Drakenstein, South Africa

Camping Areas By-law, 2007

Legislation as at 16 March 2007

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Drakenstein
South Africa

Camping Areas By-law, 2007

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[This is the version of this document from 16 March 2007 and includes any amendments published up to 4 September 2026.]

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

Drakenstein Municipality, by virtue of the powers vested in it by section 156(2) of the Constitution of the Republic of South Africa as amended, read with section 13 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) as amended, has made the by-law set out in the schedule below:

Purpose of by-law

• To promote the achievement of a safe and sought after tourism environment for the benefit of visitors and residents within the area of jurisdiction of the municipality.

• To provide for procedures, methods and practices to regulate the use and management of camping areas.

1. Definitions

In this by-law, words used in the masculine gender include the feminine; the singular includes the plural and vice versa; the Afrikaans text shall prevail in the event of an inconsistency between the different texts; and, unless the context otherwise indicates:—

"**animal**" means any mammal, reptile, amphibian or fish;

"**camp**" or "camping" means to occupy land by picnicking thereon or by standing thereon with a caravan or vehicle or erecting thereon a tent or temporary structure and using such caravan, vehicle, tent or temporary structure for the purpose of habitation and/or sleeping or as a shelter or protection against the weather;

"**camper**" means the person who camps and, in relation to a camping area, to whom a camping permit is issued;

"**camping area**" means land vesting in and set aside by the municipality as a public picnic, camping or caravan park site or a similar facility approved by the municipality on private land;

"**camping permit**" means a document printed and issued by the municipality for the purposes contemplated by this by-law or the municipality's official receipt issued against payment of the prescribed camping charges in respect of the occupation of a camping area;

"**camping site**" means any part of a camping area, demarcated or assigned for the purpose of camping thereon;

"**caravan**" means a motor vehicle or trailer permanently equipped to provide living and sleeping accommodation for persons;

"**caravan park**" means any land used or intended to be used for the accommodation of caravans and mobile homes;

"**caretaker**" means the official appointed by the municipality or an owner to ensure that the provisions of this by-law is complied with and includes any employee of the municipality or owner, acting in the capacity as caretaker or acting in terms of a direction by or authority of the caretaker;

"**municipality**" means the Municipality of Drakenstein established iu terms of section 12 of the Local Government: Municipal 22 Structures Act, 1998 (Act 117 of 1998), Provincial Notice 488 dated September 2000, and includes any political structure, political office-bearer, councillor, 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, councillor, agent or employee;

"**nuisance**" means any act, omission or condition which is offensive or injurious or dangerous to health, or which materially interferes with the ordinary comfort, convenience, peace or quiet of persons in a camping area or adversely affects the safety of such persons;

"**owner**" means the person to whom the municipality has granted written permission to permit camping on private land;

"**prescribed charges**" means the charges prescribed by the municipality for entrance to and use of a camping area and the amenities connected therewith;

"**vehicle**" means a device designed or adapted mainly to travel on wheels or crawler tracks and also includes a trailer, and

"**waters**" include rivers, streams, dams, reservoirs and furrows together with the banks thereof and any part of such waters.

Camping in land vested in or under control of the municipality

2.

No person shall camp on any land vesting in and/orunder the control of the municipality except on a camping site within the boundaries of a camping area, and then only subject to the provisions of this by-law.

3.

No person shall camp on any land within a camping area without being in possession of a valid camping permit.

4.

Any person making use of a camping area or any amenity therein for whatever purpose shall do so at his own risk and the municipality shall, in the absence of proof of negligence on its part or any of its employees, not accept responsibility for the death of such person or injury, damage or loss suffered by such a person in the process.

5.

No camping permit shall be issued unless the prospective camper—

(1) duly completes the camping register and by means of his or her signature therein signifies as to the correctness of the information supplied, to submission by him or her and his or her camping party to the provisions of this by-law and all rules laid down in terms thereof as also to the reasonable instructions of the caretaker;

(2) has paid the prescribed charges in respect of the full period during which the camping site will be occupied.

6.

(1) A camping permit shall be valid only for the period stated therein and must be kept and produced upon request by the superintendent. The caretaker may renew such permit or refuse the renewal thereof.

(2) No person shall without the written consent of the municipality camp in a camping area whether continuous or otherwise for a period exceeding three months in any period of twelve months. The municipality may refuse such an application or grant it subject to such conditions and for such period as it may deem fitbut not for anyperiod in excess of a further three consecutive months.

(3) If permission is granted in terms of subsections (1) and (2) a new camping permit shall be issued on payment of the normal prescribed charges in respect of the full period of further occupation.

7.

The occupier of a camping site must be the person whose name appears on the camping permit and he may not sublet, cede, dispose of, or in any way alienate his rights thereunder.

8.

(1) Reservation of camping sites shall only be considered upon receipt of a written application.

(2) An amount equal to the full charges in respect of a site for the full period for which reservations is desired, shall be payable before such reservation is confirmed.

(3) If written notice of cancellation of a reservation is received by the municipality at least twenty-one days prior to the commencement of the reserved period, half the amount of the charge already paid by the holder of the camping permit, shall be refunded to him. Only under exceptional circumstances will the municipality consider making a greater refund.

9.

(1) Notwithstanding any contract between the municipality and any person, the caretaker may direct any camper and/or member of his or her camping party to leave the camping area if the caretaker has reasonable grounds to believe that such person has committed an offence whether in terms of this by-law or the provision of any other Act or if in the opinion of the caretaker he has conducted himself in such a manner that his or her presence in the camping area is undesirable or if he fails to comply with the reasonable requests or instructions of the caretaker.

(2) In the circumstances set out in subsection (1) the campers' camping permit shall be withdrawn and no money shall be refunded in respect of any unexpired period already paid for.

10.

When a camper's camping permit expires on account of efflux of time or withdrawal, such a camper shall—

(1) voluntarily and without delay vacate his or her camping site and leave it in a clean and tidy condition. He shall be responsible for the disposing of all rubbish and the filling of all holes and furrows made by him or her in the ground and should he fail to do so to the satisfaction of the caretaker, the municipality may do so at his expense; and

(2) remove from such camping site and the camping area all property belonging to him or her and members of his or her camping party. Any such property remaining in the camping area after the departure of the camper may be removed and kept in custody by the caretaker at the cost and risk of the camper and shall become the municipality's property if not claimed and removed by the owner within one month of such removal.

11.

(1) Only one caravan with not more than two side tents forming part thereof, is permitted per camping site on those camping sites set aside within a camping area for the accommodation of caravans and mobile homes only.

(2) Only three tents per camping site shall be permitted on those camping sites set aside within a camping area for the accommodation of tents only.

12.

No camper shall make his or her camp or picnic on a camping site other than that assigned to him or her by the caretaker or refuse to obey the reasonable instructions of such officer or to comply with the caretaker's demands as to the manner of making such camp. The caretaker shall have absolute discretion in this regard as also with regard to the acceptability and sufficiency, or not, of any dwelling/sleeping accommodation, fencing, shelters, temporary structures, erections and the number and type of vehicle/s to be permitted on camping site.

13.

Any camper may be instructed by the caretaker at any time to move his or her camp to another camping site if the caretaker considers such moving to be desirable in the public interest or for the sake of the safety of person and/or property or for purposes of executing urgent municipal works.

14.

No camper shall—

(1) use any camping site for any purpose other than a camping holiday and he shall in particular not carry on any trade or business thereon;

(2) on any camping site create a nuisance or permit the creation of anuisance by any member of his or hercamping party or any of his or her guests;

(3) fail to maintain his camping site in a clean and sanitary condition or fail to maintain thereon good order and decency nor allow thereon anything which may interfere with the comfort and convenience of other campers of the general public;

(4) clean or permit to be cleaned household utensils, fish or vegetables or prepare or permit to be prepared food at any place other than that assigned for the purpose;

(5) wash or hang out or permit to be washed or hung out any household linen or clothes, except such light garments and accessories as are necessary for the comfort of the individual, and then only at the places assigned for the purpose;

(6) board or lodge any person for money or against any other compensation;

(7) keep any animal, dog or fowl, duck, goose, turkey or any other bird on a camping site; provided that the caretaker may at his discretion permit small cage birds in cages, and

(8) fail to obey the reasonable instructions of the caretaker in connection with the preservation of health, cleanliness, neatness and good order within the camping area.

15.

No person shall in a camping area—

(1) disturb, deface, damage, destroy or remove any movable or immovable property belonging to the municipality including information and direction signs, trees, bushes or vegetation;

(2) injure, kill, capture or disturb any animal or bird or damage, disturb or destroy the nest or eggs of any bird;

(3) proceed to or from any camping site except along the recognised roads;

(4) ride or drive a vehicle in a manner which may in the opinion of the superintendent endanger the safety of any person, vehicle or property;

(5) park a vehicle on a camping site on which another person camps or in any road in such a manner as to cause an obstruction to another camper or traffic. The caretaker may whenever her or she considers it desirable in the interest of campers and/or the public, instruct any person to park his or her vehicle elsewhere or to remove it from the camping area;

(6) do any repairs to any vehicle;

(7) hawk, sell, expose for sale or process any articles or goods or foodstuffs or other commodity;

(8) write, draw, affix or exhibit any profane, obscene or abusive word, matter, representation or character upon any premises or property;

(9) commit any act or use any language which is profane, obscene or abusive;

(10) do anything which may cause injury to persons or damage or destruction to property;

(11) behave in a disorderly or riotous manner;

(12) urinate or defecate except in a sanitary convenience;

(13) appear in a nude state or improperly dressed outside a dressing room, closet or in public;

(14) use or enter any sanitary convenience or changeroom provided for the opposite sex;

(15) deposit bottles, broken glass or rubbish except in the receptacles provided by the municipality for the purpose;

(16) cause a nuisance;

(17) make, provide or reproduce any music in a manner which interferes with the comfort, convenience and peace of campers or the general public;

(18) make any fire except in the places assigned for the purpose;

(19) discharge a firearm, air rifle or air pistol;

(20) use a catapult;

(21) discharge any fireworks;

(22) loiter unless he is a member of a camper's group or a camper's guest;

(23) climb over or creep through any gate or fence;

(24) solicit alms or gamble;

(25) pollute any waters;

(26) (i) except with the permission of the caretaker and in a manner approved by the caretaker make any electrical connection to his or her camping site or any other place within the camping area;

(ii) be permitted more than one electrical connection to his or her camping site and only one supply conductor shall be permitted per camping site;

(iii) use an electrical connection to his or her camping site for purposes other than a camper's *bona fide* camping needs;

(27) obstruct any employee of the municipality in the lawful execution of his or her duties;

(28) refuse, upon being requested by the caretaker or other authorised employee of the municipality in the lawful execution of his or her duty—

(a) to produce any ticket or camping permit issued by the municipality in connection with a camping area, or

(b) to furnish his name and address;

(29) without the consent of the caretaker—

(a) enter any area or building not open to the public;

(b) present or hold any public entertainment,

(c) collect any money or hold collections;

(d) distribute any pamphlet, book, handbill or any printed or written matter;

(e) organise or address any gathering.

16.

Organised dancing within the camping area shall not be permitted without written approval by the municipality.

17.

The municipality may—

(1) set up notices or signs for the control of a camping area and the defining of the general matters which it may deem necessary or suitable to achieve the objects of this by-law, and

(2) furthermore and without prejudice to the generality of its powers and authority—

(i) reserve the use of a camping area or any portion/s thereof for a specific purpose;

(ii) prescribe the times when persons shall be allowed into or may or must leave a camping area;

(iii) determine the maximum number of persons who shall be permitted to camp per camping site or to enter the camping area;

(iv) control, regulate or restrict the use of vehicles, and

(v) prescribe the charges payable for entry to and the use of any camping area and amenities therein.

18. Camping on private land

(1) No person shall without the prior written permission of the municipality having been obtained camp on private land or permit camping thereon be it for profit or otherwise.

(2) The municipality may in its discretion refuse any such application for permission or grant it subject to the provisions of this by-law and any further conditions which the municipality may consider expedient.

(3) The municipality may withdraw any permission granted as aforementioned, if the owner does not comply with all the provisions of this by-law and the further conditions imposed by the municipality at the time of approval or the provisions of any ordinance or act, after having been warned in writing to comply therewith.

19. Penalties

Any person who contravenes any provision of this by-law or disregards or fails to comply with a lawful instruction from the caretaker shall be guilty of an offence and liable upon conviction to—

(1) a fine or imprisonment, or either such fine or imprisonment or to both such fine and such imprisonment;

(2) in the case of a continuing offence, to an additional fine or an additional period of imprisonment or to such additional imprisonment without the option of a fine or to 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 or failure.

20. Repeal of by-laws

The by-laws listed in the schedule hereto are hereby repealed to the extent indicated in the third column thereof.

21. Short title and commencement

This by-law shall be known as the By-law relating to Camping Areas and shall come into operation on the date of publication thereof in the *Provincial Gazette*.

Schedule

By-laws of the disestablised Municipality of Paarl		
PN No.	**Short title**	**Extent of repeal**
786/1992	Camping	The whole
By-laws of the disestablised Municipality of Wellington		
91/1983	Camping	The whole