

Cederberg, South Africa

Control of the Seashore and the Sea Situated Within or Adjoining the Area of Jurisdiction of the Municipality of Cederberg

Legislation as at 22 October 2004

FRBR URI: /akn/za-wc012/act/by-law/2004/control-of-seashore-and-sea/eng@2004-10-22

There may have been updates since this file was created.

PDF created on 11 August 2023 at 16:20.

Collection last checked for updates: 23 June 2023.

[Check for updates](#)



About this collection

The legislation in this collection has been reproduced as it was originally printed in the Government Gazette, with improved formatting and with minor typographical errors corrected. All amendments have been applied directly to the text and annotated. A scan of the original gazette of each piece of legislation (including amendments) is available for reference.

This is a free download from the Laws.Africa Legislation Commons, a collection of African legislation that is digitised by Laws.Africa and made available for free.

www.laws.africa
info@laws.africa

There is no copyright on the legislative content of this document.
This PDF copy is licensed under a Creative Commons Attribution 4.0 License (CC BY 4.0). Share widely and freely.

Control of the Seashore and the Sea Situated Within or Adjoining the Area of Jurisdiction of the Municipality of Cederberg
Contents

1. Definitions 1

2. Entry to, use and closing of facilities 2

3. Segregation of sexes 2

4. Clothing 3

5. Safety appliances 3

6. Dangerous articles 3

7. Littering 3

8. Undesirable conduct 3

9. Dogs and animals 3

10. Aquatic sports and games 4

11. Fishing 4

12. General 4

13. Fees 5

14. Declaration of bathing areas 5

15. Signs 6

16. Searching, seizure and disposal 6

17. Application 6

18. Penalties 6

Cederberg South Africa

Control of the Seashore and the Sea Situated Within or Adjoining the Area of Jurisdiction of the Municipality of Cederberg By-law, 2004

Published in Western Cape Provincial Gazette 6181 on 22 October 2004

Commenced on 22 October 2004

*[This is the version of this document from 22 October 2004
and includes any amendments published up to 23 June 2023.]*

Purpose of By-Law

- To promote the achievement of a safe and healthy environment for the benefit of visitors and the residents in the area of jurisdiction of the municipality;
- To provide for procedures, methods and practices to regulate the use and management of bathing and beach areas.

1. Definitions

In this by-law, any word or expression to which a meaning has been assigned in the Act shall have the meaning so assigned and words used in the masculine gender include the feminine, the singular includes the plural and vice versa, the Afrikaans text prevails in the event of an inconsistency between the different texts and unless the context otherwise indicates:—

"**Act**" means the Seashore Act, 1935 ([Act 21 of 1935](#));

"**bathing area**" means that portion of a beach area habitually used by members of the public for bathing purposes and includes an area declared to be a bathing area in terms of section 14;

"**beach area**" means the sea, seashore and any land owned by the municipality above the high water mark and adjoining or abutting the seashore and used or capable of being used by the public for recreational purposes, including any facility, promenade, walkway, sand dune, car park or lawn;

"**boat**" means any water-navigable craft of whatsoever nature, whether self-propelled or not;

"**facility**" includes a bathing enclosure, boat shed, bathing box, change room, pool, pavilion, playground, cubicle, shower or toilet;

"**litter**" means any object or matter discarded or left behind by a person in whose possession or control it was;

"**liquor**" shall bear the meaning as assigned thereto in paragraphs (a), (b), (c) and (d) of the definition of "liquor" contained in section 2 of the Liquor Act, 1989 ([Act No. 27 of 1989](#));

"**motorised craft**" means any boat driven or propelled or capable of being driven or propelled directly or indirectly on or in water by mechanical or electrical power;

"**municipality**" means the Municipality of Cederberg established in terms of Section 12 of the Municipal Structures [Act, 117 of 1998](#), Provincial Notice 482 dated 22 September 2000 and includes any political structure, political office-bearer, municipality or, duly authorised agent thereof or any employee thereof 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, municipality or, agent or employee;

"**nuisance**" means any conduct or behaviour which constitutes or may constitute a source of danger, inconvenience or annoyance to or a material interference with the ordinary comfort or convenience of other persons;

"**pool**" means a bathing or swimming pool provided by, belonging to or under the control of the municipality;

"**publish in the press**" shall have the meaning assigned thereto in section 21 of the Local Government: Municipal Systems Act, 32 of 2000;

"**sign**" means a written notice erected by the municipality and includes a pictogram as approved by the municipality; and

"**surf**" means riding waves on a board or similar contrivance capable, when in motion, of sustaining a person, and includes riding a sailboard propelled or driven by wind power or operating on a sail.

2. Entry to, use and closing of facilities

- (1) The municipality may—
 - (a) from time to time determine and indicate by means of a sign the times when and the hours during which a facility may be used or during which a facility shall be closed;
 - (b) regulate the number of persons using a beach area;
 - (c) upon payment of the fee fixed by the municipality for the use of any beach area or facility or property owned by or under the control of the municipality, issue a permit or ticket to the user thereof;
 - (d) refuse any person causing a nuisance admission to any facility or order any person causing a nuisance to leave any facility without delay;
 - (e) remove from any facility any person who fails to obey an order given in terms of section 2 (1) (d).
- (2) The holder of a permit or ticket as contemplated in subsection (1)(d) shall retain such permit or ticket and produce it if required by an employee of the municipality to do so.
- (3) No person shall—
 - (a) while waiting for admission to any facility, remain in any part other than that part of any premises set aside as a waiting area;
 - (b) enter or attempt to enter any beach area after having been advised by an employee of the municipality that it is occupied by the maximum number of persons authorised to be therein;
 - (c) wilfully enter or make use of any facility other than that indicated on his ticket of admission;
 - (d) enter or seek access to any cubicle or other accommodation occupied or in use by any other person without the consent of such other person, or open or attempt to open any cupboard or container unless authorised to do so by the municipality or the person using it;
 - (e) after leaving any facility, loiter or remain in any passage leading to or from it; or,
 - (f) enter or remain in or use any facility outside the times when and the hours during which such facility may be used.

3. Segregation of sexes

No male or female over the age of seven shall enter any facility reserved by a sign for the exclusive use of the opposite sex.

4. Clothing

No person shall bathe or appear in any facility unless wearing a bathing costume or clothing complying with the requirements of decency.

5. Safety appliances

No person shall handle, interfere with, disturb or remove any safety rope or other appliance provided for the assistance of distressed bathers, except for the purpose of rendering assistance to any such bather.

6. Dangerous articles

No person shall—

- (a) bring onto or into any bathing area or into any pool or have in his possession in or on such bathing area or in such pool any glass bottle or other container made of glass; or
- (b) throw or deposit into any pool or into or onto a beach area—
 - (i) any glass bottle or other container made of glass; or
 - (ii) any object or matter likely to be dangerous to health or likely to disturb the convenience or comfort of or likely to be a source of danger or injury to any person.

7. Littering

No person shall in or on any beach area discard, dump or leave or cause to be discarded, dumped or left any litter except in a container or at a place provided for that purpose.

8. Undesirable conduct

No person shall—

- (a) behave in a disorderly or improper manner;
- (b) commit a nuisance;
- (c) hinder, interfere with, obstruct or use insulting or obscene language towards any employee of the municipality in the execution of his duty;
- (d) refuse or fail to obey a lawful order given by an employee of the municipality in the execution of his duty; or
- (e) introduce into or possess or consume on or in any bathing area any liquor after the municipality has defined such bathing area as an area into which the introduction of liquor or in which the possession or consumption of liquor is prohibited and a notice has been published in the press of such prohibition and a sign erected on or at such bathing area indicating that the introduction into or the possession or consumption on or in such bathing area of liquor is prohibited.

9. Dogs and animals

- (1) No person shall cause or permit any dog belonging to him or in his charge—
 - (a) while in an area in which dogs are permitted in terms of these regulations, to constitute a source of danger or to inconvenience, annoy or materially interfere with the ordinary comfort or convenience of other persons;
 - (b) to enter or remain in any facility;

- (c) to be in or on any beach area after the municipality has defined such beach area as an area in or on which no dogs are permitted and a notice has been published in the press of such prohibition, and a sign erected at such beach area specifying that dogs are prohibited; or
 - (d) to be in or on any beach area except on a leash after the municipality has defined such beach area as an area in or on which dogs must be kept on a leash and a notice has been published in the press of such definition, and a sign erected at such beach area specifying that dogs must be on a leash therein or thereon.
- (2) Any sign contemplated by sub section (1)(c) and (d) may specify the hours during which such prohibition shall apply.
 - (3) The municipality may, if a dog is found under circumstances which constitute a contravention of subsection (1), seize such dog or cause it to be seized and deal with it in the manner prescribed by the by-law relating to the keeping of dogs of the municipality, whether or not such dog is in the charge of or accompanying its owner or any other person.
 - (4) No person shall cause or allow any horse, pony or other beast belonging to him or in his charge to enter or remain in or on the bathing area after the municipality has defined such beach area as an area in which no horses, ponies or other beasts are permitted and a notice has been published in the press of such prohibition and a sign erected at such beach area specifying that horses, ponies or other beasts are prohibited.
 - (5) Any sign contemplated by subsection (4) may specify the hours during which such prohibition shall apply.

10. Aquatic sports and games

No person shall—

- (a) in or on any beach area organise or compete in any swimming race or aquatic sport, or organise training in respect of such water- or any other sport, except with the consent of the municipality and at such time and place as the municipality may have determined;
- (b) dive into the water in any bathing enclosure or pool except from the side thereof or from a diving platform provided for that purpose;
- (c) bathe, surf, paddle ski, kite ski or engage in any similar activity where bathing, surfing, paddle skiing, kite skiing or any similar activity has been prohibited by a sign; or
- (d) in or on any beach area play any game where the playing of games has been prohibited by a sign.

11. Fishing

No person shall—

- (a) fish from or throw or cast any net or fishing line in or into any bathing enclosure, pool or bathing area unless—
 - (i) such person has, prior to the promulgation of this by-law, acquired the right to fish from any part of the seashore which is a bathing area; or
 - (ii) such area has been set aside by municipality for fishing purposes and indicated by a sign to that effect;
- (b) launch any boat where launching is prohibited by a sign.

12. General

No person shall—

- (a) enter or use any facility while knowingly suffering from any cutaneous or communicable disease;

- (b) use as a bathing cubicle any property of the municipality not intended to be so used;
- (c) camp, light a fire, or cook any food other than in place set aside for that purpose;
- (d) without the prior written consent of and subject to the conditions imposed by the municipality in or on any beach area—
 - (i) erect any construction designed for amusement;
 - (ii) give any performance or provide any entertainment;
 - (iii) hawk or exhibit any goods or carry on any other business;
 - (iv) use any loudspeaker, amplifier or similar equipment; or
 - (v) construct, erect or fix any building or structure of whatsoever nature, or pitch any tent of the like;
- (e) remove any vegetation, sand, shingle, rock or stone unless he is an employee of the municipality in the course of his duties;
- (f) use any facility set aside by the municipality for the exclusive use of children under a particular age if such person is older than such age;
- (g) without the consent of the municipality in any bathing enclosure or pool use any flippers, goggles or other underwater swimming or spear-fishing equipment;
- (h) wilfully or negligently damage, deface or defile in any way whatsoever any tree, shrub, building or structure including any bench, door, furniture or equipment, or any cubicle, water closet, shower, toilet or urinal;
- (i) cause any motorised craft to approach within 100 metres of any bather or within 100 metres from the low-water mark in any bathing area save for the purpose of rendering assistance in an emergency, in the lawful exercise of existing fishing rights, in the course of law enforcement or if written permission has been obtained from the municipality;
- (j) sit, lie or cause any obstruction whatsoever on or at any walkway;
- (k) drive or ride any vehicle or animal in or on any beach area unless he is an employee of the municipality acting in the course of his employment, a person authorised by the municipality to do so or a law enforcement officer in the course of his duties;
- (l) park any vehicle or trailer on any ramp used for launching of boats;
- (m) cycle, roller-skate, skate or use any similar contrivance where such conduct is prohibited by a sign;
- (n) smoke in disregard of any sign prohibiting smoking; or
- (o) discharge any fireworks or fire arm except in or from an area defined in a notice published in the press as an area in which or from where fireworks or fire arms may be discharged.

13. Fees

The municipality may from time to time fix fees or tariffs of fees for the use of any facility or property owned by the municipality.

14. Declaration of bathing areas

The municipality may by notice published in the press and the erection of a sign at or on a beach area, declare such beach area to be a bathing area.

15. Signs

- (1) Except where expressly provided, any prohibition or instruction in terms of this by-law may be indicated by means of a sign.
- (2) The municipality may, in prohibiting any activity in terms of this by-law, specify on a sign referred to in subsection (1) the times and or hours during which such activity shall be prohibited.

16. Searching, seizure and disposal

An employee of the municipality in the execution of his duties, may in accordance with the provisions of the Criminal Procedure Act ([Act No. 51 of 1977](#)) search any person for and seize and dispose of anything—

- (i) which is concerned in or is on reasonable grounds believed to be concerned in a contravention of or failure to comply with any provision of this by-law;
- (ii) which may afford evidence of such contravention or failure; or
- (iii) which is intended to be used or is on reasonable grounds believed to be intended to be used in such contravention or failure.

17. Application

This by-law shall apply to the beach areas situated within or adjoining the area of jurisdiction of the municipality.

18. Penalties

Any person who contravenes or fails to comply with any provision of this by-law shall be guilty of an offence and liable upon conviction to—

- (1) a fine or imprisonment, or either such fine or such imprisonment or both such fine and such imprisonment;
- (2) in the case of a continuing offence, an additional fine or an additional period of imprisonment or either such additional fine or such additional imprisonment or both such additional fine and imprisonment for each day on which such offence is continued, and
- (3) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as result of such contravention.