



CHAPTER 3

Boating and other craft in tidal lagoons, rivers and watercourses



KWADUKUZA MUNICIPALITY

BYLAWS RELATING TO CONTROL OF BOATING AND OTHER CRAFT IN TIDAL LAGOONS, RIVERS OR WATERCOURSES

The Kwadukuza Municipality acting in terms of section 156(2) of the Constitution of the Republic of South Africa Act 1996, (Act 108 of 1996) read with section 13 of the Local Government: Municipal Systems Act (Act 32 of 2000) hereby publishes the bylaws as set forth hereafter as bylaws made by the Municipality which bylaws will come into effect on the first day of the month following the date of publication hereof.

1. Definitions

In these regulations any word or expression to which a meaning has been assigned in the Act shall bear the meaning, and unless the context otherwise indicates:

“Act” means the Environmental Conservation Act 1989 (Act 73 of 1989), as amended;

Application: This bylaw shall apply to all lagoons, rivers and watercourses within the are of jurisdiction of the Municipality except those situated on private property or those specifically exempted from the provisions of the bylaw by resolution of the Council of the Municipality.

“Authorised Officer” means an officer appointed by the Municipality to perform duties in terms of these regulations;

“area of jurisdiction” means the area of jurisdiction of the Kwadukuza Municipality including all rivers, lagoons, watercourses and areas within or adjoining such areas, but excluding those on private property;

“boating club” means any recognised Angling and Boating Club.

“boating club member” means a registered and paid up member for the period in question;

“craft” means any vessel or boat, surfboard, ski, water-ski or other device or appliance which is pushed, drawn, dragged or propelled in or on water;

“lagoon/river” means any lagoon/river estuary or watercourse and includes the bed of the lagoon/river or watercourse and the water or land between the low water mark and pegs of the adjacent demarcated boundaries, including the lagoon/river or watercourse situate within or adjoining the area;



“Municipality” means the Kwadukuza Municipal Council and includes the Mayor, Political Office Bearers, Political Structures, Municipal Manager and any Official who has delegated powers in terms of Section 59 of the Local Government Municipal Systems Act (Act 32 of 2000);

“Municipal Manager” means the person appointed in terms of Section 82 of the Local Government Municipal Structures Act 1998, (Act 117 of 1998);

“ratepayer” means a person who is liable to pay rates in the Municipality’s area of jurisdiction;

“resident” in relation to any person, means resident at the home or place where he or she has lived permanently for at least 3 (three) months and normally lives and to which he or she returns regularly after any period of temporary absence;

“vessel” means a boat or vessel, including a vessel which is less than three metres long, used for sport or recreation;

“vehicle” means a vehicle as defined by the Road Traffic Act 1998 (Act 29 of 1998);

2. Vessels on lagoons, rivers or watercourses

- (1) No person shall, except in the case of emergency or on Municipal duties or on the authority of and in accordance with the conditions contained in a permit referred to in regulation 2(2) use any vehicle, vessel or craft on any lagoon or river within and adjacent to the area of jurisdiction of the Municipality.
- (2) Permits are granted at the sole discretion of the Municipality and are issued for specific purposes such as the launching, retrieving or operation of a vessel or craft.
- (3) Permits may be granted in respect of a specific lagoon, river or section thereof.

3. Procedures for obtaining a Permit

- (1) The Municipality may limit the issue of the number of permits per annum contemplated in regulation 2(2).
 - (a) Kwadukuza residents/ratepayers and recognised Boating Club members may apply for permits from the first working day of July, such permit effective only for the calendar year or such shorter periods for which they are issued.



Rules That are administered by Council

- (b) From the 1st day of November, permit applications will be open to persons who are not residents or ratepayers in the municipal area and Boating Club members.
 - (c) Temporary permits may be issued for seven, fourteen and twenty one day periods or part thereof subject to the same conditions as an annual permit.
- (2) When any person applies for permission to introduce a vessel or craft into a lagoon, river or watercourse, such application shall be in writing on an application form, as prescribed by the Municipality.
 - (3) Such application referred to in regulation 3(2) above together with the simultaneous payment of an amount set out in the Tariff of Charges, shall be submitted to the office of the Municipal Manager.
 - (4)
 - (i) The vessel or craft in respect of which the permit is issued shall be licensed and in a seaworthy condition and have been inspected by the Authorised Officer during office hours of the Municipality before the permit is issued.
 - (ii) The owner of any craft shall ensure that it remains in a seaworthy condition at all times.
 - (5) The permit shall be displayed on the vessel or craft at all times while such vessel or craft is in use on any lagoon, river or watercourse.

4. Control of boating access to lagoons, rivers or watercourses

- (1) Access to any lagoon, river or watercourse area is permitted via launch sites approved by the Municipality.
- (2) The Municipality may erect control booms for the purpose of control of the Municipality sites and a key to the booms may be made available to permit holders on approval of permits.
- (3) The person in whose name the permit is issued shall be required to be the owner of the vessel or craft for which the application is made and is responsible and liable for his/her registered vessel whether in the vessel or not.

5. Conditions, responsibilities and rules regulating the use of the lagoons, rivers or watercourses.

- (1) Only persons over the age of 16 years may operate a motorised vessel or craft on any lagoon, river or watercourse.
- (2) Persons under the influence of intoxicants or narcotic drugs may not operate any vessel or craft or ski under any circumstances.
- (3) The person operating a craft or vessel or ski must do so responsibly so as not to constitute a danger or nuisance to any other person, vessels, craft, animals, birds, plant, and seal life.
- (4) In the lagoons, rivers or watercourses, vessels, crafts or skis should proceed in such a way as not to disturb nature, in particular riverbanks grasses, nesting or roosting birds.
- (5) Posted notices within the Municipality's area of jurisdiction and in or any other area of the lagoons, rivers or watercourses are to be adhered to.
- (6)
 - (a) Motorboats keeping right at all times are to give right way to sail and rowing boats, the latter to sail.
 - (b) Pollution and littering in any form is prohibited.
- (7) No persons are allowed on gunnels, transom or decking while the vessel or craft is under way whatsoever.
- (8) The number of persons on board a vessel or craft shall not exceed the manufacturers specifications or one per whole metre of the length of the vessel or craft whichever is the lesser unless otherwise authorised by the Authorised Officer.
- (9) All vessel or craft movement on the water is to be in an anti-clockwise direction, whether towing a skier or not.
- (10) Water skiing shall only be permitted from sunrise to sunset and subject to the following conditions:
 - (a) Five motorboats, skis, vessels, or craft maximum operating at any one time.
 - (b) Sixty metres must be allowed between a water skier and a following boat or craft.
 - (c) One skier per boat or craft.



- (d) Any ski rope is to be retrieved as soon as possible after being released or if released accidentally, the towing vessel or craft is to reduce speed, turn to the port (left) and return directly to attend to the fallen skier.
 - (e) The towing of tubes is prohibited.
 - (f) The towing of Parasails is prohibited.
 - (g) Skiing within south of pier on the Zinkwasi lagoon and beyond the bridge is prohibited.
 - (h) Vessels or crafts proceeding or landing have right of way over boats taking off from the banks.
 - (i) An observer is compulsory while towing.
 - (j) Life jackets must be worn by skiers.
 - (k) The ski rope length may not exceed 16m.
 - (l) The warning flags are to be displayed in terms of bylaw 12.
- (11) The following hand signals shall be used by water skiers on the lagoon, river or watercourse
- (a) Stop – hand drawn across throat.
 - (b) Slower – arm extended, thumb pointing down.
 - (c) Faster – arm extended, thumb pointing upwards.
 - (d) Skier wishing to go round a second time – hand raised moved in a circular motion.
 - (e) Skier wishing to return to bank – forefinger pointed in direction of bank.
 - (f) Satisfactory speed – forefinger and thumb forming an “O”.
 - (g) fallen skier – Skier must indicate no injury to himself by holding fist above head while in water after a fall.

(12) Raised red flag indication shall occur when:

- (a) A skier is taking off
- (b) A skier is landing
- (c) A skier has fallen
- (d) A ski rope is in the water
- (e) A ski or board is lost in the water

6. Safety Equipment

(1) Each vessel or craft unless exempted by the Authorised Officer from carrying all or part of the safety equipment shall carry the following safety equipment.

- (a) A suitable and SABS approved life jacket and/or other approved buoyancy aid for each person on board.
- (b) One signal mirror.
- (c) One 1,5kg DCP fire extinguisher or equivalent.
- (d) A bailer with a capacity of 2 litres unless the vessel or craft is self draining.
- (e) Two paddles or oars.
- (f) A suitable anchor with at least 30m of rope which can double up as a tow rope.
- (g) A first aid kit.

7. Restrictions

(1) The Municipality may where and when it deems fit, ban or restrict any vessel or craft on any part of or on entire area of a lagoon, river or watercourse in the interests of public safety.

8. The Municipality may outsource control of any lagoon or river to any duly constituted club or organisation provided such body incorporates these bylaws into its house rules.

8. Offences and Penalties

(1) (a) Any act or omission by the holder of the permit which, in the opinion of the Authorised Officer of the Municipality,



contravenes any of these conditions, shall entitle such Officer to withdraw that holder's permit immediately.

- (b) No permit fees paid will be refunded in respect of any permit withdrawn.
- (2) Any person who contravenes or fails to comply with these regulations or any condition set by the Municipality in a permit issued under these regulations, shall be guilty of an offence and liable on conviction to a fine or to imprisonment determined by a Chief Magistrate of the district or by a competent court.

9. Repeal of bylaws

All Municipal Bylaws, and amendments thereto, relating to Boating and other craft in tidal lagoons, rivers and watercourses made by the local authorities of Nkwazi/Zinkwazi Beach Transitional Local Council, KwaDukuza/ Stanger Transitional Local Council and Dolphin Coast Transitional Local Council, disestablished in terms of Provincial Notice No. 345 of 2000 in terms of section 12 of the Local Government: Municipal Structures Act, 1998: Establishment of Municipalities 9DC 29, KZ 291, KZ 292, KZ 293, KZ 294) as published on 19 September 2000, are hereby repealed.