

Swartland, South Africa

Control of the Yzerfontein Harbour Area

Legislation as at 12 December 2003

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Swartland South Africa

Control of the Yzerfontein Harbour Area By-law, 2003

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[Some of the provisions of this By-law have no headings.]

1. Definitions

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

"**council**" means the council of the Swartland Municipality;

"**harbour area**" means the area adjacent to the sea in the vicinity of the pier, owned or controlled by the council being the farm Sea Wall 562 and the remainder of portion 9 of the farm Yzerfontein 560;

"**harbour official**" means the official appointed by the municipality to supervise the harbour area or any person appointed by the municipality to act in his or her stead;

"**Municipality**" means the Swartland Municipality;

"**nuisance**" means defecation in public, littering, alcohol and drug abuse, foul language, inobservance of regulations, abuse of personnel by using profane language or any indecent behaviour or conduct or any annoyance.

2.

Save with the permission of the harbour official no person shall:

- (1) enter upon or remain in any portion of the harbour area demarcated by the Municipality or the harbour official during any period when the presence of persons thereon is prohibited by the municipality or the harbour official and when a notice indicating that such presence is prohibited is displayed;
- (2) alter the time and manner of use of the harbour area by any person, as prescribed;
- (3) use any portion of the harbour area without payment of such fees as determined by the council by resolution;
- (4) use any facilities provided in the harbour area from time to time, without payment of such fees as determined by the council by resolution;
- (5) clean, load, off-load, handle, cut fish or trade therewith in the harbour area;
- (6) no boat, trailer, vehicle, equipment, drum, net or material of any nature may be deposited or left in the harbour area, and the owner who deposits or leaves any such object or material shall remove any such object or material from the harbour area within 12 hours after being directed by the harbour official to do so;
- (7) use of the harbour area for keeping or repairing of boats shall be subject to such conditions and payment of such fees as the council may determine by resolution.
- (8) remain in the harbour area overnight.

3.

The capacity of the harbour is equivalent to the number of demarcated parking bays in the harbour area.

4.

No person shall cause any nuisance to other persons in the harbour area or damage or interfere with any installation, equipment or facility thereon. The skipper and/or boat owner will be jointly responsible for the conduct of their crew on the tow vehicle and boat.

5.

The harbour area shall be used at the sole risk of the user, and the municipality shall not be liable for any claim, damages or loss arising from the death or injury of any person or damage to or loss of any property of any person whether directly or indirectly caused by the acts or omissions, including negligent acts or omissions, of any person, whether in the employment of the council or not, or as a result of defects or sources of danger in the harbour area or in any of the facilities of the harbour area.

6.

No person shall enter the harbour area with a tow vehicle which is not mechanically able to remove his boat, (including catches) and trailer from the sea and off the slipway without causing delays. The engine (motor) of the boat may only be started on the slipway.

7.

A person in control of a boat who does not launch such a boat immediately when it is his or her turn to do so, and obstruct the flow of traffic in the approach to the slipway, may be ordered by the harbour official to move his or her vehicle and/or boat to a parking bay. On failure to do so such a person shall be ordered to remove his or her vehicle as well as his or her boat from the harbour area.

8.

Boats and trailers may only park in the demarcated parking bays.

9.

The harbour official may, whenever the traffic volume in the harbour area increases to such an extent that in his or her view it becomes necessary to impose restrictive measures in order to ensure that the harbour area is not overcrowded and that orderly traffic flow is maintained and with due regard to the number of demarcated parking bays available for the parking of boats and trailers, excluding persons who obtained permission or authority from the harbour official or municipality:

- (1) temporarily forbid entrance of all vehicular traffic to the harbour area, or
- (2) temporarily forbid entrance of boats to the harbour area, or
- (3) temporarily restrict vehicular entrance to the harbour area to towing vehicles and trailers only.

10.

If, due to rough seas or bad weather conditions or whatever other reason, circumstances in the opinion of the harbour official, becomes so hazardous that it would be life threatening to launch a boat from the slipway, the harbour officials may:

- (1) temporarily forbid the launching of boats from the slipway and/or
- (2) temporarily forbid the entrance of boats to the harbour area.

11.

No fires are allowed in the harbour area.

12.

No boat may leave the slipway before all waste water is let out, and the outlet is sealed.

13. Penalties

Any person/s who contravenes any provision of this by-law, or disregards or fails to comply with a lawful instruction from the harbour officer or any law-enforcement officer in the service of the municipality will be guilty of an offence and therefore liable of a conviction with a penalty not exceeding:

13.1 in the case of a first offence:

13.1.1 a maximum fine of one thousand Rand or imprisonment for a period of at least six months and/or either suchlike fine or imprisonment or both suchlike fine and imprisonment; and/or

13.1.2 following a verdict from the court, a further amount equivalent to any costs and expenses incurred by the Local Authority as a result of the said offence or negligence.

13.2 in the case of a second and further offences:

13.2.1 a maximum fine of one thousand Rand or imprisonment for a period of six months and/or either suchlike fine or imprisonment or both suchlike fine and imprisonment; and/or

13.2.2 a prohibition to use or have access to the harbour for a maximum period of six months; and/or

13.2.3 following a verdict from the court, a further amount equivalent to any costs and expenses incurred by the Local Authority, as a result of the said offence or negligence.