

Under the provisions of section 156 of the Constitution of the Republic of South Africa, 1996, the Blue Crane Municipality enacts as follows:-

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**1. Definitions**

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

**"animal"** means any equine, bovine, sheep, goat, pig, fowl, camel, dog, cat, or other domestic animal or bird, or any wild animal or reptile which is in captivity or under the control of a person;

**"approved launch site"** means a launch site approved by the municipality;

**"authorised officer"** means any person authorized by the municipality to perform the functions of an authorised officer under these Regulations, or a member of the South African Police;

**"boat"** means a vessel, craft, punt, canoe or inflatable boat which moves or is propelled by means of bars, poles, paddles, oars, sails or mechanical power and which is being used to carry persons on water;

**"boat on the river"** means a boat under way or drifting away from its mooring place on the shore, buoy or jetty;

**"boat providing living accommodation"** shall mean the type of boat commonly referred to as a "house boat" or a "caravan boat" or any other type of boat equipped in

such a way as permits permanent residence thereon or residence thereon for extended or indefinite periods;

**"camp"** or **"camping"** means to occupy land by picnicking thereon or by standing thereon with a caravan or vehicle or erecting thereon a tent or temporary structure and using such caravan, vehicle, tent or temporary structure for the purpose of habitation or sleeping or as a shelter or protection against the weather;

**"camping area"** means land vesting in and set aside by the municipality as a public picnic, camping or caravan park site or a similar facility approved by the municipality on private land;

**"camping permit"** means a document printed and issued by the municipality for the purposes contemplated in this by-law or the municipality's officials receipt issued against payment of the prescribed camping charges;

**"camping site"** means any part of a camping area, demarcated or assigned for the purpose of camping thereon;

**"caravan"** means any vehicle permanently fitted out for use by persons for living and sleeping purposes, whether or not such a vehicle is a trailer;

**"erect"** in relation to a notice board means construct, post, affix or place;

**"freestyle"** means the performance with a personal watercraft, of tricks, stunts, wave jumping, wake jumping, spinning, doughnuts, etc.

**"garden"** means any piece of land under the control of the municipality and maintained by it as a garden for the use of by the public;

**"mobile home"** means a factory assembled structure approved by the municipality with the necessary service connections made so as to be movable on site and designed to be used as a permanent dwelling;

**"municipality"** means the Municipality of Blue Crane established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes any political structure, political office bearer, duly authorised agent or any employee acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, agent or employee;

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

**"nature reserve"** means a nature reserve established as a local nature reserve by the Blue Crane Municipality in terms of section 7(1) of Ordinance 19 of 1974;

"**notice board**" includes a sign, poster or other device on which the municipality displays information;

"**no-wake speed**" means the speed that a boat travels with its engine at idle speed, without causing a wake or a waves in the water;

"**no-wake zone**" means that part of the river or dam that is Zoned off, where boats may not travel above a "no-wake speed";

"**operate**" in respect of a boat, includes mooring in the river and ascending or descending from a boat;

"**Ordinance**" means the nature and Environmental Conservation Ordinance, 1974 (Ordinance 19 of 1974);

"**personal watercraft**" means a vessel that uses an inboard motor powering a water jet pump as its primary source of propulsion, and is designed to be operated by a person or persons sitting, standing, or kneeling on, rather than being within the confines of a hull;

"**person**" includes an association or organisation;

"**point tack**" in respect of a sailing boat, means having the wind to port;

"**port**" in respect of a boat, means the left side of the boat looking forward;

"**power driven**" means propelled by reciprocating or rotary machinery using chemicals, electricity or heat as an energy source;

"**public amenity**" means -

- (a) any land, square, camping area, caravan park, beach, swimming pool, public open space, public resort, recreation site, river, dam, nature reserve, zoo-logical, botanical or other garden, or hiking trail, including any portion thereof and any facility or apparatus therein or thereon, which is the property of, or is possessed, controlled or leased by the municipality and to which the general public has access, whether on payment of admission fees or not, but excluding a public road or street;
- (b) a building, structure, hall room or office, including any part thereof or any facility or apparatus therein, which is the property of, or is possessed, controlled or leased by the municipality and to which the general public has access, whether on payment of admission of fees or not; and
- (c) a public amenity contemplated in paragraphs (a) and (b) if it is lawfully controlled or managed in terms of an agreement between a person and the municipality;

"**public gathering or procession**" means a procession or gathering of more than 10 people;

"**public open space**" means -

- (a) any flower bed, grass plot, pleasure ground, plantation, side-walk, temporary enclosures, or other public open spaces and town land within the municipality, under the control of the municipality and include all buildings, improvements, ground and spaces comprised in such areas;
- (b) any land which is owned by an organ of State and which has in terms of any zoning scheme of an organ of State been set aside or demarcated for the purpose of conservation; or
- (c) any undeveloped land which is owned by an organ of State and which has not yet been set aside or demarcated by an organ of State for the purpose of conservation;

"**registered boat**" means a boat for which an identification number in terms of section 2 of this By-law has been issued;

"**river**" means that portion of a river within the area of jurisdiction of the municipality, defined as a "tidal lagoon" and "**tidal river**" in terms of the Sea-Shore Act, No 21 of 1935 and includes any inland river;

"**sailing boat**" or "**yacht**" includes every boat that is under sail and is not being propelled by machinery;

"**skier**" means a person engaged in the act of water-skiing;

"**skipper**" means, in relation to a vessel, the person having lawful command or charge of, or for the time being in charge of the vessel, as the case may be;

"**ski-zone**" means those parts of the river that are zoned off for skiing activities;

"**starboard**" in respect of a boat, means the right side of the boat looking forward;

"**starboard tack**" in respect of a sailing boat, means having the wind ro starboard;

"**traversing**" means the moving of personal watercraft from point A to point B in the most direct route at a speed relevant to the situation and proximity of other vessels, jetties and slipways;

"**vessel**" means any boat, hull or other object used or designed or adapted for use to float or travel on water;

"**vehicle**" means any vehicle driven by mechanical, animal, natural or human power, and includes any craft or aircraft, but does not include a wheeled chair or a perambulator drawn or propelled by hand and used solely for the conveyance of a child or invalid.

"**water-skiing**" means the act of a person on dual skies, slalom ski, aqua boards, tube or any other device other than a person in another boat, being towed by a boat through, over or on the water.

## **2. Principles and objectives**

The municipality adopts this By-law with the aim of controlling access to and use of all public amenities owned by or under the control of the municipality.

### **CHAPTER I**

#### **GENERAL PROVISIONS RELATING TO PUBLIC AMENITIES**

### **3. Number of visitors**

The municipality may determine -

- (a) the maximum number of persons or vehicles that may be in or at a public amenity at any time; and
- (b) different classes of vehicles that may be in or at a public amenity at any time and it may differentiate between public amenities.

### **4. Admission to public amenity**

- (1) The municipality may determine the times, dates and conditions under which a public amenity is open to the public and having due regard to section 6(1)(a).
- (2) The municipality may determine the activities that may or may not be undertaken in a public amenity and these include, but are not limited to -
  - (a) the driving of a motor vehicle and different classes of motor vehicles in a public amenity;
  - (b) kite flying, wind surfing, surfing, kite surfing and similar activities on beaches at which these activities are allowed; and
  - (c) sea bathing in such bathing areas on the beach, which areas were demarcated by the municipality.

- (3) The municipality may grant to any person or persons, during such hours and for such period as he or she may deem fit, the exclusive use of a public amenity for games, a public meeting, fete, show or other function or entertainment.
- (4) The municipality may for reasons of maintenance, development, security, safety or public health, temporarily or permanently -
  - (a) close a public amenity or a portion thereof; or
  - (b) suspend all or any activities thereon.
- (5) Where a person in a public amenity has committed an offence in terms of this by-law, an official may order such person to leave the public amenity, and a person ordered to leave must leave the amenity by the shortest route available to the public;
- (6) Where an official on reasonable grounds suspects that a person wishing to enter a public amenity intends to commit an offence in or at the public amenity, he or she may refuse entry to such person.

## 5. Entrance fees

- (1) The municipality may levy different entrance fees and issue entrance tickets in respect of persons of different ages, groups of persons, or different classes of vehicles and grant concessions in respect of entrance fees payable.
- (2) Entrance fees are payable at the entrance to a public amenity, except where another fee is indicated on a notice board in terms of section 6(1).
- (3) An entrance ticket contemplated in subsection (1) is valid for the period contemplated in subsection (4).
- (4) An entrance fee is payable in respect of each day or portion thereof during which a person, group or vehicle is in a public amenity, provided that no fee is payable for the day on which such public amenity is left, if the amenity is left before 10:00 on such day and if the day is not the day of arrival.
- (5) No fee contemplated in subsection (1) is repayable where any portion of the period in respect of which such fee has been paid has not been or cannot be utilised, provided that the fee which has been paid in respect of each full day which has not been utilised may, with the approval of the municipality, be repaid upon application, and for the purposes of this subsection "full day" means a period of 24 hours commencing at 10:00 of any day.
- (6) An official may require any person in a public amenity to produce the entrance ticket issued in terms of subsection (1), and a person who fails to produce such

ticket, or a person who enters a public amenity without having paid the entrance fee commits an offence.

## 6. Notice boards

- (1) The municipality may erect a notice board at the entrance to or in the immediate vicinity of a public amenity, on which any of the following are displayed:
  - (a) The times, dates and conditions of entry and activities that may or may not be undertaken;
  - (b) the fees payable; and
  - (c) a notice of closure referred to in section 4(4).
- (2) No person other than an official or other person authorised to do so in this By-law may move or alter the contents of, and no person may deface or otherwise tamper with a notice board erected by the municipality.
- (3) A notice posted by municipality in terms of subsection (1) may contain a graphic representation to convey meaning.
- (4) A person who contravenes any of the provisions of this section commits an offence.

## 7. Consent required for certain activities

- (1) No person may, without the prior written consent of the municipality at, in or upon a public amenity -
  - (a) arrange, hold, present or attend -
    - (i) a public entertainment;
    - (ii) a meeting;
    - (iii) a public gathering or procession, exhibition or performance; or
    - (iv) an auction;
  - (b) collect money or any other goods;
  - (c) display or distribute a pamphlet, placards, painting, book, handbill or a printed, written or painted work;
  - (d) engage in any for of trade..

- (2) No person may at or in a public amenity undertake or perform any activity in contravention of a notice board erected in terms of section 6(1).
- (3) No person may without the prior written consent of the municipality erect or establish any fence, structure, dam, shelter or anything else and a person who has obtained such consent may only erect such fence, structure, dam, shelter or anything else at a designated area set aside for this purpose.
- (4) No person may, without the prior written consent of the municipality bring into, or have in his or her possession in a public amenity a firearm, and the municipality may grant consent in the following instances only:
  - (a) For the firing of blank cartridges during organised competitions or sports meetings;
  - (b) in connection with the collection of specimens of marine life or birds or animals for scientific purposes;
  - (c) for the lawful culling of a whale, dolphin, or animal; or
  - (d) to signal distress in the instance where a proposed activity may require a distress signal to be given by means of a firearm.
- (5) A person who wishes to obtain the consent of the municipality as contemplated in subsection (1) must complete and submit the prescribed form, and the municipality may refuse or grant consent subject to any conditions it deems necessary and subject to the prescribed fee having been paid, and a person who wishes to sell food must also comply with any laws relating to the selling of food.
- (6) A person who has been granted consent in terms of subsection (5) must at all times keep the consent form in his or her possession, and must produce the form on request of an official.

## **8. Use of public amenities**

The municipality may enter into an agreement with any person in terms of which a public amenity or any part thereof may be used for the purposes and subject to the conditions set out in the agreement.

## **9. Permit**

- (1) Notwithstanding the provisions of section 4, 5(1), 5(3), and 6(1), the municipality may, on application and subject to any conditions it may impose, issue, free of charge or otherwise, a permit -

- (a) to a group of people, such as, but not limited to, a group of bona fide students; or
  - (b) to a person who is undertaking scientific, educational or similar research.
- (2) The holder of a permit issued in terms of subsection (1) may -
- (a) if he or she is the holder of a valid hunting licence, hunt, catch, kill or remove, fauna under the supervision, control and in accordance with the instructions of an official;
  - (b) pick, collect or remove fauna;
  - (c) take or remove anything of historical or scientific importance;
  - (d) have in his or her possession diving equipment, a weapon, trap, poison or a gardening tool, living or dead fauna or flora;
  - (e) remove any flora or carcass which has been plucked or hunted only if the official has -
    - (i) inspected such flora or carcass;
    - (ii) considered it necessary or desirable, measured the dimensions or mass, or taken a sample of such flora or carcass; and
    - (iii) in writing authorised the permit holder to remove such flora or carcass; or
    - (iv) excavate soil, sand or stone or remove organic or inorganic objects.
- (3) The holder of a permit must, on arrival at the public amenity, display such permit to the control official, and a person who fails to do so, commits an offence.
- (4) The holder of a permit who undertakes an activity in contravention of a condition imposed commits an offence.

## 10. Prescribed fees

The municipality may determine fees payable in terms of this By-law.

## 11. Animals

- (1) No person may in contravention of any prohibitions displayed on a notice board bring any animal into the public amenity.

- (2) A person who is permitted to bring an animal upon a public amenity must have direct and physical control over the animal by means of a leash or other device, and may not bath, wash or allow such animal to enter or remain in any pond, fountain or ornamental water.
- (3) Any animal not under the control or apparently not under the control of a person, may, if found in or on a public amenity be impounded by the municipality and removed to a pound of the municipality where it may be dealt with in terms of the by-law relating to the impoundment of animals.
- (4) A person who contravenes a provision of subsection (1) or (2) commits an offence.

## 12. Prohibited behaviour

- (1) No person -
  - (a) who is in a state of intoxication or under the influence of any drug may enter or remain in, and such person will not be admitted to a public amenity;
  - (b) may in or at a public amenity -
    - (i) break, damage, destroy, tamper with, remove, misuse, disfigure or use anything or fail to observe an instruction by the municipality;
    - (ii) throw or roll a rock, stone or object;
    - (iii) except if authorised to do so under section 8(2)(b), pull out, pick, cut or damage any flora growing in the amenity, or have such flora in his or her possession;
    - (iv) walk on a flowerbed;
    - (v) walk, stand, sit or lie on grass in contradiction with a notice;
    - (vi) write, paint, draw graffiti or a symbol, emblem or the like on a structure or path;
    - (vii) excavate soil, sand or stone or remove organic or inorganic objects; except if authorised to do so in terms of section 8;
    - (viii) interfere with water flow, obstruct water, divert a stream or drain a wetland;

- (ix) deface or disfigure anything provided by the municipality by pasting or affixing in any way any bills, papers, placards, notices or anything else;
- (x) wash, polish or repair a vehicle, except emergency repairs;
- (xi) burn refuse;
- (xii) litter or dump any refuse, garden refuse or building materials;
- (xiii) wash crockery or laundry or hang out clothes, except at places indicated by notice for that purpose;
- (xiv) use or try to use anything provided by the municipality in an amenity for a purpose other than that for which it is designed or determined by notice;
- (xv) dispose of any burning or smouldering object;
- (xvi) behave or conduct himself or herself in an improper, indecent or unbecoming manner; (xvii) defecate, urinate or undress, except in such building or on premises intended for that purpose;
- (xviii) lie on a bench or seating place provided by the municipality or use it in such a manner that other users or potential users find it impossible to make use thereof;
- (xix) play or sit on play-park equipment, except if the person concerned is a child under the age of 13 years;
- (xx) swim, walk or play in a fish-pond, fountain, dam, river artificial feature or pond; in contravention with a notice prohibiting such action;
- (xxi) having an open wound on his or her body, enter any bath provided by the municipality;
- (xxii) perform any act that may detrimentally affect the health of another person;
- (xxiii) enter or use a toilet facility indicated by notice for use by members of the opposite sex;
- (xxiv) stay or sleep over night other than in terms of section 13;
- (xxv) hunt, injure, disturb, feed, kill, hurt, follow, disturb, ill-treat or catch an animal, or displace, disturb, destroy or remove a bird, nest or

egg, or skin or gut an animal, except if authorised to do so under section 8(2);

**(xxvi)** discharge a firearm, airgun or air pistol, except if consent has been granted in terms of section 7(4);

**(xxvii)** discharge a bow, fireworks or use a slingshot or catapult; **(xxiii)** in any way whatsoever prejudice the safety, convenience or rights of other persons;

**(xxix)** play or conduct a game in a manner that causes annoyance or endangers public safety;

**(xxx)** expose his or her body or clothe indecently; or

**(xxxi)** discard of a burning or smouldering object or throw it out of a vehicle;

**(c)** may enter -

**(i)** or leave a public amenity other than by way of the official entry and exit point;

**(ii)** a public amenity without having paid the entrance fees as contemplated in section 5(1);

**(d)** may release any wild animal, bird or flora into a public amenity;

**(e)** may, in inland waters -

**(i)** swim, catch fish or angle if not authorised to do so in terms of a notice board erected in terms of section 6(1); **(ii)** wash himself or herself or clean anything;

**(f)** may use any craft on inland waters at any place other than that which has been indicated on a notice board erected in terms of section 6(1);

**(2)** A person who contravenes a provision of subsection (1) commits an offence.

### **13. Vehicles**

**(1)** Where a person is permitted to drive a vehicle in a public amenity he or she may not -

- (a) travel with the vehicle elsewhere than on a road constructed by the municipality;
  - (b) drive the vehicle at a speed in excess of the speed indicated on a notice board erected by the municipality.
- (2) The provisions of subsection (1) do not apply to an emergency vehicle while lawfully in use as such, or a vehicle used in an emergency, or a vehicle used by an official in the discharge of his or her duties.
- (3) A person who contravenes a provision of subsection (1) commits an offence.

#### **14. Camping**

- (1) No person may camp on any land belonging to or which is under the control of the municipality except on a camping site within the boundaries of a camping area.
- (2) No person may camp in a camping area whether continuous or otherwise for a period exceeding three months in any period of twelve months without the written consent of the municipality.
- (3) The municipality may grant or refuse such an application subject to such conditions and for such period as it may deem fit but not for any period in excess of a further three consecutive months.
- (4) The occupier of a camping site must be the person whose name appears on the camping permit and he or she may not sublet, cede, dispose of or in any manner alienate his or her rights thereunder.
- (5) Reservation of camping sites will only be considered upon receipt of a written application.
- (6) The municipality may determine conditions additional to those contained in this by-law for the use of camping sites that fall under the control of the municipality.
- (7) The municipality may determine conditions for the establishment of private camping facilities.
- (8) A person who contravenes a provision of subsections (1), (2) and (4) or any condition imposed by the municipality in terms of subsections (6) and (7) commits an offence.

**15. Caravan parks**

- (1) Notwithstanding the provisions of section 13(1) the municipality may allocate ten percent (10%), or such greater percentage of the sites in a caravan park to be permanently occupied by caravans or mobile homes.
- (2) The municipality may determine conditions for the establishment of private caravan parks.
- (3) The municipality may determine conditions additional to those contained in this by-law for the use of caravan parks that fall under the control of the municipality.
- (4) Any person who contravenes or fails to comply with any condition imposed in terms of sub sections (2) and (3) commits an offence.

**CHAPTER II**

**SPECIFIC PROVISIONS RELATING TO THE USE OF BOATS ON RIVERS AND DAMS**

**16. Registration of boats**

- (1) No person may operate on a river or dam any power-driven boat, or a sailing boat or any other boat with an overall length of 4 metres or more, excluding sail boards, canoes and paddle-ski's unless such boat has been registered with the municipality and has displayed thereon in the manner provided by this by-law, the identification number allotted by the municipality.
- (2) The municipality may grant the application for registration for any boat referred to in subsection.(1) subject to the conditions and the payment of fees as it may deem fit, and may vary or withdraw such conditions or withdraw the registration, if the municipality decides such variations or withdrawal of conditions or withdrawal of registration is in the public interest.
- (3) The registration of a boat is not transferable from one person to another or from one boat to another except where an owner of a registered boat in terms of this by-law transfers his registration to another boat belonging to him with the written permission of the municipality.
- (4) The registration will specify the name of the person or club to whom it is issued, the maximum number of persons permitted to be carried in the boats as per application, the type and overall length of the boat, the maximum power of the engine, and the identification number allocated to the boat.

- (5) The municipality may determine the total number of boats that may be registered in any one licensing period of 12 months.
- (6) The registration of a boat will be valid for a maximum period of one year.
- (7) The municipality may determine the fee payable in respect of the registration of boats from time to time.
- (8) The Municipality may determine a *pro rata* fee.
- (9) The registration of boats is in the discretion of the municipality and reasons may be requested if it fails to register a boat.
- (10) The municipality reserves the right to limit the number of registrations issued per person.
- (11) The registration for boats will as of the effective date of this by-law be granted firstly to those applicants whose applications are lodged with the municipality by effective date and in respect of subsequent licensing periods by 1 July in each year.
- (12) Registration will occur in the sequence in which they are received subject to the Municipality's right to refuse any application for registration on good cause.
- (13) The owner of a registered boat must, before the boat is operated on the river and at all times during the currency of the registration of the boat, have the identification number issued in respect of the boat, permanently affixed in figures of a size and colour determined by the municipality so that the number is clearly visible from each side of the boat.
- (14) The registration of a boat constitutes authority to use the boat on the river only and does not constitute authority for the boat to be taken through a river mouth past its narrowest point and out to sea.
- (15) The owner of a registered boat must at all times during the currency of the registration of the boat have the registration documents available for inspection.
- (16) A boat registration permit may be refused if the conditions of a previously issued boat registration permit had not been adhered to.

#### **17. The mooring of boats**

- (1) When not in use boats must be securely anchored or moored in an area approved by the Municipality so as not to endanger other boats on the river or along the shores of the river.

- (2) Boats floating loose may be taken in tow by the operator of any other boat or an authorised officer and moved to and secured in a place out of the way of other users of the river.
- (3) Where a boat was floating loose on the river through negligence on the part of the owner or persons using the boat with his express or implied consent, the owner will be in breach of this by-law and will be liable to the municipality for any expense incurred where the removal to a safe place is effected by an authorised officer.

#### **18. Rules of travel**

- (1) The skipper of a boat must adhere to a general safety rule of "keep right" while under way.
- (2) Power-driven boats must steer clear of and give right of way to sailing boats and boats propelled by oars or paddles.
- (3) When two sailing boats are approaching each other so as to involve risk of collision one of them shall keep out of the way of the other as follows:
  - (a) a boat that is running free shall keep out of the way of a boat that is close-hauled;
  - (b) a boat that is close-hauled on a port tack shall keep out of the way of a boat that is close-hauled on a star-board tack;
  - (c) when both boats are running free, with the wind on the same side, the boat that is to windward shall keep out of the way of the boat that is to leeward; and
  - (d) sailing boats and sail-boards shall not alter course immediately in front of any other boat.
- (4) When two power-driven boats are meeting head on or nearly head on so as to involve risk of collision, the operator of each boat must alter course to star-board (right) so that each shall pass on the port (left) side of the other.
- (5) The operator of a boat overtaking another boat must overtake the boat on the port (left) side and must keep his boat out of the way of the overtaken boat.

#### **19. Operation of boats and prohibitions**

- (1) The owner of a registered power-driven boat may not allow any person under the age of 16 years to control or operate such boat.

- (2) Notwithstanding the provisions of subsection (1), every owner of a power-driven boat must ensure that no person is permitted to control or operate such boat regardless of engine power if such person is not competent to handle it efficiently.
- (3) No person may operate a boat if his vision both ahead and astern is obscured either by passengers or any other object.
- (4) No person in charge of or steering a boat or an occupant thereof, may use such boat in a negligent or reckless manner or cause injury or damage or endanger any person or property.
- (5) No commercially registered boats or boats used for commercial purposes or boats exceeding 6,6 metres in overall length, will be allowed on the river without the written permission of the municipality and such boats may not be taken upstream of any particular point as determined by the Municipality in such written permission.
- (6) No power-driven boat may travel faster than a "no-wake speed" when it passes closer than 10 metres to any other moving or stationary boat, jetty, slipway or person.
- (7) The skipper of a boat must ensure that the number of persons on board the boat when upon the river shall at no time exceed the maximum number stipulated by the municipality when registering the boat.
- (8) No boat shall disturb or endanger the safety of another boat with its wake.
- (9) After sunset and before sunrise -
  - (a) no person shall operate a boat on the river without forward facing red port light forward facing green starboard light and white navigation light being switched on;
  - (b) no person shall anchor a boat on the river without at least having a single white light visible for 360 degrees, switched on;
  - (c) no person shall operate a canoe, paddle-ski or sailboard on the river without a light visible for 360 degrees switched on, and shall be carried by a person aboard the canoe, paddle-ski or sailboard;
  - (d) no person shall operate a boat on the river above a no-wake speed.
- (10) No person may operate a boat on a river unless it carries a suitable container for refuse, as well as oars, paddles or other means of propulsion and a suitable anchor with a sufficient anchor line.

- (11) Owners or users of registered boats must ensure that children under five years of age and anyone on the boat who cannot swim wear a suitable buoyancy aid while boating.
- (12) All powerboats and other engines operated on a river must be suitably silenced.
- (13) No person may operate a boat providing living accommodation on the river without the prior written permission of the municipality.
- (14) No powerboat, rowing or yachting regattas shall be permitted on the river without the prior written permission of the municipality.
- (15) The skipper of a boat may not leave or enter the river mouth without the occupants of the boat wearing suitable life jackets bearing the mark of the S.A.N.S.
- (16) No person may operate a boat in a "no-wake zone" at a speed which exceeds a "no-wake speed";
- (17) The batteries and petrol tanks of a powerboat must be in separate compartments;
- (18) All power- driven craft must have a dry powder fire extinguisher per engine on board.

**20. Jet propelled craft**

- (1) No person may use or operate a personal watercraft, jet-ski, wet-bike or any water craft propelled by means of a water-jet on a river or dam unless such craft has been registered with the municipality and has displayed thereon in the manner provided by this by-law the identification number allocated by the municipality.
- (2) No person may operate a personal watercraft or any other jet-propelled craft on any section of a river or dam other than the section that has been demarcated for such activity.
- (3) No person may operate a personal watercraft or any other jet-propelled craft in the river mouth other for than for the express purpose of gaining access to and from the sea.
- (4) The owner of a personal watercraft or any other jet-propelled craft may not allow any person under the age of 16 years to operate his personal watercraft unless the person is in possession of a valid special racing licence or under the personal supervision of an adult who must be the owner of such personal watercraft.

- (5) No person may operate a personal watercraft unless wearing a suitable life jacket, helmet and kill switch which must be attached to the operator.
- (6) The owner of a registered personal watercraft or any other jet-propelled craft may not operate or allow any other person to operate his watercraft in a reckless, negligent or inconsiderate manner.
- (7) The number of passengers, where applicable, may not exceed the safe-capacity load of the particular vessel.
- (8) No person may re-fuel any craft on the water.
- (9) No person may operate a personal watercraft or any other jet propelled craft on any mud banks, salt marshes or other ecologically sensitive areas.
- (10) No person may operate a jet propelled craft or any other jet-propelled craft in water shallower than 50 centimetres except at designated launching sites.
- (11) A personal watercraft, jet-ski, wet-bike or any watercraft propelled by means of a water-jet on a river may only be operated in areas on the river specifically demarcated or zoned for its use. Such zones or demarcated areas may include, but are not limited to, freestyle operation or traversing and must be signposted as such.

## **21. Environment conservation**

- (1) No person may camp, picnic or light a fire below the high-water mark of a river.
- (2) No person may within the area defined as a river or dam disturb or attempt to disturb any bird or the nest thereof nor remove eggs from nests, nor disturb or attempt to disturb any animal or plant.
- (3) No person may wilfully or negligently pollute or foul a river or dam with fuel, oil, garbage, offal, bilge, sewerage, refuse or rubble of any kind whatsoever.
- (4) The municipality has the right to indicate by means of notice boards erected on the shore those areas of a river or dam where activities shall be limited, allowed, controlled or prohibited and no person, other than an authorised officer, may move, deface or otherwise interfere with such notice board, notice or marker placed by the municipality in terms of this by-law.

## **22. Skiing**

- (1) No person may ski after sunset or before sunrise.

- (2) No boat towing a skier may pass closer than 10 metres to any other boat stationary or moving, a jetty or slipway except when dropping a skier.
- (3) The skipper of a boat may not follow closer than 100 metres in the wake of another boat towing a water skier.
- (4) No person may use a metal cable or steel wire to tow a skier behind a boat.
- (5) No skier may purposely drop or kick out a water ski, unless it is totally safe to do so and it does not constitute a danger to any other boat or person.
- (6) When a skier falls, the skipper of the boat must insure that a red flag of 300 mm x 300 mm is held up in the boat which was towing the skier and kept up until the skier boards the boat, or resumes skiing.
- (7) No person may pull a ski rope behind a boat when it is not being used for skiing activities.
- (8) When skiing, the towing boat must keep to the right and follow a circuit in an anti-clockwise direction and in a position halfway between the shore and the midpoint of the river.
- (9) The skipper of the boat may not allow any person to water-ski from the boat unless such person is wearing suitable personal buoyancy.
- (10) Every person who operates a power-driven boat or personal watercraft, while towing a person on water-ski's, surfboards, water sled or similar object, must during the period 15 December to 15 January, the Easter week-end and all public holidays have onboard another responsible person of at least 15 years of age who must keep a proper look-out, and who must be conversant with recognized hand signals.
- (11) The skipper of a boat must not allow any person to water-ski from the boat, outside of the demarcated skiing zones.

### **23. Angling**

No person may -

- (a) fish from any bridge over a river;
- (b) impede any navigational channel in a river with a fishing line;
- (c) leave a fishing line in a river unattended in or near a navigation channel; or
- (d) scuba dive, spear fish or use fish nets other than a landing net or throw net in a river.

### **24. General conduct on rivers and dams**

No person may -

- (a) use obscene, offensive or indecent language;
- (b) behave in an offensive, improper or disorderly manner;
- (c) wilfully or negligently cause discomfort or inconvenience to others;
- (d) disturb the peace or cause undue noise;
- (e) behave in a dangerous or reckless manner;

## **25. Alcohol**

No person may operate or use a vessel on a river or dam, or may be in the driving seat of a power-driven boat or jet-propelled craft with its engine running, or may water ski, while his or her blood contains more than 0.05 grams of alcohol per 100 millilitres of blood or while under the influence of drugs.

### **CHAPTER III**

#### **MISCELLANEOUS PROVISIONS**

## **26. Powers of official and offences**

The official appointed by the municipality to monitor and enforce this By-law may investigate any act or omission which on reasonable suspicion may constitute an offence, and a person commits an offence if he or she -

- (a) threatens, resists, hinders or obstructs, or uses foul, abusive or insulting language towards or at an official in the exercise of his or her powers or execution or his or her duties; or
- (b) falsely holds himself or herself out to be an official;
- (c) furnishes false or misleading information when complying with a request of an official; or
- (d) fails to comply with a request of an official.

## **27. Appeal**

A person whose rights are affected by a decision of the municipality may appeal against that decision by giving written notice of the appeal and the reasons therefore in terms of section 62 of the Local Government: Municipal Systems Act, Act 32 of 2000 to the municipal manager within 21 days of the date of the notification of the decision.

## 28. Penalties

A person who has committed an offence in terms of this By-law is, on conviction liable to a fine or in default of payment, to imprisonment, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment, and in the case of a successive or continuing offence, to a fine for every day such offence continues, or in default of payment thereof, to imprisonment.

## 29. Limitation of liability

The municipality is not liable for any damage or loss caused by -

- (a) the exercise of any power or the performance of any duty in good faith under this By-law; or
- (b) the failure to exercise any power, or perform any function or duty in good faith under this By-law.

## 30. Authentication and service of notices and other documents

- (1) A notice issued by the municipality in terms of *this* By-law is deemed to be duly issued if it is signed by an officer authorised by the municipality.
- (2) Any notice or other document that is served on a person is regarded as duly served -
  - (a) when it has been delivered to that person personally;
  - (b) when it has been left at that person's place of residence or business in the Republic with a person apparently over the age of 16 years;
  - (c) when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic, and an acknowledgment of the posting thereof from the postal service is obtained;
  - (d) if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided by paragraphs (a), (b) or (c);
  - (e) if that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the land or business premises to which it relates;
  - (f) in the event of a body corporate, when it has been delivered at the registered office of the business premises of such body corporate; or

- (g) when it has been delivered, at the request of that person, to his or her e-mail address.
- (3) Service of a copy is deemed to be service of the original.
- (4) When any notice or other document is served on the owner, occupier, or holder of any property, or right in any property, it is sufficient if that person is described in the notice or other document as the owner, occupier, or holder of the property or right in question, and it is not necessary to name that person.

### **31. Presumption**

In any prosecution under this by-law it shall be presumed, unless the contrary is proved, that an animal found in a public amenity was brought into the amenity by the owner thereof or a person under the control of the owner, or that the owner or the person allowed the animal to enter the amenity.

### **32. Liaison forums in community**

- (1) The municipality may establish one or more liaison forums in a community for the purposes of-
  - (a) creating conditions for a local community to participate in the affairs of the municipality;
  - (b) encouraging a local community to participate in the affairs of the municipality; and
  - (c) promoting the effective and safe use of public amenities.
- (2) A liaison forum may consist of-
  - (a) a member or members of an interest group, or an affected person;
  - (b) a member or members of a community in whose immediate area a public amenity exists;
  - (c) a designated official or officials of the municipality; and
  - (d) the councillor responsible for public amenities.
- (3)
  - (a) The municipality may, when considering an application or registration in terms of this By-law request the input of a liaison forum.
  - (b) A liaison forum or any person or persons contemplated in subsection (2) may, on own initiative submit an input to the municipality for consideration.

### **33. Savings**

The provisions of the By-law relating to the Control and Use of the Waterways and their Banks in the local area of St. Francis Bay, as published under PN 339 of 1987, are hereby adopted and incorporated into this by-law in so far as they are not inconsistent with the provisions of this by-law.

### **34. Repeal of by-laws**

The following by-laws are hereby repealed:

- (a)** Any by-law previously promulgated by the municipality or any of the disestablished municipalities now incorporated into the municipality, in so far as it relates to any matter provided for in this by-law; and
- (b)** Any by-law previously promulgated by the Blue Crane Route Municipality or any of its predecessors, in so far as it has been made applicable to the municipality by the authorisation for the execution of powers and functions in terms of section 84(3) of the Municipal Structures Act, 117 of 1998.

### **35. Short title and commencement**

This By-law may be cited as the Public Amenities By-law, and commences on the date of publication thereof in the Provincial Gazette.