

SWARTLAND MUNICIPALITY

Notice is hereby given in terms of section 13 of the Municipal Systems Act, 2000 (Act 32 of 2000) that the Municipal Council of the Swartland Municipality has made the by-law set out in the schedule hereto.

SCHEDULE

BY-LAW PERTAINING TO THE CONTROL OF THE YZERFONTEIN FISH MARKET

Interpretation of terms

- In this by-law, unless the context otherwise indicates, means:
 - “council” the Swartland Municipal council;
 - “fish market” known as Erf 2024;
 - “fries” fish for own use by boat crew;
 - “harbour officer” the official appointed by the municipality to supervise the fish market or any person acting in his or her behalf;
 - “municipality” the Swartland Municipality;
 - “nuisance” public defecation, littering, alcohol and drug use, foul language, the disregard/neglect of control measures, profanities towards staff or any offensive behaviour or action or any hindrance.
 - “offensive material” fish waste/remains, fish entrails, fish bait, fishing line, fish hooks, fish nets, bloody water, dirt, waste material, perishable products, any malodorous/smelly solid or liquid waste, paper, cardboard, plastic, glass or plastic containers or bottles.
- Save with the permission of the harbour official no person shall:
 - enter upon or remain on the fish market during any period when the presence of persons thereon is prohibited by the municipality or the harbour officer and when a notice indicating that such a presence is prohibited, is displayed;
 - no person shall remain in the fish market area overnight;
 - alter the time and manner of use of the fish market area by any person, as prescribed;
 - use any portion of the fish market without payment of such fees as determined by the council by resolution;
 - no boat, trailer, vehicle, equipment, freezer, drum/bin, fish net or material of whatever nature may be deposited or left in the fish market except in those demarcated areas within the fish market made available by council for this purpose and then only following the payment of such fees as determined by the council by resolution;
 - no fish, fish bait or other fresh products may be frozen, kept or stored in a manner or place other than what is provided by council or which is approved in writing by council and then only following payment of such fees determined by council for this purpose.
- In the fish market no person shall cause any nuisance to other persons or cause any obstruction or damage or interfere with any installation, equipment or facilities thereon. The skipper and/or

MUNISIPALITEIT SWARTLAND

Kennis geskied hiermee ingevolge die bepalings van artikel 13 van die Munisipale Stelselwet, 2000 (Wet 32 van 2000) dat die Munisipale Raad van die Munisipaliteit Swartland, die verordening soos uiteengesit in die skedule hierto, gemaak het.

SKEDULE

VERORDENING INSAKE DIE BEHEER OOR DIE YZERFONTEIN VISMARK

Woordbepaling

- In hierdie verordening, tensy uit die samehang anders blyk, beteken:
 - “aanstootlike materiaal” visreste, visingewande, visaas, vislyn, vishoeke, visnet, bloedwater, vuilgoed, afvalmateriaal, bederfbare produk, enige onwelreukende vaste- of vloeistowwe, papier, karton, plastiek, glas- of plastiekhouders of bottels;
 - “fries” vis vir eie gebruik deur bootbemanning.
 - “hawebeampte” die beampte wat deur die Munisipaliteit aangestel is om toesig oor die vismark te hou of enige persoon wat in sy of haar plek waarneem;
 - “munisipaliteit” die Munisipaliteit Swartland;
 - “vismark” bekend as Erf 2024;
 - “oorlas” publieke ontlasting, rommelstrooiing, drank- en dwelmgebruik, vuil taal, verontagsaming van maaatreëls, vloek van personeel of enige aanstootlike gedrag of handeling of enige hindernis.
 - “raad” die raad van die Munisipaliteit Swartland;
- Niemand mag sonder die toestemming van die hawebeampte;
 - die vismark betree of daar vertoef gedurende enige tydperk wanneer die teenwoordigheid van persone daar deur die munisipaliteit of deur die hawebeampte verbied word en wanneer 'n kennisgewing wat aandui dat sodanige teenwoordigheid verbode is, vertoon word;
 - op die vismark oornag nie.
 - die ure waartydens en die wyse waarop die vismark deur enige persoon gebruik word, soos voorgeskryf, verander nie;
 - enige gedeelte van die vismark gebruik sonder betaling van die gelde wat deur die raad by besluit vasgestel is nie;
 - enige boot, treiler, voertuig, toerusting, vrieskas, konk, visnet of materiaal van enige aard in die vismark plaas of laat nie behalwe op afgesperde gebiede wat binne die vismark vir die doel daarvan deur die raad beskikbaar gestel is en dan slegs na betaling van die gelde wat deur die raad by besluit vasgestel is.
 - in die vismark enige vis, visaas of ander vars produkte vries, berg of stoor op 'n manier of plek anders as waarvoor deur die raad voorsien gemaak is of skriftelik deur die raad goedgekeur is nie en dan slegs na betaling van die gelde wat deur die raad vir die doel vasgestel is nie.
- Niemand mag enige oorlas vir ander persone in die vismark veroorsaak of skade aanrig aan of peuter met enige installasie, toerusting of geriewe daarop nie. Die skipper en/of booteienaar is

boat owner is co-responsible for the behaviour of their crew on their trailer and boat.

4. No person may strew or dump any offensive material at the fish market except for in bins that are provided for this purpose by the municipality.
5. Peddlers and traders of fish or any other products or refreshments may enter the fish market only following the payment of such fees as determined by the council by resolution.
6. Boat outlets may only be removed and boats may only be washed and cleaned in the fish market on those demarcated areas provided for this purpose by the municipality.
7. No washed boats may exit the boat-washing bay/area before all effluent water is drained and all outlets have been sealed.
8. Washed boats must thereafter immediately be removed to make room for unwashed boats.
9. Fish may only be gutted on those gutting tables provided by the municipality for this purpose and also only following the payment of such fees as determined by the council by resolution.
10. Fish traders and peddlers may not gut fish at the fish market.
11. Only the boat crew may gut their "fries" on the gutting tables.
12. The act of the boat crew, who with permission from the harbour officer, gut fish on the boats remain the responsibility of the boat owner/skipper.

Penalties

13. Any person who contravenes any provision of this by-law or disregards or fails to comply with a lawful instruction of the harbour officer or any law-enforcement officer in the service of the municipality shall be guilty of an offence and liable upon conviction to a penalty not exceeding—

13.1 in case of a first offence:

- 13.1.1 a fine of at least one thousand Rand or imprisonment for a period of at least six months, and or either such fine or such imprisonment or both such fine and such imprisonment; and/or
- 13.1.2 an additional/further amount equal to any costs or expenses sustained, following the findings of the Court of a Local Government, as a result of such an offence or neglect.

13.2 in case of a second or further offences:

- 13.2.1 a fine of at least one thousand Rand or imprisonment for a period of six months, and/or either such fine or such imprisonment or both such fine or imprisonment; and/or
- 13.2.2 a prohibition of the use or access to the fish market for a period of at least six months; and/or
- 13.2.3 an additional/further amount equal to any costs or expenses sustained, following the findings of the Court of a Local Government, as a result of such an offence or neglect.

medeverantwoordelik vir die gedrag van hul bemanning op hul sleepvoertuig en boot.

4. Niemand mag enige aanstootlike materiaal op die vismark gooi of stort behalwe in houters wat vir die doel daarvan deur die munisipaliteit voorsien is nie.
5. Smouse en handelaars van vis of enige ander produk of verversings word slegs tot die vismark toegelaat by betaling van die gelde wat deur die raad by besluit vasgestel word.
6. Die proppe van bote mag slegs verwyder word en bote mag slegs gewas en skoongemaak word op die aangewese perseel wat deur die munisipaliteit vir die doel daarvan binne die vismark voorsien is.
7. Geen gewaste bote mag die bootwasterrein verlaat voordat alle afloopwater uitgelaat is nie en voordat alle uitlate geseël is nie.
8. Gewaste bote moet daarna onmiddellik verwyder word om vir ongewaste bote plek te maak.
9. Vis mag net gevlek word op die vlektafels wat vir die doel daarvan deur die munisipaliteit voorsien word en ook net by betaling van die gelde wat by besluit deur die raad bepaal is.
10. Vishandelaars en smouse mag nie vis op die vismark vlek nie.
11. Slegs bootbemanning mag hul "fries" op die vlektafels vlek.
12. Die optrede van bootbemanning wat met die goedkeuring van die hawebeampte vis op bote vlek, bly die verantwoordelikheid van die booteienaar/skipper.

Strafbepaling

13. Iedereen wat enige bepaling van hierdie verordening oortree of 'n wettige opdrag van die hawebeampte of enige wetstoepassingsbeampte in diens van die Munisipaliteit, verontagsaam of nalaat om daaraan te voldoen is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n straf van—

13.1 ingeval van 'n eerste oortreding:

- 13.1.1 'n boete van hoogstens een duisend Rand of gevangenisstraf vir 'n tydperk van hoogstens ses maande, en of sodanige boete of sodanige gevangenisstraf of beide sodanige boete en sodanige gevangenisstraf; en/of
- 13.1.2 'n verdere bedrag gelykstaande aan enige koste en uitgawes wat na bevinding van die Hof deur die Plaaslike Owerheid aangegaan is as gevolg van sodanige oortreding of versuim.

13.2 Ingeval van 'n tweede en verdere oortredings:

- 13.2.1 'n boete van hoogstens een duisend Rand of gevangenisstraf vir 'n tydperk van ses maande, en/of sodanige boete of sodanige gevangenisstraf of beide sodanige boete en sodanige gevangenisstraf; en/of
- 13.2.2 'n verbod op die gebruik van of toegang tot die hawe vir 'n tydperk van hoogstens ses maande; en/of
- 13.2.3 'n verdere bedrag gelykstaande aan enige koste en uitgawes wat na bevinding van die Hof deur die Plaaslike Owerheid aangegaan is as gevolg van sodanige oortreding of versuim.