Swartland, South Africa

Control of the Yzerfontein Fish Market By-law, 2005

Legislation as at 14 January 2005

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Swartland
South Africa

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1. 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.

2.

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

(a) 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;

(b) no person shall remain in the fish market area overnight;

(c) alter the time and manner of use of the fish market area by any person, as prescribed;

(d) use any portion of the fish market without payment of such fees as determined by the council by resolution;

(e) 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;

(f) 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.

3.

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 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.

13. Penalties

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 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.