



BY-LAW RELATING TO THE CONTROL AND USE OF RIVERS WITHIN THE JURISDICTION
OF THE HESSEQWKA MUNICIPALITY

DEFINITIONS

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

"authorized officer" means any person authorized by the Municipality to perform the functions of an authorized officer under this by-law or a member of the South African Police".

"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, paddle ski, power boat, jet-driven boat, fishing boat, flat-bottomed boat, ferry, houseboat, water cycle and raft;

"bow" means the front part of the vessel;

"by- law" means this by-law and any amendments thereto;

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

"due date" means 30 June of every year or such other date as may be determined by the Municipality; _____

"helmsman" means a person who steers or controls a boat or vessel;

"houseboat" includes any vessel or boat irrespective of whether or not it is propelled under its own power, capable of being occupied by more than one person and which is equipped with facilities for day or night accommodation and/or any kind of food preparation have been provided on a vessel and/or on which any kind of toilet or washing facilities have been provided and which is primarily for commercial purposes, but excludes a sailing boat;

"Licensee" shall means the person in whose name a boat or vessel has been registered as required in terms of this by-law;

"Municipality" means the Hesseqkwa Municipality;

"Municipal Manager" means the Municipal Manager of the Municipality;

'vicinity of the river' includes the properties adjacent to or in the immediate vicinity of the river;

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

'permission' means the written permission of the Municipality ;

'port' means the left side of the boat or vessel as seen from the stern;

'power boat' means a boat or vessel 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;

'registered boat' means a boat or vessel issued with an identification number in accordance with section 6 of this by-law;

'river' means the Breede River, the Goukou River, the Gouritz River or any other River within the area of jurisdiction of the Municipality;

'rowing boat' means a boat or vessel designed to be propelled by means of oars without any mechanical assistance;

'sail' or 'underway' means the situation of a boat or a vessel when it is not anchored or moored or on dry land;

'sailing boat' means any boat or vessel which is capable of being powered by wind under sail;

"SAMSA" means the South African maritime Safety Authority;

'starboard' means the right side of the boat or vessel seen from the stern;

'stern' means the back of the boat or vessel;

'visible' means visible by somebody with reasonable eyesight during a dark night when the atmosphere is clear;

'water area' means the area between the high water mark on both banks of the river and its mouth at any specific time;

'water ski' means to ski or skate in the water with or without the assistance of any kind of skating apparatus and where the water-skier is towed by a boat or vessel by means of a towing rope;

'water-skier' or 'skier' means a person who is water-skiing.

Operation or control of boats on the river

- 2) 1) No person shall operate or control any boat or vessel on a river, excluding a canoe, paddle ski, sailing board and rowing boat unless such boat has been registered and licensed by the Municipality or a temporary permit has been issued for such boat or vessel for that particular river where the boat or vessel is to operate, in terms of this by-law and further that the person who operates that boat or vessel is in possession of a valid skipper's ticket issued by SAMSA.
- 2) 2) No person under the age of sixteen years shall operate or control a boat or a vessel equipped with an engine of 4,5KW or more, unless such person is accompanied by a person over the age of sixteen years, who shall be in possession of a skipper's ticket issued by SAMSA. Where any licensee of a boat or vessel allows any person who, in the opinion of an authorized officer, is not competent to operate or control such boat or vessel efficiently, to operate or control it, such officer may direct the licensee not to allow such person to operate or control such boat or vessel and if the licensee

thereafter continues to allow such person to operate such boat or vessel, such licensee shall be guilty of an offence.

- 3) No person shall operate a boat or vessel on a river
- (a) In a manner which an authorized officer regards as reckless or negligent manner;
 - (b) While under the influence of intoxicating liquor or 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 an authorized officer regards as dangerous to public or to the occupants of such boat or vessel 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 in the authorized officer's opinion constitutes a nuisance;
 - (f) Without reasonable consideration of the rights of other persons using such river;
 - (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 that stated on the boat or vessel's registration certificate or stated on the license;
 - (i) If the boat or vessel is not registered and licensed by the Municipality as required in terms hereof and the identification number issued in respect thereof is not permanently fixed in figures of a size and colour determined by the Municipality.
 - (k) in contravention of any usage zone on a river as determined by the Municipal Manager.

Equipment on board a boat or vessel

- 3 1) No person shall use any boat or vessel, excluding a canoe, and paddle ski with regard to the provisions of subsection (1)(c) and a sailing board with regard to the provisions of subsection (1)(b) and (c) on a river, unless the following equipment is on board such boat or vessel:
- (a) an effective life-belt, life-buoy or other floating device for each person on board;
 - (b) sufficient and suitable oars, paddles or a pole to land the boat or vessel, or suitable alternative propulsion;
 - (c) a pump or other suitable bailer, unless the boat or 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 300mm by 300mm;
 - (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 carburetor 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 meters, when the boat or vessel is used between sunset and sunrise;
 - (1) in the case of a power boat or sailing boat, a white light visible from all directions, whilst at anchor;

- (2) in the case of a power boat or sailing boat whilst underway, port and starboard running lights, which shall be visible for 180 degrees;
 - (3) in the case of vessels other than a power boat, a lantern or a flashlight, which may be shown in order to prevent collisions;
 - (j) a suitable container for refuse;
 - (k) a suitable anchor with at least 30 meters of anchor line;
- (2) All life-saving apparatus on board a boat or vessel in the water must be in good working condition and within easy reach for immediate and effective use.

Rules for Boating

- 4 (1) No person shall leave a boat or 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. Notwithstanding the foregoing, no boat or vessel shall be left unattended in the water area for a period in excess of 24 hours.;
- (2) No boat or vessel shall be moored or launched at any place other than that indicated or approved by the Municipality and an authorized officer or the Municipality may move any boat or vessel or moor it at any other place without the consent of the owner if he deems this to be in the public interest. Such movement shall be at the sole risk of the owner of the boat or vessel;
- (3) No boat or vessel shall be moored to any other boat or vessel or to a marker, buoy or other navigational aid;
- (4) The helmsman of any boat or vessel must ensure that he can at all times exercise full control over the boat or vessel while it is underway;
- (5) The helmsman of any boat or vessel towing a line, cable or rope for any purpose whatsoever, must ensure that he does not thereby endanger any other person or cause any inconvenience;
- (6) No person shall operate a boat or vessel or allow it to be operated in such a manner that it endangers or creates a nuisance to any other boat or vessel or the occupants thereof or other persons or property or installations in the water or at the water's edge including, but not limited to, any boats moored to any jetty;
- (7) No power boat, which is under way and no person practicing water-skiing in the water area, shall approach closer than 50 meters from any spot where people are swimming or closer than 50 meters from the side of the river bank or closer than 30 meters from any other boat or 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 landing or leaving the shore;
- Provided that when the prescribed distances are not maintained, the power boat must immediately reduce it's speed to less than 10km per hour.
- (8) No persons shall be on the bow, forward deck or gunwale of any power boat which is under way unless sufficient 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 assistance 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 boat or vessel shall be piloted in such a manner that the median line of sailing area shall always be on the port side of the boat or vessel.

- (10) A power boat shall keep out of the way of sailing boats and boats or vessels propelled by oars or paddles. Boats with higher rated horse power engines shall keep out of the way of boats or vessels which have a lower rated horse power engines.
- (11) Whenever two boats or 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 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.
- (12)
 - a) No boat or vessel shall pass another boat or vessel which is proceeding in the same direction, unless it is safe to do so and such boat or vessel shall, when it does so, pass the other boat or vessel on the 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.
 - b) A boat or vessel which is passed shall maintain its speed and direction until the passing boat or vessel is safely past.
- (13) Whenever two boats or vessels approach each other in a manner other than referred to in subsections (11) and (12), the boat or vessel which finds the other on its port side shall maintain its speed and direction and the boat or vessel which finds the other on its starboard side shall stay out of the way of the other boat or vessel by changing its direction to starboard so as to pass the other boat or vessel from the stern and shall if necessary stop or reverse to avoid a collision.
- (14)
 - a) Whenever two sailing boats are approaching one another in such a way as to involve risk of collision, notwithstanding the provisions of subsections (11), (12) and (13), they shall keep out of one another's way as follows:
 - i) when each has the wind on a different side, the sailing boat which has the wind on the port side, shall keep out of the way of the other.
 - ii) When both have the wind on the same side, the sailing boat which is to the windward shall keep out of the way of the vessel which is leeward
 - b) For the purpose of this subsection, the windward side shall be deemed to be the side which the mainsail is carried.
- (15) To avoid a collision between a boat or a vessel, a power boat shall give way to other boats or vessels, and a rowing boat or canoe shall give way to a sailing boat when circumstances require it, notwithstanding the provisions of subsections (10), (11), (12), (13) and (14); provided that this by-law shall not give the right to the helmsman of any boat or vessel to unnecessarily obstruct or interfere with the course of any other vessel.
- (16) The helmsman of any boat or vessel shall maintain a safe and cautious speed in the area where boats or vessels are moored, where angling is taking place or where buoys are placed and must, whenever visibility is obstructed due to fog or other causes, he shall operate the boat or vessel under his control in such a manner that the people, other boats or vessels or other property are not endangered.
- (17) No vessel shall follow closer than 100 meters in the wake of a water-skier.
- (18) Boats or vessels leaving a slipway or jetty shall give way to incoming or passing boats or vessels.
- (19) No boat, vessel or any vehicle which is propelled by means of a propeller above the water, shall be used in the water area.

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

(21) No boat or vessel shall be left on any slipway except for purposes of repair

(22) Any boat approaching closer than a distance of 80 meters from the Pont at Malagas or its cable is to immediately reduce speed to 10 km per hour and maintain that maximum speed until out of the 80 meter demarcated area. No water-skiing whatsoever shall be permitted in this demarcated area.

Water-skiing where allowed

5. (1) No person shall practice water-skiing on water unless an effective life-belt or other floating device is attached to his body.
- (2) No steel or metal cable or steel wire shall be used to tow a water-skier.
- (3) The helmsman of any boat or 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 hand across the throat.
- (4) No water-skiing shall be practiced between sunset and sunrise and the Municipality may also prohibit water-skiing at other times.
- (5) No boat or vessel shall tow a water-skier unless a second person older than 16 years is present in the boat or 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-skier, boat or vessel.
- (7) As soon as a water-skier drops the towing line, the helmsman of the boat or vessel towing the water-skier shall pull in the towing line immediately and if the water-skier has dropped the towing line by accident, the said helmsman shall turn the boat or vessel immediately and take the water-skier in tow again or take him aboard.
- (8) Water-skiing shall be permitted in demarcated areas only
- (9) When a skier falls, a red flag measuring a minimum of 300mm x 300mm shall be held up until the skier boards the boat or vessel or resume skiing.
- (10) No water-skiing is allowed between the river mouth and Stang River tributary, known as the 5d area as defined in Proclamation 357 dated 28 September 1972 as published in Official Gazette 3691 dated 6 October 1972.

Registration and licensing boats

- 6 (1) Any person intending to operate a boat or vessel on a river shall apply in writing on the prescribed form to the Municipality for registration and a license for such a boat or vessel and in such application shall advise the size of the boat, the method of propulsion, engine size and its intended use and what safety equipment the boat or vessel is equipped with. Any person who makes any false declaration in any application shall be guilty of an offence.
- (2) Any such application shall be accompanied by the fees, as determined from time to time by special resolution by the Municipality, for the river upon which the applicant intends operating his boat or vessel, which shall be refundable if the application is not approved.
- (3) A boat or vessel in respect of which an application for a license has been made, shall be submitted for examination by an authorized officer at a date, place and time appointed by the authorized officer unless such applicant is advised by the authorized officer that such examination is not required.
- (4) The Municipality may limit the number of licenses to be issued in any given year in respect of any river, as it deems necessary, in the interests of safety or to ensure compliance with this by-law, to limit the number of boats on a river.
- (5) The Municipality may approve or refuse such application and may, in approving it, impose such conditions as to the manner of operation of or repairs or alterations to

such boat or vessel as it may deem necessary in the interests of safety or to ensure compliance with this by-law.

- (6) The Municipality shall refuse to approve an application if it is satisfied that the operation of the boat or vessel will –
- (a) be a source of pollution in a river or the vicinity of a river;
 - (b) cause a nuisance;
 - (c) constitute a danger to persons using it, or to the public or any section of the public;
 - (d) be inappropriate with the area and nature of the river; or
 - (e) create wakes or waves which may create a nuisance to riparian owners.
- (7) The registration of a boat is not transferable from any person to another or from one boat or vessel to another except where a licensee of a registered boat in terms of this by-law transfers his registration number and license to another boat or vessel belonging to him with the written permission of the Municipality.
- (8) The registration shall specify the licensee, the maximum number of persons permitted to be carried in the boat or vessel, the type and overall length of the boat or vessel, the maximum power of the engine and the identification number allocated to the boat or vessel.
- (9) Registration and licensing will solely be at the discretion of the Municipality and the Municipality shall provide reasons in the event of it refusing to register or license a boat or vessel other than as provided in clause 2 (3)(a).
- (10) The Municipality reserves the right to limit the number of registrations per licensee.

Validity of licenses, issuing of temporary permits and displaying of tokens

- 7 (1) The license of a boat or vessel expires on the 30th of June every year,
- (2) For the purposes of operating a boat or vessel on a river when such boat or vessel has not been licensed and may otherwise not be operated in terms of the provisions of this by-law, application may be made to the Municipality for the issuing of a temporary permit for the river in respect of which the applicant intends to operate the boat or vessel which temporary permit shall be valid for a period as approved by the Municipality and against payment of the prescribed fee. No such temporary permit shall be valid for a period in excess of thirty days.
- (3) The licensee of a boat or vessel shall forthwith affix the license or temporary permit or cause it to be affixed to such boat or vessel in a manner acceptable to the Municipality;

Automatic lapsing or cancellation of licenses and registrations

- 8(1) A license and a boat's or vessel's registration shall lapse automatically if a boat or vessel has been removed by or on the authority of the Municipality in terms of section 14 (4) on account of pollution caused by the discharge of petrol or oil in a river.
- (2) If the Municipality is of the opinion that a boat or vessel no longer qualifies for licensing in terms of this by-law or in terms of any conditions on which the license was issued, the license may be cancelled after notice of thirty days to that effect has been given to the licensee, at the address on the license.

Cancellation of licenses

- 9(1) The Municipality may cancel any license if –
- (a) It is satisfied that the boat or vessel in respect of which such license was issued is no longer seaworthy, or is a source of pollution in the vicinity of a river, or is

- operated in a manner which constituted a nuisance or danger to other boats or vessels or to the public or any section of the public;
 - (b) The boat or vessel is transferred, sold or disposed of or if the Municipality is satisfied that the licensee has ceased to exercise control over the said boat or vessel or to supervise it; or
 - (c) The licensee has been convicted of an offence relating to the operation or control of a boat or vessel in terms of this by-law;
 - (d) Any information provided in any application form is incorrect.
- (2) If the Municipality cancels any licenses in terms of this by-law, an authorized officer shall forthwith notify the licensee of such cancellation, at the address of the license.

Fixing of tariffs, fees and levies

- 10(1) The Municipality may by special resolution determine tariffs, fees and levies for the registration and licensing of boats and the provision of discs and tokens in respect of rivers or any particular river .
- (2) In fixing tariffs, fees and levies in terms of subsection (1), the Municipality may distinguish between various classes of boats or vessels making use of a river or any facilities, or in respect of their size, method of propulsion or use, or may make any other distinctions which, in the opinion of the Municipality , are relevant in fixing such tariffs or fees.
- (3) Any application for the licensing of a boat and the use of any facilities by a boat or vessel or for a temporary permit shall be accompanied by the prescribed fees as determined by the Municipality .

Fouling and pollution of the river

- 11(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) willfully or negligently do anything which will cause inconvenience to any other person using the water area, or which may disturb the peace.
- (2) No person, except with the permission of the Municipality 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 a river or allow any other waste water from any other source to drain into the river.
- (3) No substance such as petrol, oil or any toxic or noxious substance shall be disposed of in a river
- (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 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 a river.
- (6) Any person fouling or polluting a river, any land adjacent thereto or any facility in connection therewith shall be guilty of an offence.

Powers of authorized officers

- 12(1) Any person who operates an unlicensed boat or vessel on a river or contravenes any provision of this by-law, may be ordered by an authorized officer to remove such boat

- or vessel forthwith from the river or to cease such contravention, and non-compliance with such order shall constitute an offence.
- (2) Any authorized officer shall have the right to board a boat or vessel at any time and to inspect it for the purposes of ensuring compliance with the provisions of this by-law
- (3) Any authorized officer may, in the water area –
- (a) investigate and test any boat or vessel or part thereof or any equipment thereon in order to determine whether the boat or vessel is suitable for navigation on or in the water and whether the provisions contained in this by-law has been complied with;
 - (b) call for any information regarding the boat or vessel from the helmsman and may, if the helmsman is unable to furnish the information, order him to remove the boat or vessel forthwith from the water until such time as the request can be complied with;
 - (c) require the helmsman to furnish his name and address or the name and address of the licensee and any other information required for identification purposes;
 - (d) require any other person in the boat or vessel other than the helmsman, to furnish his name and address as well as any other information required for identification of the helmsman or the licensee;
 - (e) if it appears to him that the helmsman of any boat or vessel, owing to physical or mental condition, irrespective of how this originated, is not capable of steering the boat or vessel or of being in control of it, forbid the helmsman temporarily from continuing to steer or being in control of the boat or vessel and may make arrangements which in his opinion are necessary or advisable for the safe disposal of the boat or vessel;
 - (f) if it appears to him that the load or number of persons transported in any boat or vessel is more than that stated on the registration certificate or more than can be transported in reasonable safety under prevailing conditions, forbid the helmsman of such a boat or vessel to proceed until the load or the number of persons has been reduced in the manner he considers necessary or advisable;
 - (g) if it appears to him that any boat or vessel or part thereof is un-navigable in or on the water, order the helmsman to remove the boat or vessel forthwith from the water area until such time as the boat or vessel or part thereof has been made navigable in or on the water;
 - (h) if it appears to him that any of the equipment prescribed by this by-law is not on board the boat or vessel or in good working condition or easily available for immediate use on board, order the helmsman to remove the boat or vessel forthwith from the water area until such time as all the provisions of this by-law have been complied with
 - (i) Remove any fishing rod or line that has been left unattended, from a river, if in his opinion the rod or line constitutes a threat to the safety of others.
- (4) (a) No person shall obstruct or interfere with any authorized officer whilst the latter is engaged in the execution of his duties, and
- (b) no person shall refuse to furnish his/her correct name and address when requested to do so by an authorized officer

Delegation of power

- 13 The Municipality may delegate and/or transfer any powers conferred on it under this by-law with the exception of the power to levy or determine fees, to any person or persons or organization, and such person or persons or organizations shall, after such delegation or transfer, have the same power as the Municipality would have had in terms of the provisions of this by-law.

Removal of boats from the river

- 14(1) If the owner of an unlicensed boat or vessel fails to remove such boat from a river after having been instructed to do so by the Municipality or any authorized officer, the Municipality may remove such boat forthwith.
- (2) (a) In the event of the Municipality canceling any license, or if any license expires or lapses in terms of this by-law, the owner of the boat or vessel, the license of which has expired or lapsed or has been cancelled, shall immediately remove such boat or vessel from the river;
- (b) If the owner of a boat or vessel, the license of which has expired or lapsed or has been cancelled fails to remove such boat or vessel from a river within thirty days after such license has expired or lapsed or after notification to him of the said cancellation, he shall be guilty of an offence and the Municipality may remove such boat or vessel forthwith.
- (4) Any boat or vessel in or on a river for which the fees as prescribed by the Municipality are in arrears for more than thirty days, may be removed from the river by the Municipality after written notice of the Municipality's intention has been given to the owner or licensee.
- (5) Where the Municipality is entitled to remove a boat or vessel, an authorized officer may make any arrangements considered necessary by him to ensure the removal of such boat or vessel and the Municipality may recover the cost of such removal from the owner or licensee.
- (6) If a boat or vessel removed from the river in terms of the provisions of subsections (1), (2)b or (4) are not claimed within ninety days after such removal, or in the case of a boat or vessel referred to in subsection (3), within ninety days after the said written notice has been given and all fees in arrears have been paid, the Municipality may confiscate such boat or vessel by Court Order to claim fees in arrears.

Exception from liability in respect of injury and/or damage

- 15(1) The Municipality shall not be liable for any injury which is sustained by any person using a river or any other facilities, or for damage to any property thereon, whatever the cause may be.
- (2) (a) The Municipality as a whole, individual councilors, any person in the service of the Council, any authorized officer or any person or organization to whom the Municipality has delegated any powers in terms of Section 13 of this by-law shall not, except in the event of any willful act or omission on the part of the Municipality or the said person or organization, be liable for any loss damage which results from any loss of or damage to property which is caused by or arises out of or in connection with anything which is done or performed in good faith in exercise or performance of a power of duty conferred or imposed in terms of this by-law.
- (c) If any questions arise as to the good faith of any such person, his good faith shall be presumed unless the contrary is proved.

General

- 16(1) No person shall use a canoe in the water area between sunset and sunrise unless it has on board a flashlight which is in good working condition.
- (2) No person shall use a canoe, other than a canoe designed to float when it is waterlogged, in the water area unless an effective lifebelt or other floating device is attached to his body or is on board the canoe.

- (3) No person shall in the water area without the prior written consent of the Municipality
- (a) offer for reward or profit any show or entertainment or conduct any business or trade or charter any boat or vessel for reward;
 - (b) keep or use any boat or vessel for the transport of passengers or goods for payment or reward;
 - (c) hold any fishing competition; or
 - (d) hold any race, meeting or regatta
- (4) When the Municipality grants its authority in terms of subsection (3), the Municipality may set the conditions which it sees fit in the circumstances in any particular case, to ensure the safety of the public.
- (5) No person is allowed:
- (a) to fish from any bridge;
 - (b) to scuba dive, spearfish or use fish nets other than a landing net or casting net in a river without a permit, or
 - (c) to catch fish without a license
- (6) Prohibited in the jurisdiction area of this by-law:
- (a) Any form of organized powerboat race on the water area of the river;
 - (b) Hovercraft, jet-driven craft (including but not limited to jet-ski's), any form of parachuting and seaplanes are specifically excluded from using any part of the water area of a river.
- (7)
- (a) No person shall in the water area, keep or use any houseboat without the prior written consent of the Municipal Manager ;
 - (b) The owner of any houseboat wishing to use it on the river shall make written application to the Municipal Manager by completion of the prescribed form and payment of the prescribed fee. The application shall furnish the Municipal Manager with full details pertaining to the construction, size, method of propulsion, intended use and area of operation. Furthermore, the applicant shall satisfy the Municipal manager that the houseboat has sufficient facilities to store any rubbish, waste or sewerage generated on board the houseboat;
 - (c) The Municipal Manager may request any further detail pertaining to the houseboat which he deems necessary to enable him to decide whether to grant authorization or not;
 - (d) The houseboat, in respect of which the application has been made, shall be submitted for examination by an authorized officer of the Municipality at a date, place and time appointed by the authorizing officer;
 - (e) The Municipal Manager , in granting authorization to keep or use a houseboat on a river may impose such conditions as it deems necessary in the interests of safety or to limit the impact of the houseboat on other users of the river;
 - (f) The Municipality is entitled, at its sole discretion to limit the number of houseboats operating on the river;
 - (g) Any authorization granted by the Municipality shall be valid for a period of 12 months, where after it shall automatically lapse. Thereafter the owner of the houseboat shall submit an application for permission as provided herein;
 - (h) The owner of a houseboat used on a river shall ensure that all persons operating the houseboat shall have the necessary skill to control the houseboat;
 - (i) No houseboat shall be allowed to remain anchored at any place on the river for a period longer than 24 hours, without the written permission from the Municipality ;
 - (j) Every houseboat shall be required to obtain the relevant safety certification from the South African Maritime Safety Authority (SAMSA)

Particular Provisions relating to the following rivers:

17.

17.1 Breede River

No waterskiing is allowed in the area demarcated as 5D;

17.2 Gouritz River

Waterskiing is only permitted between the slipway and Witkopklip;

A boat approaching closer than 80 meters from the Melkhoutfontein causeway must immediately reduce its speed to less than 10 km per hour and maintain its speed until it is outside the 80 meter demarcated area.

17.3 Goukou River

(To be completed)

17.4 Duiwenhoks River

(To be completed)

Penalty

18. Any person who contravenes any of the provisions of this by-law or refuses to comply with any order lawfully given there under by the Municipality or an authorized officer shall be guilty of an offence and liable upon conviction to a penalty as prescribed in section 215 (3) of the Divisional Council Ordinance, 1976 (Ordinance 18 of 1976)

Waiver of by-law

19 The Municipality may, if it deems it desirable to do so, waive compliance with any provision of this by-law, or permit deviations, exceptions and exemptions in respect of any provisions of this by-law, subject to such conditions as it may deem necessary.