

Overstrand Municipality

By-law relating to the control and use of the Bot River and Klein River Estuaries

P.N. 7305/2014

The abovementioned Admission of Guilt fine list is approved in terms of Section 57(5) (a) of the Criminal Procedures Act, Act 55 of 1977, for the Magistrate District of Hermanus as from the date 8.7.15.



Magistrate Hermanus

L. P. LE ROUX
LANDDROS/MAGISTRATE
HERMANUS



Admission of Guilt Fine List

By-law relating to the control and use of the Bot River and Klein River Estuaries P.N. 6147 of 2004

Section	Description of offence	Code	Fine
Section 2: Operation or control of boats on the estuary			
2(1)	Operate or control a boat or vessel (excluding a canoe, paddle ski, sailing boat, rowing boat or any other vessel less than 3 meters long) without a license issued by the Overstrand Municipality		R 1500
2(2)	Operating and controlling a boat with a 4.5 KW motor or more by a person under the age of sixteen (16) without supervision of a person over the age of sixteen (16)		R 500
2(2)	Continuing to allow an incapable person to operate or control a boat after the licensee of the boat was directed by an authorized official to stop the incapable person from operating the vessel		R 500
2(3)	Launching or landing a vessel (excluding a canoe, paddle ski, sailing boat, rowing boat or any other vessel less than 3 meters long) at any place other than a slipway or boat launching site		R 500
2(4)(a)	Operating a boat on the estuary in a reckless or negligent manner		R 1000
2(4)(b)	Operating a boat on the estuary whilst under the influence of an intoxicating liquor or a narcotic drug, or while the percentage of alcohol in his/her blood is 0.08 gm/100ml blood or more		N.A.G. Immediate Arrest
2(4)(c)	Operating a boat on the estuary while suffering from an infirmity which renders him/her unfit to do so		R 500
2(4)(d)	Operating a boat on the estuary in a manner dangerous to the public or to the occupants of such boat or in a manner that endanger or damage any property or facility		R 1000
2(4)(e)	Operating a boat on the estuary in a manner which constitutes a nuisance		R 500
2(4)(f)	Operating a boat on the estuary without reasonable consideration for the rights of other persons using such estuary		R 500
2(4)(g)	Operating a boat on the estuary while it is leaking oil, petrol or any toxic or noxious substance		R 2500
2(4)(h)	Operating a boat on the estuary with more persons or a bigger load than the vessel was designed/built for or as is stated on the license		R 1000
2(4)(i)	Operating a boat on the estuary while the boat is not licensed by the Council		R 200
2(6)(a)	Offering for reward or profit any show or entertainment or conduct any business or trade in the water area without prior written consent of the Council		R 500
2(6)(b)	Keep or use any house boat in the water area without prior written consent of the Council		R 500
2(6)(c)	Keep or use any vessel for the transport of passengers or goods for payment or reward in the water area without prior written consent of the Council		R 500
2(6)(d)	Holding of a fishing competition in the water area without prior written consent of the Council		N.A.G. Immediate arrest

Section	Description of offence	Code	Fine
2(6)(e)	Presenting a race, meeting or regatta in the water area without prior written consent of the Council		R 500
2(8)(a)	Organising and presenting a power boat race on the water area of the estuary		R 800
2(8)(b)	Using of hovercraft, jet-driven craft (including but not limited to jet-ski's) seaplanes and any form of parachuting on any part of the water		R 800
2(8)(c)	Use of a vessel which is propelled by means of a propeller above the water		R 800
Equipment on vessels			
5(1)(a)	Operating a vessel in the estuary without an effective life belt, life buoy or other floating device for each person on board		R 500
5(1)(b)	Operating a vessel in the estuary without sufficient and suitable oars, paddles or a pole to land the vessel (except in the case of a sailing boat)		R 300
5(1)(c)	Operating a vessel in the estuary without a pump or other suitable bailer (except canoe, paddleski or sailing board)		R 300
5(1)(d)	Operating a powerboat which is used to tow a water-skier in the estuary without a suitable water-skiing rear view mirror and a red flag of at least 300mm x 300mm		R 300
5(1)(e)	Operating a powerboat in the estuary without an effective whistle or siren which can be employed to prevent collisions		R 300
5(1)(f)	Operating a power boat in the estuary without an effective fire extinguisher		R 300
5(1)(g)	Operating a vessel with a petrol engine (except an outboard engine) in the estuary without an effective flame arrester for each carburettor		R 300
5(1)(h)	Operating a vessel which is engine driven in the estuary without an effective silencer on the exhaust		R 300
5(1)(i)(i)	Operating a power boat in the estuary between sunset and sunrise without a white light visible from all directions and visible at a distance of at least 200m		R 300
5(1)(i)(ii)	Operating a rowing boat, canoe, sailing board or paddleski between sunset and sunrise in the estuary without a lantern or flashlight which can be visible at a distance of at least 200m		R 300
5(1)(j)	Operating a vessel in the estuary without a suitable container for refuse (except sailing boards and paddleski's)		R 500
5(1)(k)	Operating a vessel in the estuary without a suitable anchor with sufficient anchor line (except sailing boards and paddleski's)		R 300
Rules for Boating			
6(1)	Leaving a vessel unattended in the water area without it being properly anchored, moored or removed to dry land at a safe height above the water level		R 500
6(2)	Mooring of a vessel at a place other than that indicated or approved by Council or in a position where it can cause a hazard to other users of the water area		R 500
6(3)	Mooring of a vessel to another vessel or a marker, buoy or other navigation aid		R 300
6(4)	Operating a vessel or allowing it to be operated in such a manner that it endangers or creates a nuisance to any other vessel or occupants of a vessel or to other persons, property or installations in the water or at the water's edge		R 1000
6(7)	Operating a power boat or skiing in the estuary closer than 100 meters from people swimming or from shore or 50 meters from another vessel (except in emergencies)		R 800

Section	Description of offence	Code	Fine
6(8)	Standing / sitting on the bow, forward deck or gunwale of a powerboat which has no safety rails or guard rails or jump or dive from a power boat whilst under way (except in an emergency or whilst mooring)		R 500
6(11)	Passing another vessel traveling in the same direction in an unsafe manner and/or not on the port side and/or at such a distance and speed that its wake endangers the other vessel		R 800
6(16)	Operating a vessel in an unsafe manner and at an incautious speed in the area where vessels are moored, where angling takes place, where buoys are placed and/or when visibility is obstructed due to fog or other causes		R 800
6(19)	Leaving a boat on a public slipway		R 800
Water-skiing – where allowed			
7(1)	Water-skiing without an effective life belt or other floating device attached to his/her body		R 800
7(2)	Using a steel or metal cable or steel wire to tow a water-skier		R 800
7(4)	Water-skiing between sunset and sunrise		R 800
7(5)	Operating a vessel that is towing a water-skier without a second person older than 14 years observing the skier in the vessel		R 500
7(6)	Dropping of a water-ski at a place where it constitutes a danger to another water-skier or vessel		R 500
Nuisances and fouling or pollution of the estuary			
8(1)(a)	Indecent, offensive or improper language in the water area		R 100
8(1)(b)	Offensive, improper and/or disorderly behaviour in the water area		R 500
8(1)(c)	Bathe and/or sunbathe in the nude or not properly clothed on a vessel or in the water area		R 500
8(1)(d)	Wilful or negligent behaviour causing a nuisance to any other person using the water area and/or disturbing the peace		R 500
8(2)	Allowing a sewer pipe or tank to discharge into the estuary and/or allowing waste water from any source to drain into the estuary		R 5000
8(3)	Deposit and/or dispose petrol, oil or any toxic or noxious substance in the estuary		R 5000
8(4)	Dumping of bottles, cans, garbage and/or refuse of any kind into the water or abutting land		R 1000
8(5)	Overnight camping in an unofficial camping site in the vicinity of the estuary without the written consent of the Council		R 500
8(6)	Allowing a nuisance and/or the creation of a source of danger and/or interference with the convenience or comfort of persons in the vicinity of the estuary		R 500
8(7)	Fouling and/or polluting the estuary, any land adjacent thereto or any facility in connection therewith		R 5000
Powers of authorised officials			
9(4)	Obstruct and/or interfere with any authorised official whilst engaged in the execution of his/her duties		R 500
9(5)	Refusal to furnish his/her correct name and address when requested by an authorised official		N.A.G. Immediate arrest