

Final Draft for consideration by Council



CHAPTER 20

Nature Reserve

KWADUKUZA



KWADUKUZA MUNICIPALITY

BYLAWS RELATING TO THE KWADUKUZA NATURE RESERVE

The Kwadukuza Municipality 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), 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 bylaws:

“authorised officer” means an officer appointed in terms of section 4:

“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);

“nature reserve” means any Nature Reserve established by the Municipality of Kwadukuza; and

“vehicle” and “motor vehicle” have the meanings assigned thereto in the National Road Traffic Act 1998 (Act 29 of 1998).

2. No person shall enter the nature reserve unless he is the holder of a permit issued by the Municipality authorising him/her to do so.
3. Any person who:
 - (a) introduces into, or is in possession of any flora, fauna, weapon, trap, explosive or poison within the nature reserve;
 - (b) removes from the nature reserve any flora, fauna, nests, objects of historical archaeological or scientific interest, or any property therein belonging to the Municipality;
 - (c) damages, injures or destroys any flora, fauna or nests within the nature reserve;
 - (d) damages, destroy or defaces in any manner any natural object or any property belonging in the Municipality, within the nature reserve;

- (e) without authority within the nature reserve lights or assists in lighting or uses, rekindles or adds fuel to any fire;
 - (f) with authority, fails to control properly or after use fails to extinguish a fire;
 - (g) throws down or drops in the nature reserve any burning match or other burning material capable of spontaneous combustion or self-ignition;
 - (h) introduces, into, operates or uses, or causes to be operated or used, within the nature reserve, any vehicle except upon such roads as are specifically open to vehicular traffic;
 - (i) discards any refuse whatsoever within the nature reserve except by depositing it in receptacles provided for that purpose;
 - (j) in any way pollutes or throws anything into water within the nature reserve;
 - (k) allows any unattended dog or live-stock to stray or trespass in or into nature reserve;
 - (l) damages or climbs over or through any wire fences or any other fences within or enclosing the nature reserve;
 - (m) walks anywhere except upon the roads or footpaths provided within the nature reserve (where no footpaths exist, access over the veld shall be permitted);
 - (n) creates any disturbance, nuisance, impediment or hindrance which may give offence to any person within the nature reserve, and
 - (o) fails to comply, or complies in any manner intended to deceive, with an instruction or direction given by an authorised officer or obstructs, hinders or interferes with the authorised officer in the exercise of any of his/her powers or duties under this bylaw; shall be guilty of an offence.
4. The Municipality may appoint such officers as it may deem necessary for the supervision and control of the nature reserve. Every officer appointed in terms of this section shall be furnished with a certificate of appointment by the Municipal Manager and such officer shall on demand by any person within the nature reserve, or desirous of entering the nature reserve produce for inspection his/her certificate of appointment, unless such officer is in uniform.



5. An authorised officer may:
- (a) upon reasonable grounds of suspicion that any person has offended against the provisions of this bylaw require the persons suspected of such offence to give his/her name and place of abode and/or seize all nets, implements, appliances or tools whatsoever which to the knowledge or reasonable belief of the officer are being or have been or are about to be used for any purpose contrary to the provisions of this bylaw;
 - (b) demand from any person engaged in the performance of any act in respect of which a permit is required in terms of this bylaw the production of such permit and any person who upon demand is unable, or refuses, to produce such permit shall be guilty of an offence, and
 - (c) pursue any enquiry which may be deemed by him/her to be necessary to ascertain whether the provisions of this bylaw are being complied with.

6. Offences and Penalties

Any person who contravenes any provision of these bylaws or who fails to comply with the requirements thereof shall be guilty of an offence and upon conviction shall be liable to the fines determined by a Chief Magistrate of the Magistrate's Court with jurisdiction in the area in which the offence has been committed or imprisonment as determined by a competent court.

7. Repeal of bylaws

All Municipal Bylaws, and amendments thereto, relating to Nature Reserve 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.