

OVERSTRAND MUNICIPALITY

BY-LAW RELATING TO THE CONTROL AND USE OF
THE BOT RIVER AND KLEIN RIVER ESTUARIES*Definitions*

1. In this by-law, unless inconsistent with the context—

“authorised officer” means any person or agent authorised by the Council to perform the functions of an authorised officer under this by-law or a member of the South African Police Service;

“boat” or “vessel” means any conveyance capable of floating on or in water or designed to navigate on or in water and includes, but is not restricted to a motor boat, sailing boat, sailing board, rowing boat, canoe, paddleski, power boat, fishing boat, jet-driven boat, flat-bottomed boat, ferry, houseboat, water cycle and raft;

“bow” means the front part of a vessel;

“canoe” means a vessel designed to be propelled by means of paddles without any mechanical assistance;

“Council” means the Overstrand Municipal Council;

“estuary” means the Bot River Estuary and the Klein River Estuary;

“helmsman” means a person who steers or controls a vessel;

“houseboat” includes any vessel, irrespective of whether or not it is propelled under its own power, upon which facilities for day or night accommodation or for any kind of food preparation have been provided, or a vessel upon which any kind of toilet or washing facilities have been provided and which is intended primarily for commercial purposes;

“operate” or “control” or any like expression, in relation to a boat, means to launch, use, sail, navigate or moor a boat or to permit a boat to be launched, used, sailed, navigated or moored on the estuary, or to have a boat, or to permit a boat to be, on the estuary;

“permission” means the written permission of the Council;

“port” means the left side of the boat as seen from the stern;

“power boat” means a boat propelled by means of an engine or other mechanical apparatus, either in- or outboard, irrespective of whether or not such engine or apparatus is the main source of power;

“rowing boat” means a boat designed to be propelled by means of oars without any mechanical assistance;

“sail” or “under way” means the situation of a boat when it is not anchored or moored or on dry land;

“sailing boat” includes every boat which is under sail and is not propelled by mechanical power;

“starboard” means the right side of the boat as seen from the stern;

“stem” means the back part of a vessel;

“vicinity of the estuary” means the properties adjacent to or in the immediate vicinity of the estuary;

“visible” means visible by a person with reasonable eyesight on a dark night when the atmosphere is clear;

“water area” means the water level between the banks of the estuary at any specific time;

“water ski” means to ski or skate on or in the water with or without the assistance of any kind of skating apparatus and where the water-skier is towed by a vessel by means of a towing rope.

MUNICIPALITY OVERSTRAND

VERORDENING INSAKE DIE BEHEER OOR EN GEBRUIK VAN
DIE BOTRIVIER- EN KLEINRIVIERMERE*Woordenskrywing*

1. In hierdie verordening, tensy onbestaanbaar met die sinsverband, beteken—

“agterstewie” die agterste gedeelte van ‘n vaartuig;

“bakboord” die linkerkant van die boot soos van agter gesien;

“boog” die voorste gedeelte van ‘n vaartuig;

“boot” of “vaartuig” enige vervoermiddel wat in staat is om op of in water te dryf of wat ontwerp is vir navigasie op of in water en sluit in, maar is nie dtaartoe beperk nie, ‘n motorboot, seilboot, seiplank, skroei, roetboot, kano, kragboot, stralerboot, hengelboot, platboom-skuit, veerboot, huisboot, waterski en vlot;

“genagtigde beample” enige persoon of agent wat deur die raad genagdig is om die funksies van ‘n genagdigde beample kragtens hierdie verordening te vervul, of ‘n lid van die Suid-Afrikaanse Politie;

“hanteer” of “beheer” enige soortgelyke uitdrukking, met betrekking tot ‘n boot, om ‘n boot te water te laat, te gebruik, te sel, te navegier of vas te meer of om toe te laat dat ‘n boot te water getaat, gebruik, gesel, genaigveer of vasgemaai word op die meer of om ‘n boot op die meer te hê of daar op toe te laat;

“huisboot” ook enige vaartuig, hetsy dit deur eie kragbron aangedryf word nie, waarop genieuwe vir dag- of nagverbyf of vir enige vorm van vasebereiding voorsien is, of ‘n vaartuig waarop enige toilet of wasgegneue aangebring is en wat hoofsaaklik vir kommersiële gebruik bedoel is;

“kano” ‘n vaartuig wat ontwerp is om deur middel van skepspane sonder enige mekaniese hulp aangedryf te word;

“meer” die Bonriviermeer en die Kleinriviermeer;

“motorboot” ‘n vaartuig wat deur middel van ‘n masjien of ander mekaniese apparatuur, helsy binnehoards of buitehoards geïnstalleer, aangedryf word, ongeag of sodanige masjien of apparaat die hoofkragbron is, al dan nie;

“onderweg” of “vaart” die toestand waarin ‘n vaartuig verkeer as dit nie gekanker of vasgemaai is of op droë grond is nie;

“Omgewing van die meer” die eiendom aangrensend aan of in die onmiddellike omgewing van die meer;

“raad” die Overstrand Municipale Raad;

“roeiboot” ‘n vaartuig wat ontwerp is om deur middel van roei spansne sonder enige mekaniese hulp aangedryf word;

“seilboot” enige boot of vaartuig onder seil wat nie deur mekaniese krag aangedryf word nie;

“sigbaar” sigbaar deur iemand met redelike gesigvermoë gedurende ‘n donker nag met ‘n helder atmosfeer;

“stuurbord” die regterkant van die boot, soos van agter gesien;

“stuurman” ‘n persoon wat die boot stuur of beheer;

“toestemming” die skriflike toestemming van die raad;

“watergebied” die watervlak tussen die walle van die meer op enige spesifieke tydstip;

“waterski” om op of in die water te ski of skaats net of sonder die hulp van enige vorm van skaatsstoel en waar die water skier deur middel van ‘n sleepou deur ‘n vaartuig getrek word.

Operation or control of boats on the estuary

2. (1) No person shall operate or control any boat or vessel, excluding a canoe, paddleski, sailing board, rowing board, sailing boat, or any other vessel with an overall length of less than 3 metres, on the estuary, unless such boat has been licensed by the Council or a temporary permit has been issued for such boat in terms of this by-law.
- (2) No person under the age of sixteen years shall operate and control a boat equipped with a motor of 4,5 kW or more, unless such person is accompanied by a person over the age of sixteen years. Where any licensee of a boat allows any person who, in the opinion of an authorised officer, is not competent to operate or control such boat efficiently, to operate or control it, such officer may direct the licensee not to allow such person to operate or control such boat, and if the licensee thereafter continues to allow such person to operate or control such boat, he shall be guilty of an offence.
- (3) No person shall launch or land a vessel, excluding a canoe, paddleski, sailing board or rowing boat with an overall length of less than 3 metres, at any place other than a shipway or boat launching site which is provided for this purpose.
- (4) No person shall operate a boat on the estuary—
- (a) in a reckless or negligent manner;
 - (b) while under the influence of intoxicating liquor or a narcotic drug, or while the percentage of alcohol in his blood is 0,08 or more, expressed in grams per hundred milliliters of blood;
 - (c) while suffering from an infirmity which renders him unfit to do so;
 - (d) in a manner dangerous to the public or to the occupants of such boat or in a manner calculated to endanger or damage any property or facility, regard being had to all the circumstances of the case;
 - (e) in a manner which constitutes a nuisance;
 - (f) without reasonable consideration for the rights of other persons using such estuary;
 - (g) while it is leaking oil, petrol or any toxic or noxious substance;
 - (h) if it has more persons or a bigger load on board than the vessel was designed or built to carry or than is stated on the licence;
 - (i) if the boat is not licensed by the Council.
- (5) The Council may establish use zones for boating and/or other purposes on the estuary; provided that this clause shall not be construed as overriding any determination as to use zones made by any other competent authority and in particular shall not replace the provisions of Proclamations 357 of 1972 and 389 of 1977 or any amendments thereto.
- (6) No person shall in the water area without the prior written consent of the Council:
- (a) offer for reward or profit any show or entertainment or conduct any business or trade;
 - (b) keep or use any house boat;
 - (c) keep on use any vessel for the transport of passengers or goods for payment or reward;
 - (d) hold any fishing competition, or
2. (1) Geen persoon mag op die meer enige boot of vaartuig, uitgesonderd 'n kano, seiplank, skiroei en roeiboot, of enige ander vaartuig met 'n algehele lengte van minder as 3 meter, hanteer of beheer nie, tensy sodanige boot by die raad gelisensieer is of tensy 'n tydelike permit kragtens hierdie verordening vir sodanige boot uitgereik is.
- (2) Geen persoon onder die ouderdom van sesien jaar mag 'n boot met 'n enjin van 4,5 kW of meer hanteer of beheer nie, tensy sodanige persoon van 'n persoon ouer as sesien jaar vergesel word. Waar enige lisensiehouer van 'n boot enige persoon, wat na die mening van 'n gemagtigde beambte nie bevoeg is om sodanige boot op 'n geskikte wyse te hanteer of te beheer nie, toelaat om dit te hanteer of te beheer, kan sodanige beampie die lisensiehouer aansê om nie sodanige persoon toe te laat om sodanige boot te hanteer of te beheer nie, en indien sodanige lisensiehouer daarna voortgaan om sodanige persoon toe te laat om sodanige boot te hanteer of te beheer, is hy skuldig aan 'n misdryf.
- (3) Geen persoon sal 'n vaartuig, uitgesonderd 'n kano, seiplank, skiroei of roeiboot met 'n algehele lengte van minder as 3 meter, op enige plek anders as by 'n sleephefplek of bootanserplek wat vir hierdie doel voorsien is, ter water laat nie.
- (4) Geen persoon sal 'n boot op die meer hanteer—
- (a) op 'n roekeloze of natalige wyse nie;
 - (b) terwyl hy onder die invloed van drank of 'n dwemmiddel is nie, of terwyl die persentasie alkohol in sy bloed, uitgedruk in gram per honderd milliliter bloed, 0,08 of meer is;
 - (c) terwyl hy aan 'n gebrek ly wat hom ongeskik maak om dit te doen nie;
 - (d) op 'n wyse wat gevarelik is vir die publiek of vir die inslindtes van sodanige boot of op 'n wyse wat daarop berken is om enige eiendom of genief aan gevraar bloot te stel of te beskadig nie, met inagneming van al die fette van die saak;
 - (e) op 'n wyse wat 'n oorlaas uitmaak nie;
 - (f) sonder redelike inagneming van die regte van ander persone wat die meer gebruik;
 - (g) terwyl dit olie, petrol of 'n giftige of skadelike stof lek nie;
 - (h) indien meer persone of 'n groter vrag aan boord is as waarroor die vaartuig ontwerp en gebou is, of as wat op die lisensie aangetoon is nie;
 - (i) indien die boot nie by die raad gelisensieer is nie.
- (5) Die Raad mag gebruiksones vir bootvaart en ander doeleindes op die meer bepaal; met dien verstande dat hierdie klousule nie bedoel is om enige bepaling betreffende gebruiksones gemak deur enige ander bevoegde overheid te oorhees nie, en in besonder dit vervang nie die bepaling van Proklamasies 357 van 1972 en 389 van 1977 of enige wysigings daarvan nie.
- (6) Niemand mag, sonder die voorafverkree skeffelike toestemming van die raad, in die watergebied—
- (a) vir beloning of wins 'n vertoning, vermaakklikeheid, besigheid of handel van watter aard ook al hou of dryf nie;
 - (b) enige huisboot gebruik of aanhou nie;
 - (c) enige vaartuig waarop passasiers of goedere teen betaling of vergoeding vervoer word, aanhou of gebruik nie;
 - (d) enige visvangkompetisie hou nie, of

- (e) hold any race, meeting or regatta; provided that any recognized organisation may apply to the Council for exemption from this regulation.
- (7) When the Council grants its authority in terms of subsection (6) it may impose any conditions which it deems fit in the circumstances of any particular case.
- (8) The following activities are prohibited:
- any form of organised power boat race on the water area of the estuary, and
 - the use of hovercraft, jet-driven craft (including but not limited to jet-skis) any form of parachuting and seaplanes on any part of the water area.
 - No vessel which is propelled by means of a propeller above the water shall be used on the estuary.

Licensing of boats

3. (1) Any person intending to operate a boat on the estuary shall apply in writing to the Council on the prescribed form for the licensing of such boat.
- (2) Any such application shall be accompanied by the fees, as determined from time to time by the Council.
- (3) Any person who applies for a licence may be required to submit his/her boat for examination by an authorised officer of the Council at a date, place and time appointed by the authorised officer.
- (4) When considering an application for licensing, the Council may distinguish between different types of boat, riparian and non-riparian owners, boats belonging to land-owners, house-owners or residents, and boats belonging to non-land-owners, non-house-owners or non-residents, so as to limit the number of licences which may be issued in respect of any type of boat, category of owner or any specific estuary or part thereof.
- (5) The Council may approve or refuse to approve such application and may, in approving it, impose such conditions as it may deem necessary, which conditions shall be printed on the licence and may be altered by the Council from time to time.
- (6) The licence issued in respect of a boat shall be kept on the boat concerned and shall be available for inspection by an authorised officer at any time when the boat is on or in the vicinity of the estuary.
- (7) The Council shall refuse to approve an application if it is satisfied that the operation of such boat will—
- be a source of pollution in the estuary or the vicinity of the estuary;
 - cause a nuisance; or
 - constitute a danger to persons using it, or to the public or any section of the public.
- (8) The licence of a boat is not transferable from any person to another or from any boat to another except with the written permission of the Council.
- (9) Each licence shall be numbered and shall specify the name and residential address of the person to whom it is issued, the maximum number of persons permitted to be carried in the boat, the type and overall length of the boat and the maximum power of the engine.
- (10) A licence shall be valid for a maximum period of 12 months and shall lapse on 30 June each year, provided that a
- (e) enige wedren, byeenkoms of regatta hou nie, met dien verstande dat enige erkende organisasie aansoek aan die Raad mag doen om vrystelling van hierdie voorwaarde.
- (7) Wanneer die Raad sy toestemming ingevalge subartikel (6) verleen, kan die Raad enige voorwaards stel wat die raad in die bepaalde geval goed dink.
- (8) Die volgende aktiwiteite is verbode:
- enige vorm van georganiseerde kragbootreis in die watergebied van die meer, en
 - die gebruik van skeurtjie, stradlaangelede tweewiel (insluitend maar nie beperk tot stralski's nie), enige vorm van valskerm spring en sevliegtjie of enige deel van die watergebied.
 - Geen vaarting wat by wyse van 'n skroef bokant die watervlak aangedryf is mag op die meer gebruik word nie.

Lisansiering van bote

3. (1) Enige persoon wat van voorneme is om 'n boot op die meer te hanter, moet skriftelik op die voorgeskrewe vorm by die raad om 'n lisensie vir die boot aansoek doen.
- (2) Enige sodanige aansoek moet vergesel wees van die geldende soos van tyd tot tyd deur die raad bepaal.
- (3) Daar mag van enige persoon wat aansoek om 'n lisensie doen vereis word dat hy/sy die boot vir ondersoek deur 'n gemagtigde beampie van die raad op 'n datum, plek en tyd wat die gemagtigde beampie vaststel, voorloë.
- (4) Wanneer aansoek om lisensiering oorweg word, kan die raad 'n onderskeid trif tussen verskillende types boot, oeweraenaars en nie-oeweraenaars, bote wat behoort aan grondeneienaars, huiseneienaars of inwoners en bote wat behoort aan nie-grondeneienaars, nie-huiseneienaars, of nie-inwoners, ten einde die getal lisensies wat ten opsigte van die type boot, kategorie van eienaar of enige spesifieke meer of gedekte daarvan te beperk.
- (5) Die raad kan sodanige aansoek goedkeur of weier om dit goed te keur en kan, wanneer hy dit goedkeur, enige voorwaarde opslag as wat hy nodig ag. Sodanige voorwaarde sal op die lisensie gedruk word en mag van tyd tot tyd deur die Raad gevysis word.
- (6) Die lisensie wat ten opsigte van 'n boot uitgereik word moet op die betrokke boot gehou word en moet te eniger tyd dat die boot op of in die omgewing van die meer is, beskikbaar wees vir inspesie deur 'n gemagtigde beampie.
- (7) Die raad weier om 'n aansoek goed te keur indien hy daarvanoortuig is dat die hantering van sodanige boot—
- 'n bron van besoedeling in die meer of die omgewing van die meer sal wees;
 - 'n oorlas sal veroorsaak, of
 - gevaar sal inhou vir persone wat dit gebruik of vir die publiek of enige deel van die publiek.
- (8) Die lisensie van 'n boot is nie oordraagbaar van een persoon na 'n ander of van een boot na 'n ander nie, behalwe met skriftelike toestemming van die raad.
- (9) Elke lisensie sal genommer wees en sal spesifiseer die naam en woonadres van die persoon aan wie dit uitgereik is, asook die maksimum aantal persone wat in die boot vervoer mag word, die type en algemene lengte van die boot en die maksimum krag van die enjin.
- (10) 'n Lisensie is geldig van 'n maksimum tydperk van 12 maande en verstryk op 30 Junie elke jaar, met dien verstande

temporary licence may be issued for such periods and under such conditions as the Council may from time to time determine.

Cancellation of licences

4. (1) The Council may cancel any licence if—
 - (a) it is satisfied that the boat in respect of which such licence was issued is no longer safe or seaworthy, or is a source of pollution in the vicinity of the estuary, or is operated in a manner which constitutes a nuisance or danger to other boats or to the public or any section of the public;
 - (b) the boat is transferred, sold or disposed of or if the Council is satisfied that the licensee has ceased to exercise control over the said boat or to supervise it; or
 - (c) the licensee has been convicted of an offence relating to the operation or control of a boat in terms of this by-law.
- (2) If the Council cancels any licences in terms of this by-law, the authorised officer shall forthwith notify the licensee of such cancellation, at the address on the licence.

Equipment of vessels

5. (1) No person shall use any vessel on the estuary unless the following equipment is on board:
 - (a) an effective life-belt, life-buoy or other floating device for each person on board;
 - (b) except in the case of a sailing board, sufficient and suitable oars, paddles or a pole to land the vessel;
 - (c) except in the case of a canoe, paddleski or sailing board, a pump or other suitable bailer, unless the vessel has been designed to float with the maximum permissible number of persons on board even if it is waterlogged;
 - (d) in the case of a power boat which is used to tow a water-skier, a suitable water-skiing rear mirror and a red flag of at least 300 mm x 300 mm;
 - (e) in the case of a power boat, an effective whistle or siren which can be employed to prevent collisions;
 - (f) in the case of a power boat, an effective fire-extinguisher;
 - (g) an effective flame-arrester for each carburettor of any petrol engine on the vessel except an outboard engine;
 - (h) an effective silencer on the exhaust of an engine-driven vessel;
 - (i) the following lights, which must be visible at a distance of at least 200 metres, when the vessel is used between sunset and sunrise:
 - (i) in the case of a power boat or sailing boat, a white light visible from all directions;
 - (ii) in the case of a vessel such as a rowing boat, canoe, sailing board or paddleski, a lantern or flashlight which may be shown in order to prevent collisions;
 - (j) except in the case of sailing boards, paddle ski's or the like, a suitable container for refuse;

Intrekking van lisensies

4. (1) Die raad kan enige lisensie intrek indien—
 - (a) hy daarvan oortuig is dat die boot ten opsigte waarvan die lisensie uitgereik is, nie meer veilig of seewaardig is nie, of 'n bron van besoedeling in die omgewing van die meer is, of op so 'n wye gehanteer word dat dit 'n oorklas of gevaar vir ander bote of die publiek of enige deel van die publiek uitmaak;
 - (b) die boot oorgedra, verkoop of weggedoen word of indien die raad daarvan oortuig is dat die lisensiehouer opgehou het om beheer oor genoemde boot uit te oefen of toegang daaroor te hou, of
 - (c) die lisensiehouer skuldig bevind is aan 'n misdryf met betrekking tot die hantering of beheer van 'n boot ingevolge hierdie verordening.
- (2) Indien die raad enige lisensie ingevolge hierdie verordening moet die gemagtigde beampie onvervuld die lisensiehouer van sodanige intrekking verwittig by die adres aangegeven op die lisensie.

Toerusting van vaartuue

5. (1) Niemand mag 'n vaartuig op die meer gebruik nie, tensy die volgende toerusting aan boord is:
 - (a) 'n doeltreffende reddingsgordel, vlotband of ander dryfmiddel vir elke persoon aan boord;
 - (b) behalwe in die geval van 'n seiplank, voldoende en geskikte roespane, skepspane of 'n paal om die vaartuig aan wal te bring;
 - (c) behalwe in die geval van 'n kano, skiroei of seiplank, 'n pomp of ander geskikte skeptoestel, tensy die vaartuig ontwerp is om met die maksimum toegelaatte aantal persone aan boord te dryf selfs as dit vol water is;
 - (d) in die geval van 'n motorboot wat gebruik word om 'n waterski te trek, 'n geskikte waterski-truspieël en 'n rooi vlag van 300 mm by 300 mm:
 - (e) in die geval van 'n motorboot, 'n doeltreffende fluit of sirene wat gebruik kan word om botsings te voorkom;
 - (f) in die geval van 'n motorboot, 'n doeltreffende brandblusser;
 - (g) 'n doeltreffende vlamstuiger vir elke vergasser van 'n petrolmasjiën aan die vaartuig, behalwe 'n buitenboordmasjiën;
 - (h) 'n doeltreffende knaldemper aan die uitlaatappê van 'n motorangedrewne vaartuig;
 - (i) wanneer 'n vaartuig tussen sononder en sonop gebruik word, die volgende ligte, wat sigbaar moet wees oor 'n afstand van minstens 200 meter:
 - (i) in die geval van 'n motorboot of seiplank, 'n wit lig uit alle rigtings sigbaar;
 - (ii) in die geval van vaartuie soos 'n roeiboot, kano, seiplank of skiroei, 'n lantern of 'n flitslig om te vertoon ten einde 'n botsing te voorkom;
 - (j) behalwe in die geval van 'n seiplank, skiroei of soortgelyke vaartuig, 'n geskikte vuilshouer;

dat 'n tydelike lisensie mag vir sodanige tydperke en onder sodanige omstandighede as die Raad van tyd tot tyd mag bepaal, uitgereik word.

- (k) except in the case of sailing boards, paddle ski's or the like, a suitable anchor with sufficient anchor line.
- (2) All life-saving apparatus on board a vessel in the water must be in good working condition and within easy reach for immediate and effective use.

Rules for boating

6. (1) No person shall leave a vessel unattended in the water area unless it has been properly anchored, moored or removed to dry land a safe height above the water level.
- (2) No vessel shall be moored at any place other than that indicated or approved by the Council or, in the case of riparian owners, in a position where it might cause a hazard to other users of the water area. An authorised officer of the Council may move any vessel or moor it at any other place without the consent of the owner if he/she deems this to be in the public interest.
- (3) No vessel shall be moored to any other vessel or to a marker, buoy or other navigation aid.
- (4) The helmsman of any vessel must ensure that he/she can at all times exercise full control over the vessel while it is under way.
- (5) The helmsman of any vessel must ensure that he/she does not thereby endanger any other person or cause any inconvenience.
- (6) No person shall handle a vessel or allow it to be handled in such a manner that it endangers or creates a nuisance to any other vessel or the occupants thereof or to other persons or property or installations in the water or at the water's edge.
- (7) No power boat which is under way and no person practicing water-skiing in the estuary, shall approach closer than 100 metres from any spot where people are swimming or closer than 100 metres from the shore or closer than 50 metres from any other vessel, unless—
- (a) circumstances are such that the said distances cannot be maintained;
 - (b) assistance is being given in an emergency situation; or
 - (c) the power boat or any water-skier towed by it is leaving or returning to the shore;
- provided that under circumstances where the prescribed distances cannot be maintained, the power boat must immediately reduce its speed to less than 10 km per hour; provided further that this clause shall not apply to areas where the estuary is less than 100 metres wide and where power-boating and water-skiing are otherwise permitted in terms of any other law.
- (8) No person shall be on the bow, forward deck or gunwale of any power boat which is under way unless adequate safety rails or guard rails have been installed, and no person shall jump or dive from any power boat which is under way, except when help is being given in an emergency or when it is necessary to moor or to land the power boat.
- (9) Where it is possible, a vessel shall be piloted in such a manner that the median line of the sailing area shall always be on the port side of the vessel; in other words all power boats must move in an anticlockwise direction.
- (10) Whenever two vessels approach each other head-on or approximately head-on, each must be piloted in such a manner that it passes the other on its own port side and, subject to the provisions of subsection (7), at such a distance and at such a speed that the wake of either of the vessels shall not endanger the other.
- (k) behalwe in die geval van 'n seilplank, skiroei of soortgelyke vaartuig, 'n geskikte anker met 'n voldoende ankerlin.
- (2) Alle reddingsstoerusting aanboord van 'n vaartuig in die water moet in 'n goede werkende toestand en maklik bekombbaar wees vir onmiddellike en effektiwe gebruik.

Reëls vir bootvaart

6. (1) Niemand mag 'n vaartuig in die watergebied onbewaar laat nie, tensy dit deeglik ganker, vasemmer of tot 'n veilige hoogte op droë grond bo die watervlak vervoer is.
- (2) Geen vaartuig mag op 'n ander plek vasemmer word nie as wat vir die doel aangeswyfs of goedgekeur is deur die raad, of, in die geval van oewereienaars, in 'n plek waar dit onder gebruikers van die watergebied in gevhaar mag stael. 'n Gemagtigde beample van die raad mag sonder die toetsinstemming van die eienaar enige vaartuig verskuif of op 'n ander plek vasemmer as hy/sy dit in die openbare belang nodig a.g.
- (3) Geen vaartuig mag aan 'n ander vaartuig of 'n merker, boei of ander navigasiehulpmiddel vasemmer word nie.
- (4) Die stuurman van enige vaartuig moet sorg dat hy deurgangs terwyl die vaartuig onderweg is in so 'n posisie verkeer dat hy volle beheer oor die vaartuig kan uitoeft.
- (5) Die stuurman van enige vaartuig wat 'n lyn, kabel of tou vir watter doel ook al sleep, moet sorg dra dat hy/sy niemand anders daardeur in gevhaar stiel of ongerief veroorsaak nie.
- (6) Niemand mag 'n vaartuig so hanteer of toelaat dat dit so hanteer word dat dit in gevhaar of 'n engens veroorsaak vir enige ander vaartuig of insitutedes daarvan of vir ander persone of eiendom of installasies in of langs die kant van die water nie.
- (7) Geen motorboot wat onderweg is en geen persoon wat waterski beoefen in die meer, mag nader as 100 meter van 'n plek waar mense swem of nader as 100 meter aan die kant van die water of nader as 50 meter van 'n ander vaartuig beweeg nie, tensy—
- (a) omstandighede sodanig is dat sulke afstande nie gehandhaaf kan word nie;
 - (b) hulp in 'n noodtoestand verleen word; of
 - (c) die motorboot of 'n waterskiër wat daardeur gesleep word aan wal gaan of van die wal vertrek;
- met dien verstande dat wanneer die voorgeskrewe afstande nie gehandhaaf word nie, die motorboot onmiddellik spoed moet verminder tot minder as 10 km per uur;
- met dien verstande verder dat hierdie subartikel nie in gebiede wat die meer minder as 100 meter breed is en waar daar met motorbote of waterski kragtens enige ander wet toelaatbaar is, van toepassing is nie.
- (8) Niemand mag op die boeg, voordek of boordwand van 'n motorboot wat onderweg is, verkeer nie, tensy voldoende veiligheids- of skutmatreëls aangebring is en niemand mag van 'n motorboot wat onderweg is, spring of duik nie behalwe wanneer hulp 'n noodtoestand vereen word of wanneer dit nodig is om die motorboot vas te mee of aan wal te bring.
- (9) Waar moontlik sal 'n vaartuig so gestuur word dat die middellyn van die vaargebied altyd aan die batboordkant van die vaartuig is, met ander woorde alle motorbote moet in 'n antikloksgewysse rigting beweeg.
- (10) Wanneer twee vaartuie mekaar van voor of naastenby van voor nader, moet elkeen so gestuur word dat hy die ander aan sy eie batboordkant vertbygaan en, behoudens die bepalings van subartikel (7), op so 'n afstand en teen so 'n snelheid dat die volgstroom van enigeen van die vaartuie nie die ander in gevhaar stiel nie.

(11) No vessel shall pass another vessel which is proceeding in the same direction unless it is safe to do so and such vessel shall, when it does so, pass the other vessel on its port side and, subject to the provisions of subsection (7), at such a distance and at such a speed that its wake shall not endanger the other vessel.

(12) A vessel which is passed shall maintain its speed and direction until the passing vessel is safely past.

(13) Whenever two vessels approach each other in a manner other than referred to in subsections (10) and (11), the vessel which finds the other on its port side shall maintain its speed and direction and the vessel which finds the other on its starboard side shall stay out of the way of the other vessel by changing its direction to starboard so as to pass the other vessel from the stern and shall if necessary stop or reverse to avoid a collision.

(14) Whenever two sailing boats are approaching one another in such a way as to involve risk of collision, notwithstanding the provisions of subsections (10), (11), (12) and (13), they shall keep out of one another's way as follows:

- when each has the wind on a different side, the vessel which has the wind on the port side shall keep out of the way of the other;
- when both have the wind on the same side, the vessel which is to the windward shall keep out of the way of the vessel which is to leeward.

For the purpose of this subsection the windward side shall be deemed to be the side opposite to that on which the mainsail is carried.

(15) To avoid a collision between vessels, a power boat shall give way to all other vessels and a rowing boat or a canoe shall give way to a sailing boat when circumstances require it, notwithstanding the provisions of subsections (9), (10), (11), (12), (13) and (14); Provided that this by-law shall not give the right to the helmsman of any vessel to unnecessarily obstruct or interfere with the course of any other vessel.

(16) The helmsman of any vessel shall maintain a safe and cautious speed in the area where vessels are moored, where angling is taking place or where buoys are placed, and whenever visibility is obstructed due to fog or other causes he shall pilot the vessel under his control in such a manner that people, other vessels or other property are not endangered.

(17) No vessel shall follow closer than 100 metres in the wake of a water-skier.

(18) Except in the case of an emergency, no aeroplane shall land in or take off from the water area.

(19) No boat shall be left on any public slipway.

Water-skiing—where allowed

7.
 - (1) No person shall practise water-skiing on water unless an effective life-belt or other floating device is attached to his/her body.
 - (2) No steel or metal cable or steel wire shall be used to tow a water-skier.
 - (3) The helmsman of any vessel which tows a water-skier shall, before such water-skier is taken in tow, ensure that the water skier is familiar with the distress signal for water-skiers, namely drawing the hand across the throat.
 - (4) No water-skiing shall be practised between sunset and sunrise and the Council may also prohibit water-skiing at other times.
 - (5) No vessel shall tow a water-skier unless a second person
7.
 - (1) Niemand mag op water waterski beoefen nie, tensy 'n doeltreffende reddingsgordel of ander dryfmiddel aan sy liggaam vasgemaak is.
 - (2) Geen staal- of metaalkabel of staaldraad mag gebruik word om 'n waterskiér te trek nie.
 - (3) Die stuurman van enige vaartuig wat 'n waterskiér trek, moet voordat sodanige waterskiér getrek word, toesien dat die waterskiér vertroud is met die noossein vir waterskiërs, dit wil sê deur met die hand oor die keel te trek.
 - (4) Geen waterski mag tussen sononder en sonop beoefen word nie en die raad kan waterski ook gedurende ander tye belet.
 - (5) Geen vaartuig mag 'n waterskiér trek nie, tensy 'n tweede

(11) Geen vaartuig mag 'n ander vaartuig wat in dieselfde rigting vaar, verbysteek nie, tensy dit veilig is om dit te doen, en sodanige vaartuig moet, wanneer hy dit doen, aan die bakboordkant van die ander vaartuig verbygaan en, behoudens die bepaling van subartikel (7), op so 'n afstand en teen so 'n snelheid dat sy volgstroom nie die ander vaartuig in gevaar stel nie.

(12) 'n Vaartuig wat verbygesteek word, moet sy snelheid en rigting handhaaf totdat die verbystekende vaartuig verby is.

(13) Wanneer twee vaartuie mekaar nader op 'n ander wyse as in subartikels (10) en (11) bedoel, moet die vaartuig wat die ander aan sy bakboordkant het Sy snelheid en rigting handhaaf en die vaartuig wat die ander aan sy stuurboordkant het, moet uit daardie ander vaartuig se pad bly deur sy rigting na stuurboord te verander sodat hy agter die ander vaartuig verbygaan, en hy moet indien nodig ten einde 'n botsing vermij, stithou of afgeruit gaan.

(14) Wanneer twee seilbote mekaar so nader dat dit gevaaar van 'n botsing inhou, moet hulle, ondanks die bepalings van subartikels (10), (11), (12) en (13) soos volg uit mekaar se pad bly:

- wanneer elkeen die wind aan 'n ander kant het, moet die vaartuig wat die wind aan die bakboordkant het, uit die pad van die ander bly;
- wanneer albei die wind aan dieselfde kant het, moet die vaartuig aan die loefkant uit die pad van die vaartuig aan die lykant bly.

Vir die doel van hierdie subartikel, word die loefkant beskou as die kant teenoor die kant wat die hoofseil dra.

(15) Neteenstaande die bepalings van subartikels (9), (10), (11), (12), (13) en (14), moet, waar omstandighede dit vereis ten einde 'n botsing tussen vaartuie te vermij, 'n motorboot vaarreg gee aan alle ander vaartuie en 'n roeiboot of kano vaarreg gee 'n seilboot: met dien versande dat hicidie verordening nie aan die stuurman van enige vaartuig die reg gee om die vaart van 'n ander vaartuig onnodig te versper of belemmer nie.

(16) Die stuurman van enige vaartuig moet 'n veilige en versigtige snelheid handhaaf in 'n gebied waar vaartuie vasgemeer is, waar vis gevang word of waar boeie aangebring is en moet, wanneer die uitsig belemmer is weens mistigheid of ander oorsake, die vaartuig onder sy beheer so bestuur dat persone, ander vaartuie of ander eiendom nie in gevaaar gestel word nie.

(17) Geen vaartuig mag nader as 100 meter in die volgstroom van 'n waterskiér vaar nie.

(18) Geen vliegtuig mag neerstryk of opstryk binne die watergebied nie, behalwe in geval van nood.

(19) Geen boot mag op enige boothelling gelaat word nie.

Waterski—waar toegelaat

7.
 - (1) Niemand mag op water waterski beoefen nie, tensy 'n doeltreffende reddingsgordel of ander dryfmiddel aan sy liggaam vasgemaak is.
 - (2) Geen staal- of metaalkabel of staaldraad mag gebruik word om 'n waterskiér te trek nie.
 - (3) Die stuurman van enige vaartuig wat 'n waterskiér trek, moet voordat sodanige waterskiér getrek word, toesien dat die waterskiér vertroud is met die noossein vir waterskiërs, dit wil sê deur met die hand oor die keel te trek.
 - (4) Geen waterski mag tussen sononder en sonop beoefen word nie en die raad kan waterski ook gedurende ander tye belet.
 - (5) Geen vaartuig mag 'n waterskiér trek nie, tensy 'n tweede

older than 14 years is present in the vessel to observe the water-skier.

- (6) No water-skier shall drop a water-ski except at a spot where the discarded water ski does not constitute a danger to any other water-skiier or vessel.
- (7) When a water-skiier drops the towing line, the helmsman of the vessel towing the water-skiier shall immediately pull in the towing line and if the water-skiier has dropped the towing line by accident, the said helmsman shall turn the vessel immediately and take the water-skiier in tow again or take him/her aboard.

- (8) Should a skier fall, a red flag measuring at least 300 mm x 300 mm shall be held up by the helmsman or other person in the boat and shall be kept up until the skier boards the boat or resumes skiing.

- (9) Water-skiing shall be permitted in designated areas only.

Nuisances and fouling or pollution of the estuary

8. (1) No person shall, while he is in the water area—

- (a) use indecent, offensive or improper language;
- (b) behave in an offensive, improper or disorderly manner;
- (c) stay, bathe or sunbathe in the nude or not properly clothed, whether on a vessel or not;
- (d) wilfully or negligently do anything which will cause an inconvenience to any other person using the water area, or which may disturb the peace.

- (2) No person, except with the permission of the Council and in compliance with the provisions of the Sea-shore Act, 1935 (Act 21 of 1935), shall allow any sewer pipe or tank to discharge into the estuary or allow any other waste water from any other source to drain into the estuary.

- (3) No substance such as petrol, oil or any toxic or noxious substance shall be deposited or disposed of in the estuary.

- (4) No bottles, cans, garbage or refuse of any kind whatsoever shall be thrown into the water or onto abutting land or any facility except in receptacles furnished for that purpose.

- (5) No person shall camp or overnight in the vicinity of the estuary, other than in a recognised camping site, without the written permission of the Council.

- (6) No person shall by any act or omission, whether directly or indirectly, allow a nuisance or the creation or continuation of a source of danger, or allow any interference with the convenience or comfort of persons in the vicinity of the estuary.

- (7) Any person fouling or polluting the estuary, any land adjacent thereto or any facility in connection therewith shall be guilty of an offence.

Powers of authorised officers

9. (1) Any person who operates an unlicensed boat on the estuary or contravenes any provision of this by-law, may be ordered by an authorised officer to remove such boat forthwith from the estuary or cease such contravention, and non-compliance with such order shall constitute an offence.
- (2) Any authorised officer shall have the right to board a boat at any time and to inspect it for the purposes of ensuring compliance with the provisions of this by-law.

- (3) Any person who is authorised in writing by the Council may, in the water area—

person ouer as 14 jaar in die vaartuig teenwoordig is om die waterskiér doph te hou.

- (6) Geen waterskiér mag 'n waterski uitskop nie, tensy dit gedoen word op 'n plek waar die uitgeskopte waterski nie 'n gevare vir 'n ander waterskiér van vaartuig skep nie.

- (7) Sodra 'n waterskiér die sleepiou los, moet die stuurman van die vaartuig wat die waterskiier gesleep het die sleepiou onmiddellik op die vaartuig intrek en indien 'n waterskiér die sleepiou per abus laat val, moet genoemde stuurman die vaartuig onmiddellik laat draai en die waterskiér weer op sleepiou van aan bord van die vaartuig neem.

- (8) Wanneer 'n skier val, moet 'n rooi vlag van 300 mm x 300 mm deur die stuurman of ander persoon in die boot opgehou word en opgehou bly totdat die skier aan bord klim of weer begin ski.

- (9) Waterski word slegs in aangewese gebiede toegelaat.

Oorlaste en bevuiling of besoedeling van die meer

8. (1) Niemand mag, terwyl hy in die watergebied is—

- (a) onwelvoeglike, aansootlike of onfatsoenlike taal gebruik nie;
- (b) hom aansootlik, onbehoorlik of wanordelik gedra nie;
- (c) nakend of onwelvoeglik geklee, vertoeft, baai of 'n sonbaai neem nie, of dit op 'n vaartuig is al dan nie;
- (d) opsetlik of nalatig eniglets doen wat ongerief aan 'n ander persoon wat van die watergebied gebruik maak, kan veroorsaak of wat moontlik die vrede kan versteur nie.

- (2) Uitgesondert met die toestemming van die Raad en ter nakoming van die bepalings van die Strandwet, 1935 (Wet 21 van 1935) mag geen persoon enige rioolvoor of tenk in die meer laat afvoer of enige vuilwater van enige bron daarin laat afvoer nie.

- (3) Geen stof soos petrol, olie of enige giftige of skadelike stof mag in die meer gestort of weggegooi word nie.

- (4) Geen bottels, blikke, afval of vuilis van watter aard ook ook mag in die water gegooi of op die aangrensende grond of enige genief gestort word nie, behalwe in honers wat vir die doel voorsien word.

- (5) Geen persoon mag kamppeer of oornag bly in die omgewing van die meer, elders as in 'n erkende kampeerterrein, sonder die skriftelike toestemming van die Raad.

- (6) Geen persoon mag deur enige handeling of versium, hetsy registrees of onregstreets, 'n ooris of die skepping of voorstelling van 'n brom van gevraag toelaat of toelaat dat ingemeng word met die genief of gemaak van persone in die omgewing van die meer nie.

- (7) Enige persoon wat die meer, enige grond wat daarvan grens of enige genief in verband daarmee bevul of besoedel, is skuldig aan 'n misdryf.

Bevoegdhede van gemagtigde beampies

9. (1) Enige persoon wat 'n ongelicenseerde boot op die meer hanteer of wat enige bepaling van hierdie verordening oortree, kan deur 'n gemagtigde beampte aangesê word om sodanige boot onverwyld van die meer te verwryder of om sodanige ontreding te staak en die nie-nakoming van so 'n opdrag is 'n misdryf.

- (2) Enige gemagtigde beampte het die reg om te eniger tyd aan boord van 'n boot te gaan en dit te inspekteer ten einde nakoming van die bepaling van hierdie verordening te verseker.

- (3) Niemand wat deur die raad skriftelik daaroor gemagtig is, kan in die watergebied:

(2) In the event of the Council cancelling any licence, or if any licence expires or lapses in terms of this by-law, the owner of the boat, the licence of which has expired or lapsed or has been cancelled, shall immediately remove such boat from the estuary.

(3) If the owner of a boat, the licence of which has expired or lapsed or has been cancelled, fails to remove such boat from the estuary within thirty days after such licence has expired or lapsed or after notification to him/her of the said cancellation, he/she shall be guilty of an offence and the Council may remove such boat forthwith.

(4) If, in the opinion of the Council, any boat constitutes a danger in the estuary or causes pollution by the discharge of petrol or oil, such boat may be removed forthwith by the Council.

(5) Where the Council is entitled to remove a boat, an authorised officer may make any arrangements considered necessary by him/her to ensure the removal of such boat, and the Council may recover the cost of such removal from the owner.

Penalty

11. Any person who contravenes any of the provisions of this by-law or refuses to comply with any order lawfully given thereunder by the local authority shall be guilty of an offence and shall on conviction be punishable in terms of section 21(3)(3) and subject to the provisions of section 189(23) of the Municipal Ordinance, 1974 (Ordinance 20 of 1974), as amended from time to time.

OVERSTRAND MUNICIPALITY

HERMANUS ADMINISTRATION

CLOSURE OF THE WHOLE PUBLIC PLACE ERF 1810 AND PUBLIC STREET ADJOINING ERVEN 1811, 1812, 1826 TO 1832, 1841, 1842, 1846 TO 1853, 1924, 1932 TO 1938 AND 1942 TO 1947, SANDBAAI

Notice is hereby given in terms of section 137(1) of Ordinance 20 of 1974 that the abovementioned Public Place and Public Street have been closed. (S.G. Reference S/10350/5 v2 p476).

Enquiries: Mrs Burman 028 313 8086.

J H Koekemoer, Municipal Manager, Municipal Offices, Hermanus.

Notice No. 53/2004 9 July 2004 7249

OVERSTRAND MUNICIPALITY

HERMANUS ADMINISTRASIE

SLUITING VAN DIE HELE PUBLIEKE PLEK ERF 1810 EN PUBLIEKE STRAAT LANGS ERWE 1811, 1812, 1826 TOT 1832, 1841, 1842, 1846 TOT 1853, 1924, 1932 TOT 1938, 1940 EN 1942 TOT 1947, SANDBAAI

Kennis geskied hiermee ingevolge artikel 137(1) van Ordonnansie 20 van 1974 dat bogemelde publieke plek en publieke pad gesluit is. (L.G. Verwyssing S/10350/5 v2 p476).

Navrac: Mev Burman 028 313 8086.

J H Koekemoer, Munisipale Bestuurder, Munisipale Kantore, Hermanus.

Kennisgewing Nr. 53/2004 9 Julie 2004 7249

STELLENBOSCH MUNICIPALITY

CLOSURE OF A PORTION OF SCHUILPLAATS STREET ADJACENT TO ERF 9472, STELLENBOSCH

Notice is hereby given in terms of Section 137(1) of Ordinance 20 of 1974 that a portion of Schuilplaats Street, adjacent to Erf 9472, Stellenbosch has been closed as public road (Surveyor-General's reference Stel 372 v1, p 191).

Acting Municipal Manager

Notice No. 86 dated 2004-07-09.

File 6/2/2/5, Erf 9473.

9 July 2004

STELLENBOSCH MUNICIPALITY

SLUITING VAN GEDEELTE VAN SCHUILPLAATSSTRAAT GRENSEND AAN ERF 9472, STELLENBOSCH

Kennis geskied hiermee ingevolge Artikel 137(1) van Ordonnansie 20 van 1974 dat 'n gedeelte van Schuilplaatsstraat grensend aan Erf 9472, Stellenbosch as openbare pad gesluit is (Landmeter-Generaal verwysing Stel 372 v1 p.191).

Waarnemende Munisipale Bestuurder

Kennisgewing Nr. 86 gedateer 2004-07-09.

Leer 6/2/2/5, Erf 9473.

9 Julie 2004 7250