number	Contact email address

(i) other disaster management services:

Name of municipal official	Municipal Department	Contact telephone number	Contact fax number	Contact email address

(j) health and food:

Name of municipal official	Municipal Department	Contact telephone number	Contact fax number	Contact email address

(k) swimming pools:

Name of municipal official	Municipal Department	Contact telephone number	Contact fax number	Contact email address

(l) other recreational facilities:

Name of municipal official	Municipal Department	Contact telephone number	Contact fax number	Contact email address

(m) other community facilities:

Name of municipal official	Municipal Department	Contact telephone number	Contact number	fax	Contact email address

(n) municipal libraries:

Name of municipal official	Municipal Department	Contact telephone number	Contact number	fax	Contact email address

(o) municipal museums:

Name of municipal official	Municipal Department	Contact telephone number	Contact number	fax	Contact email address

(p) public buildings:

Name of municipal official	Municipal Department	Contact telephone number	Contact number	fax	Contact email address

(q) erection of scaffolding:

Name of municipal official	Municipal Department	Contact telephone number	Contact number	fax	Contact email address

(r) facades:

Name of municipal official	Municipal Department	Contact telephone number	Contact number	fax	Contact email address

(s) all other matters relating to buildings, structures and construction:

Name of municipal official	Municipal Department	Contact telephone number	Contact fax number	Contact email address

(t) all other localities not explicitly referred to above:

Name of municipal official	Municipal Department	Contact telephone number	Contact fax number	Contact email address

SCHEDULE 3
PERMIT APPLICATION FORM
(Section 21(1))

PERMIT APPLICATION FORM	
CONTACT DETAILS	
Film maker: registered name	
Film maker: registered address	
Film maker: telephone no.	
Film maker: cellular no.	
Film maker: fax no.	
Film maker: email address	
Authorised contact person for film maker: name (also attach letter of authorisation to act as agent for the film maker)	
Authorised contact person for film maker: address	
Authorised contact person for film maker: telephone no.	
Authorised contact person for film maker: cellular no.	

Authorised contact person for film maker: fax no.	
Authorised contact person for film maker: email address	
FILM SHOOT DETAILS	
Production company	
Title of production	
Shoot size: total number of crew	
Number of local crew	
Number of cast	
Total number of people	
Number of days on production in municipality	
Total budget	ZAR
Budget to be spent in municipality (provide details)	ZAR
Location(s) required (use separate form for each location)	
Start date	
End date	
Film area required in m ²	m ²
Catering area required in m ²	m ²
Provision of medical support: yes/no	
Pyrotechnics to be used: yes/no (if yes, provide details)	
Special effects/stunts: yes/no (if yes, provide details)	
Set construction: yes/no (if yes, provide details)	
Other special requirements	
Insurance arrangements (provide details)	
Indemnity arrangements (provide details)	
Other relevant information (provide details)	

ROADS, TRAFFIC AND PARKING	
Road closure required: yes/no (if yes, provide details)	
Traffic control required: yes/no (if yes, provide details)	
Roads: section(s) to be affected (provide details)	
Roads: type of closure (if full closure, please indicate diversion plan) (indicate full/intermittent/single lane closure) (provide details)	
Roads: Diversion plan	
Number of parking bays required	
Number of cars	
Number of trucks	
Number of off-road vehicles	
Number of other vehicles (also provide details of types of other vehicles)	
Total number of vehicles	
Parking arrangements (attach parking plan)	

AUTHORISED STATEMENT

I, [full name], in my capacity as duly authorised agent of the film maker herein, acknowledge having read and understood–

- (a) the contents of the xxx Municipality Film Friendliness By-law, 2016; and
- (b) the conditions of permission,

hereby agree that, by signing this application form and submitting all relevant documentation, the film maker will be legally bound by them in the event that the permit is granted as contemplated in this By-law issued by the municipal manager.

Signed at

on (day) (month) (year)

Name

Signature

Capacity

SCHEDULE 4
SUMMARY OF APPROVALS REQUIRED
(Sections 30, 31, 32 and 33)

***Part A – Approvals required when using children, animals, plants, firearms,
explosives or other props in films***

1.(1) In the event that the film maker plans to use children in the recording of the film, he or she must comply with all applicable legislation, including, but not limited to, the following legislation:

- (a) the Code of Good Practice for the Employment of Children in the Performance of Advertising, Artistic and Cultural Activities, 2015 (GN R479 in *Government Gazette* 27600 of 27 May 2005); and
- (b) Sectoral Determination 10: Children in the Performance of Advertising, Artistic and Cultural Activities, South Africa, 2004 (GN R882 in *Government Gazette* 26608 of 29 July 2004).

(2) In the event that the film maker plans to use animals in the recording of the film, he or she must comply with all applicable legislation, including, but not limited to, the following legislation, if applicable:

- (a) the Animals Protection Act, 1962 (Act No. 71 of 1962);
- (b) the Performing Animals Protection Act, 1935 (Act No. 24 of 1935);
- (c) the Management of Boat Based Whale Watching and Protection of Turtles Regulations, 2008 (GN R725 in *Government Gazette* 31212 of 4 July 2008);
- (d) the (KwaZulu-Natal) Nature Conservation Ordinance, 1974 (Ordinance No. 15 of 1974); and
- (e) the (KwaZulu-Natal) Prohibition of Dog Race Meetings Ordinance, 1985 (Ordinance No. 23 of 1985).

(3) In the event that the film maker plans to use firearms in the recording of the film, he or she must comply with all applicable legislation, including, but not limited to, the following legislation, if applicable:

- (a) the Firearms Control Act, 2000 (Act No. 60 of 2000);
- (b) the Firearms Control Regulations, 2004 (GN R345 in *Government Gazette* 26156 of 26 March 2004, with effect from 1 July 2004); and
- (c) the National Conventional Arms Control Regulations, 2012 (GN R326 in *Government Gazette* 35283 of 20 April 2012).

(4) In the event that the film maker plans to use explosives in the recording of the film, he or she must comply with all applicable legislation, including, but not limited to, the following legislation, if applicable:

- (a) the Explosives Act, 1956 (Act No. 26 of 1956); and
- (b) the Disaster Management Act, 2002 (Act No. 57 of 2002).

(5) In the event that the film maker plans to cause a noise disturbance in the recording of the film, he or she must comply with the Regulations in terms of Section 25 – Noise Control, 1992 (GN R154 in *Government Gazette* 13717 of 10 January 1992).

(6) In the event that the film maker plans to use fire or smoke in the recording of the film, he or she–

- (a) may only use non-toxic, non-pollutant smoke machines; and
- (b) must ensure that a safety officer is present at all relevant times.

(7) In the event that the film maker plans to use aircraft in the recording of the film, he or she must–

- (a) lodge a special application with the municipal film representative;
- (b) inform the provincial and municipal disaster management centres, if applicable, municipal emergency services and the local police department; and
- (c) comply with all applicable legislation.

(8) In the event that the film maker plans to use a motorised watercraft in the recording of the film, he or she must–

- (a) lodge a special application with the municipal film representative; and

(b) ensure that a mooring distance of not less than 100 metres is maintained off shore and that its launching may only take place at prescribed launch sites.

Part B – Approvals required for specific film locations

Specific arrangements regarding film locations

2.(1) In the event that the film maker plans to use an airport as a location in the recording of the film, he or she must comply with all applicable legislation, including, but not limited to, the Civil Aviation Act, 2009 (Act No. 13 of 2009).

(2) In the event that the film maker plans to use a correctional centre as a location in the recording of the film, he or she must comply with all applicable legislation, including, but not limited to, the following legislation, if applicable:

- (a) the Correctional Services Act, 1998 (Act No. 111 of 1998); and
- (b) the Delegation of Authority in terms of the Correctional Services Act 111 of 1998, 2004 (GN R915 in *Government Gazette* 26626 of 30 July 2004).

(3) In the event that the film maker plans to use a coastal area, beach, port, or sea-shore as a location in the recording of the film, he or she must comply with all applicable legislation, including, but not limited to, the following legislation, if applicable:

- (a) the Control of Use of Vehicles in the Coastal Area Regulations, 2014 (GN R496 in *Government Gazette* 37761 of 27 June 2014);
- (b) the Fishing Harbour Fees, 2010 (GN 797 in *Government Gazette* 33518 of 10 September 2010);
- (c) the Ports Rules, 2009 (GN 255 in *Government Gazette* 31986 of 6 March 2009);
- (d) the Sea-Shore Act, 1935 (Act No. 21 of 1935); and
- (e) the Regulations in terms of Section 10 of the Sea-shore Act, 1935 (Municipal Notice 402 dated 13 December 1990).

(4) In the event that the film maker plans to use a provincial park, game reserve or nature as a location in the recording of the film, he or she must comply with all applicable legislation, including, but not limited to, the following legislation, if applicable:

- (a) the Regulations for the Control, Management and Maintenance of National Parks and Conduct of the General Business of the Board (GN R2006 in *Government Gazette* 6178 of 6 October 1978);

(b) the Regulations for the Proper Administration of Special Nature Reserves, National Parks and World Heritage Sites (GN R1061 in *Government Gazette* 28181 of 28 October 2005);

(c) the Nature Conservation Ordinance, 1974 (Ordinance No. 15 of 1974); and

(d) the Regulations for the Control and Management of Game Reserves, Nature Reserves and National Parks, 1974 (Provincial Notice 59 of 1 February 1979).

(5) In the event that the film maker plans to use a provincial heritage site as a location in the recording of the film, he or she must comply with all applicable legislation, including, but not limited to, the KwaZulu-Natal Heritage Act, 2008 (Act No. 4 of 2008).

(6) In the event that the film maker plans to use a cemetery or crematoria as a location in the recording of the film, he or she must comply with all applicable legislation, including, but not limited to, the KwaZulu-Natal Cemeteries and Crematoria Act, 1996 (Act No. 12 of 1996).

(7) In the event that the film maker plans to use a building as a location in the recording of the film, he or she must comply with all applicable legislation, including, but not limited to, the following legislation, if applicable:

(a) the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977); and

(b) the KwaZulu-Natal Elimination and Prevention of Emergence of Slums Act, 2007 (Act No. 6 of 2007).

(8) In the event that the film maker plans to use a road as a location in the recording of the film, he or she must comply with all applicable legislation, including, but not limited to, the following legislation, if applicable:

(a) the National Road Traffic Act, 1996 (Act No. 93 of 1996);

(b) the KwaZulu-Natal Provincial Roads Act, 2001 (Act No. 4 of 2001); and

(c) the Regulation of Traffic on Provincial Property Ordinance, 1983 (Ordinance No. 12 of 1983).

Part C – Prohibitions regarding the disclosure or publication of information

Prohibitions regarding the disclosure or publication of information

3. The film maker must comply with all applicable legislation, including, but not limited to, the following legislation, if applicable when disclosing or publishing information:

- (a) the Child Justice Act, 2008 (Act No. 75 of 2008);
- (b) the Children's Act, 2005 (Act No. 38 of 2005);
- (c) the Correctional Services Act, 1998 (Act No. 111 of 1998);
- (d) the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No. 32 of 2007);
- (e) the Criminal Law (Sexual Offences and Related Matters) Regulations, 2008 (GN R561 in *Government Gazette* 31076 of 22 May 2008);
- (f) the Criminal Procedure Act, 1977 (Act No. 51 of 1977);
- (g) the Defence Act, 2002 (Act No. 42 of 2002);
- (h) the Divorce Act, 1979 (Act No. 70 of 1979);
- (i) the Domestic Violence Act, 1998 (Act No. 116 of 1998);
- (j) the Explosives Act, 1956 (Act No. 26 of 1956);
- (k) the General Law Amendment Act, 1957 (Act No. 68 of 1957);
- (l) the Intelligence Services Act, 2002 (Act No. 65 of 2002);
- (m) the Intelligence Services Oversight Act, 1994 (Act No. 40 of 1994);
- (n) the Ithala Development Finance Corporation Act, 2103 (Act No. 5 of 2013);
- (o) the KwaZulu and Natal Joint Services Act, 1990 (Act No. 84 of 1990);
- (p) the KwaZulu-Natal Consumer Protection Act, 2103 (Act No. 4 of 2013);
- (q) the KwaZulu-Natal Consumer Protection Regulations, 2014 (PN 28 of 2015 in *Provincial Gazette* 1369 of 29 May 2015);
- (r) the KwaZulu-Natal Dube Transport Corporation Act, 2010 (Act No. 2 of 2010);
- (s) the KwaZulu-Natal Film Commission Act, 2010 (Act No. 3 of 2010);
- (t) the KwaZulu-Natal Gaming and Betting Act, 2010 (Act No. 8 of 2010);
- (u) the KwaZulu-Natal Heritage Act, 2008 (Act No. 4 of 2008);
- (v) the KwaZulu-Natal Heritage Regulations, 2012 (PN 40 in *Provincial Gazette* 727 of 2 April 2012);
- (w) the KwaZulu-Natal Liquor Licensing Act, 2010 (Act No. 6 of 2010);
- (x) the KwaZulu-Natal Liquor Licensing Regulations, 2014 (PN 45 in *Provincial Gazette* 1081 of 13 February 2014);
- (y) the KwaZulu-Natal Planning and Development Act, 2008 (Act No. 6 of 2008);
- (z) the KwaZulu-Natal Royal Household Trust Act, 2007 (Act No. 2 of 2007);
- (aa) the KwaZulu-Natal Sharks Board Act, 2008 (Act No. 5 of 2008);
- (bb) the KwaZulu-Natal Trade and Investment Agency Act, 2010 (Act No. 5 of 2010);
- (cc) the Maintenance Act, 1998 (Act No. 99 of 1998);
- (dd) the National Credit Act, 2005 (Act No. 34 of 2005);

- (ee) the National Key Points Act, 1980 (Act No. 102 of 1980);
- (ff) the Powers, Privileges and Immunities of Parliament and Provincial Legislatures Act, 2004 (Act No. 4 of 2004);
- (gg) the Prevention and Combating of Trafficking in Persons Act, 2013 (Act No. 7 of 2013);
- (hh) the Prevention of Organised Crime Act, 1998 (Act No. 121 of 1998);
- (ii) the Protection of Harassment Act, 2011 (Act No. 17 of 2011);
- (jj) the Protection of Information Act, 1982 (Act No. 84 of 1982);
- (kk) the Provincial Hospital Ordinance, 1955 (Act No. 22 of 1955);
- (ll) the Regulations Regarding the Appointment of Guards of National Key Points and the Powers of Such Guards, 1982 (GN R1731 in *Government Gazette* 8338 of 13 August 1982);
- (mm) the Regulations Regarding the General Control of Human Bodies, Tissue, Blood, Blood Products and Gametes, 2012 (GN R180 in *Government Gazette* 35099 of 2 March 2012);
- (nn) the South African Police Service Act, 1995 (Act No. 68 of 1995); and
- (oo) the Witness Protection Act, 1998 (Act No. 112 of 1998).

Part D – Labour matters

Labour matters

4.(1) The film maker must comply with all applicable labour legislation, including, but not limited to, the following Acts:

- (a) the Labour Relations Act, 1995 (Act No. 66 of 1995);
- (b) the Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997);
- (c) the Employment Equity Act, 1998 (Act No. 55 of 1998);
- (d) the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act No. 4 of 2000); and
- (e) the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993).

Part D – General

Other legislation

5. The film maker must, in addition to the legislation contemplated in this Schedule, also comply with all–

- (a) other applicable national and provincial legislation;
- (b) applicable international treaties to which the state is a signatory; and

(c) applicable municipal legislation.

SCHEDULE 5
SENSITIVE AREAS

(Section 7(5))

List of sensitive areas

The following list contains the categories of sensitive areas located in the xxx Municipality:

LIST OF SENSITIVE AREAS	
Business district	
Streets	
Schools	
Nursery schools	
Other educational institutions	
Sport facilities	
Scenic drives	
Sites/slopes adjacent to scenic drives	
Squares	
Hazardous waste areas	
Hazardous industrial areas	
Sewage works areas	
Water reticulation areas	
Electricity reticulation areas	
Information technology distribution areas	
Telecommunication distribution areas	
National key points	
Mountain areas	
Rivers	
Vleis	
Estuaries	
Nature reserves	
Dams	
Mountain catchment areas	
Protected natural environments	

LIST OF SENSITIVE AREAS	
Public open spaces	
Parks	
Gardens	
Green belts	
Other environmentally sensitive areas	
Coastal areas: beaches	
Coastal areas: sand dunes	
Cultural sites or areas	
Historic sites or areas	
Heritage sites or areas	

SCHEDULE 6
RATE CARD, FEE STRUCTURE AND REDUCTION CATEGORIES
(Section 29)

Rate card and fee structure

1. The following list contains the rate card and fee structure of the xxx Municipality:

RATE CARD AND FEE STRUCTURE	
Item	Amount
Access to municipal parks, beaches, open space, etc.	FREE
Base camps area	R per m ² per day or part thereof
Municipal officials	R per hour or part thereof
Traffic/municipal officer	R per hour or part thereof
Traffic vehicles – motorbikes	R per hour or part thereof
Traffic vehicles – cars	R per hour or part thereof
Other municipal vehicles (depending on category)	R per hour or part thereof
Parking bays	R per day or part thereof
Removal and replacement of signage	R per day or part thereof
Vehicles required off public access roads	R per vehicle per day or part thereof
Animals on set	R per animal per day or part thereof

Helicopter landing	R per landing
--------------------	---------------

Reduction categories and percentage

2. The following categories of film making projects qualify for the reduction percentage indicated in the second column of the table contained in this item:

Reduction categories and percentage	
Reduction category	Percentage
Charitable institutions projects	
Charity projects	
Development (BEE) projects	
Development projects	
Educational institutions projects	
International production projects	
International shoots	
Investment promotion projects	
Local production projects	
Student projects	
Tourism promotion projects	
Training projects	
TV productions	